

Regional Office for Capacity Building/
Regional Training Centers for the European Region
of the World Customs Organization

Customs Scientific Journal

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Regional Training Centers for the European Region
of the World Customs Organization**

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FACILITATION AND SECURITY OF INTERNATIONAL TRADE: INNOVATIVE MECHANISMS AND INSTRUMENTS

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Abstract

This paper is a result of the collaborative study of experts from 11 countries. It is based on the materials of the training workshop, which was held by the UNECE in Turin, Italy on the theme “Trade Facilitation Implementation Guide – Capacity Building Phase” in the period of 12 – 14.02.2013. A group of authors provides an analytical review of the reforms carried out in 11 countries in order to facilitate international trade. The following data are presented by categories: regulatory reforms aimed at achieving clarity, concision and transparency of the legal framework, institutional development, business – sector consultation, inter-agency cooperation, modernization of infrastructure of electronic data processing and changes in trade processes and procedures.

Keywords: international trade, facilitation, implementation, instruments, reforms, legal, procedures, cooperation, business-sector.

Introduction

Over the last few decades international trade has increased and become more global along with the emergence of e-business and logistic techniques. It has highlighted the need to have an efficient, fast and reliable movement of goods while eliminating opaque rules and regulations, redundant and lengthy clearance processes and multiple documents requirements in different formats and with different data elements. Thus, it is more important than ever to achieve trade facilitation to enhance administrative efficiency and effectiveness, reduce costs and time to markets, and increase predictability in global trade. An important role in all these processes belongs to mechanisms and instruments of trade facilitation, developed and proposed by international organizations, such as, for example, the World Customs Organization, the United Nations Economic Commission, the World Trade Organization, etc.

In this study, the authors presented the national experience of 11 countries on the implementation of reforms to simplify and ensure the safety of international trade. The analytical review is based on Country Profile – a questionnaire prepared by the Economic Commission for Europe (hereinafter - UNECE) – which was kindly provided by experts (Domi, Ristani (Albania) 2013); (Babayev (Azerbaijan) 2013); (Muminovic, Salihagic (Bosnia and Herzegovina) 2013); (Lymperis, Papadopoulos, Zafeiropoulos (Greece) 2013); (Cucino, Carpena, Padua, Severini, Zadro, Belmonte (Italy) 2013); (Mirkovic, Zivanovic (Republic of Serbia) 2013); (Bogdanova, Jeifets (Russian Federation) 2013); (Rasulov (Tajikistan) 2013); (Özergül, Yasal (Turkey) 2013); (Akbarov (Uzbekistan) 2013); (Pavlenko, Triakina, Garmash (Ukraine) 2013).

For the experts of UNECE (United Nations Economic Cooperation for Europe) and its UN Centre for Trade Facilitation and Electronic Business (UN/CEFACT, Turin/Italy), trade facilitation is “the simplification, standardization and harmonization of procedures and associated information flows required to move goods from seller to buyer and to make payment” (UNECE, <http://tfig.itcilo.org/index.html>). Trade facilitation may be also defined as the systematic rationalisation of procedures and documentation for international trade. In its wider sense, it covers all the regulatory measures that affect the flow of exports and imports, including customs laws and regulations, technical regulations, veterinary inspections and other controls used to ensure that goods and services traded adhere to the minimum international and national standards (United Nations Economic and Social Commission for Asia and the Pacific, <http://www.unescap.org>).

Due to its impact on competitiveness and market integration as well as attracting direct foreign investments, trade facilitation is considered as an important factor for accelerating international trade and the economic development of countries. That is why it has been on the agenda of the ongoing WTO multilateral trade negotiations as well as of wide international technical assistance programs for developing and transition economies.

The international practice proved that in order to efficiently facilitate and secure trade countries should seek guidance from available trade facilitation instruments, which include international conventions, regional or bilateral agreements, standards and

recommendations developed by international organizations, associations or regional bodies, as well as best practices and case studies (UNECE, <http://tfig.itcilo.org/index.html>). The advantages of using these instruments are that they are providing a firm legal framework for trade facilitation measures as well as guidance on technical matter that would allow countries to attain the highest degree of harmonization and uniformity. Besides, guidelines and guides, compilations, case studies and best practices serve the purpose of providing information on technical matters to encourage countries to take appropriate action together with providing information to deepen the understanding of a particular matter in an applied context.

Trade facilitation is carried out at three levels: the national, regional and international level. At the national level, trade facilitation is a reform process that starts with a comprehensive needs assessment, leads to an analysis of the implementation objectives and decisions, strategic planning, and ends in monitoring and evaluating reform initiatives. Being at different development stages and acting in different legal and administrative environments, each country individually determines what trade facilitation measures to implement, for what scope, and in which order. The following data provide a review of the actual implementation of the reform activities carried out by 11 countries, which we grouped into four categories: 1) regulatory reforms aiming at a clear, concise, transparent legal framework; 2) institutional development, private sector consultation, and inter-agency cooperation; 3) introduction and modernization of infrastructure for electronic processing of trade documents and related data exchange; 4) changes in business processes and procedures.

An analysis on the first category shows the countries' reform programs undertaken or ongoing reform projects being implemented further (see below).

Regulatory reforms: Albania

The Albanian government has not undertaken any reform programs focusing exclusively on trade facilitation. However, there have been several actions towards the improvement of the legislation dealing with trade facilitation matters and customs procedures. Recently, under Trade Logistics project financed by EU and implemented by the International Financial Corporation of the World Bank (hereinafter – IFC) concrete actions are in process to facilitate procedures and harmonize controls among Central European Free Trade Agreement (CEFTA) Countries.

Regulatory reforms: Azerbaijan

1) “State Program on development of the customs system of the Republic of Azerbaijan in 2007-2011” dated 1 February 2007.

2) “Decree on application of the principle of Single Window for inspecting the goods and vehicles moving through the crossing points of the state border of the Azerbaijan Republic” dated 11 November 2008.

3) The Presidential Decree “On Measures to simplify procedures and increase transparency in the customs area” from February 25, 2011.

4) Presidential Decree “On Measures for the organization of electronic government services” from May 23, 2011.

5) The Law “On approval of the Customs Code of the Azerbaijan Republic” dated 24 June 2011 under the number 164-IVQ.

6) The Presidential Decree “On some issues in connection with the special permit (license), and permissions that are required to engage in certain types of business activities” from October 26, 2011.

7) Action Plan for the development of the State Customs Committee of the Republic of Azerbaijan for 2012-2016.

Regulatory reforms: Bosnia and Herzegovina

EU funded Twinning Project “Support to further EU acquis alignment of the indirect Taxation Authority in BiH” – New Law on Customs Policy.

Regulatory reforms: Greece

1) Economic Adjustment Programme for Greece.

2) Memorandum of Understanding on Specific Economic Policy Conditionality (MoU).

3) National Trade Facilitation Strategy.

4) Roadmap offering a step-by-step action plan of trade facilitation implementation within a strictly defined timeline.

The implementation of the Roadmap started on November 1st 2012.

Regulatory reforms: Italy

1) International Trade Hub/Italy.

2) Customs Single Window.

Regulatory reforms: Republic of Serbia

1) 2006 – Overtaking radiation control at the border from the Environment Inspection Agency (EIA) on the bases of Annex 1, article 3 point 3 of the International Convention on the harmonization of frontier controls of goods.

2) CARDS 2006 – Implementation of the Serbian Integrated border Management Strategy.

3) IPA 2007 – Administrative capacity building of the Customs Administration for the full implementation of the common EU transit procedure – NCTS.

4) IPA 2011 – Modernization of customs system – introduction of the NCTS.

Regulatory reforms: Russian Federation

Regulatory base:

The new Customs Code of the Russian Federation which has taken effect since July 1, 2010; creation of the Customs Union of the Russian Federation, the Republic of Kazakhstan and Republic of Belarus.

The customs code of the Customs Union is completely based on standards of the International convention on simplification and harmonization of customs procedures (The Kyoto convention). Accession to the Kyoto Convention provides modification of the customs legislation of the Russian Federation, the Federal law “About bases of state regulation of the foreign trade activity”, in the Tax code of the Russian Federation (Part One and Part Two), the Code of the Russian Federation about administrative offenses and other federal laws (about 20, by estimation).

The agreement between the Russian Federation and Kazakhstan about implementation of joint control on the general customs border is introduced for ratification; the law on the termination of activity of numerous control and supervising services on the Russian border is approved.

“The concept of development of the Russian customs service for the period till 2010” extended on all control system of risks, practice of introduction of modern information technologies, preliminary informing of customs authorities on moved goods, etc.

National enterprise initiative of improvement of business climate till 2018.

The decree of the President of the Russian Federation of May 7, 2012 No. 596 “About long-term state economic policy”, aimed at increase of a place of the Russian Federation in a rating of the World bank on business conditions.

National enterprise initiative of 2012 / the PLAN OF MEASURES (“ROAD MAPS”) assuming increase at 50% for the actual capacity of system of check points and reduction for 50% for time of passing of customs control.

The resolution of the Government of the Russian Federation on modification of the government resolution of December 1, 2009 No. 982 “About the approval of the uniform list of production which is subject to obligatory certification, and the uniform list of production which confirmation of compliance is carried out in the form of adoption of the declaration on compliance”.

The resolution of October 20, 2012 No. 1071 “About the approval of Rules of creation, reorganization and liquidation of regional customs offices, customs and customs posts”. Still earlier, during administrative reform the customs service lost the independence and the right of standard regulation and began to submit to the Ministry of economic development and the Ministry of Finance. The project of a state program “Development of foreign economic activity (foreign trade activities)” for 2013-2018, developed by the Ministry of Economics. It assumes, in particular, investment of 1,24 trillion rub till 2018 in increase in non-oil export and achievement of customs procedures to level of the best international standards (<http://cargo.ru/news/2010>).

The Strategy of Development of Russian Customs Service till 2020.

Regulatory reforms: Tajikistan

Measures of the Government of Tajikistan on trade facilitation reforms since 2008:

1) Inter-agencies Working Group was created and aimed to develop measures on trade facilitation (led by the Ministry for economic development and trade).

2) Action Plan on simplification of administrative barriers in export and import procedures, Government Decree №487 approved on 1/10/2008.

3) Single Window Concept for export, import and transit procedures, Government Decree №659 approved on 31/12/2008.

4) In 2009 the Governmental WGs worked on Technical-economic justification (detailed description) of SW implementation. As a result Government approved the “Program of implementation of SW for export-import and transit procedures”, Government Decree №222 dated 3/05/2010.

5) In 2010-2011 there were conducted business processes analyses (BPA) in all agencies involved in export and import procedures and issuing different certificates, as well as data harmonization.

6) At the end of 2010 it was created State Unitary Enterprise “Single Window” under the Customs Service, Government Decree №630 dated 3/12/2010.

7) In 2012, tender was conducted, company for SW Software development

was chosen and System requirements specification (SRS) for SW Software was approved. Company started development of SW Software.

Regulatory reforms: Turkey

- 1) Single administrative document.
- 2) Electronic customs declarations.
- 3) Authorized Economic Operators.
- 4) Authorized Traders.
- 5) Simplified Procedures.
- 6) Pre-arrival declaration.
- 7) Paperless customs.
- 8) Single window.

Regulatory reforms: Uzbekistan

Since 2011, there have been adopted 2 major reform programs, related to economic and trade reforms/facilitation in Uzbekistan. First Program, approved by the President (Resolution №1464 dated 07/01/2011) approved measures on wide-scale reforms in the economy of Uzbekistan for the period of 2011-2015. Second Program, approved by the President (Decree №4455 dated 18/07/2012) approved measures on further improvement of conditions for doing business in Uzbekistan.

Regulatory reforms: Ukraine

- 1) Customs modernization.
- 2) Single Window.
- 3) E-Customs.
- 4) Supply chain security.
- 5) Authorized Economic Operators.
- 6) Trustworthy trader.
- 7) Pre-arrival declaration.
- 8) Integrated border control.
- 9) PICARD (Partnerships in Customs Academic Research and Development).

Institutional development, which is defined by the researchers as “the creation or reinforcement of a network of organizations to effectively generate, allocate and use human, material and financial resources to attain specific objectives on a sustainable basis” (EU project “Technical assistance for civil society organizations”, <http://www.tacso.org>), plays an important role in the process of reform planning and implementation. Effective cooperation of implementing agencies, donor participation and efficient project management ensure rapid and successful implementation process. In addition, private sector consultations have become a mandatory requirement in many countries to increase transparency and trust by establishing a dialogue between government agencies and their stakeholders from the trading community and transport sector over objectives, projects, needs and problems. In its turn, inter-agency cooperation, which involves cross-border cooperation with neighboring countries and beyond together with national border agencies cooperation, is aimed at improving border management. The data related to institutional development, private sector consultations and inter-agency cooperation embedded into the reform process of 11 countries are given below.

Institutional development, private sector consultation, and inter-agency

cooperation: Albania

1. Institutional development:

Financial support by EU; project management is provided by IFC.

2. Private sector informing and consultations:

a) The relevant information regarding the import and export of goods is available online both in Albanian and English at the customs website <http://www.dogana.gov.al>. This website includes: information on import and export procedures, necessary information on advance rulings, clear information on customs valuation, agreements with any country or countries relating to customs issues, examples of customs classification, applicable legislation, and electronic manuals when systems are implemented.

b) The rate of duties are also published and regularly updated at the following link: <http://www.dogana.gov.al/doc/NK%202011TOTALI.pdf>.

c) Also preferential tariffs for products originating in EU, CEFTA 2006 countries, EFTA countries and Turkey are regularly updated every year at the following link: <http://www.dogana.gov.al/doc/Tarifa%202013L.xlsx.pdf>.

d) Since 2006, the Albanian government has put in place a mechanism of regular consultations with the traders through permanent consultation structures. Consultations between government and traders are facilitated through the Business Advisory Council (established on 11 September 2006, pursuant the Law No. 9607) which has to be convened at least four times a year. When introducing or amending laws, regulations and administrative rulings of general application related to customs and trading procedures, the government involves four or more stakeholder groups, and a minimum of 2 weeks are allowed for consultation with the business community. The BAC is composed out of 20 members, of which there are 13 business representatives. All the consultation documents (draft laws, draft strategies, government programs, etc) which are affecting the interest of the business community, are delivered 10-15 days in advance of the BAC meeting. Moreover, Customs Authority and Ministry of Economy, Trade and Energy organize ad-hoc consultations based on (i) business request, (ii) specific policy needs, (iii) implementation of new administrative measures.

3. Inter-agency cooperation:

a) Electronic Data Interchange is in the process of implementation but not yet fully operational. However, the exchange of information with neighbouring countries such as Kosovo, Montenegro and Macedonia through the Systematic Electronic Exchange of Data System was introduced. Moreover, Albania has signed an international agreement on joint customs controls with Montenegro. Further, Albania has signed Customs Mutual Assistance agreements with a lot of countries, including CEFTA parties. The Customs Mutual Assistance Agreements include: assistance provided for the regular implementation of customs legislation and in particular for the prevention, detection and investigation of infringements of this legislation; carrying out joint investigations; special Surveillance on natural or legal persons, places or means of transport that are suspected to be involved or have been involved in actions that violate the customs legislation; exchange of experts or witnesses in judicial or administrative proceedings related to matters covered by these agreements.

b) National legislation foresees co-operation between customs and other relevant

government agencies. Following the implementation of its fiscal, economic and protection mission, the Customs Service cooperates with a series of institutions, and especially with the Border and Migration Police. A relatively large number of obligations are set forth by the Strategy on the Integrated Border Management and the relevant Action Plan (DCM Nr. 668, dated 29.9.2007 on the approval of the “National strategy on Integrated Border Management” and DCM No. 1021 dated 14.10.2009, on the approval of the updated “Action plan of the National strategy on Integrated Border Management”).

Co-operation between customs and other relevant agencies with clearly defined roles and responsibilities is in place. Following the Action Plan of the IBM Strategy, the joint Order of the Minister of Interior, Minister of Finance, Minister of Agriculture, Food and Consumer Protection adopted the joint Regulation for the cooperation of the 4 services operating at the border: Border Police, Customs Service, Phytosanitary and Veterinary Service (no. 10958/6 Prot., Dated 10.11.2009).

Further, joint administrative acts are prepared and adopted between the Customs Service and the Border Police having as a goal to use jointly the control and detection device of the prohibited goods, and to conduct joint controls in the second line. The Customs Service and the Border Police are cooperating with regard to the realization of a standard level for the equipment of all the BCC-s, with controlling device.

Institutional development, private sector consultation, and inter-agency cooperation: Azerbaijan

Under the Decree of the President of the Azerbaijan Republic to introduce “e-government”, which will lead to the effective interaction in the formats like “State – Citizen” (G2C), “State – Business” (G2B) and “State – State” (G2G). “Electronic Customs” is constructed within the “e-government” and in cooperation of Customs-Business for certain types of customs activities on 24/7 hours basis. To eliminate the need for the entrepreneurs’ physical presence at the customs offices it was created the “Personal Web Office of a subject of the foreign economic activity” at the web page of the State Customs Committee of Azerbaijan. Now it helps to:

- obtain the necessary information on the customs clearance and the rules of customs clearance;
- send a statement of customs clearance of goods and means of transport in electronic form;
- access to different issues;
- carry out a preliminary declaration of goods and means of transport;
- access to the Central Office of Customs Expertise in relation to customs clearance.

Institutional development, private sector consultation, and inter-agency cooperation: Bosnia and Herzegovina

1. Institutional development:

EU funded Twinning Project implemented by the Austrian Agency for European Integration and Development. The main beneficiary is the BIH Indirect Taxation Authority. The Project has three components: customs, taxes and information technology. The Project lasted from December 2010 to December 2012. Stakeholder participation involves the Indirect Taxation Authority.

2. Private sector informing and consultations:

a) Setting up and regularly updating the CEFTA Trade Portal (www.ceftatradeportal.com).

b) Regularly updating the website of MoFTER (www.mvteo.gov.ba).

c) Regularly updating the website of Indirect Taxation Authority of Bosnia and Herzegovina (ITA) (www.uino.gov.ba).

d) Online access to publications of the Official Gazette of BiH (www.sluzbenilist.ba).

e) Consultations during the procedure of adoption of a new piece of legislation are mandatory, as prescribed by the BiH legislation (Uniform Rules for Legislative Drafting in the Institutions of BiH). Article 75 of the BiH legislation describes process of consultation in such a way:

“(1) Based on preliminary draft, the regulation drafting team conducts consultations with: a) unit or person tasked with charged with drafting normative acts in the competent Ministry of Bosnia and Herzegovina, aimed at ensuring necessary budgetary funds for the implementation of the normative act that is being drafted; b) unit or person tasked with charged with drafting normative acts in the institution competent for European integration, aimed at verifying that the normative act is being drafted in accordance with the EU requirements.

(2) The same staff shall consult, to the greatest possible extent, with: a) other institutions of Bosnia and Herzegovina to which the normative act that is being prepared relates; b) public bodies to which the normative act that is being prepared, including competent entity institutions and all their administrative units; c) private individuals representing registered citizen's associations; d) international institutions relevant for the subject matter of the normative act that is being prepared.”

3. Inter-agency cooperation:

a) Bosnia and Herzegovina has cross-border cooperation with its neighbouring countries, especially through CEFTA. Within CEFTA Subcommittee on Customs and Rules of Origin, a Working Group on customs risk management was established last year, aiming to improve the cooperation between CEFTA Parties.

b) The border agencies that cooperate with each other are the following: Border Police, Custom offices - Indirect Taxation Authority, Veterinary Office, Plant Health Protection Authority.

c) Bosnia and Herzegovina has not aligned the office hours of the border, but with its neighbouring countries, CEFTA countries through Working Group on customs risk management which was established last year, one of the scope is to have aligned office hours for border agencies.

Institutional development, private sector consultation, and inter-agency cooperation: Greece

1. Institutional development:

A key provision of the reforms is the formation of a supervisory body at the ministerial level, called the “Co-ordination Committee of the National Strategy for Trade Facilitation – CCNSTF”, with the participation of the Ministry of Finance (MoF), the Ministry of Foreign Affairs (MFA), the Ministry of Development, Competitiveness,

Infrastructure, Transport and Networks (MDI), the Ministry of Rural Development and Food (MRDF), the European Commission (EC), and the United Nations Economic Commission for Europe (UNECE) will be invited to hold an advisory role.

At the operational level, a Steering Committee was set up on 25.01.13 with the participation of both public and private sector representatives, which holds regular meetings in order to better coordinate the implementation of the reform program — Roadmap. The Steering Committee has the power to set up working groups, on a permanent or ad hoc basis, which will be responsible for carrying out the actual implementation of the action plan.

2. Private sector informing and consultations:

Within the new reform programs instead of limiting its role to rule enforcement, the Greek authorities will primarily cater for companies on how to better do their business according to the regulations, which should have been simplified to the maximum. Building the necessary trust between the economic operators and the authorities will require long term change in mentalities and behaviors, but it is crucial task.

To that extent, the TF project management structure involves both the public and private sector. The Steering Body offers a platform for cooperation between the administration, civil society and business. The implementation of the reform will force the stakeholders to understand the limitations, attend to their needs and utilize the strengths of each other. Since the TF aims to support the private sector in improving their business, the entrepreneur will be at the center of this reform and a concrete relationship between the public and private sector will be cultivated. Engaging representatives of the private sector will ensure that the TF Strategy will meet the needs of the business community, while improving the communication of the initiative to the enterprises in Greece, especially small and medium ones (SMEs).

3. Inter-agency cooperation:

Cross-border cooperation with neighbouring countries is carried out within EU member-states.

Institutional development, private sector consultation, and inter-agency cooperation: Italy

1. Institutional development:

a) Supervising and Coordinating Role in reforms implementation: Italian Economic Development Ministry; Management Role: Italian Trade Promotion Agency (ICE); Main public & Private Institutions involved: Ministry of Foreign Affairs, Public International Insurance Company (SACE), Public FDIs co-financing Company (SIMEST), National Entrepreneurs' Association (Confindustria), Association of Italian Banks (ABI), Public Agency for FDI attraction (INVITALIA).

b) The ITH (International Trade Hub) project is the main outcome of the National Trade Facilitation Standing Committee established by the Economic Development Ministry in Feb. 2010. This Committee was joined by the National Public & Private Organizations involved in foreign trade. The ITH project was then formalized through the Ministry-ABI "open" Agreement in February 2011. In the 2011-2012 period, several other institutions joined this agreement. In January 2013 the Italian Trade Promotion Agency — besides formally confirming its participation to the ITH (in terms of related e-marketing,

information and training to be provided to companies in the ITH framework) – accepted the Ministry’s proposal to play the overall management role within this TF project.

2. Private sector informing and consultations:

a) In the 2008-2011 period 3 National TF Conferences were held in Rome with the participation of the relevant public and private Institutions and Organisations; enhanced access to information was one of the main items on the Agenda of these conferences, with a view to introduce new regulations and tools to enable the achievement of this goal.

b) In February 2010, after the organisation of the 14th UNCEFACT Forum in Rome (April 2009), which strongly contributed to prioritise the need for the implementation of TF (Trade Facilitation) measures in Italy, the Italian Economic Development Ministry, with the support of the Italian Trade Promotion Agency (ICE) established the National Trade Facilitation Committee, which was focused on 4 main activities, implemented by 4 working groups: 1) Relationship with Business;

c) Interoperability; 3) Finance; 4) Aid for Trade. This Committee proved to be an effective PPP example, which both provided important feedback to the Public Institutions involved, especially in terms of best practices to be implemented in our Country and the consequent opportunity to launch the project of establishing an International Trade Hub in Italy.

3. Inter-agency cooperation:

Cross-border cooperation as well as border agencies one is carried out within the EU 27 Members framework. The office hours alignment of border/inland Customs stations with those of neighbours as well as consulting trade about their needs is ongoing process within Customs Single Window project.

Institutional development, private sector consultation, and inter-agency cooperation: Republic of Serbia

1. Institutional development:

a) Serbian reforms are supported by delegation of the EU, EU IPA funds.

b) Project management includes project management-participants from the consortium giving the technical assistance, Customs Administration and the Delegation of the EU.

2. Private sector informing and consultations:

a) Website of the Ministry of Finance and Economy <http://www.mfp.gov.rs/> gives access to information on laws, bylaws as well as proposed and draft laws/ bylaws concerning customs and customs tariff legislation. This information is updated with every change in legislation.

b) Since 2010 CAS (Customs Administration of Serbia) has made a new modernised and interactive web portal, which is in function on www.carina.rs. The new web-portal features extreme functionality and a more adequate visual identity. It is designed in a manner to improve the interaction with the citizens and companies and to open a way to e-customs in the future. At the moment, one can find all up to date information related to customs procedures and relevant regulations. All divisions of the Customs Administration are responsible for information update, which is being performed on a daily basis or when needed.

c) Paragraf.Lex is a base of legal instructions, consolidated legislation, treaties,

international agreements, legislation in force and case laws.

d) Ministry of Finance and Economy, Customs System and Policy Department, also organizes lectures and seminars and publishes articles on different customs matters in specialized magazines. CAS organizes lectures and seminars with the private sector when we need to establish new procedures, and also training and consultations e.g. on diagonal cumulation of origin. Equally CAS has a regular cooperation with Serbian Chamber of commerce and industry.

3. Inter-agency cooperation:

a) Government of the Republic of Serbia and Government of the Republic of Bulgaria have concluded the Agreement on joint control in the railroad traffic on 15.04.2005 (“Official Gazette - SCG International Contracts”, number 13/2005 from 02.11.2005), while relevant Protocols on implementation of the Agreement were signed on 04.12.2006, as of when joint control by government services of the two countries is being applied. The mentioned joint control in passenger traffic implies joint control of passengers by the officers of Border police and Customs services of Serbia and Bulgaria. The control is being performed while the train is in motion on the relation Dimitrovgrad - Kalotina. It is foreseen that for freight traffic, officers of the mentioned services perform controls at the joint railway station Dimitrovgrad. However, the Republic of Bulgaria has in February 2010 submitted to the Republic of Serbia a proposal of changes and amendments to the concluded Agreement, which were undertaken by the Republic of Bulgaria in order to reach the required standards for entry into the Schengen Agreement.

b) Concrete cooperation areas are closer defined in the Agreement on cooperation in the area of integrated border management, signed on 06.02.2009, by ministers of the Ministry of Interior, the Ministry of Finance, the Ministry of Agriculture, Forestry and Water Management and the Ministry of Infrastructure. Defined cooperation areas are related to joint activities in the field of: harmonization and coordination of activities in the area of border control and cooperation on central, regional and local level; providing mutual expert and technical support; exchange of information; joint use of equipment; international cooperation; joint professional education; procedures in cases of emergency .

c) Border Customs stations of Serbia and its neighbours are working 24/7.

Institutional development, private sector consultation, and inter-agency cooperation: Russian Federation

1. Institutional development:

The Ministry of Economic Development of the Russian Federation and Ministry of Industry and Trade of the Russian Federation are playing supervising and coordinating role in implementation of reforms while the administrative role is within the area of responsibility of Federal Customs Service. The main public and private actors are also the Ministry of Foreign Affairs of the Russian Federation, the Chamber of Commerce and Industry of Russia and the Ministry of Finance of the Russian Federation.

2. Private sector informing and consultations:

The purposes and tasks of Chamber of Commerce and Industry consist, in particular, in assistance to modernization of national economy, to broad application of innovations, attraction of investments; to protection of interests of a business community against public authorities and local governments; creation of effective system of an expert

assessment of drafts of laws and regulations. It also should contribute to the development of communications with business communities of foreign countries, international business' organizations; assistance to the qualitative resolution of civil disputes, to development of arbitration trial; distribution of the principles of civilized business and social responsibility within the private enterprise environment. Finally, it has help to form the positive image of the Russian producers of goods and services.

The Web-pages of the above-mentioned ministries and departments provide access to information on laws, resolutions, drafts of the laws/resolutions concerning the customs and tariff legislation. This information is updated in case of changes in the legislation.

The concept of the electronic government was approved on May 6, 2008 by the Government of the Russian Federation, and its practical realization started in 2009. There was created an uniform telecommunication infrastructure of information systems of federal executive authorities, territorial branches of the Russian Federation, local governments, and also of the elements of infrastructure of public access — the access centers in public receptions, libraries and Federal State Unitary Enterprise Russian Post, the departmental and regional centers of telephone service, web-pages of government bodies and the regional multipurpose centers of rendering services. Besides rendering services for citizens and organizations the main objectives of such infrastructure of the electronic government include creation of information and analytical systems with a purpose to increase the efficiency of public administration, to carry on monitoring of social and economic development, and to manage the process of performance of priority national tasks.

Now are developed some key elements of national infrastructure of the electronic government such as the Uniform portal of the state and municipal services; the Uniform system of interdepartmental electronic interaction; the National platform of the distributed data processing; the Uniform system of identification and authentication in the infrastructure providing information and technological interaction of information systems used for granting state and municipal services in an electronic form; the Information system of the head certifying center. The uniform portal of the state and municipal services (functions), besides informing on an order of receiving the state and municipal services and functions, provides opportunity for applicants to submit applications in an electronic form on receiving the state services, to receive information on a course of consideration of statements, and also legally significant result of consideration of the statement in an electronic form. Besides, the user can leave a review of quality of the services provided to it in an electronic form.

The Uniform portal provides information about more than about 900 federal, 12 thousand regional and more than 23 thousand municipal services. The submission of statements in electronic form on 154 federal both 1360 regional and municipal services is available.

The Ministry of Telecom and Mass Communications of the Russian Federation created the uniform system of interdepartmental electronic interaction or SMEV. It is intended for the solution of the following tasks: ensuring execution of the state and municipal functions in an electronic form; ensuring providing the state and municipal services in an electronic form, including with use of the universal electronic card and the Portal; providing information exchange in an electronic form during the providing the state

and municipal services and execution of the state and municipal functions.

Following the results of 2012 Russia occupies the 27th place in the world rating of the electronic government of the UN, having improved the positions on 32 points.

Institutional development, private sector consultation, and inter-agency cooperation: Tajikistan

1. Institutional development:

a) Customs Service and MoEDT, SW State Unitary Enterprise Donora: EU (financial), GIZ (technical).

b) Stakeholder participation includes SW Coordination Committee (ministries/agencies, private sector and donors).

2. Private sector informing and consultations:

a) In accordance with the Action Plan on simplification of export and import procedures, each agency/ministry involved in foreign trade launched their web-sites or put relevant information about their procedures in visible places (stands, etc).

b) Regular consultations and round tables with the private sector to explain laws or regulations, and SW principle were conducted and still conducting together with Chamber of Commerce and with different Associations not only in Dushanbe, but as well as in regions.

3. Inter-agency cooperation:

a) Inter-agencies Working Group was created and aimed to develop measures on trade facilitation (headed by the Ministry for economic development and trade).

b) SW implementation team is working on new regulation which defines rules and cooperation of all involved agencies inside of SW system.

c) 3 pilot agencies volunteered for changing their procedures in accordance with the BPA and data harmonization results. Small part of their internal procedures will be automatized as well (GIZ supports these three pilots). This is as step by step approach for SW implementation and ways of preparing the agencies for SW implementation.

Institutional development, private sector consultation, and inter-agency cooperation: Turkey

Private sector informing and consultations:

a) Information on all new legislation as well as access to legal documentation is available on the official website of the Ministry of Customs and Trade. Guidelines and handbooks regarding various regulations have been published.

b) Draft legislation is shared with stakeholders during the drafting process. Feedback from stakeholders is also evaluated regarding current legislation.

Institutional development, private sector consultation, and inter-agency cooperation: Uzbekistan

1. Institutional development:

a) In each of the measure adopted by the President/Government, there has been identified ministry/agency, responsible for elaboration and implementation of a measure, as well as for coordination with other relevant agencies, depending on specificity of the measure.

b) The State Customs Committee is in the process of finding an international donor organization (ADB, KOICA, etc.), which will financially support the Project

implementation in Uzbekistan. By January 2013, KOICA (Korea) expressed preliminary interest to support SCC with financial resources (in the form of a grant) of up to 5 mln. USD to develop fully-automated SW system.

2. Inter-agency cooperation:

The ministries/agencies, involved in issuance of trade documentation in Uzbekistan include: “Uzbekexpertiza” – certificate of origin; Ministry of agriculture – veterinary and phyto-sanitary certificates, quarantine permit; Ministry of Health – hygienic certificate; “Uzstandart” Agency – certificate of conformity; State Customs Committee – customs declaration; Banks – registration of export-import contracts at a bank.

Institutional development, private sector consultation, and inter-agency cooperation: Ukraine

1. Institutional development:

Customs Service of Ukraine plays a supervisory role in trade facilitation. Technical assistance is funded primarily by the EU and the USA.

2. Private sector informing and consultations:

a) <http://www.customs.gov.ua/dmsu/control/uk/index> is the official website giving improved access to information on the regulations and formalities applicable to the import and export of goods. In addition, Ukrainian Customs administration operates call centres, which act as central enquiry points for information. For quick response to requests, which come from the private sector, the Customs administration established the Monitoring Centre. The Centre's staff is taking notice of problems and delays during the customs control and customs clearance, queues at checkpoints across the state border of Ukraine, suggestions and comments on the organization of the customs activity, as well as informing of regulations concerning the customs procedures. Receiving these messages is carried out by multi-line telephone, by facsimile as well as by a special mailbox.

b) Every Regional Customs has its official website that publishes on-line newsletters and bulletins (for example, <http://www.customs.lg.ua>, <http://www.customs.crimea.ua>).

c) During 2012 Customs administrations of all the Regional Customs organized consultations with the private sector concerning the new Customs Code, pre-clearance procedures and documents, electronic signature, effectiveness of Customs activity. For example, on December 5, 2012 in the classrooms of customs check-point “Alchevsk” of Lugansk Customs in the framework of the concept of the State Customs Service of Ukraine “Fair business - fair taxes” and “Concept of reform of the Customs Service of Ukraine” it was held a working meeting with economic operators carrying out customs clearance of goods and vehicles in the area of customs check-point “Alchevsk.” The meeting concerned questions of further introduction of electronic declaration in Lugansk Customs. It was attended by representatives of the State Tax Service of Ukraine in Alchevsk. In general, workshops, “round tables” and meetings organized by the Customs administrations, participating of the Public Councils members in the telephone conferences held by the State Customs Service of Ukraine show open dialogue of customs authorities with the private sector.

3. Inter-agency cooperation:

a) Cross-border cooperation with neighbouring countries includes

Bommoluk-2: technical assistance;

Ukraine - Moldova (activities of Mission of EU Border Assistance Mission to Moldova and Ukraine);

Ukraine – USA: technical assistance, trainings, study tours;

Ukraine – EU: advice and technical assistance, trainings, study tours;

Ukraine – Poland, Ukraine – Russia, Ukraine – German: adapting and implementing professional standards, academic and scientific cooperation, etc.

Example: Mission of the European Commission on EU Border Assistance to Moldova and Ukraine (EUBAM): the Ukrainian Plan “Regulation through Democracy” – short-term monitoring missions of OSCE.

b) National border agencies cooperation with each other includes cooperation between State Customs Service of Ukraine, State border guard service of Ukraine, Security Service of Ukraine, Veterinary and Phytosanitary Services of Ukraine.

In addition, documentary requirements can be simplified by extending standard documents into electronic documents for paperless trade and Single Window systems. Measures taken by the countries to move from a paper based environment to paperless trade are described below.

Introduction and modernization of infrastructure for electronic processing of trade documents and related data exchange: Albania

1) ASYCUDAWorld (AW) is now fully operational in the Albanian Customs Administration (ACA) headquarters (HQ) and all Customs offices. At the beginning of 2008, the Albanian Customs Department has signed with UNCTAD an agreement for the upgrade of its systems to ASYCUDAWorld, the latest web-based version of the ASYCUDA family.

In all customs offices the following procedures can be done electronically: all customs declarations are processed through ASYCUDA; Direct Trade Input is fully implemented; all customs regimes are implemented, including transit and warehousing; customs officers are allocated for physical inspection automatically by the system; updates of reference data (tariff etc) made in the ACA HQ are automatically available in all Customs offices; all customs declarations are automatically consolidated in the Customs HQ database.

2) The Albanian government is working towards the establishment of a Single Window on a step by step basis. For this purpose an Interinstitutional Working Group has been established.

The first step is data harmonisation between customs authorities and other institutions involved. For this purpose, during this phase the work has been focused on the identification of all the documents requested (licenses, authorisations, certificates etc) for customs purposes and the institutions involved. In this context, there have been identified several authorisations issued by line ministries and other institutions and selected two types of authorisations (veterinary and phyto-sanitary) in order to initiate the data harmonisation.

3) The E-signature Law is in place since 2008 providing the legal framework for the recognition and certification of the e-signatures but it is not yet fully implemented.

Introduction and modernization of infrastructure for electronic processing of trade documents and related data exchange: Azerbaijan

1) It was created a single automated control system in the customs service “(SAIS), which consists of the following modules:

- a) the system of “single window” to test and delivery of goods and vehicles crossing the state border checkpoints of the Republic of Azerbaijan;
- b) the system of customs clearance and customs control of goods and vehicles;
- c) the system to combat customs offences;
- d) Risk Management System;
- e) E-system workflow;
- f) the resource management system (ERP);
- g) human resource management system.

2) An internet page SCC AR (www.customs.gov.az) on which the following interactive electronic services are given:

- a) issuance of the identification number of the payer of customs payment;
- b) the completion and submission of customs declarations of passengers;
- c) preliminary information about goods and vehicles;
- d) assistance in foreign economic activity (exports and imports of goods and vehicles).

Introduction and modernization of infrastructure for electronic processing of trade documents and related data exchange: Bosnia and Herzegovina

1) In Bosnia and Herzegovina (BiH) there are simplified procedures for: declaration of goods for release for free circulation, the customs procedures with economic impact and export procedures, the principle laid down by Article 73 Law on Customs Policy of Bosnia and Herzegovina and the provisions of Article 160 - 196th Decision on Implementing Regulations of the Law on Customs Policy of Bosnia and Herzegovina.

Currently, the ITA approved simplified reporting procedures based on invoices while inspecting the goods at the customs office (BC) and the submission of additional applications for aggregate control customs office for a certain period of time and it is easier for merchandise that is easily recognized and identified and for which the review and the procedure can be carried out on the very border and ensure its regularity. In BiH there is inter institutional data base of Border agencies and they have electronic exchanges of data between themselves.

2) It is planned to upgrade the current ASYCUDA system in order to enable it to receive declaration data and further process it.

3) Bosnia and Herzegovina was beneficiary of SEMS (South-East Europe Messaging System), which is the project funded by the European Commission (EC). The SEMS project has two main purposes: continuation of support services for the current SEMS implementations in the Western Balkans region and the implementation of the common concept as regional standard for the exchange of encrypted pre-arrival information in “real-time”.

Overall project objectives are: improvement of administrative capacity, law enforcement department, IT Department, prevention of Customs fraud, prevention of swapping of documents at the border, risk analysis of pre-arrival data, speeding up of legitimate trade, faster customs formalities for announced movements of reliable traders, huge number of pre-arrival records - more officers at the BCP.

4) SEED — started on 14 September 2010 (this project is next stage of SEMS Project). Beneficiary Administrations are: Customs Administration of Albania, Indirect Taxation Authority of Bosnia and Herzegovina, Macedonian Customs Administration (The Former Yugoslav Republic of Macedonia), Customs Administration of Montenegro, Kosovo Customs, Customs Administration of Serbia.

Purposes of this project are: automatic data matching: YOUR EXIT IS MY ENTRY; analysis of pre-arrival data and alarm functions: YOUR (DEPARTURE) DATA assessed by MY RISK CRITERIA; external communication node: single, reliable and secure gateway to the Customs IT Infrastructure.

Concept of the SEED system is agreed on the regional level and accepted by all 6 beneficiary administrations. SEED Concept is based on Standards, which are events that initiate data generation; Data Cluster, which are data models for all messages; Interfaces (XML, Web Services): between SEED system and the CDPS (integration), between SEED servers in different administrations.

Concept has been agreed on regional level. However, due to absence of central authority (respected by all 6 Beneficiary Administrations) which will store and protect data and handle message routing, it has been decided that: implementation will be done on bilateral basis, using Standards of the Regional Concept, which implies legal base — signing of the Bilateral Protocols and IT aspect — establishment of bilateral electronic data exchange links. Advantages of bilateral implementation are: sequential implementation (link-by-link), flexibility for amendments of the legal base (2 parties only), flexibility for IT amendments (including switch to star topology with central location), legal basis.

Framework is Customs Mutual Administrative Assistance Agreements (CMAAA) Bilateral Protocols on electronic data exchange that specify scope of data which will be exchanged and include data security and personal data protection articles. These Protocols refer to Annex 5 of the Agreement on Amendment of and Accession to the Central Europe Free Trade Agreement (CEFTA), International Convention on the Harmonization of Frontier Controls of Goods and other international conventions and instruments dealing with customs frauds and trade facilitations.

5) The Law on e-signature has been adopted. However, other regulatory changes need to be made in order to remove paper declaration all together.

Introduction and modernization of infrastructure for electronic processing of trade documents and related data exchange: Greece

The main aim of the reform programs in Greece is:

- 1) Offer the Online Customs Tariff Database (TARIC) in Greek traders accompanied with Greece's national measures
- 2) Enabling the electronic submission of all supplementary documents related to the declaration and support procedure
- 3) Enabling the simplification and electronic automation for selected pilot products.

integration into e-customs as a national version of the Online Customs Tariff Database (TARIC), the enabling of electronic submission of all data/documents related to the declaration procedure, simplification and electronic automation for selected pilot products.

Introduction and modernization of infrastructure for electronic processing of

trade documents and related data exchange: Italy

1) Converting key documents into electronic forms/messages used for the import, export or transit of goods, such as the certificate of origin, licenses, or customs declaration is an ongoing process within Customs Single Window project and one of the ITH/Italy goals.

2) Introduction of a common IT system, such as an electronic Single Window, to receive the declaration data for further processing is pursued both in the ITH/Italy and Customs Single Window ongoing projects.

3) Regulatory changes to allow for digital/e-signatures and removing the paper declaration all together are within Customs Single Window ongoing project.

Introduction and modernization of infrastructure for electronic processing of trade documents and related data exchange: Republic of Serbia

1) The Customs administration converted Customs declarations into electronic messages when it conducts simplified procedures to an authorised consignor and an authorised consignee, and also it conducts electronic communication with postal declarations – Form SR 72. In the full sense electronic clearance is in the early stage, but electronic submission of customs declarations is 99%.

2) Electronic centre has also been created which, encompassing all channels of communication, enables registered external users to apply for certain services via Internet. Simultaneously, anonymous external users have been enabled to submit information on the violation of regulations through the open customs line.

3) In 2012, the electronic signature was introduced based on the qualified digital certificate which enables paperless business transactions in the clearance and transit procedure. Besides, regulatory changes were made to allow for digital/e-signatures and removing the paper declaration all together. They included:

- The Law on electronic signature (“Official Gazette of RS” No 135/2004 from 21.12.2004).
- The Law on electronic document (“Official Gazette of RS” No 51/2009 from 14.07.2009).

The provisions of Article 4 of the Customs Law regulate that the customs authorities implement and use information technologies when it is profitable and efficient for the Customs Administration, as well as economy in general. The Director General of the Customs Administration specifies the conditions under which the traders may contact the Customs Administration electronically.

Furthermore, the provisions of Article 86, paragraph 1, item 2, the Customs Law stipulate that the declaration may be submitted through electronic data exchange, if it is provided for by the technical possibilities and if the use of electronic means has been approved by the Director General, whereas the provisions of Article 102 of the same Law stipulate that in the event of submitting the declaration through electronic data exchange, the provisions of Articles 87 to 101 of this Law shall be applicable that refer to the declaration in written form.

Currently, it is possible to submit the customs documents electronically (The Single Administrative Document and the summary declaration), but for their acceptance, it is necessary to submit also the customs documents in written form to the customs authority.

Introduction and modernization of infrastructure for electronic processing of trade documents and related data exchange: Russian Federation

1) 13 centers of electronic declaring in all federal districts (whose main objective is reception and processing of the customs declarations submitted with use of the Internet, with application of technology of remote release) are created.

2) Final completion of automation of process of maintaining the Register of owners of warehouses of temporary storage in electronic form – introduction of the automated information system of the Central Register of subjects of foreign economic activity is carried out.

3) Within development of declaration of goods in an electronic form the Federal Customs Service of Russia certified 100% of the customs posts authorized to adopt customs declarations, on Internet declaring implementation (570 customs posts).

4) The Federal Customs Service put into operation a portal of electronic submission of data which allows participants of foreign economic activity (foreign trade activities) to submit already today information on goods and vehicles before their crossing of customs limit of the Customs union and thus to accelerate procedure of obtaining the documents necessary for registration of goods.

5) The technology of remote release of goods due to development of electronic declaring divided whole the process of customs control on documentary and actual ones.

6) For reduction of large volume of the documents demanded at customs declaring (including the aim of currency control) the Bank of Russia, in coordination with the Federal Customs Service of Russia excluded the requirement about transaction certificate registration for the contracts with sum less than 50 thousand US dollars (earlier this amount was 5 thousand US dollars) (<http://www.customsunion.ru/info/5104.html>).

The large-scale project of realization of interdepartmental information exchange is development of IIAIS (The Interdepartmental Integrated Automated Information System). The IIAIS is developed on the basis of mechanisms of “one window” and “one stop”. At the same time the implementation of the Russian project of “one window” (IIAIS) is characterized by the following shortcomings:

- absence of the uniform head leader of the organization;
- not inclusion in system of IIAIS of participants of foreign economic activity (foreign trade activities), as main suppliers of information;
- definition phase and analysis non-performance business of processes and, as a result, lack of a stage of harmonization of structure of documents and data;
- in Russia there is no uniform system of classification and coding, and there is no the uniform federal executive authority responsible for maintaining the all-Russian qualifiers;
- the international recommendations, standards, systems of classification and coding of the status are not implemented in Russia directly. In this regard the international recommendations, standards, systems of classification and coding are used, mainly, by business firms both non-state associations and associations;
- owing to the specified reasons in Russia there is no uniform state resource with actual texts of the all-Russian and international standards, codes and the qualifiers translated into Russian;

– one of consequences of lack of the due status of the international standards and recommendations is the admission of an important definition phase of the development including interdepartmental harmonization of documents and elements of data of future system at development of the mechanism of “one window” in IIAIS.

Introduction and modernization of infrastructure for electronic processing of trade documents and related data exchange: Tajikistan

1) One of the important steps from a paper based environment to paperless trade is developing customs IT system and its operation in 2012. Now 98% of customs declaration inside of Customs Service processing through EAIS system. Next step: link Customs IT system with SW and provide electronic exchange of information.

2) Two working groups are working on legal aspects of SW implementation. One of them especially works on Law of Electronic digital signature, which is very important for electronic data exchange.

Introduction and modernization of infrastructure for electronic processing of trade documents and related data exchange: Turkey

1) Traders are able to submit their declarations from kiosks at customs offices as well as from their own offices by “EDI” (Electronic Data Interchange) or on Internet to the BiLGE system.

2) A project regarding the implementation of an electronic Single Window is in progress.

3) Authorized traders can submit electronic customs declaration for exportation without having to print out a signed paper based copy.

Introduction and modernization of infrastructure for electronic processing of trade documents and related data exchange: Uzbekistan

1) According to the measure on introduction of the system of electronic customs declaration, specified in the Second Reform Program, the Government adopted the resolution (№370 dated 29/12/2012) on introduction of the system of electronic customs declaration starting from January 1, 2013.

2) According to the resolution №305 the work on automation of the (physical) Single Window system for exporters done by the State Customs Committee (SCC) has been in progress since mid 2012.

In parallel, SCC is in the process of finding an international donor organization (ADB, KOICA, etc.), which will financially support the Project implementation in Uzbekistan. By January 2013, KOICA (Korea) expressed preliminary interest to support SCC with financial resources (in the form of a grant) of up to 5 mln. USD to develop fully-automized SW system.

Introduction and modernization of infrastructure for electronic processing of trade documents and related data exchange: Ukraine

1) According to the Customs Code of Ukraine and the Regulation on Customs declaration, approved by the Legal Act of the Cabinet of Ministers of Ukraine № 450 from 21.05.2012, submission of electronic customs declaration is increasingly accepted. Electronic declaration of goods is available to all businesses that are registered with the customs authorities and have obtained digital signatures. An electronic declaration is completed on the form of a Single Administrative Document approved by the Decree of

the Ministry of Finance of Ukraine № 651 from 30.05.2012.

2) In Ukraine an electronic Single Window system is introduced and widely used. The principle of “Single Window” works at 92 checkpoints on the state borders: 44 out of 109 (or 56%) road border checkpoints; 21 out of 38 (or 55%) railway border checkpoints; 13 out of 23 (or 57%) air traffic checkpoints; 14 out of 47 (40%) sea, river and ferry checkpoints. Soon Single Window is to be implemented in all 217 checkpoints on the state borders.

For example, in the department of customs clearance № 2 of Chernivtsi Regional Customs due to a system of Single Window the time of customs clearance has reduced from 3 hours to 1 hour and an admission capacity as well as revenues to the budget has increased. Since October 8, 2012 it has been functioning a unified information system of port community under the program “Single Window - local solutions” in the area of Southern customs and the port “Great Odessa”. This information system allows removing the paper declaration all together.

In addition, in accordance with the Decree of the Customs Service of Ukraine № 1103 from 30.12.2011 “On approval of the Instruction on the use of software-hardware module “Information Terminal”, softwarehardware module “Information Terminal” is to be situated in the premises for the declarant in the location of the Customs clearance department and is to be used for declarants to enter electronic copies of paper customs declarations into the automated system of customs clearance by means of electronic media. This also reduces the time of customs clearance and facilitates trade.

3) Under the Decree of the Cabinet of Ministers of Ukraine № 219 from 21.03.2012 “On approval of the criteria for assessing the risk level of the activity of a customs broker and for determining the terms of state control” and the Protocol of the Cabinet of Ministers of Ukraine № 2 from 21.03.2012, Accredited Certification Centre began from May 2012 free issue of digital signatures to customs brokers and economic operators. During 2013 the State Customs Service plans to fully substitute paper declarations by electronic declarations on regulatory and operational levels.

Trade facilitation is also closely connected with simplification of export and import procedures as well as transit formalities. Furthermore, advance ruling, risk management system and authorized economic operators implemented by Customs authorities promote higher certainty, predictability and reliability in supply chains. The main steps taken by the countries in the direction of export and import facilitation are summarized below.

Changes in business processes and procedures: Albania

1) The Customs Code of the Republic of Albania provides for mechanisms to issue advance rulings for trading purposes. Pursuant to articles 21-29 of the Customs Code, advance rulings may be issued for:

- Classification according to the national customs tariff (Binding Tariff Information);
- Verification of the origin of goods declared for preferential treatment (Binding Origin Information).

Binding Tariff Information (BTI) and Binding Origin Information (BOI) are issued within 90 days.

2) The procedure has been improved by the introduction of the Direct Trade Input

(DTI). The application of this concept has made possible for the business to directly make the customs declaration from its office without involving the authorised agencies/brokers for this purpose.

Following the 2012 Doing Business Report findings, the customs authorities have recently reduced the number of the mandatory documents requested in import and export procedures. This number has changed from 8 to 4 for imports and from 7 to 3 for exports. Also, the number of physical inspections has been reduced in 10% for 2012 from 12.9% that was in 2011.

3) The following official documents are aligned: Single Administrative Document per clearance of goods, TIR Carnet, ATA Carnet. There are also aligned veterinary, sanitary and phyto-sanitary certificates with EU acquis.

4) Risk management is already introduced and operational in Albania since 2005. A special risk management unit (9 staff members) is established within the Customs administration, placed under the intelligence directorate. The control of the customs declaration is conducted based on the method of risk analysis which is automatically performed and according to profiles designated for this purpose, which operate at national level. Further, a selective control procedure (local risk management) is performed in all customs branches, based on intelligence information and/or on monitoring.

Following this procedure, the local risk management authorities may propose profile changes on the national risk management system to the central customs authorities.

5) Authorised economic operators concept is planned to be introduced by the new Customs Code which has already been drafted in harmonisation with the EU acquis on this matter. Meanwhile a project pilot for the AEO status to two companies financed through IPA 2008 is being implemented.

For this purpose, in collaboration with DG TAXUD, a workshop related to AEO concept has been organized during 2012 in order to increase the administrative capacities of Albanian customs authorities as well as share experiences with other European and regional customs authorities on the matter.

6) For transit of goods, it can either be done applying for the transit regime or use Carnet TIR, Carnet ATA as well as the postal regime. In this context, the three last are considered as customs transit regime. The transit regime is implemented without being in contrary to other provisions of Customs Code, as well as to other economic customs regimes. The transit regime is closed upon presentation of goods in the final destination.

7) Albania is part of the TIR convention and ATA Convention as regards transit.

Changes in business processes and procedures: Azerbaijan

More than 70 documents used during the customs clearance for the passage of passengers, goods and vehicles at borders were eliminated and replaced by a single customs document.

As a result of the introduction of “single window” and “e-customs” to check shipping and clearance of goods and vehicles the passage of vehicles through the crossings of the state border of the Azerbaijan Republic has decreased from 2 hours to 15-20 minutes, and the number of vehicles held border crossings increased by more than 3 times.

UAIS integrated and exchange of data is conducted with information systems of 14 state agencies involved in foreign economic activities in order to facilitate customs

clearance and customs control.

It was introduced “e-signature” in UAIS for the security of information resources and systems.

Changes in business processes and procedures: Bosnia and Herzegovina

1) According to Article 11 Customs Policy Law of BiH includes provisions connected with: a) binding information on tariff classification; b) binding information on origin.

2) According to the World Bank's “Doing business 2013” data for Bosnia and Herzegovina, in 2013, 9 documents are necessary to import and 8 documents are necessary to export. The export procedure lasts, on average 15 days and the import procedure lasts in general 13 days.

3) Most of the customs documents are aligned with international agreed standards and best practices (e.g. EUR-1, Form A, Certificate of Origin).

4) Activities are ongoing in order to introduce a risk management system. Legal basis for customs risk analyses is contained in Instruction on procedure to establish selectivity risk and provision of information for needs of ITA risk analysis. Definitions used are:

- Risk Analysis-Methodology is used to identify and measure risks, to control with available resources, all taxpayers, procedures and deliveries that depart from regular, and therefore represent possible violation of regulations;
- Risk profile is dynamic records ensuring that all noticed risks and all intelligence is assessed, processed and all related actions have been taken. Profiles: general and local

Competent authorities, which activity is aimed at establishing risk profile:

- Local organizational units drafting local profiles and delivering proposal to the Committee in RAS form (Risk Analyses System);
- Selectivity committee making strategizes and working plans, local profile assessment and drafting general risk profiles into IT system Asycuda.

Percentage for customs declarations by selectivity control lanes for 2010 is as follows:

Blue lane - 0,22 % ; Green lane - 12,47 %; Yellow lane-35,59%; Red lane - 51,72 %.

5) In BiH, authorized exporters benefit from simplified procedures. It is also planned to introduce authorized economic operators by adopting new Law on Customs policy (in procedure).

6) The TIR and ATA Carnets have been introduced, and Bosnia and Herzegovina is participant of International Convention on the Harmonization of Frontier Controls of Goods form 1993.

Changes in business processes and procedures: Greece

According to the National Trade Facilitation Strategy and Roadmap reform program such changes in business procedures are to be made:

- 1) reduction of the number of days needed to export by 50% by 2015;
- 2) reduction of the cost to export by 20% by 2015;
- 3) establishing a National Single Window for Exports;
- 4) the launch of a pilot programme in selected customs offices to expedite export procedures;

- 5) the carrying out of business process analysis (BPA);
- 6) the percentage of physical and documentary controls will be reduced to align with EU best practices;
- 7) increasing the number of traders registered for Simplified Procedures;
- 8) increasing the number of traders registered for Authorised Economic Operator;
- 9) establish and then grow the number of traders registered for Authorised Trader in the area of agriculture (fresh fruits and vegetables).

Changes in business processes and procedures: Italy

- 1) Introduction of pre-entry information is an ongoing effort within the customs Single Window project.
- 2) Within the Customs Single Window project current implementation, considerable progress was made in the last few years to simplify and digitalize international trade related procedures.
- 3) The document alignment is yet to be completed through the Customs Single Window (by 2014, according to the related law provisions).
- 4) The International Trade Hub/Italy , expected to be operational by the end of 2013, will provide a wide range of e-marketing , information, training, financial, insurance, customs and FDI attraction services : the ITH/Italy is therefore is meant to provide a very extensive interpretation to the ITH “ format “ so far implemented in other UN Member Countries. The ITH /Italy is currently considered a priority project to follow by UNCEFACT, which included it in its Addendum to the 2012-2013 Programme of Work (point no.5).
- 5) Simplification of transit customs formalities is ongoing process within Customs Single Window Project.
- 6) The transit agreements are made within the EU related framework and are mandatory for Italy.

Changes in business processes and procedures: Republic of Serbia

- 1) According to Customs Law (“Official Gazette of the Republic of Serbia” No 18/10 and 111/12), the Customs Administration issues binding information on tariff classification in accordance with the Customs Tariff and binding information on origin of goods, on written request by the person concerned. These information are valid for a period of three years from the date on which they are issued. Also, on written request by the person concerned, customs authority issues information concerning the application of customs legislation, free of charge and within 30 days from the date the application was filed.

Customs Administration of Serbia (CAS) is using TIR-EPD System (TIR electronic pre-declaration) which enables all holders of TIR carnets the electronic announcement of a shipment, prior to its arrival at the border crossing customs office, or the office of departure.

Also CAS is using the SEED-Systematic Electronic Exchange of Data with Montenegro, FYROM, BiH. SEED implies systematic electronic exchange of data about the goods and vehicles prior their arrival to the border. Purpose of the exchange of the pre-arrival informations is to establish risk assessment in time, but also faster flow of goods. As a Regional Project (Montenegro, Serbia, BiH, FYROM) SEED is funded by the IPA for

2010 and 2012.

2) The Customs Administration has intensified the activities regarding the simplification of procedures. Explanatory notes for the implementation of the simplified import and export procedure in the consignee's premises, as well as for the procedure of importation and exportation of goods based on invoices were issued.

Also, traders have been enabled to use the simplified procedure for conducting production-related operations within the inward processing procedure in free zones-there is no need to submit Customs declaration for inward processing. Oral declarations for the temporary importation and exportation of packaging, pallets and containers have also been provided. A simplified procedure for the exportation of goods in postal traffic has been enabled, provided that the value of the concerned goods does not exceed 1000 EUR-no need to submit Customs declaration for export.

3) All international documents such as SAD, TIR, ATA, CMR, CIM, Bill of Lading etc. are mutually agreed. Also, Serbia is in compliance with EU procedures.

4) The Customs Law includes the legal basis for the full implementation of the Common transit procedure of the EU. At the beginning of 2009, the Government of the Republic of Serbia, at the proposal of the Customs Administration, accepted the necessity to accede to Convention on a common transit procedure *and the Convention on the simplification of formalities in trade in goods*, and accordingly Letters of Intent to accede to the stated conventions were sent. The Republic of Serbia obtained the status of informal observer in EC/EFTA, Joint committees, Workgroup and Group for electronic customs - NCTS- (New Computerized Transit System) for the implementation of the Convention on a common transit procedure.

5) Serbia acceded to TIR Convention.

6) CAS has made internal instruction for usage of comprehensive guarantee in transit procedure and the conditions and authorization of the exemption of the bank guarantees.

Changes in business processes and procedures: Russian Federation

The project of "Concept of a Control System of Risks in Customs Authorities of Russia". The modern control system of risks (CSR) promotes transition in customs affairs to paperless technologies, is developed in 2000. CSR started functioning fully after 2008. From the moment of adoption of the Customs code of the Customs union concerning participants of foreign trade activities, producers, customs representatives, carriers the following simplifications of customs administration are provided: 1) the period of registration of the cargo customs declaration is reduced from three to two days; 2) the term of payment of the customs duties and taxes is established equal to the term of temporary storage - about four months, while the Customs Code of Russia had demanded the payment period of 15 days; 3) the customs applicant has a possibility of modification of the customs declaration before release of goods; 4) the institute of the special simplified procedures will replace institute of Authorized Economic Operator which will be given the following opportunities: to make out transit of goods without providing introduction; to carry out release of goods before submission of the customs declaration with payment of payments at the time of submission of the declaration, that is actually with an interest-free delay of payment for a period of 10 till 40 days; to carry out temporary storage of goods in

rooms, on the open areas and other territories of Authorized Economic Operator; to perform the customs operations connected with release of goods, in rooms, on the open areas and other territories of Authorized Economic Operator.

Changes in business processes and procedures: Tajikistan

1) As a result of the Action Plan on simplification of administrative barriers in export and import procedures, Government Decree № 487 approved in 1.10.2008, the number of documents needed for different certificates and licenses were reduced by 50% time and signatures by 1/3 (preliminary calculations).

2) Since 2011 it was initiated two round of changes in Customs Code according to Kyoto Convention on the Simplification and Harmonization of Customs Procedures requirements. As a result the necessary documents for the customs clearance were reduced from 11 to 5 in December 2012.

3) SW implementation team is working on new regulation which defines rules and cooperation of all involved agencies inside of SW system.

4) Pilot agencies volunteered for changing their procedures in accordance with the BPA and data harmonization results. Small part of their internal procedures will be automated as well (GIZ supports these three pilots). This is as step by step approach for SW implementation and ways of preparing the agencies for SW implementation.

5) New IT system of Customs has risk management component, but it's not being used yet.

Changes in business processes and procedures: Turkey

1) Binding Tariff Information and Binding Origin Information is issued by the customs administration. Pre-arrival information is evaluated by the customs offices prior to the arrival of goods in the customs territory.

2) Single administrative documents are used for customs declarations.

3) Local clearance for export, authorized consignor procedures for transit, incomplete declaration and simplified declaration procedures are in effect.

4) Risk management to reduce physical and paper based inspections is in effect.

5) The authorized traders system and the AEO system is in effect and due simplified procedures have been granted.

6) Authorized consignor procedures have been initiated. NCTS is in use. Comprehensive guarantees are in use.

7) The common transit convention is in effect. TIR convention is in effect.

Changes in business processes and procedures: Uzbekistan

1) The First Reform Program, approved by the President (Resolution №1464 dated 07/01/2011), put forward the task of introduction of the system of *Single Window for exporters*. As a result, the Government later adopted the resolution (№305 dated 17/11/2011) on introduction of (physical) SW mechanism for exporters starting from October 1, 2011, *which decreased (only) time for expertise* of exporters' documents by relevant agencies (mentioned above).

2) Later, the Second Reform Program, approved by the President (Decree №4455 dated 18/07/2012), also adopted number of the following amendments, aimed at simplification of procedures/formalities:

- Customs clearance time has been decreased from 10 to 3 days;

- The time of issuance of certificate of conformity of imported goods has been decreased from 30 to 10 days;
- The procedure of confirmation of country of origin of imported goods has been cancelled;
- The procedure to register import contracts in customs authorities has been cancelled;
- The requirement to submit an import contract during customs clearance has been cancelled;

The detailed list of goods subject for hygienic certification has been approved.

Changes in business processes and procedures: Ukraine

1) In compliance with the Customs Code of Ukraine, advance rulings may be issued for:

- Classification;
- Origin of goods declared;
- Placing goods in certain customs regimes.

2) According to the Law of Ukraine № 2973-VI from 03.02.2011 “On amendments to some legislative acts of Ukraine concerning advance documents at checkpoints of the customs border of Ukraine”, the customs authorities at checkpoints are empowered to perform sanitary, veterinary, phytosanitary and environmental control for certain goods and to control the movement of cultural property imported into the customs territory of Ukraine (including for transit), in the form of advance documentary control. Hence, transfer of control functions to border customs authorities helped to shorten time of control operations and expedite release of goods and vehicles. In particular, at present the clearance of trucks and carrying out all controls take maximum 20 minutes.

3) With the entry into force of the new Customs Code of Ukraine, the customs clearance decreased from one day to four hours.

4) All customs authorities introduced the electronic declaration of goods, thus for today, about 40% of all customs declarations are issued in electronic form without submitting paper copies.

5) For customs clearance of goods at internal customs (customs of arrival) also some time limits are applied. Thus, for customs clearance of goods under one customs declaration which declares no more than 10 headings time limit is no more than 2 hours.

6) The risk management system is widely used by Customs authorities of Ukraine during customs control and customs clearance of goods through automated system of risk analysis and risk management, adopted under the Decree of the State Customs Service № 1467 from 13.12.2010. This has greatly reduced the number of physical inspections.

7) According to Article 15 of the Customs Code and the Resolution of the Cabinet of Ministers of Ukraine № 447 from May 21, 2012 selected trustworthy traders or authorized economic operators enjoy simplified procedures. In Ukraine, trustworthy traders are divided into three categories: those who were given the certificate of reliability and security, those who obtained the certificate for the simplification of customs procedures and those who were given both certificates. The first obtain special facilitation on reduced volume of information that must be submitted to customs authorities before

import/export of goods into the customs territory of Ukraine; special facilitation on temporary storage of goods, removal of customs seals without permission of the Customs under certain conditions, departure of goods from the premises, outdoor and indoor sites without their presenting for customs control. The second group obtains customs control on a priority basis, temporary storage of goods in a warehouse without permission of the customs authority, exemption from providing guarantees, customs clearance of goods at the operator's premises, the submission of a single customs declaration if during certain period of time goods are imported or exported by the same operator under the same international contract. The third group enjoys special facilitation on temporary storage of goods, removal of customs seals without permission of the Customs under certain conditions, temporary storage of goods in a warehouse without permission of the customs authority and exemption from providing guarantees.

8) Ukraine acceded to TIR Convention.

Summary and concluding remarks

Having analyzed the facilitation instruments used by the abovementioned eleven countries for undertaking reform programs in the area of trade facilitation, we can conclude that the most applicable ones are international conventions (the RKC, TIR Convention, International Convention on the Harmonization of Frontier Controls of Goods), international standards and recommendations (UNECE/UNCEFACT Trade Recommendations and e-Standards, WTO, EU and CEFTA rules, SAFE Standards, EU Customs Blueprints). However, guidelines and guides, case stories and best practices are not used in such a great context. In our opinion, utilizing of all international trade facilitation instruments, especially TFIG UNECE, in as wide scope as possible will improve capacities of the customs administrations to meet the requirements of a full and stable implementation of increased transparency on the regulatory framework applicable to international trade as well as help adapt the current IT system of the customs administrations to the new business challenges and the new forms of data exchange to enhance facilitation of global trade. Besides, the measuring of action plans by a number of Key Performance Indicators (KPIs) and conducting the Business Process Analysis (BPA) of all procedures per product per country of origin/destination, which refer to the best practices of Member States of the European Union, will be followed by necessary simplifications in international supply chain.

In our opinion, to achieve even greater success in the implementation of the national reform programs at the national level, all countries concerned should set up Trade Facilitation Committees which participants will represent the interests of both the government and business. In the process of trade facilitation policy design and implementation experts of the Committees should refer to documents on trade facilitation, developed by international organizations, especially UNECE Trade Facilitation Guide. In particular, it is suggested to use:

- *Instruments for making readily available all relevant information of general application* which include Standard 9.1 and Standard 9.2 of the Revised Kyoto Convention (RKC); the WCO recommendations on use of the worldwide web; The ICC Customs Guidelines No. 28 on publication of information; the

- guidelines to Chapter 9 of the RKC; the ICC Customs Guidelines No. 31; Trade facilitation implementation guide of the United Nations Economic Commission for Europe (TFIG UNECE).
- *Instruments for providing useful reference points to create information centers and organize trade consultations* such as the ICC Customs Guidelines No. 29; the guidelines to Chapter 9 of the RKC; the ICC Customs Guidelines No. 31; Standard 1.3 of the RKC; TFIG UNECE.
 - *Instruments for advance ruling* such as Standard 9.8 and Standard 9.9 of the RKC; WCO Recommendation on binding pre-entry classification information; the ICC Customs Guidelines No. 40 to 43; TFIG UNECE.
 - *Instruments for formal trade consultations* such as RKC; UNECE Recommendation N.4; TFIG UNECE; Case story of Pakistan: National Trade and Transport Facilitation Committee as Effective Mechanism for Implementing Trade Facilitation Measures in Pakistan.
 - *Instruments for conducting Business Process Analysis (BPA)* such as the UN/CEFACT Standards; UNNEXT BPA Guide; TFIG UNECE.
 - *Instruments for document alignment* such as FAL Convention; the UN Core Component Library (CCL); Recommendation No.1 “UN Layout Key for trade documents”; Recommendation No.16 UN LOCODE; The United Nations Trade Data Element Directory (UNTDDED, ISO 7372); UNNeXT Guide for Document Alignment; TFIG UNECE.
 - *Instruments for implementing Single Window* such as UNECE Recommendation No. 33; Case story: Single Window Implementation in Mozambique; TFIG UNECE.
 - *Instruments for issuing e-signatures* such as UNECE Recommendation No. 35- Establishing a Legal Framework for an International Trade Single Window.
 - *Instruments for providing risk management* such as Standard 6.3 of the RKC; the Guidelines to Standard 6.3 of the Revised Kyoto Convention; risk management compendium; The ICC Customs Guidelines No. 14; TFIG UNECE.
 - *Instruments for implementing joint border control* such as Standards 3.4 and 3.5 of the RKC; Harmonized Frontiers Controls Convention; TIR Convention; The Global Facilitation Partnership for Transportation and Trade (GFPTT); TFIG UNECE.
 - *Instruments for implementing border agency cooperation* such as Standards 3.3 to 3.5 of the RKC; The SAFE Framework; TFIG UNECE; Case story: Interagency Collaboration for Single Window Implementation: Thailand's Experience.
 - *Instruments for simplifying customs transit* such as Specific Annex E of the Revised Kyoto Convention (RKC); Article 6 of Annex 8 to the International Convention on the Harmonization of Frontier Control of Goods; TIR Convention; The ICC Customs Guideline No 24 and 25; TFIG UNECE.

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