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Working Party on Customs Questions Affecting Transport
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Item 9 (b) (ii) 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

Use of new technologies

Note by the secretariat

I. BACKGROUND

1. The Working Party, at its one-hundred-and-twelfth session, took note of considerations by the Chairperson of the Expert Group that its work seemed, from time to time, to be overshadowed by discussions of a fundamental nature on the formulation of the mandates given by the Working Party over the years. The Working Party considered that the mandates given so far to the Group are clear, not needing further clarification, and instructed the Expert Group to focus its future work only on activities within its competence. The Working Party reminded the Expert Group that such discussions of a fundamental nature should only be held by the Working Party. In order to assess and, if required, review the mandates issued so far, as well as their application for the eTIR-project, the Working Party requested the secretariat to prepare a document for discussion at its forthcoming session (ECE/TRANS/WP.30/224, para. 36).

2. In this document, the secretariat provides the Working Party with excerpts from its own reports (as of 2000) as well as, occasionally, from meetings of the TIR Administrative Committee and the informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure, in order to evaluate and assess the mandates given in the field of the computerization of the TIR Procedure. The selection of excerpts is of course, by nature, subjective, but the secretariat has done its utmost to provide maximum information, while, at the same time, avoiding any circumstantial information. The secretariat has highlighted those parts of the excerpts, which, in its view, best reflect the mandate(s) and guidelines given over the years.

II. EXCERPTS

Report of the ninety-fifth session of the WP.30, 19-23 June 2000 (TRANS/WP.30/190, paras. 26-30)

“26. Taking account of Informal document No. 8 (2000) prepared by the European Community and Informal document No. 7 (2000) prepared by the UN/ECE and the TIR secretariats, the Working Party was of the view that, following the conclusions of Phases I and II of the TIR revision process, the next logical step was to provide the TIR regime with the legal and administrative basis to allow for the use of modern information, management and control technology based on highly automated and secured electronic procedures. The Working Party recognized that computerization of the TIR procedure was inevitable (a) in the light of today’s extremely rapid technological developments, based on Internet and Smart Card technologies, particularly affecting international transport and trade, (b) the ever increasing need for improved efficiency of Customs transit procedures and (c) the fight against fraudulent activities which must be conducted with the most appropriate and effective means. For this purpose, the strategy, the structures and the electronic platforms to be used during the computerization process of the TIR regime had to be identified and determined at an early stage in close consultation with all national Customs authorities and transport interests in order to provide national Customs authorities and the transport industry with the necessary long-term stability in its administrative procedures and the underlying legal framework.

27. The Working Party felt that the existing and widely varying national Customs procedures, administrative practices and legal requirements in the Contracting Parties to the Convention should be taken into account during this process. Computerization of the TIR procedure, based on the TIR regime as revised during Phases I and II of the TIR revision process, would therefore have to focus on the possibility of linking national Customs transit procedures via a standard electronic and/or paper-based data file containing all information of the TIR Carnet. The newly to be created electronic data file would need to be compatible with most if not all possible technical EDI solutions applied or yet to be applied in the Contracting Parties to the Convention.

28. The link between national Customs procedures and the transfer of data files should be possible via (a) international EDI systems, as is being done in the New Computerized Transit System (NCTS), (b) Smart Cards that could be filled-in and carried along by the transport operator as well as filled-in, read and validated by Customs authorities, or (c) the present paper-based TIR Carnets, possibly supplemented by bar-code and TIR Carnet holder identification systems.

29. The Working Party was of the view that, whatever system is to be used, the approach taken in computerization of the TIR regime must be courageous and forward looking and should be able to accommodate all possible technological solutions likely to be implemented in the years ahead.

30. In order to make solid progress in this complex field, the Working Party decided to follow established practice and to establish an ad hoc group of experts on the computerization of the TIR regime which should be composed of experts from interested countries and industry groups. The sessions of the ad hoc expert group should be convened by the secretariat in consultation with the Chairman of the Working Party. The expert group should (a) analyze the administrative and legal requirements relevant for computerization of the TIR regime, (b) study suitable technological solutions in this respect and (c) consider the experiences made with similar automated systems at the national as well as sub-regional levels, such as the NCTS, with a view to preparing possible alternative solutions and scenarios, specifying the benefits as well as the disadvantages of the various approaches. The findings of the expert group could then be considered by the Working Party and/or the TIR Contact Group in the first half of 2001.”

Report of the ninety-sixth session of the WP.30, 16-20 October 2000 (TRANS/WP.30/192, para. 37)

“37. In line with its earlier decision (TRANS/WP.30/190, para. 26), the Working Party felt that the expert group, after having highlighted weaknesses and limitations of the current system, should, in particular:

- (a) identify the objectives, procedures and required resources for the computerization of the TIR procedure and determine the role of the various actors (secretariat, Governments, IRU, etc.) in this process;
- (b) analyze all administrative and legal requirements relevant for the computerization of the TIR regime;
- (c) study suitable technological solutions in this respect; and
- (d) take account of experiences made with similar automated systems at the national as well as sub-regional levels, such as the NCTS, with a view to preparing possible alternative solutions and scenarios, specifying the benefits as well as the disadvantages of the various approaches.”

Report of the ninety-seventh session of WP.30, 20-23 February 2001 (TRANS/WP.30/194, para. 36)

“36. The Working Party stressed that the basic philosophy and structure of the TIR procedure, consisting of a series of national transit operations linked by an international Customs document - the TIR Carnet, would need to be preserved and that the provisions of the Convention, particularly those prepared under Phases I and II of the TIR revision process, had to be safeguarded and possibly even further strengthened. In view of the increasing number of countries that have already or are in the process of computerizing their national Customs transit procedures, the TIR Convention would have to adapt to these new circumstances without necessarily losing the possibility to be applied also

in a traditional paper-based environment. Furthermore, it was recognized that modern EDI technologies allowed also integration of already existing and/or yet to be created national and international databases providing on-line information on TIR Carnets issued and/or terminated, authorized TIR Carnet users, authorized Customs posts, etc. into national transit control and discharge procedures. Such an integrated approach should allow for faster, more reliable and rationalized administrative Customs procedures avoiding repetitive data entry, reduce possibilities for fraud, improve risk management both for Customs authorities, national associations and the international guarantee providers and should give transport operators access to reliable and on-line information on the status of the Customs transit procedure. The Working Party reiterated that computerization of the TIR procedure was inevitable and necessary, as Customs authorities and traders used increasingly modern electronic data processing techniques (TRANS/WP.30/192, para. 26)."

Report of the ninety-ninth session of the WP.30, 23-25 October 2001 (TRANS/WP.30/198, paras. 66-67)

“66. The Working Party felt that, having assessed the general outline of the computerization process, the time had come to be more specific, both legally and technically, in order to make progress in the work. As the questionnaire had shown, computerization was well advanced at the national and at the regional level. Therefore, computerization of the TIR Convention should be compatible with computerized Customs transit systems developed elsewhere.

67. In order to pursue the computerization process, the Working Group mandated the secretariat to organize meetings of informal ad hoc groups of experts. These expert groups should:

- (a) study the conceptual and technical aspects of the computerization process of the TIR Convention, including the financial and administrative implications of its introduction, both at the national and at the international level, and prepare a draft set of electronic messages to allow for an interchange of electronic data, nationally, between Contracting Parties and with international organizations;
- (b) study in detail the impact of the various approaches identified by the ad hoc expert group on the existing legal provisions of the TIR Convention as well as on the repercussions it might have on international private law, national administrative procedures and to analyze the role of the various actors (Customs authorities, national associations, international organization, insurers and the TIRExB) in the TIR Convention, once the paper based system would be complemented and/or replaced by electronic data interchange (EDI)."

Report of the first session of the informal ad Hoc Expert Group on the Conceptual and Technical Aspects of Computerization of the TIR Procedure, 24-25 January 2002 (TRANS/WP.30/2002/1, annex 1)

**“TERMS OF REFERENCE FOR THE TWO INFORMAL AD HOC EXPERT GROUPS
ON THE COMPUTERIZATION OF THE TIR PROCEDURE**

The Terms of Reference have been formulated in accordance with the decisions adopted by the UNECE Working Party on Customs Questions affecting Transport (WP.30) at its ninety-ninth session (23-26 October 2001 in Geneva).

The two informal Ad hoc Expert Groups shall be composed of experts designated by Contracting Parties to the TIR Convention, 1975. Non-governmental organizations, such as the IRU, as well as experts from national associations may participate at the meetings of the informal Ad hoc Expert Groups.

A. Informal Ad hoc Expert Group on the Conceptual and Technical Aspects of the Computerization of the TIR Convention

The informal conceptual and technical Ad hoc Expert Group shall:

1. List and analyze the data elements required for the operation of a TIR transport at the national and international level, as stipulated in the TIR Convention as well as in resolutions and recommendations, adopted by the Administrative Committee (in particular Annexes 1, 4 and 9 of the TIR Convention) and make an inventory of possible new features which could be included into the electronic version of the TIR procedure. On that basis, the group shall draw up flow charts, reflecting the actual and future flow of data in the TIR procedure between the various actors involved in and at the various stages of the TIR procedure. Within the context of its work, the group shall also study the use of standardized codes, ensuring a uniform understanding and interpretation of the data elements in the TIR Carnet.
2. List and analyze the existing information and telecommunication systems and study to what extent the experiences gained at the national and international level can be included in the development of a computerized TIR procedure.
3. Prepare conclusions with regard to the computerization of the TIR procedure, reflecting the results of the work under 1 and 2 and taking account of the financial implications they might have on the national and international level.

B. Informal Ad hoc Expert Group on the Legal Aspects of the Computerization of the TIR Convention

The informal legal Ad hoc Expert Group shall:

1. Study in detail the impact of the various approaches of the computerization process on the existing legal provisions of the TIR Convention as well as the repercussions it could have on national administrative procedures.
2. Draft a description of the role the various actors (in particular: national association, international organization, insurers and TIRExB) could play in the TIR Convention, once the paper based system would be complemented and/or replaced by a system functioning on the basis of the electronic interchange of information.

The two informal Ad hoc Expert Groups shall report to the Working Party on the progress of their work.

At the completion of its work, each Ad hoc Expert Group should prepare a working document, containing concrete proposals for further action, to be discussed and approved by the Working Party.

The two informal Ad hoc Expert Groups will be convened by the UNECE secretariat and shall meet as required. The UNECE secretariat will provide secretarial assistance to the two groups.”

Report of the one-hundred-and-second session of the WP.30, 22-25 October 2002 (TRANS/WP.30/204, para. 38)

“38. The IRU repeated its concern about the work and objectives of the Expert Group, which it had stated during the one-hundred-and-first session of the Working Party (TRANS/WP.30/202, para. 43¹). The secretariat informed the Working Party that the mandate and objectives of the Expert Group had been clearly set out in its Terms of Reference and had been adopted by the Working Party at its ninety-ninth session (TRANS/WP.30/198, paras. 65-68).”

Report of the one-hundred-and-sixth-session of the WP.30, 3-6 February 2004 (TRANS/WP.30/212, paras. 25-27)

“25. The Working Party took note of a presentation given by the TIR secretariat, in which it outlined the general objectives of the Computerization project and the results achieved so far, elaborating, in particular, three questions raised by the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (hereafter called “the Expert Group”) at its third session in Budapest (Hungary) on 1 and 2 September 2003 (TRANS/WP.30/2004/3).

26. With regard to the three questions raised, the Working Party decided as follows:

¹ TRANS/WP.30/202, para. 43: The Working Party took note that IRU was of the view, that it seemed to be premature to work towards full computerization of the TIR procedure whilst the coverage of the so-called SafeTIR system could not achieve more than 80%. However, even if IRU supported the work of the expert group, it felt that some key questions should be answered by the Contracting Parties with a view to agreeing on the scope and the eventual steps of the foreseen computerization.

- (a) The Working Party confirmed that the final objective of the computerization of the TIR procedure encompasses the computerization of the whole TIR Carnet life cycle from distribution issuance and via the TIR transport to return and repository and that it should, ultimately be aimed at replacing the current paper TIR Carnet.
The Working Party agreed that the process to achieve this objective may be challenging, requiring the input of considerable human and financial input, both at the international and the national level. Therefore, the Working Party agreed that a step-by-step approach seemed the only feasible alternative to achieve any tangible results in the near future. To that end, it mandated the secretariat, as a first step, in cooperation with the Expert Group (a) to work out concrete proposals on how to exchange the so-called ‘static’ data-elements contained in the TIR Carnet (data elements which remain unchanged throughout the TIR Transport) between the competent authorities of Contracting Parties, possibly also including the data contained in the ITDBOnline as a preliminary step, (b) to conduct a feasibility study on the practicability of such proposals and, ultimately, (c) to propose a pilot along one of the major transit corridors to implement them.
The Working Party agreed that, as a next step, the integration of the so-called ‘dynamic’ data elements (data elements which may be amended or updated in the course of the TIR transport) should be considered. Further steps should then address the issue of inclusion of additional features, such as security related information and advance cargo information.
Once these tangible steps had been achieved, the Expert Group could focus its attention on further, outstanding, issues in relation to the computerization of the TIR procedure.
- (b) The Working Party agreed that the approach of the computerization process should, until further notice, be focused on the establishment of an international, centralized database, whose aim it should be to facilitate the secure exchange of data between national Customs systems. At a later stage, the sharing and exchange of data with other bodies concerned (such as TIRExB, international organizations, national associations and the international guarantee), should not be excluded.
- (c) The Working Party agreed that the Project to Computerize the TIR Procedure could, in future, be referred to as “eTIR-project”.

27. Various Contracting Parties, in particular the European Community, as well as the IRU, underlined the importance of full computerization of the TIR procedure as a long term goal and reconfirmed their commitment to the work performed by the Expert Group.”

Report of the thirty-sixth session of AC.2, 5-6 February 2004 (TRANS/WP.30/AC.2/73, paras. 38-41)

“38. The Administrative Committee was informed about progress made in the preparation of Phase III of the TIR revision process within the UNECE Working Party (WP.30) and its Ad hoc Group of Experts on Computerization of the TIR Procedure. The Committee endorsed the mandate given by the Working Party to the Informal Ad hoc Expert Group (a) to work out concrete proposals on how to exchange the so-called ‘static’ data elements contained in the TIR Carnet (data elements which remain unchanged throughout the TIR Transport) between the competent authorities of Contracting Parties, possibly also including the data contained in the ITDB Online as a preliminary

step, (b) to conduct a feasibility study on the practicability of such proposals and, ultimately, (c) to propose a pilot along one of the major transit corridors to implement them. As a next step, the integration of the so-called 'dynamic' data elements (data elements which may be amended or updated in the course of the TIR Transport) should be considered. Further steps should then address the issue of inclusion of additional features, such as security and advance cargo information.

39. Once these tangible steps have been achieved, the Expert Group could focus its attention on further, outstanding, issues in relation to the computerization of the TIR procedure.

40. The Administrative Committee endorsed the opinion of the Working Party that the approach of the computerization process should, until further notice, be focused on the establishment of an international, centralized database, whose aim it should be to facilitate the secure exchange of data between national Customs systems. At a later stage, the sharing and exchange of data with other bodies concerned (such as TIRExB, international organizations, national associations and the international guarantee), should not be excluded.

41. The Administrative Committee endorsed the Working Party's decision that the Project to computerize the TIR Procedure could, in future, be referred to as "eTIR-project".

Report of the one-hundred-and-tenth session of WP.30, 14-17 June 2005 (TRANS/WP.30/220, para. 30)

"30. The Working Party took note of the document TRANS/WP.30/2005/14 (available in English only), which contains the report of the seventh session of the Informal Ad Hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure, which took place on 26 and 27 May 2005. In particular, the Working Party took note that the first part of the work of the Expert Group, encompassing the description of the current TIR Procedure, had been finalized. This analysis, contained in the first chapter of the reference model of the TIR procedure, will be made available for endorsement at the forthcoming session of the Working Party. It also took note that the European Commission, at the Expert Group meeting, had presented its views on the elements and functioning of a computerized TIR system and that the secretariat had been requested, jointly with the European Commission to develop a new document for the next session of the Expert Group, which will take into account the ideas of the secretariat as well as the European Commission. In this context, the Working Party took note of comments by the IRU expressing (a) serious concern about the ideas that had been presented by the secretariat, in particular in document EXG/COMP/2004/23, and (b) pointing out that any new developments in the field of computerization should take into account developments and systems that were already in place, including the IRU SAFETIR system. The Working Party mandated the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure to continue its deliberations on the future of the computerized TIR procedure and, with a view to progress the design of the future system, to discuss the joint document to be prepared by the secretariat and the European Commission²."

² WP.30 Informal document No. 9 (2005).

**Report of the one-hundred-and-eleventh session of the WP.30, 4-7 October 2005
(TRANS/WP.30/222, paras. 33-35)**

“33. The Working Party took note of Informal document No. 9 (2005), prepared by the secretariat in consultation with the European Commission, containing a description of the main principles for the eTIR system. The representative of the European Commission expressed the view that the document described a future computerized TIR system that as closely as possible reflected the present paper based TIR system and that the system was compatible with the NCTS system. The Working Party, noting that the informal document had only been issued a few days before the meeting in the English version only, nevertheless expressed the view that the guidelines contained in the document concerning the future of the eTIR project were clear and the Working Party supported the view that the Ad hoc Expert Group on Computerization should follow the guidelines contained in Informal document No. 9 (2005) for its future discussions.

34. The IRU pointed out that, in its view, the late publication is contrary to the normal practice of Working Parties under the Inland Transport Committee and not acceptable for decisions having such an important strategic impact on the future of the TIR system. The accelerated procedure impeded the necessary consultations at national level. The IRU had strong doubts as to the possibilities of realizing the computerization of the TIR system on a basis that partly ignored the results of the questionnaire answered by General Directors of Customs authorities. The strategy described aimed at computerizing elements in the system that had already been computerized through IT initiatives taken by the industry in cooperation with some Customs authorities. Instead, the IRU suggested that work continue based on the existing mandate, stressing the fact that the only way to obtain the computerization was through a public/private partnership, respecting the fundamental principles of the TIR Convention and the investments in the partly computerized system already made. The IRU would be ready to actively participate in such a process with appropriate propositions.

35. The Working Party took note of the remarks made by the IRU. The Working Party declared its capacity to recognize its responsibilities and expressed the intention that Customs authorities would have their own system under their own control.”

III. FURTHER CONSIDERATIONS

3. In the view of the secretariat, the highlighted texts indicate that the mandates/guidelines given over the years, although clear, are not as strict and unequivocally formulated as is sometimes suggested. They also indicate that there has been an evolution in the ideas of the Working Party in the course of time, due to evolving political and technical insights. However, when assessing and reviewing the current state of the mandate for the computerization of the TIR procedure, the Working Party may wish to remember its consideration, made in 2000 at the beginning of its work on the computerization process, “that, whatever system is to be used, the approach taken in computerization of the TIR regime must be courageous and forward looking and should be able to accommodate all possible technological solutions likely to be implemented in the years ahead”.
