



**Economic and Social
Council**

Distr.
GENERAL

TRANS/WP.30/AC.2/2005/3
30 November 2004

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE
INLAND TRANSPORT COMMITTEE
Administrative Committee for the TIR Convention, 1975
(Thirty-eighth session, 3 and 4 February 2005,
agenda item 3 (a) (ii))

ACTIVITIES AND ADMINISTRATION OF THE TIR EXECUTIVE BOARD (TIRExB)*

**Identification (ID) number of the TIR Carnet holder and access
to the International TIR Data Bank (ITDB)**

Note by the secretariat

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.

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

* The present documentation has been submitted after the official documentation deadline by the Transport Division due to resource constraints.

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. In October 2001, the Administrative Committee, at its thirty-first session, approved the approach taken so far by the TIR Executive Board (TIRExB) to provide access to the ITDB, as a first step, for inquiry procedures only. The Administrative Committee also endorsed, in principle, the approach and technical solutions proposed by the TIRExB as contained in document TRANS/WP.30/AC.2/2001/13 on administrative procedures and on a cautious use of the ITDB by authorized Customs TIR Focal Points for inquiry procedures only (TRANS/WP.30/AC.2/63, paras. 23-26).

4. At its thirty-third session, the Administrative Committee stressed that utmost care should be taken in order to protect the security of the ITDB data and requested the TIR Secretary to report in detail, at its forthcoming session, on the electronic security and encryption procedures planned to be applied for online access to the ITDB (TRANS/WP.30/AC.2/67, para. 17). Following this request, the TIR Secretary prepared a report on the electronic security and encryption procedures planned to be applied for on-line access to the ITDB (TRANS/WP.30/AC.2/2003/2), endorsed by the Administrative Committee on its thirty-fourth session (TRANS/WP.30/AC.2/67).

5. Upon the request of the Administrative Committee, on its thirty-seventh session, the secretariat prepared the present document in order to analyze the pros and cons of (a) opening up the access to the ITDB to Customs officials other than the TIR Customs Focal Points and (b) providing additional information contained in the ITDB, such as information on exclusions and withdrawals compared to the contact information which the TIR secretariat is mandated to provide at present.

B. INTRODUCTION

6. The ITDB contains at present more than 35,000 persons/companies authorized by national Customs authorities to utilize the TIR procedure. It also contains information on persons excluded from the TIR procedure in accordance with Article 38 of the Convention. At present, only so-called “contact information¹” is released to facilitate inquiry procedures by Customs authorities. The requested data are provided within 24 hours on the basis of a standard request form and only to Customs TIR Focal Points furnishing their personal user code.

¹ TIR Carnet holder ID number; Name of person(s)/enterprise; Business address; Name contact point; Telephone; Fax number; E-mail address.

C. ISSUES

I. Authorized access to the ITDB

7. In line with the Terms of Reference of the TIRExB, only Customs authorities of Contracting Parties should be granted access to the ITDB. At present, only Customs TIR Focal Points have access to the “contact information” of the ITDB. It could be envisaged that also other persons within the Customs administrations could access the ITDB. In particular, the view has been expressed on several occasions that Control authorities could benefit from gaining access to the ITDB. On this background, the Committee may wish to take a decision with regard to expansion of the user circle within Customs authorities, possibly indicating whom should gain such access.

8. The technical solution for access for an expanded group will have to be defined. One technical solution that could be envisaged would be that, upon request of the Customs TIR Focal Points, other authorized ITDB user (within Customs authorities) would receive a user name and a password. The Committee may also wish to express their view on this issue.

9. 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.

II. Type of ITDB data to be released

10. 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.

11. 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.

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

13. 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.

D. FURTHER CONSIDERATIONS

14. Based on the experiences made with the ITDB since its inception in 1999 and the release of "contact information" since July 2001, the Administrative Committee is requested to discuss whether the present restrictions with regard to access to the ITDB and type of data released should be maintained, modified or lifted.
