

# The draft eTIR legal framework developed by GE.2

## Optional Annex 11

147<sup>th</sup> session of WP.30

10-13 October 2017

Presentation by the secretariat

# Background

- GE.2 had 2 years to develop a comprehensive proposal;
- 4 sessions held between November 2015 and May 2017;
- 1 more session (last) scheduled for 30-31 October 2017.

# Format of the legal framework

- Optional Annex 11 to the TIR Convention(proposed by Switzerland)because:
  - ✓ It builds on the existing TIR system;
  - ✓ Interested countries can join at any time;
  - ✓ It does not affect the existing structure of the Convention;
  - ✓ It does not require national ratification.

# Overview of the eTIR legal framework

- Four (4) amendments to existing Articles in the main body of the TIR Convention;
- Introduction of two (2) new articles to the main body of the TIR Convention;
- Thirteen (13) Articles in the new optional Annex 11;
- Two(2) Explanatory Notes to Annex 11 provisions, contained within Annex 11

# Amendments to the main body of the TIR Convention (1)

- Definition of the eTIR procedure (Article 1, new paragraph (s)), provides the basis for *mutatis mutandis* application;
- “Opt-out” clause in the form of reservation (Article 58 para. 1bis), provides the possibility to CPs not to apply Annex 11 until they are ready;
- Special amendment procedure for Annex 11 (new Article 60bis), to ensure clarity in decision making processes;

# Amendments to the main body of the TIR Convention (2)

- Alignments to Article 59 to make reference to new Article 60bis;
- Establishment of the Technical Implementation Body (Article 58quater)
- Introduction of the reference to the Explanatory Notes of Annex 11 in Article 43 of the TIR Convention, similarly to the case of Annex 7.

# Draft Annex 11

- Scope of application defined in Article 1
- Terminology defined in Article 2: eTIR international system, advance cargo information, declaration, accompanying document
- The main requirement for applying Annex 11 is stipulated in Article 3: in order to apply Annex 11 and implement eTIR, national systems should be connected to the eTIR international system. Article 3 also assigns legal status to the conceptual, functional and technical specifications.

# Draft Annex 11 (cont'd)

- Composition and functions of the TIB (Article 4):
  - Link between the legal framework and the technical basis for implementation;
  - Responsibility for maintaining, updating or amending the functional and technical specifications;
  - May advise on proposals to amend conceptual specifications;
  - Multi-layered procedure for different types of amendments.



# Draft Annex 11 (cont'd)

- Advance Cargo Information shall be submitted electronically, via the eTIR international system or other electronic means determined by the CP (Article 5);
- The Holder (or representative) will be in any case authenticated by the means listed in Article 6;
- Authentication performed at departure shall be accepted throughout the transport (Article 7);
- Additional data (e.g. safety/security) may be required, but these additional requirements should not impede TIR transports (Article 8).

## Draft Annex 11 (cont'd)

- Fall back procedure (Article 9):
  - To be used only if technical difficulties prevent the normal conduct of the eTIR procedure;
  - Use of the electronic fall-back system;
  - Acceptance of the accompanying document which can also be used as certified report.

# Draft Annex 11 (cont'd)

- The eTIR international system shall be hosted by the UN;
- Conditions and responsibilities of the UN are outlined in Articles 10 and 11;
- Financing remains in brackets;
- The use of ITDB will be mandatory in implementing Annex 11 (Article 12);
- CPs obligations under Annex 10 will be considered fulfilled by applying Annex 11 **BUT:** reconciliation procedure in Annex 10 is outside the scope of Annex 11

# Draft Annex 11 (cont'd)

- Explanatory Notes will be contained in Annex 11
- Two E.N currently recommend the use of the methods contained in the conceptual, functional and technical specifications for the submission of ACI (Article 5) and for authentications (Article 6)

# Conclusions

- Although there are still elements to be further discussed or improved, the legal framework elaborated by GE.2 is at a mature stage and eTIR could function with it;
- All CPs should support the objective of computerization even if they do not plan to immediately join Annex 11;
- Those CPs not wishing to join have the option to opt-out