

**Economic and Social Council**Distr.: General  
31 March 2020

Original: English

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**Economic Commission for Europe****Inland Transport Committee****Working Party on Customs Questions affecting Transport****155th session**

Geneva, 9–12 June 2020

Item 3 (c) (i) (c) of the provisional agenda

**Customs Convention on the International Transport of  
Goods under Cover of TIR Carnets (TIR Convention, 1975):****Application of the Convention:****eTIR:****Activities of the Informal Ad hoc Expert Group on Conceptual and  
Technical Aspects of Computerization of the TIR Procedure****Questions and answers on the application of various  
provisions of the TIR Convention for TIR transports carried  
out under the eTIR procedure****Note by the secretariat****I. Background**

1. At its thirtieth session, the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) agreed to have first considerations of a list of questions, prepared by the European Commission, on the application of various provisions of the TIR Convention for TIR transports carried out under the eTIR procedure. Within the time available, GE.1, tentatively provided answers to some of the questions and requested the secretariat, in consultation with the European Commission, to continue this work and circulate the draft answers to eTIR focal points, for consideration at the next meeting of GE.1.
2. On 6 January 2020, the secretariat circulated the list of questions with draft replies to eTIR focal points. The list of questions is reproduced in section II with the comments received from eTIR focal points to date, i.e. Belgium and Serbia (the Netherlands indicated it had no comments and could agree with the replies provided).
3. At its 154th session, the Working Party on Customs Questions affecting Transport (WP.30) decided that customs administrations and national associations should be able to add to the list their own questions with regard to the application of various provisions of the TIR Convention (including Annex 11) for TIR transports carried out under the eTIR procedure. It requested the secretariat to invite, by email, customs and associations TIR focal points as well as eTIR focal points, to send questions to the secretariat and to publish these



as documents for consideration of GE.1 or the Working Party (depending on the nature of the questions), together with tentative answers.

4. At its thirty-first session, GE.1 considered Informal document GE.1 No. 3 (2020), containing a list of questions, originally prepared by the European Commission, on the application of various provisions of the TIR Convention for TIR transports carried out under the eTIR procedure, the answers proposed by the Expert Group at its last session, additional answers provided by the secretariat, comments by eTIR focal points and new questions which had been sent by TIR and eTIR focal points, further to a decision by the Working Party to allow customs administrations and national associations to add questions to the list. After making a few editorial changes to some answers, GE.1 requested the secretariat to submit the list of questions and answers to WP.30 for its approval, before posting it on the eTIR website under a new section on Frequently Asked Questions (FAQ).

## II. Questions and answers on the application of various provisions of the TIR Convention for TIR transports carried out under the eTIR procedure

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*Subject*

*Question/Answer*

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**New Art. 1 (s) of the body of TIR Convention**

**Annex 1 of the TIR Convention**

- Page 1 of the TIR Carnet: how will the signature of the holder be handled in the eTIR context?
  - In general, signatures (International Transport Union (IRU), association, customs officers) are replaced by the security aspects related to the exchange of data. In the case of the sending of advance TIR data by the holder, his/her signature is replaced by authentication means provided for in national law, including electronic signatures. Communication between the eTIR international system and the customs administrations will also be secured to ensure that the information about the holder is genuine.
- Where will the rules regarding the use of the eTIR Carnet be provided?
  - eTIR Carnet is not a concept used in the eTIR specifications. (see Art. 1 (s)). The rules regarding the use of the accompanying document are dealt within the eTIR specifications.
- What linguistic regime will be applied to the eTIR Carnet (English / French /Russian)?
  - Translation can be requested as it is the case for the paper TIR Carnet.
- Page 2 of the TIR Carnet: how will the signature/stamp of customs authorities be handled in eTIR?
  - In general, signatures (IRU, association, customs officers) are replaced by the security aspects related to the exchange of data. In the case of the sending of declaration data and TIR operations data by customs administrations, the signature/stamp will be replaced by authentication means set up within the eTIR international system.
- Page 3 of the TIR Carnet: how will the “Certified Report” be completed in the eTIR context?
  - The eTIR specifications dedicate a specific use case to the certified report.
- Even if currently not used, how will eTIR deal with the Tobacco/Alcohol TIR Carnet?
  - By using different “guarantee types”.
- How will loading lists and additional documents be handled in the eTIR context?
  - The I7/E9 messages allow to attach documents by mean of the “attached documents” and “binary objects” classes, as defined in the eTIR specifications.
- How will indications of reservations be possible in eTIR?
  - By using the “reservation” attribute in the Termination message.

Subject	Question/Answer
	<ul style="list-style-type: none"> <li>• How will the box “for official use” be available, particularly when the customs authorities do not allow goods under the TIR procedure to enter the territory of their respective country?               <ul style="list-style-type: none"> <li>• When sending the “refusal to start TIR operation” message, customs can use the “reason” attribute.</li> </ul> </li> <li>• How long is the validity period of an eTIR compared to a TIR Carnet (box 1 and article 9 of the TIR Convention)?               <ul style="list-style-type: none"> <li>• The procedure to set up the validity should be the same as for paper TIR Carnets. The guarantee chain should be able to clarify if it intends to change the validity of eTIR guarantees.</li> </ul> </li> </ul>
	<p><b>Annex 9, Part I, paragraph 3 (vi)</b></p> <ul style="list-style-type: none"> <li>• Which impact will the eTIR international system have on the price of an eTIR Carnet?           <ul style="list-style-type: none"> <li>• At this stage, the Cost Benefit Analysis (CBA) is the only study that has looked into this question. However, only the guarantee chain can indicate the consequences on the prices of eTIR guarantees.</li> </ul> </li> </ul>
	<p><b>Annex 9, Part II, paragraph 4</b></p> <ul style="list-style-type: none"> <li>• Does a person who has the authorization to use the paper TIR Carnet have automatically the right to use eTIR?           <ul style="list-style-type: none"> <li>• Yes.</li> </ul> </li> </ul>
	<p><b>Annex 9, Part III, paragraph 2 (g)</b></p> <ul style="list-style-type: none"> <li>• It is possible that an eTIR Carnet is false or counterfeit?           <ul style="list-style-type: none"> <li>• In principle yes, as Information and Communication Technology (ICT) systems can be hacked, but the highest ICT security standards will be put in place to avoid this. However, considering the exchange of information between all stakeholders, it will be very difficult to use a false or counterfeited eGuarantee without being quickly discovered.</li> </ul> </li> </ul>
	<p><b>Annex 10, paragraph 2</b></p> <ul style="list-style-type: none"> <li>• How will the reconciliation form (MRF) be used in the context of eTIR (in particular the part concerning the counterfoils)?           <ul style="list-style-type: none"> <li>• Discussions regarding a possible reconciliation procedure are still ongoing at GE.1. An answer will be formulated once GE.1 discussions are concluded.</li> </ul> </li> </ul>
	<p><b>Article 2</b></p> <ul style="list-style-type: none"> <li>• In case of a transport which begins and ends in the same country and crosses another country, an appropriate endorsement is needed on the TIR Carnet. How will this provision be implemented in eTIR?           <ul style="list-style-type: none"> <li>• This case is not specifically dealt with in the eTIR specifications. However, considering that the “endorsement” is goods-specific, it could be included in the goods description (by the holder) and, thus, be endorsed by the customs office of departure upon the acceptance of the declaration.</li> </ul> </li> <li>• Concerning the comment to Article 2 ('Use of TIR Carnets – first indent'): how will the suspension of the eTIR transport be handled?           <ul style="list-style-type: none"> <li>• An answer will be provided after the finalisation of considerations by GE.1</li> </ul> </li> </ul>
	<p><b>Article 3</b></p> <ul style="list-style-type: none"> <li>• For bulky goods, how will the eTIR Carnet handle the provision of article 32 (endorsement “heavy or bulky goods”)? Is it included in the specifications?</li> </ul>

- In the “AdditionalInformation” class (at the message level) the “Heavy and Bulky goods indicator” allows to indicate that heavy and bulky goods are being transported.
- Please also describe how the documents mentioned in Article 33 (e.g. packing lists, photographs, drawings) could be treated in the eTIR context. Perhaps they could be uploaded in the eTIR system?
  - The class “AttachedDocuments” is used to indicate all the documents attached to the Advance TIR data/Declaration. All documents attached to the declaration will be mentioned.

**Article 17**

- Will it be possible to use eTIR for situations such as described in Article 17 (for a combination of vehicles or for several containers loaded on to a single road vehicle or on to a combination of vehicles)?
  - Yes. Each “Consignment” can have multiple “Transport Equipment”, and each “Consignment Item” contains the link to the “Transport Equipment” in which it is transported (except in case of heavy and bulky goods).

**Article 18**

- Please consider inserting in the specifications an explanation on how eTIR transports, which involve several customs offices of departure/destination will be handled. Such an addition could avoid a lot of questions in the future.
  - Annex 1 of the eTIR concept document contains a detailed explanation of the different procedures at the first customs office of departure and at subsequent customs offices of departure. The difference between the different customs offices of destination is only made in the type of termination that is sent (partial vs. final). For other matters (e.g. re-sealing the vehicle or container at intermediate customs offices of destination), the provisions of the TIR Convention apply.

**Article 21**

- How will the customs authorities insert a note in the eTIR Carnet in case they send the carrier back to the custom office of exit of the adjacent country if no clearance has been given (or not in due form) – E.N. 0.21-2)?
  - Customs authorities that refuse to start a TIR operation at the Customs office of Entry should sent a “Refusal to Start” message before sending the transport operator back to the customs of exit of the adjacent country.

**Article 23 and 24**

- In the exceptional case of an escort, how will the customs authorities insert a note and the indication of the reasons of the escort in the eTIR carnet?
  - This can be indicated in the “Remark” attribute of the “AdditionalInformation” class when sending the “Start TIR operation” message.
- How will new seals be recorded (also see Article 34 and 35, it must be clear in the eTIR context)?
  - When sending the “start TIR operation” and “Terminate TIR operation” messages, customs can indicate that they affixed new seals in the “Transport Equipment” attribute.

**Article 28**

- In the eTIR context, how will the return of the eTIR Carnet to the holder or any other person be managed? Is a relevant message foreseen? In addition, can a proof of termination be printed?
  - The eTIR system is designed to operate in real time. All information sent to the eTIR international system is also forwarded to the international organization which could make

Subject	Question/Answer
<b>Annex 9, Part I, paragraph 3, new subparagraph (xi)</b>	<p>this information available to the transport operator. Therefore, it is not foreseen to have direct communication between the eTIR international system and the holder.</p> <p>Guaranteeing associations will have the obligation to confirm whether a guarantee is valid. It could be useful to have in the eTIR specifications a list of IT procedures that the national administrations should follow to get this information (see further comments on Article 10 of Annex 11).</p> <ul style="list-style-type: none"> <li>• At this stage, the intention is to provide a standard fallback procedure allowing to request information from the international organization (Annex 11, Article 10, para. 2). The procedure related to the application of Annex 11, Article 10, para. 3 shall be described nationally, if required, in the agreement between the competent authorities and the national guaranteeing association (as stated in Annex 11, Article 10, para. 4).</li> </ul>
<b>Annex 11, Article 6</b>	<p>As advance TIR data could be submitted either directly to the competent authorities (e.g. via customs systems such as NCTS) or via the eTIR international system, could the specification clarify:</p> <ul style="list-style-type: none"> <li>• If the eTIR international system will provide a web service? <ul style="list-style-type: none"> <li>• Yes.</li> </ul> </li> <li>• How will the web service identify the holder (or his/her representative)? <ul style="list-style-type: none"> <li>• A procedure to obtain the required credentials (Public Key Infrastructure (PKI)) has to be included in the specifications. It will most likely involve the national issuing association and customs.</li> </ul> </li> <li>• Will customs administrations have privileged access to the eTIR international system? <ul style="list-style-type: none"> <li>• Customs administrations will access the eTIR international system by means of web services, one of which is a query (I5/I6), allowing to retrieve all data pertaining to a given guarantee. No other access to the eTIR international system is foreseen at this stage.</li> </ul> </li> <li>• What will happen if data are provided by the holder at the same time in a customs system and the eTIR international system? In particular which data will prevail? <ul style="list-style-type: none"> <li>• If the holder provides advance TIR data twice (to the same or different systems) he will receive different references for those data. When he/she will go to the customs office of departure to present the vehicle (or container) with the goods, he will only be able to make reference to one set of advance TIR data that he has submitted. Therefore, at the time of acceptance of the declaration, customs will know which data should be used.</li> </ul> </li> <li>• Contracting parties shall accept the submission of advance TIR data via the eTIR international system. How can contracting parties authenticate the holder according to their national law (cf. Article 7)? Or is this not necessary in this case, as in accordance with Article 7, paragraph 2, contracting parties shall accept the authentication of the eTIR international system. <ul style="list-style-type: none"> <li>• This is exactly the idea behind Article 7, para 2. Once the holder has been authenticated by the eTIR international system, customs administrations shall trust that this authentication has been performed and accept the advance TIR data. However, customs administrations will have to authenticate the eTIR international system to ensure that the forwarded advance TIR data have been sent by the eTIR international system and not by any other system.</li> </ul> </li> </ul>
<b>Annex 11, Art. 1 (2)</b>	<ul style="list-style-type: none"> <li>• European Union and its member states will not implement the eTIR procedure before 2025. Other, non-European Union Contracting Parties will most likely be practising eTIR much earlier than that. Let's therefore assume the following situation: <ol style="list-style-type: none"> <li>1. European Union has not yet joined the eTIR system while Turkey and Georgia have already done so successfully.</li> <li>2. A German transport operator would like to perform a TIR transport from Turkey to Georgia (he can do so quite legally by using an ECMT permit).</li> </ol> </li> </ul>

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3. As per the above assumptions, this transport is taking place exclusively in countries bound by Annex 11. The eTIR procedure is therefore applicable on the basis of Annex 11, Art. 1 (2).
4. However, the transport operator's country of residence, Germany, has not yet joined the eTIR system.

In this situation, would German TIR association BGL be in a position to issue an eTIR guarantee for the above transport to the German Holder?

- Nothing in the TIR Convention, including in Annex 11, seems to prevent the usage of an electronic guarantee issued by BGL for a transport between Turkey and Georgia.
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### **III. Considerations by the Working Party**

5. The Working Party may wish to consider the questions and answers and, possibly, request the secretariat to post them it on the eTIR website under a new section on Frequently Asked Questions (FAQ).
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