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

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Item 2 (a) 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

Transmitted by the International Road Transport Union (IRU)*

* The secretariat reproduces the document as received.

The summary report of the special working session of the drafting group held in Belgrade on 6-7 March 2007 (ECE/TRANS/WP.30/2007/9-ECE/TRANS/WP.30/GE.1/2007/6) records that the drafting group identified and discussed 4 specific issues which were of either a technical or conceptual nature.

With regard to two of these issues – the preservation of the role of the TIR carnet and the validation of the guarantee – the IRU was recommended to produce a document setting out its position. This position is expressed below.

The role of the TIR Carnet

There is no disagreement that the current paper TIR Carnet fulfils two functions: it is the Customs declaration and it is proof of the existence of the internationally recognized guarantee. Moreover these functions are recognized as two of the five so-called pillars of the TIR system. In other words the intrinsic combination of these two related functions has to be viewed as the cornerstone of the TIR system. In view of the Contracting Parties decision that the computerisation of TIR should “maintain the basic philosophy and structure of the TIR procedure” (report of the forty second session of the AC.2 refers) it is not clear why the IRU has been asked to explain why the dual role of the TIR Carnet should be maintained in the computerized environment.

During the Belgrade meeting the IRU representatives made reference to an “e-Carnet”. The Customs representatives appeared to have a difficulty understanding what was meant by this concept. It should be made clear that the IRU is not proposing the introduction of an e-Carnet as such – the term was used as a convenient term (and one that had a certain symmetry with the term eTIR) simply to describe the mechanism for providing the appropriate messages relating to the TIR declaration and proof of the TIR guarantee in a computerized environment.

In the context of eTIR, the international guarantee chain would ensure that the Holder had the means to submit his TIR declaration electronically. The declaration would comprise the appropriate messages corresponding to the goods manifest (in the equivalent paper system) and the guarantee data. The guarantee data would comprise information on the following elements: The Holder; the national guaranteeing association; the international organisation involved; the guarantee reference number; and the period of validity of the guarantee. This guarantee data would simultaneously be sent by the guarantee chain to the eTIR international database.

As far as the IRU is concerned this arrangement would enable Customs to manage the guarantee data registered in the eTIR international database whilst also preserving one of the basic philosophical characteristics of the existing TIR system.

Validation of the guarantee

As mentioned above, the guarantee data will be sent to the eTIR international database at the same time as the Holder is given the means (by the guarantee chain) to use the TIR procedure for a particular TIR transport.

In line with paragraph 2.1.2.2.3 of the draft Reference Model it will be necessary for the Customs office of departure receiving and processing the declaration to verify the validity of the guarantee. As far as the IRU is concerned it will be necessary for the verification to be made to the guarantee chain – either directly or via the eTIR international database.

There are a number of practical, operational and legal reasons why this is necessary, including the following: Although the guarantee data is originally furnished by the guarantee chain, the data stored in the eTIR international database cannot be relied upon as remaining accurate and reliable. The only way to ensure the accuracy and reliability of the guarantee data is to go the source and to verify the guarantee against the data held by the guarantee chain. In this way Customs can be assured, with absolute certainty, that the guarantee is valid and that the validity of the guarantee cannot subsequently be denied or questioned.

The requirement that the guarantee chain is responsible for confirming the validity of the guarantee can, through a loose analogy, be likened to the common situation concerning the use of credit cards. The decision to accept a charge made against a credit card is not made by the establishment requiring the payment or even the bank or institution that issued the card. Rather the decision rests with the credit card company. As this verification to the source is made electronically and instantaneously there is no appreciable delay in processing the request to use the credit card. In the same way the eTIR international system will have a permanent link to the guarantee chain's database – in those cases where verification of the validity is not done directly – and so there will be no delay. The IRU believes that this fundamental requirement would be a sine qua non required by any international organisation authorised under Article 6.2bis of the TIR Convention.
