eTIR legal aspects

Agenda item 7.b.i

André Sceia

Working Party on Customs Questions affecting Transport
135th session
1 - 4 October 2013
Outline

ECE/TRANS/WP.30/2013/8

- Legal framework
  - Amending the TIR Convention
  - A protocol
  - A new convention

- Other legal considerations
  - Authentication and data integrity
  - Data protection
  - Central administration
### Legal framework

<table>
<thead>
<tr>
<th></th>
<th>Amendment</th>
<th>Protocol</th>
<th>New conv.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Advantages</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Builds on the existing TIR system</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>Allows electronic only</td>
<td></td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>TIR Carnet can be used as a fall-back</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>Interested countries can join anytime</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td><strong>Drawbacks/Risks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One country can block the process</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requires ratification</td>
<td></td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Requires new administrative structures</td>
<td></td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Requires to redefine/repeat many TIR principles</td>
<td></td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Requires to renegotiate/redevelop guarantee agreements</td>
<td>●</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Authentication and data integrity

- No cross-border agreements on the use of electronic signatures
- Follow the revision of UN/CEFACT Rec. 14
- Mutual recognition of authentication
- Use of hash codes
Data protection

- Various national/regional legislations
- Codifications of data protection issues in the new legal framework
- Holder will have to agree (disclaimer) that their data will be “shared” with other administrations
Central administration

- The legal obligations and rights of the party responsible for the eTIR international system will have to be defined
- Either supra-national public body or contracted private company
- How to finance it?
- Bidding, tender or concession rules might have to be defined
Contacts

UNECE/TIR SECRETARIAT
Transport Division

8-14, Avenue de la Paix
CH-1211 Geneva 10
Switzerland
Phone: +41 22 917 13 13
Fax: +41 22 917 06 14

Email: tirexb@unece.org
Web: tir.unece.org