ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

<u>Working Party on Customs Questions affecting Transport</u>
(One-hundred-and-twelfth session, 31 January – 3 February 2006,
agenda item 9 (b) (ii))

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

USE OF NEW TECHNOLOGIES

<u>Note by the International Road Transport Union (IRU)</u>

1.   During the eighth session of the Informal Ad Hoc Expert Group on Conceptual and
Technical aspects of Computerization of the TIR procedure (hereafter referred as the Expert
Group), held in Geneva on 14 and 15 November 2005, the document *TRANS/WP.30/GE.1/2005/2*
was presented for discussion and amended by the experts of the Customs authorities.

2.   The Expert Group requested the UNECE secretariat to submit the revised version of this
document to the WP.30 for consideration at its next session. The IRU and IRU's national
Associations informed the group that, because of the late publication of document
TRANS/WP.30/GE.1/2005/2, they were not in a position to provide comments during the session,
but would provide consolidated written comments and remarks for discussion by the WP.30.
(Please refer to draft summary report of the eighth session: *TRANS/WP.30/GE.1/2005/5*,
paragraphs 12 and 13).

3.   On 28 November 2005, the UNECE Secretariat published the revised version of document *TRANS/WP.30/GE.1/2005/2* under reference TRANS/WP.30/GE.1/2005/2/Rev.1, hereafter referred to as <u>Document 2</u>.

4.   The IRU and its member Associations are submitting a comprehensive document to the UNECE Secretariat with consolidated comments and remarks for consideration by the Expert Group at its next session.

5.   In order to avoid overflowing the WP.30 delegations with voluminous technical documentation, the WP.30 is here only presented an executive summary. Interested delegations will be able to find the complete document on the UNECE web-site under: WP.30 ⇨ Ad Hoc Groups ⇨ Conceptual & Technical ⇨ Documents, or request a copy from the IRU.

6.   If the proposed "high functional specifications of the eTIR system" contained in the Annex to Document 2 were to be followed, *considerable amendments to the existing TIR* Convention would be needed, mainly regarding the guarantee system, the obligations of TIR Carnet Holders, the declarations and other exchange of information between customs, holders and Guaranteeing Associations. This does not correspond to the mandate given by the WP.30, the key words of which being "limited amendments to the TIR Convention" and "compatibility with existing systems"

7.   The eTIR system described in the Annex to Document 2 is totally *dependent on the so-called eTIR international system*, a centralized Guarantee database, also used for exchange of TIR transport information, if correctly understood related to the ITDB. Reliable reactions from this database are sine qua non conditions for the functioning of about 3 million international road transport operations per year, including the accomplishment of procedures needed for customs purposes. Such reliable reactions are in no way secured, and nothing is said about liability for errors, mistakes or malfunctioning of the eTIR international system. Can the UNECE accept such liabilities? Dramatic legal constraints of this nature and their financial implications have to be clearly identified and defined.

8.   The building-up of the eTIR international system will demand *considerable financial resources*. Nothing is said about the financing in Document 2. Is it realistic that the UNECE could find financial means for this investment as well as for the running of the operation of the system? The enormous financial consequences for national customs authorities as well as the road transport industry are untold.

9.   The implications for *existing national IT systems* within TIR Contracting Parties should not be underestimated, even if they are not assessed by Document 2.

10.   Essential points expressed by the majority of Director Generals of Customs in answering the *questionnaire* were neglected by and even contradicted in Document 2.

11.   The *submission of the declaration* by the holder foreseen directly to the customs office of departure or through the eTIR international system raises practical and/or legal concerns, particularly where foreign holders start a return load operation from a country where they are not established.

12.   Document 2 implies the existence of *digital signature* for all 40.000 approved TIR operators as a pre-requisite while there is no international consensus on the (legal and technical) definition and the practical implementation of the digital signature.

13.   Document 2 seems to foresee an unlimited access to information from the eTIR international system for all authorities. This principle is incompatible with the indispensable and non-negotiable confidentiality of data of commercial, economic or strategic sensitivity.

Conclusion:

14.   The continuation of the success of the TIR system very much depends on the realization of the computerization of the part of the system not yet using electronic means. If the content of Document 2 is to be accepted as the basis for the computerization of the TIR procedure, the IRU and its member associations are convinced that *no computerization will be achieved for many years*, thereby building obstacles to the facilitation of international trade and transport.

15.   In its strategic document "Computerization of the TIR system through a private/public partnership" presented to WP.30 under the same agenda item (9 (b) (ii)), the IRU and its member associations have demonstrated that the computerization of the TIR system, if really wished, can only be achieved in a realistic and affordable way by all partners involved, in the full respect of the spirit of the TIR Convention which remains the only universal transit system in use.

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