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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

One-hundred-and-sixteenth session
Geneva, 13-15 June 2007
Item 8 (b) (ii) of the provisional agenda

Informal Ad hoc Expert Group on the Conceptual and
Technical Aspects of Computerization of the TIR Procedure

Twelfth session
Geneva, 12 June 2007
Item 2 of the provisional agenda

**CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT OF GOODS UNDER
COVER OF TIR CARNETS (TIR CONVENTION, 1975)**

Revision of the Convention

Preparation of Phase III of the TIR Revision process

Note by the secretariat

I. MANDATE

1. At its eleventh session, the Informal Ad hoc Expert Group on the Conceptual and Technical Aspects of Computerization of the TIR Procedure (ExG), proposed the convening of a small drafting group which should, where appropriate, review, reformulate and amend document

ECE/TRANS/WP.30/GE.1/2007/2, taking account of the following areas where the document could be improved:

- (a) alignment of terminology used in draft Chapter 2 [of the Reference Model of the TIR Procedure] with the text of the TIR Convention, with the aim to clarify that the proposals are in line with the basic philosophy and structure of the TIR procedure;
- (b) alignment of Chapters 1 and 2 of the Reference Model, in order to ensure that the future eTIR system encompasses the computerization of all current procedures;
- (c) refinement of technical issues raised by the IRU and others (ECE/TRANS/WP.30/GE.1/2007/5, paras. 8-9).

2. The Working Party on Customs Questions affecting Transport (WP.30), at its one-hundred-and-fifteenth session and the TIR Administrative Committee (AC.2) at its forty-third session, respectively endorsed the proposal by the ExG and mandated the establishment of a small drafting group. This drafting group met in Belgrade, Serbia, on 6 and 7 March 2007, at the kind invitation of the Serbian Customs administration. The session was attended by representatives from the European Community, IRU, Serbia, Turkey and the UNECE TIR secretariat.

II. DISCUSSION OF ISSUES OF A TECHNICAL/CONCEPTUAL NATURE

3. Before reviewing Chapter 2, the session addressed technical/conceptual issues, raised by the IRU (and its member associations). The following issues were identified and extensively discussed:

A. The combined role of the TIR Carnet as proof of existence of an international guarantee and as Customs declaration

4. The IRU was of the view that both aspects of the current paper TIR Carnet, constituting one of the pillars of the TIR system, should be maintained when computerizing the TIR system. In this context, it proposed the introduction of the so-called “eCarnet” without fully elaborating the extent of this concept. Customs representatives were of the opinion that the combined function of the TIR Carnet as the Customs declaration and proof of the international guarantee had been a consequence of the paper-based system and did not necessarily require continuation in the future. As it was not possible within the context of the mandate of the session to elaborate the impact of the proposal on Chapter 2 (where proof of the guarantee and the Customs declaration are presented as separate aspects), the IRU was recommended to produce a document for the next session of the ExG which would provide a description of the advantages of such an approach as compared to the current description in the document, together with proposals on how to amend the text.

B. The submission of the Customs declaration to each Customs office of departure/entry en route

5. The IRU was of the view that the description of the system in Chapter 2 (where the holder only needs to submit the Customs declaration to the Customs office of departure; thereafter, the eTIR international systems takes care of transmitting the Customs declaration to the following Customs offices of entry en route) was not in line with the current provisions of the TIR Convention (in particular Articles 1 (o) and 21). In its view, it is a requirement of international Customs law that the holder, as declarant, transmits the declaration to the Customs authorities in each Contracting Party involved in the TIR transport. Moreover, it pointed at legal complications in case divergences would be found between the Customs declaration, as submitted by the holder, and after its transmission to Customs authorities en route. This view was not shared by Customs representatives, who were of the opinion that the current provisions of the TIR Convention do not preclude that the eTIR international system would take care of transmitting the Customs declaration to the following Customs offices of entry en route, which would accept the Customs declaration when the goods would be presented at the border. However, as the session was of the opinion that it was not within its mandate to provide legal interpretations of the TIR Convention, it felt that it would be appropriate if the WP.30 or the future Legal Expert Group would deal with this issue. It only discussed technical solutions available, such as hash codes, which could be used to ensure that any changes to the declaration after submission can be identified.

C. The validation of the guarantee

6. The IRU was of the view that the validation of the guarantee by Customs, as proposed in Chapter 2, would create problems for the guarantee chain. To avoid this, the IRU proposed that the eTIR international system should request the validation of the guarantee from the guarantee chain before Customs authorities would accept a guarantee to start a TIR transport. The session realized that IRU's proposal would provide the eTIR Project with the same functionalities as currently under discussion, but agreed that such a change might have conceptual, and, possibly, legal repercussions and would be a departure from earlier guidelines on the management by Customs of the data on guarantees. Therefore, it recommended the IRU to submit a document to the ExG, highlighting its reasons for such a change, together with an assessment of the legal implications.

D. The class diagrams in Chapter 1 and Chapter 2

7. The session also discussed the differences between the class diagrams in Chapters 1 and 2. The session was of the opinion that the presentation of the class diagram for the computerized system should follow international standards, in particular version 3 of the WCO transit data model. There was agreement that the class diagram in Chapter 2 should not only allow the submission of a summary declaration, but also of a detailed declaration containing elements which, when respecting international standards, could be obtained from other computerized sources. The presence of other classes, such as consignee and consignor, were also discussed. The group agreed that these classes, although of a possible optional nature, should be kept in the description of the eTIR Project in order to avoid that, in the future, the TIR Customs

declaration would not comply with international supply chain security standards. The session felt that, to the extent possible, the TIR declaration should allow holders to provide Customs with all data elements, required for transit purposes.

III. REVISION OF CHAPTER 2

8. The session agreed that in Chapter 2 the term 'operator' should be replaced by 'holder' and the term 'guarantor' by 'guarantee chain (international guarantee system)'.

9. Without prejudice to the technical issues raised by the IRU, the remainder of the session was dedicated to the actual revision of Chapter 2. The drafting group finalized the revision of Chapter 2.1. It mandated the UNECE secretariat to review the complete text of Chapter 2, following the spirit and instructions provided by the session with regard to Chapter 2.1, using track changes in order to distinguish the revised document from the original one. This document will be submitted with reference ECE/TRANS/WP.30/GE.1/2007/2/Rev.1 to the ExG for further consideration.

IV. FINAL CONSIDERATIONS

10. The session requested the secretariat to circulate the summary report and the revised text of document ECE/TRANS/WP.30/GE.1/2007/2 for approval among the participants, before submitting both documents to ExG for further consideration.

11. The participants thanked the Serbian Customs administration for having hosted the session and expressed a particular word of thanks to Mr. Predrag Arsic for having organized and chaired the session.
