Balancing Security With Trade Facilitation-The Role Of Customs Administration

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Abstract

International trade is an essential driver for economic prosperity. The global trading system is vulnerable to terrorist exploitation that could damage global economy. To ensure continuous economic growth, it is necessary to provide an environment that allows trade to function in a secure, efficient, cost effective and reliable way. As government organizations that control and administer the international movement of goods, Customs Administrations are in a unique position to provide increased security to the global supply chain and to contribute to socio-economic development through revenue collection and trade facilitation. Finding the correct balance between prudent security measures in a way that does not impair international trade flows, is a tough challenge. While the costs of trade security measures may appear to be high, the costs of inaction are even higher. The cost of ignoring trade security is not just exposure to security threats, but also loss of competitiveness. Security and trade facilitation are mutually reinforcing and can complement one another.With this, having regarded security and facilitation as two major tasks of Customs administrations, Customs must attach great importance to both by taking effective measures to ensure their realizations and at the same time strike a balance between the two. This paper reviews the core concepts of security, assesses its linkages with trade facilitation and analyzes the role of Customs administration in this process. The goals of this paper are to detect and analyze the relations between security issues and international trade facilitation. To achieve the goals of the study quantitative and qualitative data collection methods were used. The results of the study provide an introduction to the nature of international trade facilitation and describe some important security considerations to take into account when framing an effective strategy for trade facilitation.

*Keywords*: security, trade facilitation, customs, Customs administration.

Balancing Security With Trade Facilitation-The Role Of Customs Administration

Recent years have seen a variety of new risks evolving in the field of trade. While security measures were traditionally instated to protect trade and cargo, today it is often the trade or cargo itself that is deemed the security risk. In some cases, even means of transport have become weapons, not only carriers of cargo. As a result, many countries have instated relevant security precautions.

Criminal sophistication and technological innovation results in technology-enabled crime. New technologies enable organized crime groups to operate across international borders and to move goods between countries.

Customs administrations control and administer the international movement of goods. They are in a position to provide increased security to the global supply chain and to contribute to socio-economic development through revenue collection and trade facilitation.

Trade facilitation covers all the steps that can be taken to smooth and facilitate the flow of trade. World Trade Organization (WTO) defines trade facilitation as “the simplification and harmonization of international trade procedures” covering the “activities, practices and formalities involved in collecting, presenting, communicating and processing data required for the movement of goods in international trade” (WTO, 1999).

The Doha Round talks on trade facilitation cover freedom of transit, fees and formalities related to importing and exporting and transparency of trade regulations which essentially relates to border procedures such as customs and port procedures, and transport formalities.

**Trade security environment**

According to a paper published by the Geneva Centre for the Democratic Control of Armed Forces, threats to trade security can be classified into five general categories:

1. “Normal” criminal acts that involve the crossing of borders (e.g., car thefts on one side of a border and “chop shops” on the other side);
2. Technical violations (e.g., lack of proper papers; irregular or illegal migrants in search of work);
3. Transnational organized crime (of various forms and types: smuggling of cars; illegal trade in small arms and light weapons; narcotics and other commodities; trafficking in human trafficking; illegal transfer of nuclear materials; illegal transnational disposal of dangerous materials such as radioactive or other forms of waste);
4. Terrorist threats;
5. Threats to the integrity of border management (corruption and abuse of power) (Marenin, Otwin, 2010).

The European Union defines security at its external borders as the capacity of these borders to constitute a barrier, or at least a reliable filter, for its member States against threats to:

1. The effectiveness of checks and surveillance;

2. Compliance with EU or national regulations;

3. The level of internal security in the common area of freedom of movement;

4. Law and order of the national security of EU member States, except with regard to the military defense of the EU’s external borders against aggression in cases in which one or more third countries openly commit aggression or claim responsibility for it (EC, 2007, pp. 6-8).

In addition to the Security Amendment to the EU Customs Code, the EU Customs Security Program includes pre-arrival and pre-departure information and trade facilitation and risk assessment for the Community’s external borders. These measures are aimed at enhancing security by improving Customs controls and maximizing the combined impact of controls carried out by different authorities. They include:

• Trade facilitation: a common system for recognizing traders by means of unique identification numbers;

• Enhancement to the New Computerized Transit System: a means for Customs to acquire information for risk analysis on transit shipments. In addition, a development in the Anti- Fraud Transit Information System (ATIS) enables the system to forward copies of transit movements, including those of sensitive goods, to OLAF (the European Anti-Fraud Office) (SITPRO, 2008b, p. 17);

• The EU Customs Risk Management System (CRMS), which enables the rapid, direct and secure exchange of risk information for supporting and targeting consignments for Customs controls. Using the CRMS, the European Commission disseminates information concerning EU-wide threats. The CRMS is a Customs tool. It helps compliant traders by providing them with the benefits of better-targeted controls.

**Trade facilitaion**

Trade facilitation is related to a wide range of fields such as customs procedures, private industry, logistics service providers, supply chains, data processing, transport, and transit and transport corridors.

The World Trade Organization has defined trade facilitation as those measures that are undertaken to simply harmonize, standardize and modernize trade procedures. Trade procedures are the activities, practices and formalities involved in collecting, presenting, communicating and processing the data needed for the movement of goods in international trade (WTO, 1999).

According to a study undertaken by the Organization for Economic Co-operation and Development, there are, from a trader’s perspective, a number of costs associated with cross-border transactions (OECD, 2003) . Such transaction costs can be direct, such as those related to preparing and submitting information, the purchase of IT systems, or the effort involved in physically presenting goods to executive agencies. These costs can also be indirect, such as those related to delays at border crossing points, which include missed business opportunities or competition from businesses operating in less complex regulatory environments.

However, the regulatory side of trade operations is also complex. Trade activity is governed by a wide range of control regimes and customs procedures. Trade facilitation measures are therefore critical for the acceleration of border crossings and reduction of transaction costs.

The Customs Administration of Republic of Macedonia pursued activities for further facilitation and simplification of customs procedures, thus assisting the facilitation of the overall economic activities in the country. To this end, in March 2011 the Customs Administration established a Committee on the Simplification and Facilitation of Customs Procedures. The Committee analyses regulations, internationally accepted standards and agreements and their practical application, as well as the organizational arrangements for implementation of import, export and transit procedures and proposes measures to facilitate and enhance trade and transport. The Committee monitors the implementation of the national legislation and internal acts of the Customs Administration, enhances to cooperation with the Advisory Council and proposes measures for facilitation and simplification of customs procedures. The work of the Committee is regulated by Rules of Procedure, establishing the manner of work, the rights and duties of the Committee’s coordinator and members, as well as the execution of expert and administrative matters.

The tables below show the extent to which trade facilitation policy actions have been able to reduce import and export Customs clearance time in Republic of Macedonia. From the data that are submitted it can be concluded that for a larger number of declarations it took less time for their processing. It talks about the strong commitment of Customs Administration of Republic of Macedonia for taking all actions that contribute towards international trade facilitation. Reducing clearance time leads to significant savings for companies. The following estimate was made by the International Monetary Fund: “Each additional day that a product is delayed prior to being shipped reduces trade by more than one per cent. Put another way, each additional day is equivalent to a country distancing itself from its trading partners by one per cent, or about 85 km,”( Djankov, S., Freund, C., and Pham, C.S. 2006).

**Table 1: Average Customs clearance time 2012 in Republic of Macedonia**

|  |  |  |  |
| --- | --- | --- | --- |
| **Channel** | **Import declaration** | **Export declaration** | **Total 2012** |
|  | **Number** | **Average****dd:hh:mm** | **Number** | **Average****dd:hh:mm** | **Number** | **Average****dd:hh:mm** |
| **Green**  | 140,237 00:00:36 | 85,998 00:00:08 | 226,235 00:00:26 |
| **Blue**  | 47,453 00:00:35 | 39,401 00:00:31 | 86,854 00:00:33 |
| **Yellow**  | 125,085 00:01:41 | 52,895 00:01:03 | 177,980 00:01:29 |
| **Red**  | 61,665 00:03:26 | 16,982 00:00:36 | 78,647 00:02:50 |
| **Total**  | **374,440** **00:01:26** | **195,276** 00:00:30 | **569,716** 00:01:06 |

Source: Customs statistics, www.customs.gov.mk

**Table 2: Average Customs clearance time 2011 in Republic of Macedonia**

|  |  |  |  |
| --- | --- | --- | --- |
| **Channel** | **Import declaration** | **Export declaration** | **Total 2011** |
|  | **Number** | **Average****dd:hh:mm** | **Number** | **Average****dd:hh:mm** | **Number** | **Average****dd:hh:mm** |
| **Green**  | 146,737 00:00:31 | 92,310 00:00:07 | 239,047 00:00:22 |
| **Blue**  | 71,645 00:00:32 | 40,337 00:00:33 | 111,982 00:00:32 |
| **Yellow**  | 88,120 00:02:16 | 53,564 00:00:59 | 141,684 00:01:47 |
| **Red**  | 57,975 00:03:47 | 19,693 00:00:39 | 77,668 00:03:00 |
| **Total**  | **364,477 00:01:28** | **205,904 00:00:29** | **570,381 00:01:06** |

Source: Customs statistics, [www.customs.gov.mk](http://www.customs.gov.mk)

**Table 3: Average Customs clearance time 2010 in Republic of Macedonia**

|  |  |  |  |
| --- | --- | --- | --- |
| **Channel** | **Import declaration** | **Export declaration** | **Total 2010** |
|  | **Number** | **Average****dd:hh:mm** | **Number** | **Average****dd:hh:mm** | **Number** | **Average****dd:hh:mm** |
| **Green**  | 143,232 00:00:26 | 94,945 00:00:05 |  238,177 00:00:18 |
| **Blue**  | 35,943 00:00:24 |  38,122 00:00:38 |  74,065 00:00:31 |
| **Yellow**  |  88,581 00:01:31 | 46,389 00:00:53 |  134,970 00:01:18 |
| **Red**  |  78,988 00:04:58 | 20,978 00:00:37 | 99,966 00:04:03 |
| **Total** |  **346,744 00:01:45** |  **200,434 00:00:29** |  **547,178 00:01:16** |

Source: Customs statistics, www.customs.gov.mk

Balancing border security and trade facilitation requires a strategy that also includes implementing action plans. Such strategies need defined aims, objectives and indicators. The European Commission Customs Blueprints include supply chain security strategies that can serve as a best practice guide (EC, 2007). Developing a strategy that includes several projects might need legislative reform within the import and export environment. Customs and other border security and management agencies might start by reviewing relevant legislation. The aim should be near-term modernization and the simplification of procedures by implementing provisions for a revised risk management framework.

**WCO SAFE FRAMEWORK (Framework of Standards to Secure and Facilitate Global Trade)-Balancing security and trade**

The World Customs Organization’s Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework) is a holistic approach to balancing supply chain security and trade facilitation. It sets forth principles and standards on advance cargo information, risk management, equipment for non-intrusive inspection (NII), the Authorized Economic Operator (AEO) concept, and on integrating supply chain management into a single coherent instrument.

The main objectives and principles of the SAFE Framework are:

• Establishing standards that provide supply chain security and facilitation at a global level in order to promote certainty and predictability;

• Facilitating integrated supply chain management for all modes of transport;

• Enhancing Customs’ role and functions and strengthening its ability to meet the challenges and make the most of the opportunities of the twenty first century;

• Strengthening co-operation between Customs administrations to improve their ability to detect high risk consignments;

• Strengthening co-operation between Customs and business;

• Promoting the seamless movement of goods through secure international trade supply chains.

**Customs risk management-approach for balancing security and trade facilitation**

A common characteristic of Customs work is the high volume of transactions and the impossibility of checking all of them. Customs administrations therefore face the challenge of facilitating the movement of legitimate passengers and cargo while applying controls to detect Customs fraud and other offences. Customs administrations find themselves increasingly under pressure from national governments and international organizations to facilitate the clearance of legitimate passengers and cargo while concurrently responding to increase in transactional crime. These competing interests mean that it is necessary to find a balance between facilitation and enforcement.

The purpose of all Customs controls is to ensure that the movement of all vessels, vehicles, aircraft, goods and persons across international borders occurs within the framework of laws, regulations and procedures that comprise the Customs clearance process. Against this backdrop, the solution to passenger and cargo examination is best found in the development of Customs controls that are based on risk assessment, profiling and selectivity.

In the importing environment, the three levels of Customs controls are pre-clearance, clearance and post-clearance audit. These controls are intelligence-led and focused on the identification of high risk commercial activity. Risk identification is crucial to the process and this is achieved by identifying risks that are a serious threat to Customs enforcement activities and the consideration of existing Customs controls and their vulnerabilities, determining why weaknesses exist and establishing risk indicators which may increase or decrease the degree of risk. Risk indicators may relate to a particular commodity code, country of origin, value, etc.

Organizational “risk” refers to the possible events and activities that may prevent an organization from achieving its objectives (UNCTAD, 2005), Risks facing customs include the potential for non-compliance with customs laws as well as the potential failure to facilitate international trade. Customs needs to apply a set of management procedures. These procedures include the identification, analysis, evaluation, and mitigation of the risks that may impact on the achievement of set objectives.

Basic risk management has always been fundamental to customs operations, and has guided the formulation of anti-smuggling policies; the functioning of border controls to verify the movements of goods and passengers; as well as the establishment of documentary controls and physical inspection procedures (UNCTAD, 2005).

Customs needs to evaluate the risks that are presented by the nature of its operations and review its operational procedures and assess where breaches of procedures are likely to impact the stated objectives. Customs needs to provide a risk map that identifies the potential vulnerabilities of the customs processes and determine how its procedures may need to be geared towards ensuring better realization of its objectives.

On the basis of the risk assessment, a risk containment strategy should be defined. This implies that priorities would be set, operational details would be geared towards these priorities, and resources would be effectively and efficiently deployed. If smuggling turns out to be a major problem, then the strategy should reflect this, and borders posts and mobile inspection teams may need to be strengthened. If under-valuation is a major problem, there may be a case for strengthening the valuation unit and for the number of traders subject to post clearance audit. If the risk is that goods tend to be misclassified to attract a lower tariff rate or are declared with lower unit counts or weights, there may be a need to physically inspect the cargo. In any event risk management should ease the controls on the less risky aspects of trade and should focus on that part that represents the greatest risk. This would, thus, reflect a balanced approach between control and trade facilitation.

The WCO, according to Standard 6.3 of the Revised Kyoto Convention, defines Risk Management as the systematic application of management procedures and practices providing Customs with the necessary information to address movements or consignments which present a risk (WCO, 1999). This focus is necessary since the fundamental task of the Customs is to control the movements or consignments across national frontiers and ensure compliance with national laws. When adopted as a management philosophy it enables the Customs to not only carry out its key responsibilities effectively but also organize its resources and deploy them in a manner so as to improve its overall performance.

In far too many countries, Customs still applies a 100% physical inspection regime, i.e. every shipment is stopped and physically examined (partially or completely), causing significant delays at border crossings, ports and airports. Such 100% inspection regime also creates an enabling environment for informal payments to speed up the process. According to the Customs Capability Reports published in 2009 by the Global Express Association, only 37 out of 114 administrations surveyed applied a risk-based selectivity approach, 18 examined 100% of all shipments, and the remaining countries selected shipments for inspection randomly or at the sole discretion of the inspection officer (USAID, 2008).

The tables below show that Customs Administration of Republic of Macedonia applies risk management approach (red/yellow/green channel). From the data that are submitted it can be concluded that customs administration performed document inspection (yellow channel) on one part of submitted declarations, on the other part performed goods inspection (red channel) but only in exceptional cases performs laboratory analysis. The application of risk management and the use of risk-based selectivity (red/yellow/green channel) allow Customs to allocate its scarce resources to the high-risk areas while increasing the efficiency of the clearance process for low-risk shipments. As a result of the application of risk-based selectivity in every day work of Macedonian customs in 2012 year the number of goods inspection of the import procedures is reduced for 34% compared to the basic 2010 year. From the other side, the number of document inspection of the import procedures has increased for 20%. By analyzing and measuring the level of compliance related to individual traders, commodities or trading countries at the national, regional and local level, Customs can identify those cases in which further inspection in the form of physical examination and documentary review is necessary. Risk-based selectivity operates more effectively in an automated environment, as computer-based risk-based selectivity can be applied consistently to all imports and exports and is significantly faster and more accurate in comparing a given set of data (e.g. from a goods declaration) against all currently active risk profiles. Also, information technology (IT) can significantly facilitate keeping all existing risk profiles up to date against the latest clearance and audit results.

**Table 4: Type of customs control by SAD by quarter in 2012 in Republic of Macedonia**

|  |  |  |
| --- | --- | --- |
| 2012 | Import procedure | Export procedure |
| Total number of import declarations | Total number of export declaration |
| Document inspection (yellow channel) | Goods inspection(red channel) | Laboratory inspection | Document inspection (yellow channel) | Laboratory inspection |
| Q1 | 20.864 | 12.489 | 117 | 3.781 | 0 |
| Q2 | 22.852 | 15.448 | 99 | 3.499 | 0 |
| Q3 | 22.949 | 15.680 | 119 | 3.480 | 0 |
| Q4 | 33.433 | 22.224 | 178 | 4.707 | 0 |
| Total | 100.098 | 65.841 | 513 | 15.468 | 0 |

Source: Customs statistics, www.customs.gov.mk

**Table 5: Type of customs control by SAD by quarter in 2011 in Republic of Macedonia**

|  |  |  |
| --- | --- | --- |
| 2012 | Import procedure | Export procedure |
| Total number of import declarations | Total number of export declaration |
| Document inspection (yellow channel) | Goods inspection(red channel) | Laboratory inspection | Document inspection (yellow channel) | Laboratory inspection |
| Q1 | 16. 820 | 17.174 | 68 | 4.400 | 16 |
| Q2 | 25.572 | 16.563 | 158 | 5.182 | 15 |
| Q3 | 24.011 | 15.503 | 173 | 5.312 | 0 |
| Q4 | 25.577 | 16.230 | 0 | 4.891 | 0 |
| Total | 91.980 | 65.470 | 399 | 19.785 | 31 |

Source: Customs statistics, www.customs.gov.mk

**Table 6: Type of customs control by SAD by quarter in 2010 in Republic of Macedonia**

|  |  |  |
| --- | --- | --- |
| 2012 | Import procedure | Export procedure |
| Total number of import declarations | Total number of export declaration |
| Document inspection (yellow channel) | Goods inspection(red channel) | Laboratory inspection | Document inspection (yellow channel) | Laboratory inspection |
| Q1 | 16.741 | 12.646 | 31 | 4.606 | 2 |
| Q2 | 21.053 | 32.589 | 55 | 6.250 | 0 |
| Q3 | 24.674 | 35.563 | 47 | 5.463 | 0 |
| Q4 | 20.639 | 19.011 | 49 | 5.446 | 2 |
| Total | 83.107 | 99.809 | 182 | 21.765 | 4 |

Source: Customs statistics, www.customs.gov.mk

**Conclusion**

In recent years, both Customs administrations and trade have been faced with increasing demands as regards security. While the interest of the Customs administrations is to secure the border, the representatives of trade want to secure the supply chain. Over the years they have both had to adapt to a wide range of new security measures, some introduced through legislation and some introduced by traders themselves.

Out-of-date security practices at borders create bottlenecks and result in delays. Modern security measures such as the WCO SAFE Framework have been designed with elements aimed at facilitating trade.

Customs administrations operating in the modern global economy are faced with a complex range of challenges. The prime responsibilities remain the collection of revenues and the protection of society, but these demanding tasks must be performed effectively and efficiently, whilst at the same time facilitating the flow of legitimate goods. The traditional customs methods of control, based upon percentage and random selection criteria, fall a long way. Today it is necessary to implement a system of “intelligent controls” where the risks have been assessed and appropriate resources have been deployed to meet the challenge. Implementing risk management approach affects all aspects and functions of the customs operating environment. For those customs administrations taking their first steps towards the introduction of risk management, the whole process can seem a daunting task, but the benefits are considerable and can assist customs administrations in meeting national government objectives.

Balancing border security and trade facilitation requires a strategy that includes implementing action plans. Such strategies need defined aims, objectives and indicators. Customs and other border security and management agencies should review relevant legislation. Customs administrations should consider paperless trading and Customs controls that aim at better trade facilitation and decreases in regulations for industry. This may require a whole-of-government standardized data set. This should provide a framework upon which other initiatives can take place. Both short-term and long-term measures are needed if a country wants to keep pace with its trading partners, strengthen international trade competiveness, and at the same time provide efficient and effective government services. Through closer co-operation with international Customs administrations and foreign governments, risk assessment activities can be placed earlier in the international supply chain.

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