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Administrative Committee for the TIR Convention, 1975

Seventy-fourth session
Geneva, 9–11 February 2021
Item 5 (b) of the provisional agenda
Revision of the Convention:
Amendment proposals to the Convention transmitted
by the TIR Executive Board

Exclusions and withdrawals of holders in ITDB*

Note by the secretariat

I. Mandate

1.   The Committee may wish to recall that, at its seventy-second session (February 2020), it reconfirmed having accepted the proposals by the TIR Executive Board (TIRExB) to advance the use of the International TIR Databank (ITDB) by means of mandatory submission of data in electronic format as an appropriate way forward to confirming the status of ITDB as a reliable database. The delegation of Uzbekistan, while expressing its support for the proposals by the TIRExB, continued to advocate considering these proposals as a package, together with its and proposals by the International Road Transport Union (IRU) contained in documents ECE/TRANS/WP.30/AC.2/2019/22 and ECE/TRANS/WP.30/AC.2/2019/23. Various delegations reconfirmed their wish to discuss the Uzbek proposals separate from the TIRExB proposals. In conclusion, the Chair established that, in the absence of consensus, it was not possible to formally adopt the TIRExB proposals at the current session but that they would be tabled for further consideration at the next session, whereas the Uzbek and IRU proposals would continue to be discussed separately.

2.   The secretariat explained that it was one of the tasks of TIRExB, according to its Terms of Refence, to collect and make status information on holders (authorized or excluded) available via ITDB to all customs authorities. The secretariat informed the Committee that it was preparing a document on this and related issues, for review by TIRExB and, ultimately, consideration by the Committee. The Chair concluded that the two diverging positions continue to exist. She requested the secretariat to get in touch with IRU to review cases where the notifications in ITDB on exclusions were, possibly, misused by other contracting parties. The Committee agreed to continue its discussions at the next session, based on the document by the secretariat and the review by TIRExB (ECE/TRANS/WP.30/AC.2/147, para. 29).

3.   At its seventy-third session, the Committee considered document ECE/TRANS/WP.30/AC.2/2020/18, presenting technological solutions to address

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*   Modifications to document ECE/TRANS/WP.30/AC.2/2020/18 are marked in ~~strikethrough~~ for deleted and in **bold underlined** for new text.

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concerns about exclusions and withdrawals in ITDB, raised by the Government of Uzbekistan and IRU. The Committee, recalling the mandate and background of this document, took note of the current status of data, the challenges for TIR Carnet holders related to the high number of exclusions and withdrawal recorded without reason/explanation, as well as of the high number of temporary exclusions and withdrawals recorded without end date. The Committee further took note of the issue caused by the fact that, at present, TIR Carnet holders have no possibility to access their holder status information. The Committee considered proposals made to improve the data quality and data availability in ITDB. The European Commission and Turkey provided several proposals for improvements. The Committee requested the secretariat to revise the document according to the interventions of the European Commission and Turkey and submit it for discussion to the next session of the Committee. The Committee expressed the view that it felt that the concerns raised by the Government of Uzbekistan and IRU had now been sufficiently addressed and that, thus, nothing impeded the formal adoption of the above proposals by TIRExB under agenda item 5 (c). Under this agenda item, the delegation of Turkey raised the issue of IRU having been granted access to ITDB, expressing that the scope of access should be determined by the Committee before implementing further changes in ITDB, taking into account the responsibilities of the various stakeholders. In reply, the TIR Secretary clarified that, at its sixty-eighth session (October 2018), the Committee had requested the secretariat to grant IRU access to ITDB (ECE/TRANS/WP.30/AC.2/139, para. 51). In the absence of information on how such access was to be granted, the secretariat and IRU held lengthy discussions, leading to the recent development, where IRU was granted the most limited form of access (through named accounts in the ITDB web application with read-only access of holder data only). The delegation of Turkey expressed the view that, since the decision to give access to the international organization was made by the Committee, it should be that same platform which should decide the scope of the access given to the international organization in order to clear any ambiguity on this matter, and requested the secretariat to include its comments in the revision of document ECE/TRANS/WP.30/AC.2/2020/18 as a request for consideration by the Committee at its next session (ECE/TRANS/WP.30/AC.2/149, paras. 22 and 23).

II. Background information

4.   In view of increasing problems faced by TIR transport operators and concerns raised by its national associations in relation to the practical use of ITDB by certain customs authorities, IRU submitted, at the sixty-eight session (November 2018) of the TIR Administrative Committee (AC.2), amendment proposals to the TIR Convention in the form of Explanatory Notes (Informal document WP.30/AC.2 (2018) No. 7). It reported two problems:

(a)   The first problem is related to the verification of the status of TIR Carnet holders at customs offices of departure or entry en route. In the absence of any information in ITDB, customs authorities sometimes refuse to accept the TIR Carnet (often without explaining the reasons to the TIR Carnet holder) and this has already been the case for TIR Carnet holders from various countries.

(b)   The second problem is related to the dissemination of data on the application of Article 38 by customs authorities. Under the provisions of Article 38, in particular paragraph 2 and its Explanatory Note 0.38.2, information on the exclusion from the operation of the TIR Convention shall be notified to the competent authorities of the country where the person concerned is established or resident, to the association(s) in the country or customs territory where the offence has been committed and to TIRExB. At the same time, this information is also made available to customs authorities of third countries in ITDB.

5.   At the seventy-second session of AC.2 (October 2019), IRU reported that it continues to receive complaints of delays or refusals by customs authorities to accept TIR Carnets, due to absence of data in ITDB (ECE/TRANS/WP.30/AC.2/2019/23). Moreover, according to information available to IRU, certain customs administrations have issued an instruction on

using ITDB to check the status of TIR Carnet holders and giving instructions to reject the customs declaration, based on the results of the checks of the status of that TIR Carnet holder in ITDB. IRU is of the opinion that ITDB, as an important repository and authentication system for data on TIR Carnet holders should be open to all TIR stakeholders, notably: customs, national associations, all registered TIR Carnet holders and IRU. Every TIR Carnet holder should be confident that a TIR Carnet not only represents a financial guarantee and customs declaration but is also proof of controlled access recognized by every customs office.

6. As the custodian of ITDB, TIRExB, at its seventy-ninth session (February 2019), considered this issue and requested the secretariat to submit a supporting document to AC.2 that elaborates various options. The Board clarified that Article 38, paragraph 2 related to the obligation of the contracting party taking a decision, whereas TIRExB shared this information with other contracting parties according to its mandate to coordinate the exchange of information and intelligence among competent authorities (Annex 8, Article 10) and its mandate to establish ITDB to avail all contracting parties access information on holders, including excluded operators (Terms of Reference of TIRExB, Article 8). Furthermore, TIRExB found it groundless to be concerned that contracting parties would use this information to block transporters entering their territory. The Board underlined the value of information on exclusions for customs authorities for risk-assessment and to countering infringements against the TIR system. With regard to keeping data on exclusions up-to-date, the Board reiterated that contracting parties should put every effort to keep the data in ITDB updated (ECE/TRANS/WP.30/AC.2/2019/11, paras. 20 and 21).

III. ITDB operations, status and challenges

7. AC.2 may wish to recall that the Terms of Reference of TIRExB (Article 8, adopted by the Committee at its twenty-fourth session (26 and 27 February 1998) provide the mandate for the establishment of ITDB.

8. The TIR secretariat, under the direction of the TIR Secretary, shall undertake the following tasks:

(a) Establishment and maintenance of an international Governmental TIR data bank accessible to all Contracting Parties on:

- approved and excluded transport operators (Annex 9, Part II, paragraphs 4 and 5), stolen and falsified TIR Carnets;

- approved customs sealing devices;

- approved customs offices for accomplishing TIR operations (Article 45);

- contact points (customs, enforcement agencies, national associations, etc.);

- other data may also be compiled, for example on approved, falsified and stolen customs stamps, if feasible. Particular attention should be given to data protection. This includes the establishment of effective rules to avoid unauthorized access to the protected data.
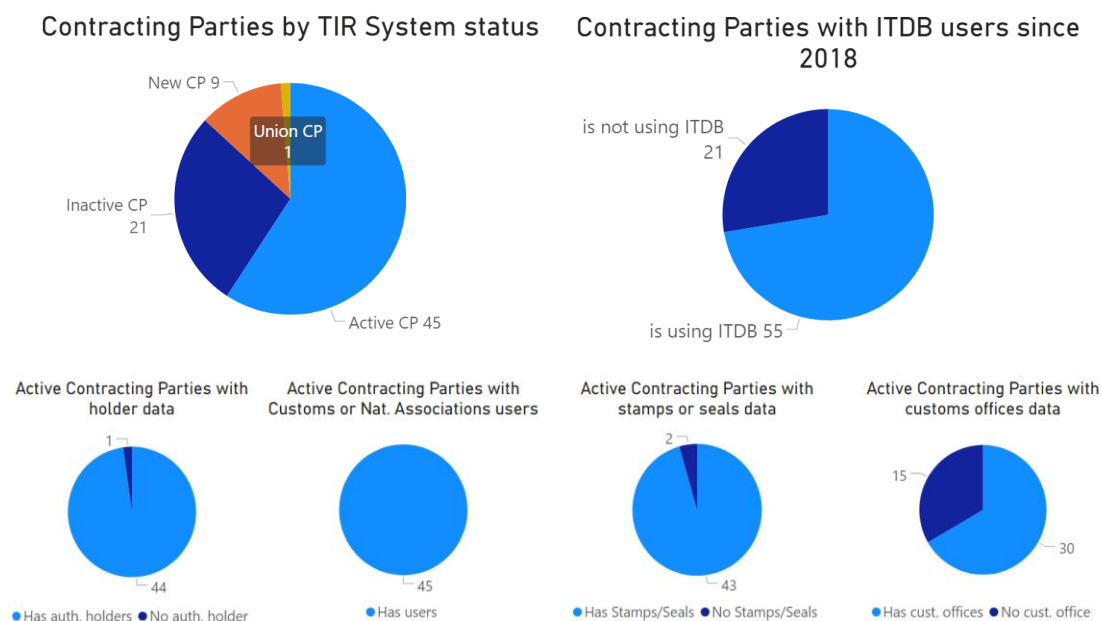
9. As a reminder, here are the roles of national associations and customs authorities in ITDB:

(a) National association:

(i) Can see the data of its own holders;

(ii) Can make proposals for new holders or update information on existing holders;

(iii) Can make proposals for new withdrawals or update existing withdrawals (to rehabilitate a holder);

(iv) Receive notifications for approved/rejected proposals, exclusions, withdrawals or end of activity status for any of its holders.

(b) Customs authorities:

(i)   Can see the data of all holders;

(ii)   Can edit the data of holders from their country;

(iii)   Can exclude foreign holders in their territory;

(iv)   Can withdraw holders from their country;

(v)   Can approve/reject proposals from the association;

(vi)   Receive notifications for new proposals and exclusions of national holders excluded in other territories.

10.   Furthermore, regarding the status of ITDB, AC.2 may wish to recall that the TIR Convention has seventy-six contracting parties. Based on figures collected since 2018, twenty-one out of these seventy-six contracting parties do not use the TIR system or have not used it for the last three years, nine are rather new and either they have not yet started or conducted just a few TIR transports since 2018, and one of them is a Regional Economic Integration Organization and only its member States can perform TIR transports. Therefore, practically in TIR system today, there are 45 active contracting parties.

11.   All active contracting parties to the TIR system are using ITDB, either to approve or reject proposals for new TIR Carnet holders from their national associations or to check the status of domestic and foreign TIR Carnet holders.

Contracting Parties by TIR System status

Contracting Parties with ITDB users since 2018

Active Contracting Parties with holder data

Active Contracting Parties with Customs or Nat. Associations users

Active Contracting Parties with stamps or seals data

Active Contracting Parties with customs offices data

12.   The figures above provide the status of ITDB since 2018. As previously mentioned, out of the 76 contracting parties (CP), 45 have been actively using ITDB. Out of these 45:

(a)   44 have authorized holders and 1 contracting party has not;

(b)   All 45 have users currently configured;

(c)   43 have stamps or seals data and 2 contracting parties have not;

(d)   30 have customs offices data and 15 contracting parties have not.

13.   It is worth mentioning that out of the 76 contracting parties, 45 are actively using the TIR system. In parallel, 55 are actively using ITDB. This is explained by the fact that some contracting parties are using ITDB to manage their TIR Carnet holders, others to verify foreign holders, others to share and consult stamps, seals or customs offices information, whereas some are using it for all these functions.

14.   Furthermore, and regarding the exclusions according to ITDB data, there are 230 exclusions (13 permanent and 217 temporary); out of those 192 have no value mentioned in

the reason field; out of the 217 temporary ones, 205 do not have any end date. However, 13 out of those 230 exclusions took place during the last two years.

15. Concerning the withdrawals according to ITDB data, there have been 14,097 withdrawals (7,382 permanent and 6,715 temporary); out of those, 5,681 have no value mentioned in the reason field; out of the 6,715 temporary ones, 6,708 do not have any end date. However, 1,595 out of those 14,097 withdrawals took place during the last two years.

16. Moreover, considering that the electronic data submission via ITDB is not yet mandatory and that the relevant amendment proposals are still pending (ECE/TRANS/WP.30/AC.2/2018/12), some contracting parties do not yet update ITDB on a regular / continuous basis, thus creating the risk of outdated or missing information.

IV. Proposed technological solutions for consideration

17. In order to address all the above-mentioned issues and possible discrepancies in data and to ensure that ITDB is always updated and functions as a reliable tool for all stakeholders of the TIR system, the following technological solutions are proposed for consideration by AC.2:

(a) The moment a change happens in ITDB (exclusion, withdrawal, new TIR Carnet holder registered etc.), an email notification will be sent ~~automatically~~ to the relevant customs **(at their discretion)**, national associations, TIR Carnet holders and IRU **in as far as related to data to which any such stakeholder has access**. The notification will include all key information **(based on the notified party accesses)** to avoid having to login to ITDB to access them, saving time for all users;

(b) Regarding exclusions and withdrawals:

(i) The "end date" field of a temporary exclusion should become mandatory in order to become valid in the system. This will eliminate those cases where active TIR Carnet holders appear excluded in ITDB because no action was taken or no end date was incorporated in the system, thus making the temporary exclusion look as permanent. ~~The system will automatically re-activate a holder the day after the defined end date.~~ **Also, the system will not accept an end date set beyond two years**. In cases where customs authorities are not able to provide the end date while filling-in the form of an exclusion, an alternative mandatory date of notification field will be introduced where customs will insert the date in order for the system to send them a notification / reminder to fill in the end date. If an end date has not been introduced two weeks after the first reminder, then a second automated reminder will be sent to both customs authorities and the national association concerned. Finally, if two weeks after this last reminder the end date still has not been entered, the system will ~~automatically~~ **propose, by email, to the concerned national customs authorities to** reactivate the holder; based on point (a) above, an email notification about this change in the system will be sent to the relevant stakeholders;

(ii) The current optional "reason" field will be replaced by a mandatory drop-down menu with all possible reasons or categories of reasons for exclusions, in order to make it easier for customs officers to provide the reason for exclusion. In this dropdown list, the option "other" will be available in order to provide a reason that is not available in the list. This will eliminate the cases where TIR Carnet holders have been excluded without providing any explanation. Information about exclusions is a risk assessment tool for customs and they should know the reasons of an exclusion in order to take the appropriate decisions.

(c) TIR Carnet holders: a mobile application "ITDB mobile" will be developed for TIR Carnet holders, who will be able to download the app for free on their mobile phones **(based on Android and iOS operating systems)** and which will give them access to their own profile in ITDB at any time. The following development steps are envisaged:

(i) Make the existing "email" field in the form for new TIR Carnet holders mandatory to ensure that a valid email address is introduced for each TIR Carnet

holder. This email address will be used for automated notifications but also for the registration with the ITDB mobile application; national associations will have to make sure that the email addresses of existing TIR Carnet holders are also updated;

(ii)   As a first step, a web page will be developed where TIR Carnet holders will be able to register in ITDB and have immediate access to their profile. TIR Carnet holders will be issued credentials to access this web page in the form of username / password, as is currently the case for other read-only users of ITDB;

(iii)   As a second step, a mobile application will be developed. Initially, a TIR Carnet holder will be able to check his or her profile in ITDB through this application and find information about any nearby customs offices. In a second phase, more features will be added to this application. Please find below the proposed scope for these two phases:

a.   Phase 1: create an App for TIR Carnet holders to:

i.   Consult their TIR Carnet holder profile/status;

ii.   Print/share a basic dated status report (as a PDF document) with a QR code (for offline situation);

iii.   Find the contact details of their own national association;

iv.   In parallel, have the same app for customs officers to:

• Consult information and status of TIR Carnet holders;

• Use a QR code reader (mobile device camera) to quickly access TIR Carnet holder info (reading the status report that a TIR Carnet holder would show at the border).

b.   Phase 2: add new features for TIR Carnet holders to:

i.   Consult customs offices, based on their geolocation data;

ii.   Consult current country national association contact information, based on their geolocation data;

iii.   Extend the features for customs officers to:

• Consult stamps and seals database with visuals (and possibly photo recognition);

• Have the app available in at least English, French and Russian. **Upon request from a contracting party, the app should allow the use in other languages than the ones originally supported by the ITDB web application, provided that the contracting party can assist the secretariat in the translation of the words and sentences.**

18.   In order to ensure that ITDB continues to be a reliable tool for the Governments and for the benefit of customs authorities but also for all stakeholders involved, stakeholders should only make use of the information provided to them either through the notifications or through the application for their own interest and benefit and should not communicate the information, by any means, to other third parties. If such violations are reported to TIRExB, restriction measures might be imposed.

19.   Should TIRExB and AC.2 approve the proposed technical changes, then the secretariat proposes the following tentative time schedule for the development phases. It should be noted that these developments will be at no cost and they will be developed internally by the secretariat.

id	Activities	who	Delivery
1	Email notifications to all stakeholders	TIR secretariat	**Q3 2021**
2	Holder web page – registration	TIR secretariat	**Q1 2022**
3	ITDB mobile app 1 phase	TIR secretariat	**Q2 2022**
4	Exclusion form changes	TIR secretariat	**Q2 2022**

id	Activities	who	Delivery
5	ITDB mobile app 2 phase	TIR secretariat	**Q4 2022**

V.   Considerations by the TIR Administrative Committee

20.   The Administrative Committee may wish to consider the above-mentioned technological improvements in ITDB and provide guidance. **In addition, the committee may wish to review the request from the Turkish delegation on granting access of IRU to ITDB and provide guidance accordingly.**

Annex

ITDB statistics since the deployment of its new version

Data extracted from ITDB as of July 30th, 2020

Contracting party	Number of authorized holders	Number of customs offices	Number of seals	Number of stamps	Last holder data update	Last user login
Afghanistan	5	0	0	0	14 January 2020	08 June 2020
Albania	10	0	1	3	24 September 2019	02 July 2020
Algeria	0	0	0	0		16 December 2019
Austria	47	65	4	1	14 March 2019	23 July 2020
Azerbaijan	62	0	2	1	07 January 2020	08 July 2020
Belarus	937	0	2	1	29 July 2020	29 July 2020
Belgium	8	21	3	1	06 July 2020	29 July 2020
Bosnia and Herzegovina	96	50	1	2	26 September 2019	03 December 2019
Bulgaria	690	71	2	1	22 July 2020	23 July 2020
Croatia	1 601	81	1	1	23 July 2020	23 July 2020
Cyprus	4	5	4	1	08 May 2017	22 May 2018
Czechia	207	53	2	6	05 June 2020	27 July 2020
Denmark	15	17	3	1	26 March 2020	26 March 2020
Estonia	338	19	3	2	11 September 2019	23 July 2020
Finland	222	49	4	2	13 July 2020	23 July 2020
France	10	155	3	1	15 January 2020	27 July 2020
Georgia	689	0	1	4	15 July 2020	21 July 2020
Germany	160	268	2	0	13 May 2020	29 July 2020
Greece	3 825	87	2	0	25 June 2020	29 July 2020
Hungary	87	64	3	1	22 May 2020	29 July 2020
India	0	6	0	2		19 December 2018
Iran (Islamic Republic of)	1 093	64	0	3	27 July 2020	27 July 2020
Ireland	0	33	1	1		06 February 2020
Italy	80	233	1	1	06 March 2020	27 July 2020
Kazakhstan	478	0	0	0	22 January 2020	22 May 2017
Kuwait	1	0	3	0	08 May 2017	16 September 2018
Kyrgyzstan	132	0	2	1	22 February 2019	15 November 2018
Latvia	337	19	3	2	29 July 2020	29 July 2020
Lebanon	8	0	1	1	20 February 2020	20 February 2020
Lithuania	690	39	3	3	21 July 2020	28 July 2020
Luxembourg	1	6	1	1	08 May 2017	23 July 2020
Malta	0	10	5	2		24 May 2019
Moldova (the Republic of)	880	0	1	1	28 July 2020	28 July 2020
Mongolia	15	12	1	2	11 December 2019	12 May 2020
Montenegro	35	27	1	1	15 January 2020	15 January 2020
Netherlands (the)	106	13	3	2	23 June 2020	22 July 2020
North Macedonia	1 534	43	2	1	09 June 2020	29 June 2020
Norway	3	42	2	2	08 May 2017	10 January 2020
Poland	6 706	143	2	3	21 July 2020	27 July 2020

Contracting party	Number of authorized holders	Number of customs offices	Number of seals	Number of stamps	Last holder data update	Last user login
Portugal	0	37	1	1	08 May 2017	23 July 2020
Romania	706	86	3	1	29 July 2020	29 July 2020
Russian Federation (the)	2 705	0	2	3	22 July 2020	22 July 2020
Saudi Arabia	4	9	0	9	20 February 2020	05 May 2020
Serbia	480	129	1	1	02 July 2020	02 July 2020
Slovakia	189	52	0	3	01 July 2020	01 July 2020
Slovenia	374	20	2	3	04 June 2020	04 June 2020
Spain	52	150	3	1	11 December 2019	17 December 2019
Sweden	10	18	3	2	07 January 2019	18 February 2020
Switzerland	18	78	2	1	13 November 2018	29 July 2020
Syrian Arab Republic (the)	15	0	0	2	21 May 2020	04 June 2020
Tajikistan	0	0	0	0		17 April 2020
Turkey	1 681	147	3	1	29 July 2020	29 July 2020
Turkmenistan	22	0	1	2	08 May 2017	
Ukraine	4 107	0	1	2	22 July 2020	21 July 2020
United Arab Emirates (the)	14	23	0	36	09 July 2020	09 July 2020
United Kingdom of Great Britain and Northern Ireland (the)	15	30	2	1	25 October 2018	29 July 2020
Uzbekistan	750	0	3	1	28 July 2020	28 July 2020