



Economic and Social Council

Distr.: General
28 July 2014

Original: English

Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

138th session

Geneva, 7–10 October 2014

Item 4 (b) (i) 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**

Workplan and Terms of Reference of the UNECE Group of Experts on Legal Aspects of the Computerization of the TIR Procedure

Note by the secretariat

I. Background and mandate

1. The Working Party on Customs Questions affecting Transport (WP.30), at its 100th session (February 2002), discussed and adopted the Terms of Reference (ToR) for an Informal Ad hoc Expert Group on the Legal Aspects of Computerization of the TIR Procedure (GE.2). Meetings of the GE.2 were never convened, as it transpired that the legal framework depended on a variety of factors that were still unknown at that point in time, including the results of the work of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR procedure (GE.1); however, the objectives of its work as contained in document TRANS/WP.30/2002/7 are duly taken into consideration in the ToR proposed below.

2. In the meantime, GE.1 delivered its preliminary results, i.e. the eTIR Reference Model, including the key concepts contained in Chapter 2 thereof adopted by WP.30 (see ECE/TRANS/WP.30/234, para. 22) and endorsed by the Administrative Committee of the TIR Convention, 1975 (AC.2) (see ECE/TRANS/WP.30/AC.2/91, para. 19). Those concepts can now be taken into account in the preparation of the legal framework.

3. At its 137th session, the Working Party, inter alia, considered document ECE/TRANS/WP.30/2014/7, containing examples of the substantive legal framework that would enable the computerization of the TIR procedure (eTIR). These examples included draft amendments to the TIR Convention as well as, alternatively, a draft protocol. The Working Party, after discussing the examples and the possible ways forward, agreed to the establishment of a formal group of legal experts that would methodically and expediently

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design the substantive legal framework of eTIR. Further to this decision by the Working Party, the secretariat has prepared the present document outlining the Terms of Reference (ToR) and workplan of the envisaged Expert Group (EG) for approval by the Working Party and, at a later stage, by the Inland Transport Committee (ITC) (February 2015) and the Executive Committee of UNECE (EXCOM) (Spring 2015) (see ECE/TRANS/WP.30/274 para. 19).

4. So far, the Working Party has not yet definitively decided whether the legal framework should take the form of a separate protocol or be included in the TIR Convention by means of amendments. In order to streamline the work of the Expert Group, the ToR and workplan, as proposed hereafter, have been prepared under the assumption that the development of a draft protocol would be the primary objective.

II. Work Objectives of the Expert Group

A. Draft Terms of Reference

5. The Group of Experts on the Legal Aspects of Computerization of the TIR Procedure is established in line with the policies of the United Nations and the United Nations Economic Commission for Europe (UNECE) and subject to the general supervision of the WP.30 and the ITC, to provide a specialized and dedicated international platform with the objective of developing the eTIR legal framework.

6. The Group of Experts will, in the process of developing the eTIR legal framework, prepare a draft Protocol to the TIR Convention.

7. The Group of Experts shall prepare the draft Protocol by carrying out the below activities:

(a) Undertake a study of the TIR Convention with a view towards concretely identifying and analysing the provisions which may be affected by the introduction of eTIR;

(b) Carefully examine the issues pertaining to the administration of the eTIR international system, including, but not limited to, international data protection requirements and confidentiality requirements, as well as legal aspects of financing and draft the relevant legal provisions accordingly;

(c) Provide legal provisions on the role and functions of the TIR intergovernmental bodies under the eTIR legal framework;

(d) Identify and analyse the most efficient and legally acceptable method for incorporating the functional and technical specifications as contained in the eTIR Reference Model into the legal framework, as well as design an expedient amendment procedure.

8. In the process of its deliberations and work, the Expert Group may:

- request and collect from competent national authorities all the relevant information to assist the Expert Group in describing and assessing the situation;
- conduct surveys of prevailing national legislation and/or legal arrangements that may be of relevance to its work;
- develop and maintain a network of contacts, including key stakeholders such as governments, customs authorities, academia and the transport industry, with a view to exchanging information that may be of use for its work.

9. The Group of Experts shall carry out its work based on existing resources of the secretariat, as well as on, potentially, additional financial and in kind voluntary support provided by the participating countries and other international organizations, bodies and stakeholders.

10. The Group of Experts shall base its considerations on:

- (a) The principles of eTIR as agreed upon by WP.30 and AC.2;
- (b) The functional and technical specifications of eTIR as contained in the eTIR Reference Model;
- (c) The guidance of WP.30.

11. The Group of Experts may, in the course of its work, identify additional elements or areas in the design of the eTIR legal framework that merit attention, and in such case, these additional elements shall be brought to the attention of WP.30.

B. Method of Work

12. The Group of Experts shall be established and function in accordance with the UNECE Guidelines for teams of specialists approved by the Executive Committee of UNECE on 31 March 2010 (ECE/EX/2/Rev.1). At its first meeting, the Group of Experts will adopt a workplan, clearly defining its objectives and activities, including a time schedule for their implementation.

13. The Group of Experts could envisage to meet once in 2015 (second half) and at least twice in 2016 and at least twice in 2017 at the Palais des Nations in Geneva or elsewhere depending on the support provided by the participating countries and other parties, before concluding its activities with the transmission of a set of proposals in the form of a working document to WP.30. This working document shall contain concrete proposals for an appropriate legal framework for eTIR, to be discussed and approved by the Working Party and further transmitted to AC.2 for adoption. The Group of Experts shall also regularly report on its progress to WP.30, in order to ensure that the final product is as much as possible in line with the expectations of the Working Party and meets a high level of consensus and approval.

14. Translation of documents in English, French, and Russian shall be provided by UNECE. Simultaneous interpretation of its sessions in English, French, and Russian shall be provided by UNECE for the sessions held at the Palais des Nations in Geneva.

15. Participation in the Group of Experts is open to Contracting Parties to the TIR Convention and to UNECE member States, but also to all United Nations member countries and experts that would wish to contribute to the work. Concerned intergovernmental and non-governmental organizations are invited to participate and provide expert advice in compliance with United Nations rules and practices.

C. Secretariat

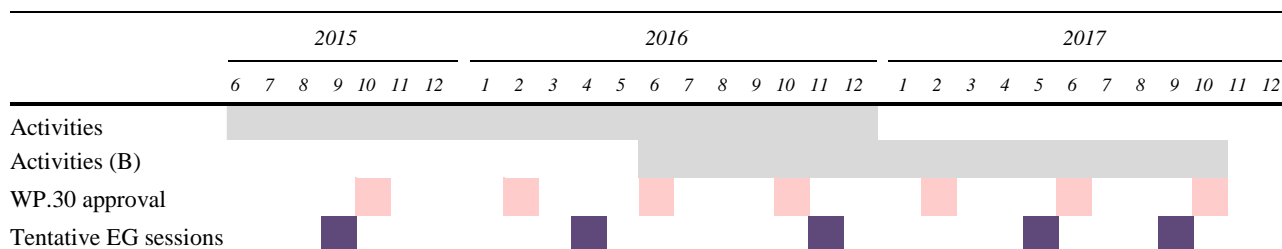
16. UNECE shall provide secretariat services for the Group of Experts and shall ensure close cooperation with all stakeholders.

D. Draft Programme of Work

17. Taking into account that the Expert Group will be formally established at the earliest in the spring of 2015, the first session will only take place in the second half of 2015. The Working Party may wish to note that it is likely that the work on the development of the eTIR legal framework may progress significantly before the formal establishment of the Expert Group. Nonetheless, for the purpose of obtaining formal approvals, the timeline and related activities are formulated on the assumption that the work will commence in the second half of 2015.

<i>Objectives</i>	<i>Activities</i>	<i>Timeline</i>
(A) Preparatory work for the development of the eTIR legal framework	(i) Undertake a study of the TIR Convention with a view towards concretely identifying and analyzing the provisions which may be affected by the introduction of eTIR; (ii) Carefully examine the issues pertaining to the administration of the eTIR international system including, but not limited to, international data protection requirements and confidentiality requirements, as well as legal aspects of financing; (iii) Provide legal provisions on the role of the TIR intergovernmental bodies; (iv) Identify and analyse the most efficient and legally acceptable method for incorporating the functional and technical specifications as contained in the eTIR Reference Model into the legal framework, as well as design an expedient amendment procedure;	Starting point of the work, to be assessed within the first 12 months of activities (2015-2016).
(B) The development of a draft Protocol	Draft provisions of the Protocol to be prepared on the basis of the preparatory work. These will cover the entire scope of the envisaged eTIR procedure and international system, including for example, formulations on the scope of application, definitions, administration of the system, amendments as well as all standard formulations required for international legal instruments such as entry into force, settlement of disputes etc.	This process should begin as early as possible and, in any case, within the first 18 months of activities . Realistically this would mean that initial drafts should start becoming available at the latest in the first half of 2017.

E. Tentative timeline



III. Considerations by the Working Party

18. The Working Party is invited to consider and, possibly, adopt the proposed Terms of Reference and programme of work of the envisaged Expert Group.
