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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****Direct submission of declarations to all countries along the itinerary of a TIR transport****Note by the secretariat****I. Background and mandate**

1. At its twenty-third session, the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (further referred to as “the Expert Group”) took note of Informal document GE.1 No. 9 (2013), containing a revised comparison between the data contained in the advance cargo information message (message E9) and national data requirements for the TIR procedure. After having compared how this work (mapping) had been undertaken by Austria, Belgium, Hungary and Poland, the Expert Group requested the secretariat to seek further clarifications from these countries about certain differences and stressed the possible need, at a later stage, to organize workshops aimed at ensuring uniform mappings across all countries implementing eTIR. The Expert Group also noted that eTIR focal points had intentionally not included data elements required for safety and security purposes in their replies. The Expert Group recalled that all data elements identified in the World Customs Organization (WCO) SAFE Framework of Standards, as required for safety and security in the framework of transit, had already been included in the eTIR messages. Nevertheless, the Expert Group took note that, while implementing TIR Electronic Pre-Declaration (TIR EPD), the International Road Transport Union (IRU) had had to adapt its system to allow TIR Carnet holders to provide data elements that go beyond the safety and security data of WCO SAFE. The Expert Group questioned whether it would still be possible to completely harmonize the data requirements for eTIR, including those related to safety and security, knowing that so many countries already have a fully functional Information Technology (IT) system in place with safety and security data defined nationally. The Expert Group decided to ask the Working

Party on Customs Questions affecting Transport (WP.30) if it should pursue its efforts to fully harmonize the eTIR data requirements or whether it has now become unavoidable to accept that transport companies would be required to electronically send safety and security related data directly to (all) customs administrations (involved in a TIR transport), despite the complications of the electronic submission of electronic information in foreign countries as previously mentioned by the Expert Group (ECE/TRANS/WP.30/2014/4, para. 10).

2. In line with the request by the Expert Group, the secretariat prepared Informal document WP.30 (2014) No. 3, which was considered by the Working Party at its 136th session.¹ The Working Party welcomed the presentation of the document and mandated the secretariat to prepare an official document on the basis of the informal document, and present the issues at stake in a non-technical manner so as to allow WP.30 to provide strategic recommendations to GE.1. Consequently this document was prepared by the secretariat.

II. Detailed description of the issue

Diverging data requirement

3. In the course of the elaboration of the eTIR Reference Model and the eTIR messages in particular, while trying to follow the principles contained in the TIR Convention, special attention was given to include modern needs of both customs and transport. Among those, since 11 September 2001, safety and security have become priority issues in most countries and have led customs administrations to require additional data from the private sector, including for transit. With this in mind and being aware of the existence of the WCO SAFE Framework of Standards, which was devised, among other things, to standardize such requirements, the data elements listed in the SAFE transit model were added to the eTIR messages in 2008.²

4. In their process of computerizing customs procedures, several countries are not only requesting the electronic submission of TIR data by transport companies, but also safety and security data elements that are currently not in the TIR Carnet. Often, those requirements do not match with those listed in the WCO SAFE and, thus, differ from one country to the next. Some might argue that such requirement is not related to TIR as such and, in principle, does not differ from the existing practice to require the presentation of documents, such as the CMR consignment note or the invoice.

¹ Informal document WP.30 (2014) No. 3 also presented another issue of an even more technical nature that led GE.1 to request strategic guidance from WP.30, which is not included in the current document.

² Among the various focus groups organized in the framework of the WCO Data Model Project Team (DMPT), the body in charge of developing and maintaining the WCO data model, one focus group deals with advance electronic information with the aim to possibly include in the WCO data model a part (a so-called “information package”) that would standardize the data requirements for safety and security. This focus group started to gather the data requirements of the numerous security initiatives launched by governments around the world. So far it analysed the major security initiatives in Canada, European Union, Israel, Japan, Namibia, Nigeria, the Republic of Korea and the United States of America. If the DMPT would succeed in developing an information package that would include safety and security data requirements of the major economies, it could quickly be reused in the eTIR project. In the same way that the SAFE transit data elements were added as optional elements to the eTIR declaration, the new information package would certainly extend the number of such data elements and, possibly, provide a basis on which TIR Contracting Parties could develop a set of safety and security data elements required for TIR purposes.

5. It is important to recall that the eTIR principles on which the Expert Group is working are those described in its mandate and, in more details, in Chapter II of the eTIR Reference Model which the Working Party endorsed at its 117th session (ECE/TRANS/WP.30/234, para. 22) and the Administrative Committee of the TIR Convention at its forty-fourth session (ECE/TRANS/WP.30/AC.2/91, para. 19). Furthermore, at its 121st session, the Working Party confirmed the principle under which declarations should be processed in eTIR by requesting the inclusion of document ECE/TRANS/WP.30/2008/8/Rev.2 as an Annex to the eTIR Reference Model (ECE/TRANS/WP.30/242, para. 27). The eTIR declaration mechanism description is now contained in Annex VI.

6. On that basis, the Expert Group has continuously been seeking to align the data requirements for eTIR so that the declaration submitted in the country of departure could be forwarded to all countries en route without further actions by the transport operator, i.e. without a need to directly submit declarations to all countries involved in a TIR transport. While considering the results of a short survey among eTIR focal points (Informal document GE.1 No. 9 (2013)) together with information gathered by the IRU while implementing their TIR-EPD, the Expert Group found out that today's national data requirements for a TIR transit differ slightly but significantly from country to country. Taking into account that those data requirements have already been used to design and develop national customs systems, it questioned whether it was still realistic to try to harmonize data requirements for TIR operations for all TIR countries and if a single declaration in the country of departure was still a realistic solution.

7. Would the eTIR messages only contain a part of the data required to allow customs to undertake their risk assessment, the situation might arise where transport companies would send a single eTIR advance cargo information to the country of departure but would then have to send, additionally, different sets of advance information to all the other countries along the itinerary for safety and security (or other) purposes. The provision of such electronically authenticated information, in particular in countries other than the country of residence of the transport company, would bring the same difficulties as those that led to the decision to integrate international declaration mechanisms in the eTIR system.

III. Possible solution

8. In case countries would not be in a position to agree in a standard, complete and sufficient set of data required for TIR (including safety and security), a possible solution could be to introduce that TIR Carnet holders submit their declaration directly to each and every country along the itinerary. In addition, countries would need to agree on a minimum common set of data to be exchanged between customs administrations for risk assessment purposes.

9. If holders are requested and find the means to send country-specific safety and security data by electronic means directly to each and every country along the itinerary (this is already the case in numerous countries today), sending a declaration complemented by the safety and security data elements requested by each country, would not pose a further complication for the holder. Furthermore, this would slightly simplify the legal framework that would allow eTIR to function. Indeed, apart from solving possible data protection issues which would allow customs to exchange a minimum set of data with other customs, such a solution would not require a legal provision that would allow for the declaration data to be sent electronically only to the country of departure.

10. The data sent by the holder would nevertheless be compared, by customs risk assessment tools, with those sent by the country where the TIR transport began and where the content of the vehicle was checked. Discrepancies would then lead to inspections.

IV Consequences for trade and transport facilitation

11. If this new way to submit declarations to each and every country along the itinerary of a TIR transport might seem convenient from the customs' perspective, it should also be recalled that, compared to the system described in the eTIR Reference Model, introducing such a solution would provide considerably less facilitation for the transport industry. Transport companies would not only have to ensure that they are in a position to send authenticated electronic messages to all the countries they will transit, they should also be able to use diverging authentication methods as well as different message contents.

12. Alternatively, transport companies could use the TIR-EPD system of IRU, which allows them, already today, to send their advance cargo information to all customs along the itinerary. This service is currently included in the price of a TIR Carnet. In a fully computerized environment, this will most likely translate into a free service for companies that have purchased an IRU electronic guarantee. It nevertheless seems unlikely that IRU would provide this service for TIR transports covered by guarantees that would be issued by other guarantee chains. Consequently, the development of a system such as TIR-EPD, by other potential guarantee chains would then almost become a de-facto prerequisite for providing TIR guarantees. Considering that the development of such a system would require significant investments, this might prevent potential guarantors from considering the issuance of TIR guarantees.

V. Consequences for the eTIR Reference Model and the work of the Expert Group

13. On the basis of the mandate provided by the Working Party, the Expert Group is finalizing its work and in the process of presenting a final version of the eTIR Reference Model. The eTIR Reference Model describes an eTIR system that follows a number of key principles, among which the fact that transport companies only need to send their declarations once and to customs offices of departure. If the Working Party would decide to change this principle, and introduce the need for transport companies to send their declarations to each and every country along the itinerary of a TIR transport, the eTIR Reference Model would need to undergo a number of significant revisions that would entail further activities of the Expert Group and a further delay in the finalization of the eTIR Reference Model.

VI. Further considerations by the Working Party

14. The Working Party may wish to consider and discuss the pros and cons of the alternative concepts for the submission of declarations (i.e. one single submission of the declaration to the customs office of departure versus multiple submissions to all countries involved in a TIR transport) and instruct the Expert Group how it should proceed with this issue. Furthermore, it may wish to instruct the Expert Group whether it should pursue its efforts to try to incorporate data elements related to safety and security of a transit procedure into eTIR declarations (or wait for the outcome of the ongoing work on advance electronic information at WCO – which, realistically, cannot be expected before the end of 2014). Finally, the Working Party might wish to bear in mind that any changes to the eTIR Reference Model require further activities of the Expert Group, thus requiring a prolongation of its mandate.
