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Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure

Thirty-first session

Geneva, 10-11 March 2020

Item 4 of the provisional agenda

Annex 11 of the TIR Convention

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 Expert Group agreed to have first considerations on 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, the Expert Group, 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 the Expert Group.
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, 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. The new questions received, together with draft replies by the secretariat, are contained in section III.

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

	Questions/Replies by the Expert Group and EC/TIR secretariat
New Art. 1 (s) of the body of TIR Convention	<p>Annex 1 of the TIR Convention</p> <ul style="list-style-type: none"> - Page 1 of the TIR Carnet: how will the signature of the holder be handled in the eTIR context? <ul style="list-style-type: none"> o GE.1: 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 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? <ul style="list-style-type: none"> o GE.1: 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 (French/English/Russian)? <ul style="list-style-type: none"> o GE.1 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? <ul style="list-style-type: none"> o GE.1: 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? <ul style="list-style-type: none"> o The eTIR specifications dedicate a specific use case to the certified report.

	<ul style="list-style-type: none"> - Even if currently not used, how will eTIR deal with the Tobacco/Alcohol TIR Carnet? <ul style="list-style-type: none"> o GE.1: by using different “guarantee types”. <p><i>Belgium : is there no conflict with current EU legislation regarding Excise Movement and Control System (EMCS)?</i></p> - How will loading lists and additional documents be handled in the eTIR context? <ul style="list-style-type: none"> o GE.1: by using the “attached documents” and “binary objects” classes. <p><i>Serbia : I am not sure whether these technical details will be understood by the business people. Maybe “by means of standard ICT practice” or something like this would be more appropriate.</i></p> - How will indications of reservations be possible in eTIR? <ul style="list-style-type: none"> o GE.1: by using the “reservation” attribute in the Termination message. - 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"> o GE.1: when sending the “refusal to start TIR operation” message, customs can use the “reason” attribute. - 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"> o GE.1: 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. <p>Annex 9, Part I, paragraph 3 (vi)</p> <ul style="list-style-type: none"> - Which impact will the eTIR international system have on the price of an eTIR Carnet? <ul style="list-style-type: none"> o GE.1: 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. <p>Annex 9, Part II, paragraph 4</p> <ul style="list-style-type: none"> - 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"> o GE.1: Yes. <p>Annex 9, Part III, paragraph 2 (g)</p>
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	<ul style="list-style-type: none"> - It is possible that an eTIR Carnet is false or counterfeit? <ul style="list-style-type: none"> o GE.1: 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. <p>Annex 10, paragraph 2</p> <ul style="list-style-type: none"> - 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"> o GE.1: Discussions regarding a possible reconciliation procedure are still ongoing at GE.1. <p>Article 2</p> <ul style="list-style-type: none"> - 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"> o EC/TIR secr.: 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. - 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"> o EC/TIR secr The suspension of a transport carried under the eTIR procedure is not handled in the current version of the eTIR specifications. This issue should be brought forward to GE.1. A possible solution could be to add a new termination type, for cases when the transport is suspended after the termination of an operation. <p style="margin-left: 40px;"><i>Belgium : Could this be handled as in NCTS P5 with the new office of incident registration?</i></p> <p>Article 3</p> <ul style="list-style-type: none"> - 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? <ul style="list-style-type: none"> o EC/TIR secr.: 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. <p style="margin-left: 40px;"><i>Belgium : OK via rule/condition when indicator says that heavy and bulky goods are being transported</i></p> - 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?
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- EC/TIR secr.: 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.

Belgium: OK, and maybe add a limit of annexes or size of the annexes?

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)?
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- EC/TIR secr.: 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).

Belgium: OK, add a rule/condition as in NCTS P5?

IF <CONSIGNMENT.Inland mode of transport> is EQUAL to '2' THEN the multiplicity of <CONSIGNMENT-DEPARTURE TRANSPORT MEANS> AND <CONSIGNMENT-HOUSE CONSIGNMENT-DEPARTURE TRANSPORT MEANS> can be more than '1x' ELSE the multiplicity of <CONSIGNMENT-DEPARTURE TRANSPORT MEANS> AND <CONSIGNMENT-HOUSE CONSIGNMENT-DEPARTURE TRANSPORT MEANS> is '1x'
Code 2 = Rail

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.
- EC/TIR secr.: 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. 0.21-3)?
- EC/TIR secr.: The cases detailed in E.N. 0.21-2 and E.N. 0.21-3, are not handled in the eTIR specifications. GE.1 could be consulted to assess the need to include additional messages in the eTIR specifications.

Article 23 and 24

- In the exceptional case of an escort, how will the customs authorities insert a note

	<p>and the indication of the reasons of the escort in the eTIR carnet?</p> <ul style="list-style-type: none"> ○ EC/TIR secr.: This can be indicated in the “Remark” attribute of the “AdditionalInformation” class when sending the “Start TIR operation” message. <p>- How will new seals be recorded (also see Article 34 and 35, it must be clear in the eTIR context)?</p> <ul style="list-style-type: none"> ○ EC/TIR secr.: When sending the “start TIR operation” and “Terminate TIR operation” messages, customs can indicate that they affixed new seals in the “Transport Equipment” attribute. <p>Article 28</p> <p>- 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?</p> <ul style="list-style-type: none"> ○ EC/TIR secr.: 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 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><i>Belgium: Communication trough NCTS to the trader? Such as the IE045 write off notification to trader?</i></p>
<p>Annex 9, Part I, paragraph 3, new subparagraph (xi)</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"> ○ EC/TIR secr.: 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).
<p>Annex 11, Article 6</p>	<p>As TIR advance 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"> - If the eTIR international system will provide a web service? <ul style="list-style-type: none"> ○ EC/TIR secr.: Yes. - How will the web service identify the holder (or his/her representative)? <ul style="list-style-type: none"> ○ EC/TIR secr.: 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.

	<ul style="list-style-type: none"> - Will customs administrations have privileged access to the eTIR international system? <ul style="list-style-type: none"> o EC/TIR secr.: 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. - 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"> o EC/TIR secr.: 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. - 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"> o EC/TIR secr.: 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.
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III. New questions on the application of various provisions of the TIR Convention for TIR transports carried out under the eTIR procedure received from TIR and eTIR focal points and draft answers by the secretariat

Sender	Questions/Replies by the secretariat
BGL	<ul style="list-style-type: none"> - EU and its member states will not implement the eTIR procedure before 2025. Other, non-EU CP will most likely be practising eTIR much earlier than that. Let's therefore assume the following situation: <ol style="list-style-type: none"> 1. EU has not yet joined the eTIR system while Turkey and Georgia have already done so successfully. 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). 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

	<p>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?</p> <ul style="list-style-type: none">○ TIR Secr.: 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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IV. Further considerations

4. Taking into account the comments received from eTIR focal points, the Expert Group may wish to consider, and amend where necessary, the draft replies to the questions, and request the secretariat to forward them to WP.30 prior to posting them on the eTIR website under a new section on Frequently Asked Questions (FAQ).
