



**Economic and Social
Council**

Distr.
GENERAL

TRANS/WP.30/AC.2/2001/13
8 August 2001

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

Administrative Committee for the TIR Convention, 1975

(Thirty-first session, 25 and 26 October 2001,
agenda item 3 (a) (iv))

ACTIVITIES AND ADMINISTRATION OF THE TIR EXECUTIVE BOARD (TIRExB)

Activities of the TIRExB

Use of the TIR databank

Note by the TIR Secretary

A. LEGAL MANDATE AND BACKGROUND

1. In accordance with Annex 8, Article 10, subparagraphs (c) and (d) of the TIR Convention, the TIRExB shall coordinate and foster the exchange of intelligence and other information among competent authorities of Contracting Parties as well as coordinate and foster the exchange of information between competent authorities of Contracting Parties, associations and international organizations.

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2. In accordance with the Terms of Reference of the TIRExB established by the TIR Administrative Committee, the TIR secretariat, under the direction of the TIR Secretary, shall establish and maintain an international Governmental TIR databank accessible to all Contracting Parties on approved and excluded transport operators (in line with Annex 9, Part II of the Convention).

3. Such a databank known as ITDB (International TIR Data Bank) was established by the TIR secretariat in 1999. At present, it contains information on more than 32,000 users of the TIR system. However, until 1 July 2001 the TIR secretariat was not been mandated to release this information. Thus, it was not shared with competent authorities of Contracting Parties, despite of several inquiries.

4. On 20 October 2000 the TIR Administrative Committee adopted a Recommendation on introduction of an identification (ID) number of the TIR Carnet holder in the TIR Carnet (TRANS/WP.30/AC.2/59, annex 2), which has come into force on 1 April 2001. The main objective of the Recommendation is to identify unambiguously TIR Carnet holders and to facilitate inquiry procedures. In paragraph 3 of this Recommendation, the TIR Secretary has been requested to elaborate adequate procedures and establish a mechanism for competent authorities of Contracting Parties which would give protected access to the TIR databank. These procedures would have to be approved by the Administrative Committee, following consideration by the TIRExB, at its autumn session in the year 2001 at the latest.

5. In line with this request, the TIRExB considered proposals by the TIR Secretary on technical solutions as well as on adequate administrative procedures and possible step-by-step use of the ITDB, including a set of rules regarding the type of information to be released, authorized access, use of this information at the national level, timeliness of data, etc.

6. The proposals, as contained in the present document, were adopted by the TIRExB at its tenth session (14-17 May 2001). The TIR secretariat was also mandated to provide, as of July 2001, off-line access to contact information from the ITDB, details of which are given below.

B. ISSUES ADDRESSED

7. The following issues need to be resolved before providing access to the ITDB:

- data protection;
- authorized access to the ITDB;

- mechanism for the exchange of information (enquiry/reply) between an authorized user and the ITDB;
- timeliness and integrity of data;
- legal value of ITDB information;
- type (or components) of information to be released;
- use of ITDB information at national level;
- responsibility for possible misuse of ITDB data.

I. Data protection

8. Data contained in the ITDB should be stored on a stand-alone computer system to insure full data protection. The data accessible on-line to outside users will be copied to a separate MS-SQL server. This will allow authorized persons to consult such data via the UNECE Web site.

II. Authorized access to the ITDB

9. In line with the Terms of Reference of the TIRExB, only Customs authorities of Contracting Parties should be granted access to the ITDB. At a first stage, it is advisable to restrict the number of users to the TIR Customs focal points. At a later stage, a decision may be taken with regard to expansion of the user circle within Customs authorities. In the long term and depending on a decision of the TIR Administrative Committee representatives of transport industry and trade (e.g. IRU and/or its member associations) may obtain access to the ITDB as well.

10. Each authorized ITDB user will receive a user name and a password, which will be indicated and verified before any consultation of the ITDB.

III. Mechanism of information exchange

11. On-line access to the ITDB via Internet seems to be the perfect technical solution for use of the ITDB (see para. 8 above) in terms of availability and security of data. In addition, the ITDB could also be consulted off-line by means of e-mail or fax messages, cables, letters, phone calls, etc. between Customs administrations concerned and the TIR secretariat. It goes without saying, however, that the user name and the password mentioned in paragraph 9 above will be verified by the TIR secretariat prior to replying to any enquiry in any form.

12. To facilitate search procedures in the ITDB, a standard inquiry form would need to be developed (both on paper and in an electronic format).

IV. Timeliness and integrity of data

13. The TIRExB stressed the importance of the full implementation by all Contracting Parties of the provisions of Annex 9, Part II, paragraphs 3 and 4 of the Convention providing for the timely transmission to the TIRExB of updated information on TIR Carnet users. All such information should be transmitted to the TIRExB and the TIR secretariat within one week. A forwarding delay (especially, by post) as well as the time necessary for the TIR secretariat to process these data and update the ITDB (1 or 2 working days maximum) should also be taken into account.

14. To minimize problems of timeliness of data in the ITDB, the following measures need to be taken:

- Contracting Parties have to transmit updated information to the TIR secretariat as soon as possible;
- the fastest means of communication with the TIR secretariat are used;
- the TIR secretariat treats data on TIR users as a matter of priority.

15. To ensure data integrity, the following additional measures would need to be taken:

- the TIR secretariat performs input control of data on TIR users and, if necessary, reconciles it without delay in cooperation with the competent authorities;
- release of data from the ITDB should be accompanied by a standard note requesting authorized ITDB users to inform the TIR secretariat about inconsistencies, if any, in the data released, as soon as possible.

V. Type of ITDB data to be released

16. Each ITDB record contains data components as prescribed in the Model Authorization Form (MAF) (Annex 9, Part II of the Convention) and reported to the TIR secretariat by the respective countries. Apart from this, some ITDB records also contain data on exclusions of persons from the TIR regime in some countries in conformity with Article 38 of the TIR Convention. Thus, all data components could be divided in two groups:

- (i) contact information (name of person(s)/enterprise, address, phone and fax numbers, name of contact point, etc.);

- (ii) data on the status of a person (natural and legal), such as exclusions pursuant to Article 38 of the Convention (if any) and data on the validity of authorization (valid or revoked, type and reasons of withdrawal, etc.). Release of these substantial and time sensitive data may need to be agreed upon in accordance with certain rules to be determined by the TIRExB and/or the TIR Administrative Committee.

17. To determine the different types of data which may be released, the possible replies to an inquiry by a Contracting Party regarding a certain TIR Carnet holder should be considered. They are as follows:

- (a) the person is currently authorized to use TIR Carnets;
- (b) his authorization has been withdrawn temporarily or permanently by competent authorities in accordance with Annex 9, Part II of the Convention;
- (c) the person has been excluded from the TIR system in certain countries in accordance with Article 38, paragraph 1 of the Convention;
- (d) no information on the person is available in the ITDB.

18. Reply (a) above is "positive" information and thus may be furnished to Contracting Parties without any problems, while replies (b) to (d) may be treated as "negative" information in the sense that its misuse could cause damage to the person concerned. Therefore, items (b) - (d) would need to be handled with caution.

19. With regard to item (c), the TIRExB was of the opinion that, before the application of Article 38 was harmonized at the national level, it would be premature to disseminate data on excluded persons (so-called "black-listed" persons). Distribution of this information should be restricted to the authorities and organizations referred to in Article 38 of the Convention.

20. Reply (d) is unavoidable in some cases. It is essential, however, that such a reply be accompanied by a standard warning that the non-availability of data on a person in the ITDB does not necessarily mean that he is not authorized to utilize TIR Carnets. In this case the enquirer should consult directly with the competent authorities of the country where the person concerned is probably resident or established.

21. As far as reply (b) is concerned, it is proposed not to release the relative data until the TIRExB and the TIR secretariat have obtained more experience with the use of the ITDB. At a later stage, this information may be disseminated, but only together with a warning similar to the one mentioned in paragraph 19 above.

22. Therefore, the following sequence of releasing data from the ITDB is proposed:

- Release of contact information only (paragraph 16 (i) above), if available (release of this type of information for inquiry purposes has been approved by the TIRExB as of July 2001);
- Release of contact information together with status information (paragraph 16 (ii) above) of paragraph 17 (a) and (b) types;
- Release of contact information together with status information (paragraph 16 (ii) above) of all types (paragraph 17 (a) - (c)).

VI. Use of ITDB information at the national level, responsibility for possible misuse of ITDB data and message to go along with a release of ITDB data

23. As mentioned in paragraphs 15, 20 and 21 above, any reply to an enquiry should be accompanied with a standard self-explanatory note, which could read as follows (in the form of a web page):

Welcome to the International TIR Data Bank (ITDB).

You are about to obtain information from the ITDB administered by the TIR Executive Board (TIRExB). Before proceeding, please read the rules and conditions on the use of ITDB data as given below:

1. Access to the ITDB is granted on the basis of the Recommendation of the TIR Administrative Committee (20 October 2000) and subsequent decisions by the Committee and the TIRExB with the prime objective to facilitate inquiry procedures both at the national and international levels.
2. Access to the ITDB is protected and restricted to authorized users. Password and username are confidential information for the use of authorized users only.
3. Information from the ITDB is for Customs purposes only. It must not be divulged or passed on to third persons.
4. The ITDB contains only information as reported to the TIRExB by Contracting Parties in line with the relevant legal provisions of the TIR Convention. The TIRExB endeavors to keep data in the ITDB permanently up-to-date, but any responsibility with regard to the correctness, integrity and timeliness of data provided is declined.

5. ITDB data may be incorrect and/or out-of-date. Hence, in case of doubt, it is strongly recommended to contact directly the competent authorities of the country where the person concerned is resident or established with a view to obtaining further data or to verifying the information from the ITDB.

6. In case of inconsistencies in the ITDB data, please contact, as soon as possible, the TIR secretariat: Office 410, Palais des Nations, CH-1211 GENEVA 10, Switzerland, Tel: +4122-917-24-53, Fax: +4122-917-00-39/06-14, E-mail: tirexb@unece.org (working hours: Monday to Friday, 8.30 - 17.30, except public holidays).

7. Due to the reasons mentioned in paragraphs 4 and 5 above, data from the ITDB alone should not be used as sufficient evidence to impose restrictive measures on the person affected. Likewise, the absence of data in the ITDB by itself should not justify such measures.

8. Pursuant to Article 36 of the TIR Convention, any irregularity committed under the TIR procedure should be dealt with in line with national legislation. ITDB data may be used only as an auxiliary tool to complement other evidences to be established according to national law. If, due to technical problems, you fail to establish on-line connection with the ITDB, this, by itself, should not be a reason for delays in processing TIR operations.

9. Your administration remains fully responsible under the relevant national and/or international legislation for any action or omission resulted from use of the ITDB.

I accept the above rules and conditions: **Continue**

I do not accept the above rules and conditions: **Exit**

24. The same message could appear if an enquiry is transmitted on-line to the ITDB. A slightly modified note could also be used for off-line access to the ITDB.

C. STEP-BY-STEP APPROACH

25. The following time framework for use of the ITDB is proposed:

Action	Responsible body	Timeframe
Debugging, distribution and installment of the revised software for keeping databases on TIR users at the national and international levels	TIR secretariat	August 2001
Off-line use of the ITDB by competent authorities (TIR focal points): Contact information on TIR users only	TIR secretariat	From July 2001
Review of off-line application of the ITDB	TIRExB	October 2001
Endorsement of rules and conditions for use of the ITDB	TIR Administrative Committee	October 2001
Installation of soft- and hardware components for on-line access to the ITDB, including search form	TIR secretariat	October 2001 - March 2002
Pilot on-line operation of the ITDB by competent authorities (TIR focal points): Contact information only	TIR secretariat	January - June 2002
Full on-line and off-line operation of the ITDB by competent authorities (TIR focal points): all information is provided (possibly with the exception of exclusions in line with Article 38)	TIR secretariat	From June 2002
Possible expansion of the circle of ITDB users within competent authorities	TIRExB and TIR Administrative Committee	From February 2003
Possible extension of ITDB use to national associations, the IRU and trade representatives	TIRExB and TIR Administrative Committee	From October 2003