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## Economic Commission for Europe

### Administrative Committee for the TIR Convention, 1975

#### Seventy-first session

Geneva, 16–17 October 2019

Item 4 (a) of the provisional agenda

#### Revision of the Convention –

#### Phase III of the TIR revision process –

#### Computerization of the TIR Convention

### Further revised draft Annex 11 of the TIR Convention~~\*~~\*\*

#### Note by the secretariat

1. In Annex, the secretariat reproduces a consolidated text of amendment proposals to the body of the Convention as well as to draft Annex 11, representing the outcome of the meetings of the Friends of the Chair that took place on 16–17 April 2019 and 15–16 May 2019, together with a rationale clarifying the aim of each newly formulated proposal.
2. At its seventieth session, the Committee decided to discuss the new amendment proposals one by one, soliciting comments, proposals or provisional acceptance from delegations.
3. The additional text of Article 1, new paragraph (s) was provisionally accepted by the Committee including the word “Convention” after TIR in the last sentence which was missing only in the English text.
4. The Committee also provisionally accepted the additional wording of Article 3 paragraph (b) without any further comments.
5. Furthermore, the additional wording under new Article 60 bis which was pending advice from the United Nations Office of Legal Affairs–Treaty Section was provisionally accepted by the Committee following clarifications provided by the secretariat.
6. The additional sub-paragraph (xi) under Annex 9, Part 1, paragraph 3 was amended in order to limit the possible request from customs for information related to the TIR transport. The addition of the adjective “[available]” or “[available to them]” could accommodate the concerns of the associations on being requested data that they would not have (e.g. data about the goods or the TIR Carnet holder). The delegation of the Czech Republic stated not yet being in a position to accept this proposal until having consulted its national guaranteeing association.

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\* Revisions as compared to document ECE/TRANS/WP.30/AC.2/2019/9 are in plain underlined and deletions are in ~~double strikethrough~~.

\*\* Revision 2 of document ECE/TRANS/WP.30/AC.2/2019/9 contains, in separate boxes, all comments to ECE/TRANS/WP.30/AC.2/2019/9/Rev.1 submitted to date by delegations, in line with the request of the Committee at its seventieth session (see ECE/TRANS/WP.30/AC.2/143, para. 26).

7. New Article 1, paragraph 2 was amended in order to clarify that this paragraph refers to a contracting party not bound by Annex 11 rather than a customs or economic union not bound by Annex 11. The Committee provisionally accepted the amendment.
8. The definition “advance TIR data” was slightly amended in order to be aligned with the terminology of Article 6. No consensus could be found on whether or not the text in square brackets “[of the country of departure]” should be kept or deleted.
9. The definition of “declaration” was slightly amended<sup>1</sup> in order to be aligned with the wording of Article 7, paragraph 4 (English only).
10. Article 6, paragraph 1 was slightly amended<sup>2</sup> in order to be aligned with the wording of Article 7, paragraph 4.
11. A new Explanatory Note 11.6.1 was tentatively added to Article 6<sup>3</sup>, aimed at clarifying that advance TIR data also needed to be submitted when the holder intends to make amendments to the declaration data.
12. The second sentence of the rationale of Article 6 was deleted.
13. The Committee asked the secretariat to prepare a revised version of document ECE/TRANS/WP.30/AC.2/2019/9, based on the discussions held during the session with the request to disseminate it by electronic mail to all contracting parties for their consideration and comments at their earliest convenience but no later than 1 August 2019 (see ECE/TRANS/WP.30/AC.2, paras. 14–25).
14. Further to this request, the secretariat prepared this document, which reflects the changes described in paras. 3 and 6–12.

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<sup>1</sup> “declaration” was replaced by “declaration data”

<sup>2</sup> “declaration” was replaced by “declaration data”

<sup>3</sup> “When the holder intends to change the declaration data accepted by the competent authorities of the country of departure, advance TIR data shall also be submitted to the competent authorities of the country in which the holder will request an amendment to the declaration data. The competent authorities shall forward the amendment to the declaration data to the eTIR international system after they have been accepted it in line with national law.”

## Annex

### Consolidated draft eTIR legal framework<sup>4,5</sup>

#### A. Amendments to the TIR Convention

##### 1. Article 1, new paragraph (s)

*(s) The term “eTIR procedure” shall mean the TIR procedure, implemented by means of electronic exchange of data, ~~which provides~~ the functional equivalent to the TIR Carnet. ~~The eTIR procedure is carried out in accordance with the provisions of Annex II. Whereas the provisions of the TIR Convention<sup>6</sup> apply, the specifics of the eTIR procedure are defined in Annex 11.~~*

Rationale:

The additional text of paragraph (s) aims at clarifying that, as a rule, the provisions of the TIR Convention apply to the eTIR procedure and that Annex 11 contains the provisions that are specific to the eTIR procedure

##### Ibis. Article 3 (b)

*(b) the transport operations must be guaranteed by associations authorized in accordance with the provisions of Article 6. They must be performed under cover of a TIR Carnet, which shall conform to the model reproduced in Annex I to this Convention or be carried out by the eTIR procedure.*

Rationale:

The additional wording of paragraph (b) aims at clarifying that a guarantee is required for both the TIR and the eTIR procedure. Furthermore, to align the text with the wording of Article 6 and Annex 9 Part I, the word “approved” has been replaced by the word “authorized”.

##### 2. Article 43

The Explanatory Notes set out in Annex 6, ~~and~~ Annex 7, Part III, ~~and Annex 11, Part II~~ interpret certain provisions of this Convention and its Annexes. They also describe certain recommended practices.

##### 3. New Article 58 quarter

*A Technical Implementation Body shall be established. Its composition, functions and rules of procedure are set out in Annex 11.*

##### 4. Article 59

1. This Convention, including its Annexes, may be amended upon the proposal of a Contracting Party by the procedure specified in this Article.

<sup>4</sup> Amendments as compared to the existing text of the Convention as well as new Articles are in ***bold italics***. Changes as compared to document ECE/TRANS/WP.30/AC.2/2019/8 are in ***bold italics underlined*** and deletions are in ~~*strikethrough*~~.

<sup>5</sup> Amendments as compared to document ECE/TRANS/WP.30/AC.2/2019/9 are in plain underlined and deletions are in ~~double-strikethrough~~.

<sup>6</sup> English only.

2. *Except as provided for under Articles 60 bis*, any proposed amendment to this Convention shall be considered by the Administrative Committee composed of all the Contracting Parties in accordance with the rules of procedure set out in Annex 8. Any such amendment considered or prepared during the meeting of the Administrative Committee and adopted by it by a two-thirds majority of the members present and voting shall be communicated by the Secretary-General of the United Nations to the Contracting Parties for their acceptance.

3. Except as provided for under Articles 60 *and 60 bis*, any proposed amendment communicated in accordance with the preceding paragraph shall come into force with respect to all Contracting Parties three months after the expiry of a period of twelve months following the date of communication of the proposed amendment during which period no objection to the proposed amendment has been communicated to the Secretary-General of the United Nations by a State which is a Contracting Party.

4. If an objection to the proposed amendment has been communicated in accordance with paragraph 3 of this Article, the amendment shall be deemed not to have been accepted and shall have no effect whatsoever.

## 5. New Article 60 bis

### *Special procedure for the entry into force of Annex 11 and amendments thereto*

1. *Annex 11, considered in accordance with paragraphs 1 and 2 of Article 59 shall come into force with respect to all Contracting Parties three months after the expiry of a period of twelve months following the date of communication by the Secretary-General of the United Nations to the Contracting Parties, except for those Contracting Parties that have notified the Secretary-General in writing, within ~~the aforementioned~~ that period of three months<sup>7</sup> of their non-acceptance of Annex 11. Annex 11 shall enter into force for Contracting Parties which withdraw their notification of non-acceptance six months after the date on which withdrawal of such notification has been received by the depositary.*

2. *Any proposed amendment to Annex 11 shall be considered by the Administrative Committee. Such amendments shall be adopted by a majority of the Contracting Parties bound by Annex 11 present and voting.*

3. *Amendments to Annex 11 considered and adopted in accordance with paragraph 2 of this Article shall be communicated by the Secretary-General of the United Nations to all Contracting Parties for information or, for those Contracting Parties bound by Annex 11, acceptance.*

4. *The date of entry into force of such amendments shall be determined at the time of their adoption, by a majority of the Contracting Parties bound by Annex 11 present and voting.*

5. *Amendments shall enter into force in accordance with paragraph 4 of this Article unless by a prior date determined at the time of adoption, one-fifth or five of the States which are Contracting Parties bound by Annex 11, whichever number is less, notify the Secretary-General of their objection to the amendments.*

6. *On entry into force, any amendment adopted in accordance with the procedures set out in paragraphs 2 to 5 of this Article shall for all Contracting Parties bound by Annex 11 replace and supersede any previous provisions to which the amendment refers.*

## 6. Article 61

The Secretary-General of the United Nations shall inform all Contracting Parties and all States referred to in Article 52, paragraph 1 of this Convention of any request,

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<sup>7</sup> Pending advice from the United Nations Office of Legal Affairs–Treaty Section.

communication, or objection under Articles 59 ~~and~~, 60 *and 60 bis* above and of the date on which any amendment enters into force.

## 7. Annex 9, Part I, ~~Article~~ paragraph 3, new subparagraph (xi)

*(xi) confirm, ~~in the case of a fallback procedure described in Article 10 of Annex 11 (for Contracting Parties bound by Annex 11), upon request of the competent authorities, that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other relevant~~ [available] information related to the TIR transport [available to them].*

### Rationale:

The additional sub-paragraph (xi) clarifies that, in case of fallback, guaranteeing associations have an obligation to confirm that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other relevant information.

### Revision 2:

Comment by the European Union

New sub-paragraph (xi) can only apply in case of an “en route” fallback, meaning the fallback as specified in Article 10 paragraph 2 of Annex 11, because for a fallback launched right away at departure the normal TIR Carnet procedure will be used (Article 10 paragraph 1).

Therefore, the wording could be adapted as follows:

“(xi) confirm, in case of a fallback procedure described in Article 10, paragraph 2 of Annex 11, upon request of (...).

Comment by Iran (Islamic Republic of):

Confirm In the case of a fallback procedure described in Article 10 of Annex 11 (for Contracting Parties bound by Annex 11), upon request of the competent authorities, that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other relevant information related to the TIR transport available to them.”

Comment by Uzbekistan:

“(xi) confirm, in case of a fallback procedure described in Article 10 of Annex 11 (for Contracting Parties bound by Annex 11), upon request of the competent authorities, that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other relevant information on the TIR transport, available to them.

Comment by IRU:

The associations can only be obliged to provide to the competent authorities the TIR transport information which is available to them.

“(xi) confirm, in case of a fallback procedure described in Article 10 of Annex 11 (for Contracting Parties bound by Annex 11), upon request of the competent authorities, that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other information related to the TIR transport available to them.”.

## B. Annex 11 – The eTIR procedure

### 1. Part I

#### Article 1

##### Scope of application

1. *The provisions in this Annex govern the implementation of the eTIR procedure as defined in Article 1, paragraph (s) of the Convention and shall apply in the relations between Contracting Parties bound by this Annex, as provided for in Article 60 bis, paragraph 1.*

2. *The eTIR procedure cannot be used for transports taking place in part in the territory of a Contracting Party, that is not bound by Annex 11 and that is a member State of a customs or economic union with a single customs territory and that is not bound by Annex 11.*

#### Rationale:

New paragraph 2 of Article 1 clarifies that, in a customs or economic union with a single customs territory, a transport carried out by the eTIR procedure cannot begin, end or go through the territory of a country not bound by Annex 11.

#### Article 2

##### Definitions

*For the purposes of this Annex:*

(a) *The term “eTIR international system” shall mean the Information and Communication Technology (ICT) system devised to enable the exchange of electronic information between the actors involved in the eTIR procedure.*

(b) *The term "advance TIR data" shall mean the data ~~provided~~ submitted to the competent authorities ~~of the country of departure~~ in the prescribed form and manner of the intention of the holder, ~~or his or her representative~~, to place goods under the eTIR procedure ~~or pursue a TIR transport~~.*

**Rationale:**

Revised paragraph (b) does not refer anymore to the representative of the holder, as the intention to place the goods under the eTIR procedure is never originating from him/her. Furthermore, it also clarifies that the advance TIR data must be submitted in electronic form.

**Comments by the secretariat:**

The experts taking part in the Friends of the Chair meeting could not agree on whether to propose to limit the submission of the TIR advance data to the competent authorities of the country of departure. Indeed, the new revised text of Annex 11 distinguishes between the TIR advance data sent by the holder and the declaration data (based on the TIR advance data) forwarded by customs authorities once the declaration is accepted. However, in case of amendments to the declaration (e.g. rerouting), the holder will send TIR advance data to a country en route or destination. Therefore, the addition of the words “of the country of departure” does not seem appropriate.

After extensive discussions on whether the text in square brackets “[of the country of departure]” should be kept or deleted, it became clear that the delegation in favour of keeping the text in square brackets wanted to ensure that the definition clarifies that “advance TIR data” should not be sent to each and every country involved in a TIR transport. Indeed, for a TIR transport that does not require changes in the declaration data (e.g. rerouting, continuation of a transport and after an accident or incident, ...), advance TIR data are only sent to the country of departure, which, after having accepted the declaration, sends the declaration data to the eTIR international system, which will forward the declaration data to all countries along the itinerary. Other delegations could understand the logic of the above reasoning but were of the view that, considering that in specific cases the advance TIR data could be sent to countries other than the country of departure (e.g. when adding a point of unloading in the country of destination), the definition could only be fully correct if the text in square brackets were deleted and that Article 6 (and, possibly, an Explanatory Note) should be used to clarify who should receive advance TIR data. Despite the various positions having been clarified, delegations could not agree on whether the text in square brackets should be kept or deleted.

**Revision 2:**

## Comment by Azerbaijan:

It was agreed during the Friends of Chair meeting that, “advance TIR data” shall be submitted to the competent authorities of the country of departure. After the acceptance and approval of this data, the subsequent document becomes the “declaration”, which is the legal equivalent to the accepted TIR Carnet, according to Article 2 paragraph c) of draft Annex 11. This is also once more confirmed by the wording of Article 6, paragraph 1, which stipulates that, after having received the advance TIR data, the competent authorities of the country of departure shall forward the declaration data to the eTIR international system. At the same time, according to Article 7, paragraph 4, Contracting Parties shall accept the declaration data received from the competent authorities of the country of departure.

As is the case for the standard procedure, the TIR Carnet accepted by the customs office of departure shall be accepted by all other subsequent customs offices. In order to preserve the logic and sequence of the operations related to the treatment of the TIR Carnet accepted by the country of departure, it is therefore important also in the electronic environment to stress the role of the customs office of departure, as the starting point for eTIR transport.

Therefore, I would propose that the square brackets are removed and that the phrase “country of departure” is maintained throughout the text.

It is also understandable that, in the course of an eTIR transport, changes such as changing the number of the seals or the customs offices of destination, can happen. In order to preserve this possibility and even present more opportunities for the transport sector by adjusting the eTIR procedure to its possible needs, in parallel with maintaining all the customs control possibilities during eTIR transports created by the eTIR international system, I would propose to consider to introduce a new term: “amended declaration data”.

Such an approach could, possibly, help us to distinguish between the declaration that was accepted by the customs office of departure and the amended data (depending on how the technical specifications are designed to allow such amendments), which will include relevant changes to the declaration that was accepted by the customs office of departure and which will be taken into consideration during control of information in the system, like the control of information included into the TIR Carnet.

## Comment by the European Union:

It should be avoided to introduce a reference to the “country of departure” for advance TIR data because these data could be sent not only to the competent authorities of the country of departure.

We share the approach of the secretariat explained in document ECE/TRANS/WP.30/AC.2/2019/9.

The same logic could apply to Article 6 paragraph 1.

Furthermore, a definition of the term “declaration data” could be added to this Article because this term, used in paragraph (c) is not legally defined.

## Proposed wording:

(b new) The term “declaration data” shall mean advance TIR data which was accepted by the competent authorities.

## Comment by Iran (Islamic Republic of):

“The term "advance TIR data" shall mean the data submitted to the competent authorities of the country of departure, en-route and destination which approve the intention of the holder, to place goods under the eTIR procedure.”

## Comment by the Permanent Mission of the Russian Federation:



The Russian Federation proposes to keep the reference to the country of departure. The Russian side proceeds from the fact that preliminary data after acceptance by the customs of the country of departure become the declaration, and it is with the declaration that legally significant actions are performed by subsequent customs authorities. In this regard, the term “TIR preliminary data” cannot be used to describe operations carried out with data that has already become a declaration.

Comment by Ukraine:

The reference to the country of departure should be deleted.

After the adoption of eTIR, the customs authorities of departure send the declaration to the eTIR international system, and then the declaration is transmitted to all transit countries. However, it may be necessary for the TIR Carnet holder to change the already submitted preliminary data (route change, additional place of unloading of goods, etc.) and send them to the customs of other countries, and not only to the customs of the country of departure.

In order to exclude various interpretations, who establishes exactly the form and manner to send preliminary data, the words “in the prescribed form and manner” should be deleted.

Comment by Uzbekistan:

"(b) The term "advance TIR data" shall mean the data submitted in electronic form to the competent authorities in accordance with the specifics of the eTIR on the intention of the holder, or his or her representative, to place goods under the eTIR procedure."

Comment by IRU:

(i) Deletion of the square brackets and its contents (of the country of departure):

The term advance cargo information (which has been currently changed to advance TIR data) was initially defined as “the information provided to the competent authorities in the prescribed form and manner of the intention of the holder, or his or her representative, to place goods under the eTIR procedure or pursue a TIR transport”.

As pointed out in the discussions which took place in the AC.2 June 2019 session, advance TIR data is not only sent to the country of departure. Almost all national regulations request the submission of advance cargo information prior to the arrival of the vehicle or the combination of vehicles and goods at the customs of departure/entry/en route. Furthermore, in some specific cases, the advance TIR data can be sent to countries other than the country of departure (e.g. when loading or unloading goods in the country/countries of departure, en route or at destination).

(ii) Deletion of the wording “in the prescribed form and manner of”:

It is not immediately clear where this form and manner was prescribed. In the framework of Annex 11, different interpretations may be given to such a term (i.e. the prescribed form and manner is equivalent to the one set out in the national legislation; has the same meaning as the term used in the body of TIR Convention, etc.). If such a form and manner is prescribed according to national law, such a term should be deleted, as it may render eTIR international system implemented according to the national laws of Contracting Parties and not according to the internationally agreed system.

Alternatively, its meaning should be clarified (i.e. maybe in an Explanatory Note).

“(b) The term "advance TIR data" shall mean the data submitted to the competent authorities which manifests the intention of the holder to place goods under the eTIR procedure.”

***(c) The term “declaration” shall mean the act whereby the holder, or his or her representative, indicates in the prescribed form and manner an intent to place goods under***

**the eTIR procedure. From the moment of acceptance of the declaration by the competent authorities and the transfer of the declaration data to the eTIR international system it shall constitute the legal equivalent of an accepted TIR Carnet.**

**Rationale:**

Revised paragraph (c) clarifies that the accepted declaration forwarded by the authorities to the eTIR international system has the same legal value as an accepted TIR Carnet. Furthermore, it refers to the data forwarded by customs to the eTIR international system as “declaration data”.

**Revision.2:**

Comment by Iran (Islamic Republic of):

“The term “declaration” shall mean the act whereby the holder, or his or her representative, indicates his/her intent to place goods under the eTIR procedure. From the moment of acceptance of the declaration by the competent authorities and the transfer of the declaration data to the eTIR international system it shall constitute the legal equivalent of an accepted TIR Carnet”.

Comment by Ukraine:

We propose replacing the word “transfer” by the word “sending”.

Comment by Uzbekistan:

"(c) The term “declaration” shall mean the electronic act/document whereby the holder, or his or her representative, an intent to place goods under the eTIR procedure. When presenting the relevant vehicle and cargo for customs control purposes, the competent authorities establish? a declaration based on preliminary TIR data received from the indicated holder or his / her representative. The moment the declaration is accepted by the competent authorities and the transfer of the data to the eTIR international system, it shall constitute the legal equivalent of an accepted TIR Carnet.

Comment by IRU:

Accuracy in this definition is crucial. Electronic messages do not trigger the process of the acceptance of the declaration, but simply the presentation of the road vehicle or the container and the goods (Article 1 (c) of the TIR Convention).

It is not immediately clear where this form and manner was prescribed. In the framework of Annex 11, different interpretations may be given to such a term (i.e. the prescribed form and manner is equivalent to the one set out in the national legislation; has the same meaning as the term used in the body of TIR Convention, etc.). If such a form and manner is prescribed according to national law, such a term should be deleted, as it may render eTIR international system implemented according to the national laws of Contracting Parties and not according to the internationally agreed system.

Alternatively, its meaning should be clarified (i.e. maybe in an explanatory note).

“(c) The term “declaration” shall mean the act whereby the holder, or his or her representative, indicates the intent to place goods under the eTIR procedure. From the moment of acceptance of the declaration by the competent authorities and the transfer of the declaration data to the eTIR international system it shall constitute the legal equivalent of an accepted TIR Carnet.”

***(d) The term “accompanying document” shall mean the paper document printed in line with the guidelines contained in the eTIR technical specifications and issued for the fallback procedure as set out in Article 10 of this Annex. The accompanying document shall also be used to record incidents en route pursuant to Article 25 of this Convention.***

**Revision.2:**

Comment by the European Union:

Taking into account the new wording of Article 10 paragraph 1 and 2, the “accompanying document” will be used for eTIR fallback “*en route*” (Article 10 paragraph 2). For a fallback launched right away at departure the normal TIR procedure can be used.

Therefore, the wording of the paragraph d) should be amended: “The term “accompanying document” shall mean the paper document printed in line with the guidelines (...) as set out in Article 10 paragraph 2 of the Annex (...).

Besides, another suggestion could be to add in the last sentence of the paragraph after the word “en route” the words “and replaces the certified report”.

*(e) The term “eTIR specifications” shall mean the conceptual, functional and technical specifications of the eTIR procedure adopted and amended in accordance with the provisions of Article 5 of this Annex.*

*(f) The term “authentication” shall mean an electronic process that enables the electronic identification of a natural or legal person, or the origin and integrity of data in electronic form to be confirmed.*

Rationale:

New paragraph (f) aims at providing a clear definition for the term “authentication” (definition comes from EU Regulation 910/2014).

**Revision.2:**

Comment by Iran (Islamic Republic of):

“The term “authentication” shall mean an electronic process that enables the electronic identification of holder or his/her representative by the eTIR international system.”.

Comment by Uzbekistan:

(f) The term “authentication” shall mean an electronic process that enables the electronic identification of a natural or legal person, to be confirmed by the international eTIR system.”

Comment by IRU:

(i) Deletion of the wording “or the origin and integrity of data in electronic form to be confirmed”:

In the framework of eTIR, only the holder (not the integrity of the data or the origin) could be authenticated

This definition does not provide further explanations about how or by whom the authentication should be made. It simply states that it will “be confirmed”.

The EU regulation, which is referred to in the rationale and on which such definition was based, has a completely different scope and application than eTIR. While eTIR refers to cross-border transports, such regulation refers specifically to electronic identification and trust services for electronic transactions in the internal market. Alongside the text of such EU legislation, more information is provided for a better understanding of such a definition (i.e. electronic identification is defined). This is not the case for Annex 11.

(ii) Inclusion of the wording “by the eTIR international system”: In line with Article 7.2 of Annex 11, the authentication shall be made by the eTIR international system.

(f) The term “authentication” shall mean an electronic process that enables the electronic identification of a natural or legal person by the eTIR international system.

### *Article 3*

#### *Implementation of the eTIR procedure*

1. *Contracting Parties bound by Annex 11 shall connect their customs systems to the eTIR international system in line with the eTIR~~conceptual, functional and technical~~ specifications.*
2. *Each Contracting Party is free to establish by which date it connects its customs systems to the eTIR international system. The date of connection shall be communicated to all other Contracting Parties bound by Annex 11 at least six months prior to the effective date of connection.*

### *Article 4*

#### *Composition, functions and rules of procedure of the Technical Implementation Body*

1. *The Contracting Parties bound by Annex 11 shall be members of the Technical Implementation Body. Its sessions shall be convened at regular intervals or at the request of the Administrative Committee, as required for the maintenance of the eTIR specifications. The Administrative Committee shall be regularly informed of the activities and considerations of the Technical Implementation Body.*
2. *Contracting Parties which have not accepted Annex 11 as provided for in Article 60 bis, paragraph 1 and representatives of international organizations may attend sessions of the Technical Implementation Body as observers.*
3. *The Technical Implementation Body shall monitor the technical and functional aspects of implementing the eTIR procedure, as well as coordinate and foster the exchange of information on matters falling within its competence.*
4. *The Technical Implementation Body shall, at its first session, adopt its rules of procedure and submit them to the Administrative Committee for endorsement by the Contracting Parties bound by Annex 11.*

#### **Rationale:**

Revised paragraph 4 adds the requirement to have the rules and procedures of the Technical Implementation Body endorsed by AC.2

### *New Article 5*

#### *Adoption and amendment procedures for the eTIR specifications*

##### *The Technical Implementation Body shall:*

- (a) *adopt the technical specifications of the eTIR procedure, and amendments thereto, to ensure their alignment with the functional specifications of the eTIR procedure. At the time of adoption, it shall decide on the appropriate transitional period for their implementation.*
- (b) *prepare the functional specifications of the eTIR procedure, and amendments thereto, to ensure their alignment with the conceptual specifications of the eTIR procedure. They shall be transmitted to the Administrative Committee for adoption by a majority of Contracting Parties bound by Annex 11 present and voting as well as implemented and, when required, developed into technical specifications at a date to be determined at the time of adoption.*
- (c) *consider amendments to the conceptual specifications of the eTIR procedure if so requested by the Administrative Committee. The conceptual specifications of the eTIR procedure, and amendments thereto, shall be adopted by a majority of Contracting Parties bound by Annex 11 present and voting as well as implemented and, when required, developed into functional specification at a date to be determined at the time of adoption.*

**Article 6****Submission of advance TIR data**

**1. Advance TIR data shall be submitted by the holder, or his or her representative, to the competent authorities of the country of departure, which shall forward the declaration data to the eTIR international system after the declaration has been accepted in line with national law.**

**Revision 2:**

Comment by the European Union.

See comment for Article 2 (b).

Comment by Iran (Islamic Republic of):

“Advance TIR data shall be submitted by the holder, or his or her representative, to the competent authorities of the country of departure, en route and destination, which shall forward the declaration data to the eTIR international system after the declaration has been accepted”.

Comment by Ukraine:

The reference to the country of departure should be deleted.

After the adoption of eTIR, the customs authorities of departure send the declaration to the eTIR international system, and then the declaration is transmitted to all transit countries. However, it may be necessary for the TIR Carnet holder to change the already submitted preliminary data (route change, additional place of unloading of goods, etc.) and send them to the customs of other countries, and not only to the customs of the country of departure.

Also, we consider it necessary to exclude references to national legislation, considering that, in the absence of rules or procedures stipulated by the Convention, provisions of national law apply. For example, the Customs Code of Ukraine establishes: “If an international treaty establishes other rules for Ukraine than those provided for by this Code and other laws of Ukraine, the rules of the international treaty apply.”

Comment by Uzbekistan

"Advance TIR data shall be submitted in electronic form by the holder, or his or her representative, to the competent authorities. After receiving preliminary TIR data and establishing a declaration on their basis, the competent authorities send the declaration data to the eTIR international system."

Comment by IRU:

(i) Deletion of the square brackets and its contents (of the country of departure):

The term advance cargo information (which has been currently changed to advance TIR data) was initially defined as “the information provided to the competent authorities in the prescribed form and manner of the intention of the holder, or his or her representative, to place goods under the eTIR procedure or pursue a TIR transport”.

As pointed out in the discussions which took place in the AC.2 June 2019 session, advance TIR data is not only sent to the country of departure. Almost all national regulations request the submission of advance cargo information prior to the arrival of the vehicle or the combination of vehicles and goods at the customs of departure/entry/en route. Furthermore, in some specific cases, the advance TIR data can be sent to countries other than the country of departure (e.g. when loading or unloading goods in the country/countries of departure, en route or at destination).

(ii) Deletion of the wording “in line with national law”:

It is a principle of law that whatever is not regulated by international law will be regulated by national law. Accordingly, the TIR Convention lays down the basic

principles to be implemented while their implementation is left to the national legislator.

Annex 11 provisions address the relations between parties located in different countries. Annex 11 is an integral part to the TIR Convention, which is an international law. Therefore, it should serve its main purpose – “harmonization of administrative formalities in the field of international transport, in particular at frontiers”

In the TIR Convention, national legislation is only used to regulate two “exceptional cases” and not to set out general rules. Annex 11 should follow the same path:

- Art.11 (5) – extension of time limit for reimbursement of guaranteeing associations.
- Explanatory Notes 0.11-1, 0.11.-2 and 0.11-4: methods used for notifying the TIR holder where a TIR operation has not been discharged. They address the relations between the customs authority and its national association, without any interference with foreign parties (holders or customs authorities)

The rationale sets out that this Article “makes a clear distinction between the submission of advance TIR data via the eTIR international system and the submission directly to the competent authorities”. In line with the rationale, this Article does not set out the manner that the advance TIR data will be accepted or rejected and how the TIR Holder will be informed accordingly so that he/she can proceed to the customs office of departure with the vehicle and the load or to re-submit his advance TIR data in the case of rejection. In fact, the rationale implies that advance TIR data/ advance cargo information may be required twice: once for the purposes of starting the eTIR procedure and second time to comply with the national regulations regarding the scope of the data set according to national requirements, which varies from country to country and will make the system overly complex

“1. Advance TIR data shall be submitted by the holder, or his or her representative, to the competent authorities, which shall forward the declaration data to the eTIR international system after the declaration has been accepted.

**2. Advance TIR data mentioned in paragraph 1 may be submitted either directly to the competent authorities or via the eTIR international system.**

**32. Contracting Parties bound by Annex 11 shall accept the submission of advance TIR data via the eTIR international system.**

**43. The competent authorities shall publish the list of ~~all other~~ electronic means by which advance TIR data can be submitted.**

Rationale:

Revised Article 6 makes a clear distinction between the submission of advance TIR data via the eTIR international system and the submission directly to the competent authorities. ~~With this wording third party solutions (e.g. TIR-EPD) which are used to submit advance TIR data will have to be considered as the representative of the holder.~~

**Revision 2:**

Comment by Iran (Islamic Republic of):

“4. The competent authorities may publish the list of other electronic means from which advance TIR data may benefit.”

Comment by IRU:

The word “other” should not be replaced by “all”. This paragraph should not be aimed to set out all methods that can be used for the submission of advance TIR data, but only to list the other methods (including other applications, platforms or portals) that could be used for this purpose. Even if not all of them are published (if, for example, TIR-EPD is not listed by the customs), they can still be used.

“4. The competent authorities shall publish the list of other electronic means by which advance TIR data can be submitted.”

## Article 7

### *Authentication of the holder*

***1. While accepting the declaration [in the country of departure], competent authorities shall authenticate the advance TIR data and the holder, in accordance with national law.***  
~~*The holder, or his or her representative, submitting advance TIR data directly to the competent authorities shall be authenticated in accordance with applicable national legislation.*~~

## Revision 2

Comment by Iran (Islamic Republic of):

“While accepting the declaration, competent authorities shall authenticate the advance TIR data and the holder.”

Comment by the Permanent Mission of the Russian Federation:

The Russian Federation proposes to keep the reference to the country of departure. The Russian side proceeds from the fact that preliminary data after acceptance by the customs of the country of departure become the declaration, and it is with the declaration that legally significant actions are performed by subsequent customs authorities. In this regard, the term “TIR preliminary data” cannot be used to describe operations carried out with data that has already become a declaration.

Comment by IRU:

(i) Deletion of the square brackets and its contents (in the country of departure): This paragraph needs to be brought in line with Article 2(c). When such a paragraph defines the term “declaration”, reference is only made to the acceptance of the declaration by “competent authorities” (not in the country of departure):

Article 2 (c) – “The term “declaration” shall mean the act whereby the holder, or his or her representative, indicates in the prescribed form and manner the intent to place goods under the eTIR procedure. From the moment of acceptance of the declaration by the competent authorities and the transfer of the declaration data to the eTIR international system it shall constitute the legal equivalent of an accepted TIR Carnet”.

(ii) Deletion of the wording “the advance TIR data”: only the holder can be authenticated based on the holders’ repository data made available in the eTIR international system by the competent authorities of TIR Contracting Parties.

(iii) Deletion of the wording “in accordance with national law”:

It is a principle of law that whatever is not regulated by international law will be regulated by national law. Accordingly, the TIR Convention lays down the basic principles to be implemented while their implementation is left to the national legislator.

Annex 11 provisions’ address the relations between parties located in different countries. Annex 11 is an integral part to the TIR Convention, which is an international law. Therefore, it should serve its main purpose – “harmonization of administrative formalities in the field of international transport, in particular at frontiers”.

In the TIR Convention, national legislation is only used to regulate two “exceptional cases” and not to set out general rules. Annex 11 should follow the same path:

- Art.11 (5) – extension of time limit for reimbursement of guaranteeing associations.
- Explanatory Notes 0.11-1, 0.11-2 and 0.11-4: methods used for notifying the TIR holder where a TIR operation has not been discharged. They address the relations between the customs authority and its national association, without any interference with foreign parties (holders or customs authorities).

(iv) Deletion of the whole paragraph: In view of the above, this paragraph would read “While accepting the declaration competent authorities shall authenticate the holder”. Bearing in mind that Article of 2 (f) Annex 11 (definition of the term “authentication”) as well as the following paragraphs of Article 7 already set out that the holder shall be authenticated, this paragraph becomes redundant.

**2. Contracting Parties bound by Annex 11 shall *accept the authentication of the holder performed by the eTIR international system*~~recognize authentications performed by the eTIR international system.~~**

**3. *The competent authorities shall publish a list of authentication mechanisms other than that specified in paragraph 2 of the present Article that may be used for authentication.***

**4. Contracting Parties bound by Annex 11 shall accept the declaration data received from the competent authorities [of the country of departure] via the eTIR international system as the legal equivalent to an accepted TIR Carnet.**

Rationale:

Revised Article 7 clarifies that the advance TIR data and the holder should be authenticated in line with national law in the process of accepting the declaration. The new paragraph 4, similarly to revised Article 2, paragraph (c) further stresses that the declaration data forwarded by the authorities to the eTIR international system have the same legal value as an accepted TIR Carnet and put an obligation on accepting such data (i.e. not require the submission of advance TIR data by the holder).

#### **Revision 2:**

Comment by the European Union:

The current wording needs to be double checked by the secretariat so that it does not restrict the possibility for a representative to act on behalf of a holder and send necessary data for eTIR.

The reference to “country of departure” in paragraph 1 and 4 should be deleted (for the same reason as in article 2 and 6).

Article 7 and 8, which are dealing with similar issues could be merged.

Comment by Iran (Islamic Republic of):

“Contracting Parties bound by Annex 11 shall accept the declaration data received from the competent authorities via the eTIR international system as the legal equivalent to an accepted TIR Carnet”.

Comment by the Russian Federation:

The Russian Federation proposes to keep the reference to the country of departure. The Russian side proceeds from the fact that preliminary data after acceptance by the customs of the country of departure become the declaration, and it is with the declaration that legally significant actions are performed by subsequent customs authorities. In this regard, the term “TIR preliminary data” cannot be used to describe operations carried out with data that has already become a declaration.



Comment by Ukraine:

“The Contracting Parties bound by Annex 11 recognize the declaration data received from the competent authorities through the eTIR international system as the legal equivalent of the accepted TIR Carnet.

Comment by Uzbekistan to paragraph 1:

While accepting the declaration, the competent authorities shall authenticate the holder.

Comment by Uzbekistan to paragraph 4:

Contracting Parties bound by Annex 11 shall accept the declaration data received from the competent authorities via the eTIR international system as the legal equivalent to an accepted TIR Carnet."

Comment by IRU:

This paragraph needs to be brought in line with Article 2(c). When such a paragraph defines the term “declaration”, reference is only made to the acceptance of the declaration by “competent authorities” (not in the country of departure).

#### *Article 8*

##### *~~Mutual recognition of~~ the authentication of the holder*

*The authentication of the holder performed by the competent authorities of the Contracting Party bound by Annex 11 which accepts the declaration shall be recognized by the competent authorities of all subsequent Contracting Parties bound by Annex 11 throughout the TIR transport.*

#### **Revision 2:**

Comment by the European Union:

The title “mutual recognition” reflects the essence of the Article and could also be kept, if possible.

Comment by Ukraine:

We agree that the authentication of the holder, performed by the competent authorities of the Contracting Party, which accepts the declaration, is recognized by the competent authorities of all subsequent Contracting Parties bound by Annex 11 throughout the entire TIR transport.

#### *Article 9*

##### *Additional data requirements*

**1. In addition to the data specified in the functional and technical specifications, competent authorities may request additional data stipulated by national legislation.**

**2. Competent authorities should, to the extent possible, limit data requirements to those contained in the functional and technical specifications ~~and. However, if additional data requirements are imposed by legislation, the competent authorities shall endeavour to facilitate the submission of additional~~ such data so as not to impede TIR transports carried out in accordance with this Annex.**

Rationale:

Revised Article 9 clarifies that additional data requirements might be required (due to national legislation) but that contracting parties should facilitate their transmission by the holder.

*Article 10**Fallback procedure*

1. *Where the eTIR procedure cannot be started for technical reasons at the customs office of departure, the TIR Carnet holder may revert to the TIR procedure.*

2. *Where an eTIR procedure has started but its continuation is impeded for technical reasons, the competent authorities shall accept the accompanying document and process it in line with the procedure described in the ~~eTIR~~ functional and technical specifications, subject to the availability of additional information from alternative electronic systems as described in the functional and technical specifications.*

3. *The competent authorities of Contracting Parties are also entitled to request national guaranteeing associations to confirm that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other relevant information.*

4. *The procedure described in paragraph 3 shall be established in the agreement between the competent customs authorities and the national guaranteeing association, as stipulated by Annex 9, Part I, paragraph 1 (d).*

**Rationale:**

New paragraphs 3 and 4 introduce a new option for the competent authorities to obtain data in case of backup from the guaranteeing association, and the fact that this procedure shall be described in the guarantee agreement between the competent authorities and the guaranteeing association.

**Revision 2:**

Comment by the European Union:

In general, it must be highlighted that the eTIR specification should be aligned with the new wording of this article to avoid a gap between the eTIR functional specifications and the new legal framework.

About the text, the last part of the paragraph 2 could be improved. Our understanding is the following:

- where an eTIR procedure has started but its continuation is impeded for technical reasons, the fallback process is described in the functional and technical specifications.
- If additional checks are needed, for example to check the validity of the guaranty, they should be possible via consultations of alternative electronic systems.
- However, these checks should not be mandatory. They remain at the discretion of the customs authorities and if deemed necessary, the alternative electronic systems must be available with the consequence that in the unlikely event that a customs administration decides that an additional checks is needed and the alternative electronic systems are not available, the fallback procedure cannot start.

Moreover, to clarify the link between paragraph 2 and 3 a solution could be to integrate current paragraph 3 in the text of paragraph 2.

At last, paragraph 4 is not needed as paragraph 7 of Annex 9, Part I is sufficient.

Comment by Iran (Islamic Republic of):

“The competent authorities of Contracting Parties are also entitled to request national guaranteeing associations to confirm that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other relevant information related to the TIR transport available to them.”

Comment by Uzbekistan:

"The competent authorities of Contracting Parties are also entitled to request national guaranteeing associations to confirm that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other information on the TIR transport, which they have at their disposal."

Comment by IRU:

Paragraph 3 should be in line with the new sub-paragraph (xi) of Annex 9, Part I, paragraph 3 a. Associations can only be obliged to provide to competent authorities the TIR transport information which is available to them.

### **Article 11**

#### **Hosting of the eTIR international system**

1. *The eTIR international system shall be hosted and administered under the auspices of the United Nations Economic Commission for Europe (UNECE).*
2. *UNECE shall assist countries in connecting their customs systems to the eTIR international system, including by means of conformance tests to ensure their proper functioning prior to the operational connection.*
3. *The necessary resources shall be made available to UNECE to fulfil the obligations set forth in paragraphs 1 and 2 of this ~~A~~article. Unless the eTIR international system is financed by resources from the United Nations regular budget, the required resources shall be subject to the financial rules and regulations for extrabudgetary funds and projects of the United Nations. The financing mechanism for the operation of the eTIR international system at UNECE shall be decided on and approved by the Administrative Committee.*

### **Article 12**

#### **Administration of the eTIR international system**

1. *UNECE shall make the appropriate arrangements for the storage and archiving of the data in the eTIR international system for a minimum period of 10 years.*
2. *All data stored in the eTIR international system may be used by UNECE on behalf of the competent bodies of this Convention for the purpose of extracting aggregated statistics.*
3. *The competent authorities of Contracting Parties in whose territory a TIR transport is carried out ~~involved in a TIR transport carried out under the eTIR procedure~~ which becomes the subject of administrative or legal proceedings concerning the payment obligation of the person or persons directly liable or of the national guaranteeing association, may request UNECE to ~~provide~~ obtain information stored in the eTIR international system pertaining to the claim in dispute for verification purposes. This information may be produced as evidence in national administrative or legal proceedings.*

Rationale:

Revised paragraph 3 puts the emphasis on the fact that competent authorities can obtain the data stored in the eTIR international system for legal proceedings if the transport goes through their territory.

### **Revision 2:**

Comment by the Russian Federation (customs and Permanent Mission):

The Russian Federation proposes to amend Article 12, paragraph 3, by replacing the words "may request ECE to obtain information stored in the eTIR international system" with the phrase "upon request to ECE, receive information stored in the international ETIR system."

**4. In cases other than those specified in this Article, the dissemination or disclosure of information stored in the eTIR international system to non-authorized persons or entities shall be prohibited.**

#### **Article 13**

##### **Publication of the customs offices capable of handling eTIR**

*The competent authorities shall ensure that the list of customs offices of departure, customs offices en route and customs offices of destination approved for accomplishing TIR operations under the eTIR procedure, is at all times accurate and updated in the electronic database for approved customs offices, developed and maintained by the TIR Executive Board.*

#### **Article 14**

##### **Legal requirements for data submission under Annex 10 of the TIR Convention**

*The legal requirements for data submission, as set out in Annex 10, paragraph 1, 3 and 4 of this Convention, are deemed to be fulfilled by implementing the eTIR procedure.*

## **2. Part II**

### **Explanatory Notes**

#### **Part I – Article 2, paragraph f**

**11.2 (f)-1 Contracting Parties bound by Annex 11 may authenticate the holder with any process provided for in their national law, including, but not limited to, electronic signatures.**

#### **Revision 2:**

Comment by Ukraine:

We consider it necessary to abandon the use of digital signatures for authentication, since, due to difficulties in recognizing digital signatures by Contracting Parties, after the adoption of Annex 11 including the need for a digital signature, the operation of the electronic TIR Carnet will be impossible.

Comment by IRU:

(i) Deletion of the wording “with any process provided for in their national law”:

It is a principle of law that whatever is not regulated by international law will be regulated by national law. Accordingly, the TIR Convention lays down the basic principles to be implemented while their implementation is left to the national legislator.

Annex 11 provisions address the relations between parties located in different countries. Annex 11 is an integral part to the TIR Convention, which is an international law. Therefore, it should serve its main purpose – “harmonization of administrative formalities in the field of international transport, in particular at frontiers”

In the TIR Convention, national legislation is only used to regulate two “exceptional cases” and not to set out general rules. Annex 11 should follow the same path:

- Art.11 (5) – extension of time limit for reimbursement of guaranteeing associations.

- Explanatory Notes 0.11-1, 0.11.-2 and 0.11-4: methods used for notifying the TIR holder where a TIR operation has not been discharged. They address the relations between the customs authority and its national association, without any interference with foreign parties (holders or customs authorities)

(ii) Deletion of the wording “including but not limited to electronic signatures”.

The use of e-signatures has already been analysed and discussed by GE.2 (Group of Experts on the Legal Aspects of Computerization of the TIR Procedure). A survey on this subject was carried out among contracting parties. Accordingly, there are different requirements and the legal status of an e-signature varies from one country to another. In some countries, the e-signature is issued only by a domestic certification authority and exclusively to the residents of those countries. In view of that, it is unlikely that foreign holders will be able to obtain e-signatures outside of their own countries and/or that foreign entities will be accepted as certificate providers.

If a digital signature needs to be obtained for each Contracting Party bound by Annex 11, eTIR will imply a cumbersome legal procedure. This could be understood as a serious impediment of the TIR Convention as a facilitation tool.

It is unlikely that holders will be aware of/ know how to apply the national legislation on e-signatures in different countries.

Efforts to harmonize the application of e-signatures at the international level have not yet made any significant progress for such application to become feasible in the near future.

(iii) Deletion of the whole Explanatory Note: In view of the above, this Explanatory Note would read “Contracting Parties bound by Annex 11 may authenticate the holder”. Bearing in mind that Article of 2 (f) Annex 11 (definition of the term “authentication”) as well as Article 7 already set out that the holder shall be authenticated, this explanatory note becomes redundant.

**11.2. (f)-2** ***The integrity of the data exchanged between the eTIR international system and the competent authorities as well as the authentication of the Information and Communication Technology (ICT) systems will be ensured by means of secure connections, as defined in the eTIR technical specifications.***

**Rationale**

The two Explanatory Notes to Article 2 (f) clarify that the authentication performed nationally will be performed in line with national law, and that all connections between the eTIR international system and the competent authorities will be secured, inter alia, by the authentication of the communication servers.

**Revision 2:**

Comment by Ukraine:

We agree with the provision that the data exchanged between the eTIR international system and the competent authorities, as well as the authentication of the Information and Communication Technology systems will be ensured by means of secure connections, as defined in the eTIR technical specifications.

**Part I – Article 3, paragraph 2**

***11.3.2 Contracting Parties bound by Annex 11 are recommended to have their national customs system updated and its connection with the eTIR international system ensured as soon as Annex 11 enters into force for them. Customs or economic unions may decide on a later date, allowing them time to connect the national customs systems of all their member States to the eTIR international system.***

[Part I – Article 6, paragraph 2

11.6.2 When the holder intends to change the declaration data accepted by the competent authorities of the country of departure, advance TIR data shall also be submitted to the competent authorities of the country in which the holder will request an amendment to the declaration data. The competent authorities shall forward the amendment to the declaration data to the eTIR international system after they have been accepted it in line with national law.]

**Revision 2:**

Comment by the Russian Federation customs):

Delete comment.

Comment by IRU:

- (i) New wording proposed: to give accuracy to the text
- (ii) Deletion of the wording “in line with national law”:

It is a principle of law that whatever is not regulated by international law will be regulated by national law. Accordingly, the TIR Convention lays down the basic principles to be implemented while their implementation is left to the national legislator.

Annex 11 provisions address the relations between parties located in different countries. Annex 11 is an integral part to the TIR Convention, which is an international law. Therefore, it should serve its main purpose – “harmonization of administrative formalities in the field of international transport, in particular at frontiers”

In the TIR Convention, national legislation is only used to regulate two “exceptional cases” and not to set out general rules. Annex 11 should follow the same path:

- Art.11 (5) – extension of time limit for reimbursement of guaranteeing associations.
- Explanatory Notes 0.11-1, 0.11.-2 and 0.11-4: methods used for notifying the TIR holder where a TIR operation has not been discharged. They address the relations between the customs authority and its national association, without any interference with foreign parties (holders or customs authorities).

(iii) Explanatory Note to Article 6.1 and not 6.2: This Explanatory Note should go to Article 6.1 which sets out the submission of advance TIR data and the acceptance of the declaration.

“11.6.2 When the holder intends to change the declaration data already accepted by the competent authorities, the amended advance TIR data shall also be submitted to the competent authorities of the country/countries for which the holder requests such amendment. The related competent authorities shall forward the amendment to the declaration data to the eTIR international system.”

**Part I – Article 65, paragraph 3**

***11.6.3 Contracting Parties bound by Annex 11 are recommended to recognize, in as far as possible, the submission of advance TIR data by the methods indicated in the functional and technical specifications.***

**Part I – Article 76, paragraph 2**

***11.7.2 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the advance TIR data and that the data were sent by the holderContracting Parties bound by Annex 11 are recommended to recognize, in as far as possible, the authentications performed by the methods indicated in the functional and technical documentation.***

**Rationale:**

Explanatory Notes 11.7.2.1 aims at clarifying that the eTIR specification will contain the description of the methods used to ensure the integrity of the advance TIR data sent via the eTIR international system as well as how the holder will be authenticated.

**Part I – Article 7, paragraph 4**

**11.7.4 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the declaration data and that the data were sent by the competent authorities of the countries involved in the transport.**

**Rationale:**

Explanatory Note 11.7.4.1 aims at clarifying that the eTIR specification will contain the description of the methods used to ensure the integrity of the declaration data exchange via the eTIR international system as well as how the competent authorities ICT systems will be authenticated.

**Part I – Article 8**

**11.8 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the declaration data, including the reference to the holder, authenticated by the competent authorities that accept the declaration, received from and transmitted to competent authorities.**

**Rationale:**

Similarly to Explanatory Note 11.7.4.1, Explanatory Note 11.8.1 aims at clarifying that the eTIR specification will contain a description of the methods used to ensure the integrity of the declaration data, including the data elements indicating the holder, sent to and received from the eTIR international system.

**Part I – Article 11, paragraph 3**

***11.11.3 If necessary, Contracting Parties may decide to finance the operational costs of the eTIR international system through an amount per TIR transport. In such cases, Contracting Parties shall decide on the appropriate time to introduce alternative financing mechanisms and on their modalities. The required budget shall be prepared by UNECE, reviewed by the Technical Implementation Body and approved by the Administrative Committee.***

**Revision 2:**

Comment by the European Union:

In the current text, Contracting Parties may decide to finance the operational costs of the eTIR international system through an amount per TIR transport. Could the secretariat confirm that the term “TIR transport” refers, in this context, to Article 1 a) of the TIR Convention? (Comment by the secretariat: this is indeed the case).

In our understanding, the operational costs of the eTIR would be shared by contracting parties bound by Annex 11 but also by contracting parties not bound by it. Indeed, this situation would be positive because, in a long-term approach, all contracting parties could benefit from the eTIR system.

**Revision 2:**

Generic comment by the Permanent Mission of the Russian Federation:

The Permanent Mission of the Russian Federation to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the United Nations Economic Commission for Europe (ECE) and has the honour to inform that the Russian Federation supports the text of Annex 11 to the Customs Convention on the International Transport of Goods under Cover of

TIR Carnets of 1975 (TIR Convention) as set out in the official document ECE/TRANS/WP.30/AC.2/2019/9, submitted to the seventieth session of the Administrative Committee of the TIR Convention.