

REVIEW

HARMONIZATION OF BORDER CROSSING PROCEDURES IN THE SPECA COUNTRIES

DRAFT

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Disclaimer: This draft document has been prepared by Ms. Larisa Kislyakova, international expert and UNECE consultant in realisation of the Roadmap for Implementation (https://www.unece.org/fileadmin/DAM/SPECA/documents/gc/session14/Roadmap_for_Implementation_of_the_SPECA_TF_Strategy_English.pdf) of the SPECA Trade Facilitation Strategy, adopted by the SPECA Governing Council on 21 November 2019. The views in this document are those of the author and do not necessarily express those of the UNECE secretariat or UNECE member States.

This document is a draft and has been prepared for further discussion with stakeholders in the SPECA countries; it will be a working paper for further discussion and review at the Working Group on Trade.

CONTENTS

INTRODUCTION	3
REGULATORY FRAMEWORK FOR BORDER CROSSING PROCEDURES IN the SPECA COUNTRIES.....	6
1) Requirements and recommendations for border control in compliance with international norms and standards	6
2) Comparison of existing border control instructions with international standards.....	7
i. International BCPs in the SPECA countries	7
ii. Afghanistan	8
iii. Azerbaijan	9
iv. Kazakhstan	10
v. Kyrgyzstan	13
vi. Tajikistan.....	15
vii. Turkmenistan.....	17
viii. Uzbekistan.....	18
CONCLUSIONS AND RECOMMENDATIONS ON THE HARMONIZATION OF BORDER CROSSING PROCEDURES IN THE SPECA COUNTRIES.....	20
Annex: Situation at BCPs during the COVID-19.....	21

ABBREVIATIONS

BCP - Border crossing points

CAREC - Central Asia Regional Economic Cooperation Programme

CIS - Commonwealth of Independent States

EAEU - Eurasian Economic Union

SCO - Shanghai Cooperation Organization

SPECA - United Nations Special Programme for the Economies of Central Asia

TFA - Trade Facilitation Agreement of the World Trade Organization

TRACECA - Transport Corridor Europe-Caucasus-Asia

WTO - World Trade Organization

DRAFT

INTRODUCTION

The exponential growth of cross-border movements of goods often pushes States to develop more effective border management procedures implemented at border-crossing points (BCPs). Issues related to the facilitation of border-crossing procedures (time and documentary formalities) are of particular relevance to the countries participating in the United Nations Special Programme for the Economies of Central Asia (SPECA) (Afghanistan, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan), through which important transit corridors run between the global trading centres in East Asia and Europe (see Box 1 below).

Box 1.

The main transit corridors crossing the SPECA countries have been developed in the framework of projects under different programmes and organizations (CAREC, TRACECA, SCO, CIS, UN Euro-Asian transport corridors, etc.) and are not referred to as SPECA corridors.

To diversify their transport connections, the landlocked SPECA countries have been actively implementing projects aimed at developing transport and communication networks in recent years. However, most of these projects focus on alternative transport corridors outside the SPECA region:

- Turkmenistan's national development programme indicates the development of transit corridors connecting the country to Pakistan (together with Iran).
- Uzbekistan and Kyrgyzstan are interested in launching the Uzbekistan-Kyrgyzstan-China railway corridor.
- In recent years, the Government of Tajikistan has geared efforts towards the development of trade and transport connections to the south of its borders. The objective is to use Afghanistan as a transit territory to reach Iranian ports, bypassing Turkmenistan. During the COVID-19 pandemic, traders have been actively using this route to supply goods.

The development of alternative corridors promotes competition and infrastructure development, which in turn has a positive effect on the economic development of the countries in the region.

Differences in the foreign policy positions and interests of the States in the region hamper the successful implementation of major projects. Due to the unpredictability of the different countries' aspirations, it is difficult to assess the development prospects of the regional transport system.

Review: Harmonization of border crossing procedures in SPECA Countries

In this regard, the Ashgabat Initiative, adopted at the SPECA Economic Forum on 21 November 2019, recommends the introduction of innovative tools to facilitate border crossing procedures, renovation of BCPs, in order to harmonize both infrastructure and procedures.¹

The SPECA Trade Facilitation Strategy and the Road Map for its implementation call on countries to harmonize border crossing procedures and to consult on the harmonization of these procedures.²

The relevance of analysing these issues stems from the challenging border-crossing situation in most SPECA participating countries, despite existing integration processes in parts of Central Asia and the progress of reforms in individual countries.

The United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) estimates that 40 per cent of the total time spent on the delivery of goods along the Silk Road is lost by road carriers due to inadequate border crossing procedures, which prevents increased trade between the countries of the Eurasian continent. In addition, 30 per cent of freight costs are accounted for by unofficial freight charges along routes and at BCPs.

In order to help harmonize border crossing procedures in the SPECA participating countries, the UN Economic Commission for Europe has initiated a study, which analyses border-crossing procedures at the various BCPs through which the main traffic flows in all seven SPECA member countries pass, and proposes a set of common uniform procedures that can be recommended to all countries of the region.

This document reviews key aspects of the compliance of technological schemes - written instructions on how to carry out control at BCPs of SPECA countries - with the recommended regulations, which are reflected in the International Convention on the Harmonization of Frontier Controls of Goods of 1982, the WTO Trade Facilitation Agreement, the Revised Kyoto Convention and other international instruments. In its annex, it flags out recent developments arising in the context of the COVID-19 pandemic.

The proposals outlined in this document will be discussed with relevant stakeholders from the SPECA countries with a view to reach coordinated decisions on the harmonization of border-crossing procedures in this sub-region.

The COVID-19 pandemic has a strong impact on border-crossing control procedures. The annex at the end of this report contains a summary of information collected from carriers and freight forwards participating in the Partnership for Transport and Logistics in Central Asia.³ The information has been compiled by the author in online meetings with members of the Partnership.

¹

[http://www.unece.org/fileadmin/DAM/SPECA/documents/gc/session14/IV._Ahgabat_initiative_@CAP_FIRST\\$english.pdf](http://www.unece.org/fileadmin/DAM/SPECA/documents/gc/session14/IV._Ahgabat_initiative_@CAP_FIRST$english.pdf)

²https://www.unece.org/fileadmin/DAM/SPECA/documents/gc/session14/SPECA_Trade_Facilitation_Strategy_English.pdf and

https://www.unece.org/fileadmin/DAM/SPECA/documents/gc/session14/Roadmap_for_Implementation_of_the_SPECA_TF_Strategy_English.pdf

³ The Partnership for transport and Logistics in Central Asia is a permanent regional professional platform (forum) bringing together national transport partnerships in each country (according to the Terms of Reference of the Partnership for Transport and Logistics in Central Asia, September 2016)

Methodology

This study used the following sequence of collecting data and its interpretation:

- Desk study based on data from open sources (mainly information sites of government bodies present at the BCPs, and sectorial associations in the countries), information processing and analysis of legal acts regulating Customs and border controls.
- Targetted meetings with focus groups, carriers and specialists in relevant sectors complemented the desk study, especially in countries where information is not available from open sources. Key role played the members of the Partnership for Transport and Logistics in Central Asia.
- The desk study included analysis of the results of other studies on the issues under consideration (ADB study on measuring and monitoring the efficiency of corridors. OSCE,⁴ ESCAP⁵).

⁴ <https://www.osce.org/files/f/documents/0/e/99872.pdf>

⁵ <https://www.unescap.org/publications/APTIR2019>

REGULATORY FRAMEWORK FOR BORDER CROSSING PROCEDURES IN THE SPECA COUNTRIES

1) Requirements and recommendations for border control in compliance with international norms and standards

Various international acts cover different aspects of international standards and procedures for the control of goods at BCPs.

Among these acts, the UNECE International Convention on the Harmonization of Frontier Controls of Goods, the Revised Kyoto Convention of the WCO and the WTO Agreement on Trade Facilitation are of key importance.

International organizations such as the European Union (EU), the Organization for Security and Co-operation in Europe (OSCE), World Customs Organization (WCO), and the World Bank, have developed their own border management concepts, based on existing recommendations, using their specific terminology, notably the concepts of *Integrated Border Management*, *Coordinated Border Management*, *Collaborative Border Management* or *Comprehensive Border Management*.

There are no uniform rules for the control of BCPs, recommended by international norms.

Summing up the provisions of international norms related to border control policies, we can highlight several key points for the organization of border controls.

The international norms recommend an optimal number of services at the border. Inspections at the BCPs include (but are not limited to):

- Immigration control;
- Customs inspection;
- Sanitary, phytosanitary / veterinary control and quarantine;
- Inspection of quality certificates (usually for foodstuffs);
- Transport inspection (inspection of transport permits and licences, vehicle weight and dimensions, collection of road duties or taxes, etc.).

International norms cover the list of inspections, but do not provide descriptions of the sequence of the business processes at the border. The documents clearly state that passport control and Customs formalities must be carried out for every vehicle crossing the border, so that the authorities responsible for such checks must be represented at the border on a permanent basis. Other checks may be carried out on a case-by-case basis and their number depends on the type of traffic flow, the geographical location of the BCP and the types of goods carried across the border.

Another aspect of international legal norms governing border control is the coordination of the role of Customs authorities in the organization of all types of controls. The choice of using one or another type of control should depend on whether it has a positive impact on the crossborder movement of goods (on trade facilitation).

International legal norms suggest two approaches that can simplify formalities and reduce the burden on BCP:

(a) inter-agency cooperation in which the inspection and control of documents and persons (passport/visa, driving licence, currency exchange, health/epidemiology), vehicles (registration, serviceability, insurance) and goods (Customs, phytosanitary/plant protection, veterinary requirements, as well as quality requirements) should be implemented jointly and simultaneously by all agencies;

(b) reducing the number of agencies represented at border posts by delegating the powers of certain bodies to other ones. For example, some simple, routine checks that do not require deep, specific knowledge and skills (such as vehicle weighting) are transferred from the transport authority to Customs. Delegation of authority as a means of reducing the burden of border controls can be combined with the organization of some internal control procedures.

According to international legal instruments, key requirements for the organization of border controls include: the availability of equipment and devices necessary for carrying out various checks involving different modes of transport, types of goods, and transport requirements; and, notably, the existence of relevant written instructions for officials to conduct their work in accordance with existing national regulations, international treaties and agreements.

Conventions and agreements attribute special attention to the exchange of information necessary for effective border controls between border control agencies. The simplification of border controls is inextricably linked to the procedures introducing systems for advance submission of information. The Conventions also contain minimum requirements for the infrastructure of efficient BCPs (equipment and devices required for cargo inspection according to different modes of transport and goods and transport requirements; official instructions for control officers, etc.).

The International Convention on the Harmonization of Frontier Controls of Goods further raises the issue of standardization of weighing procedures for vehicles in Annex 8⁶. The aim of this measure is to eliminate re-weighting at BCPs.

2) Comparison of existing border control instructions with international standards

i. International BCPs in the SPECA countries

Traffic flows through the SPECA region pass through numerous BCPs of the SPECA participating countries. In total, there are 65 BCPs between SPECA countries:

- i. Afghanistan – 8 BCPs;
- ii. Azerbaijan – 1 BCP;
- iii. Kazakhstan – 10 BCPs;
- iv. Kyrgyzstan – 10 BCPs;
- v. Tajikistan – 15 BCPs;
- vi. Turkmenistan – 6 BCPs;

⁶ <https://www.unece.org/fileadmin/DAM/trans/tn/harmone.pdf>

vii. Uzbekistan – 15 BCPs⁷.

During the COVID-19 pandemic, the transport flows of SPECA countries underwent certain changes. This was mainly due to border closures, restrictions on the operation of BCPs, changes in export and import country destinations.

This mainly affected trade and transport routes in the direction of Turkey and the bypass route around Turkmenistan, via Kazakhstan's seaport Aktau - Azerbaijan - Georgia - and further via the Black Sea ports. Another bypass route towards Turkey is currently developing via Afghanistan and Iran.

Road routes within the region leading towards traditional markets, in Russia in particular, have not changed. They mainly relate to the transportation of fresh agricultural produce.

According to expert estimates, the drivers' choice of a route and BCPs is often guided by the type of cargo being carried, and by «unofficial contacts» allowing for a “facilitated” way to cross the border, since official information is difficult to obtain.

The most active BCPs are:

Guliston, Tajikistan – Kyzyl Bel, Kyrgyzstan

Jung Kapka, Kyrgyzstan – Aisha-Bibi, Kazakhstan

Kairak, Kazakhstan – Bugrisote, Russia

Karasuk, Kazakhstan – Karasuk, Russia

Dusty, Tajikistan – Sary Osiye, Uzbekistan

Daut Ata, Uzbekistan – Tajen, Kazakhstan

Raw, Kazakhstan – Mashtakovo, Russia

Sherkhan-Bandar, Afghanistan – Nizhny Pyanj, Tajikistan

Aktau seaport BCP, Kazakhstan – Baku seaport BCP, Azerbaijan

Ak Telek, Kyrgyzstan – Karasu, Kazakhstan

Farap, Turkmenistan – Alap, Uzbekistan

ii. Afghanistan

Tremendous work has been done in Afghanistan in recent decades to establish a system for the protection of the State border. A system of State control at entry points has been established, according to the country's priorities for official controls.

Due to the lack of information in official sources, information was collected from transport carriers on the actual control procedures implemented by Afghanistan's government agencies.

⁷ The author interviewed in person a group of carriers from Afghanistan, some of whom were in Tajikistan at the time of the study and held Skype interviews with others.

Review: Harmonization of border crossing procedures in SPECA Countries

According to the information received from carriers, the following agencies are responsible for the control of road vehicles and goods at the BCPs:

1. Border control;
2. Customs (\$200 for a Road Fund);
3. Police of the Islamic Republic of Afghanistan (IRA);
4. State security agencies are present at the border at times;
5. The Illegal Drug Control Service;
6. Bridge-crossing service (\$12).

Since 2005, Afghanistan has been using the ASYCUDA system, which includes a functional electronic border.

Afghanistan signed agreements on mutual recognition of Customs electronic data exchange with three neighbouring countries (China, Tajikistan and Uzbekistan) and started discussions with three other countries (Pakistan, Kazakhstan and Turkmenistan).

iii. Azerbaijan

The Decree of the President of Azerbaijan No.12 of 11 November 2008 entrusted to the State Customs Committee of Azerbaijan the functions of executive agency responsible for the Single Window in the inspection of goods and vehicles moving across the State borders of Azerbaijan. The State Customs Committee of Azerbaijan is also responsible for conducting veterinary, phytosanitary and sanitary controls, and for the verification of health and other quality certificates.

The State Customs Committee carries out compulsory disinfection of vehicles, where dangerous animal diseases are identified, in compliance with the Law on Veterinary Medicine, with relevant information provided to the veterinary inspection.

The State Customs Committee is also responsible for issuing authorization forms at the border for vehicles carrying out international road transport and for the collection of relevant duties.

As part of the Customs-modernization reforms, various electronic services have been introduced: provision of advance information, electronic queuing, fast lanes (for a fast-track completion of Customs control procedures), etc.

For the purpose of electronic tracking of goods and vehicles at the border and to prevent offences, an «Operations Management Centre» has been established, to perform video surveillance of all BCPs (from the premises of the Customs headquarters in Baku).

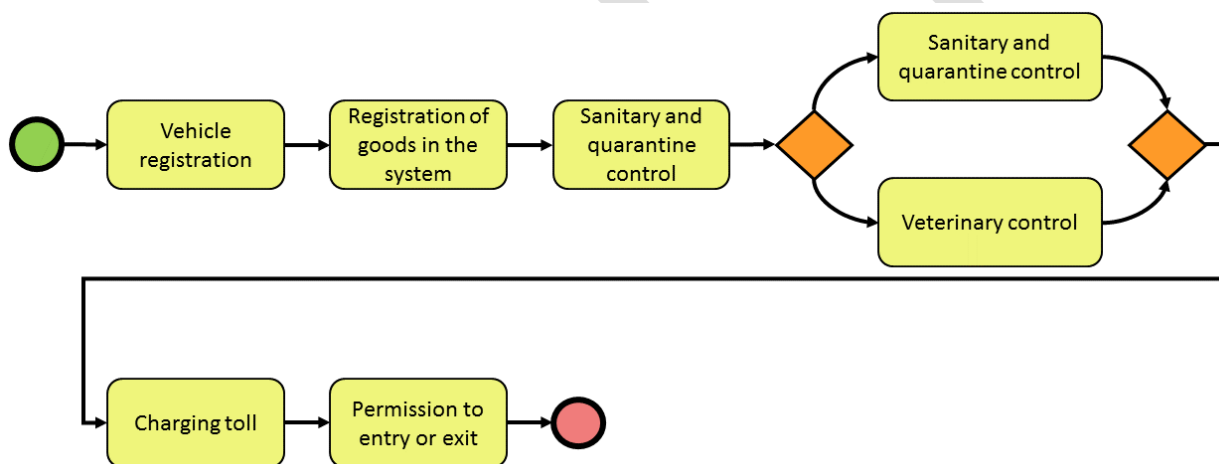
The Decree of the President of Azerbaijan of 21 May 2016 approved methodological guidelines on the use of a «Green Corridor» and other systems facilitating the release of goods and transport means across the Customs border. The guidelines provide for four levels of border-crossing controls based on risk management (green, blue, yellow and red). Vehicles cross the Customs border on the basis of a consolidated import declaration using the green, blue, yellow or red

corridor. The consolidated import declaration must be filed at least 1 (one) hour before the goods are allowed to cross the Customs border.

According to the Law of Azerbaijan «On the State Border of the Republic of Azerbaijan» of 9 December 1991 No. 13, the responsibility for monitoring the crossing of the State border of the Republic of Azerbaijan is carried out by the border troops. In border control, the inter-agency automated information system «Entry and Registration» integrated with the Customs system is used to register persons and vehicles entering and leaving the country. As a result of the reforms introduced to increase the capacity of BCPs, Azerbaijan has made significant progress in the organization of border control in accordance with international standards in comparison to other SPECA countries. Unfortunately, it is difficult to find information in open sources about the technological scheme of border control.

Summarizing all the reforms adopted, the experts present the following scheme of State control (see Figure 1 below).

Figure 1: Procedures for the control of goods at the borders of Azerbaijan



Source: the graph was created by the author using the unified modelling language (UML) and is based on information provided in the official border-crossing instructions.

iv. Kazakhstan

The border-crossing regime is primarily regulated by the Law of the Republic of Kazakhstan «on the State Border of the Republic of Kazakhstan» of 30 December 2016 N°41-VI, which defines the types of border control (border police, Customs, sanitary-quarantine, transport, veterinary and phytosanitary inspections) and the role of the National Security Committee of the Republic of Kazakhstan and the State revenue agencies of the Republic of Kazakhstan authorized to inspect vehicles and cargo.

The Order N°504 of the Chair of the National Security Committee of the Republic of Kazakhstan of 30 November 2013 defines the model schemes for the organization of State BCPs of the Republic of Kazakhstan for persons, vehicles, cargo and goods. The act was registered with the Ministry of Justice on 17 January 2014 N°9070. The model scheme defines the types of control

Review: Harmonization of border crossing procedures in SPECA Countries

established in accordance with international instruments (border, customs, sanitary and quarantine, quarantine phytosanitary, State veterinary and sanitary control and/or supervision).

Another important aspect of the model adopted in Kazakhstan is the existence of the delegation of authority and the close inter-departmental cooperation, notably:

- the delegation of transport controls to Customs authorities (verification of the existence and application of authorization documents; control of the weight and dimensions of vehicles); as well as official sanitary, phytosanitary and veterinary controls, with the exception of laboratory controls and examination; and radiation controls in compliance with the Customs Code of the Eurasian Economic Union (EAEU) and the Regulations on radiation control by the Customs authorities at the State borders of the Republic of Kazakhstan, approved by Order No. 360 of the Minister of Finance of the Republic of Kazakhstan of 11 July 2011. The relevant authorities are called only in the event of non-conformity;
- joint inspections carried out by Customs authorities and border control units; and
- recognition of the results of Customs inspections by border police. In individual cases, the inspection of vehicles and goods is carried out jointly by border police and Customs.

Based on the Model Scheme, permits are drawn up and approved jointly by the heads of the control bodies, depending on the characteristics of each BCP (categorization, classification, development of infrastructure and technical equipment, distance from the State border, season of the year). Schemes on the organization of border-crossing procedures typically establish the duration of all State controls. The study did not manage to clarify the existence of such schemes. According to the interviewed carriers, such schemes have not been developed.

The Model Scheme defines the main activities of regulatory agencies carrying out control at the border. The Scheme describes in a sequence the main actions taken by the Border Control Unit and the Customs Authorities.

The diagramme in Figure 2 below was developed by the author and describes the procedures of release of goods according to the officially approved Standard Schemes for organizing the passage of persons, vehicles, cargo and goods through BCPs at the State Border of the Republic of Kazakhstan.

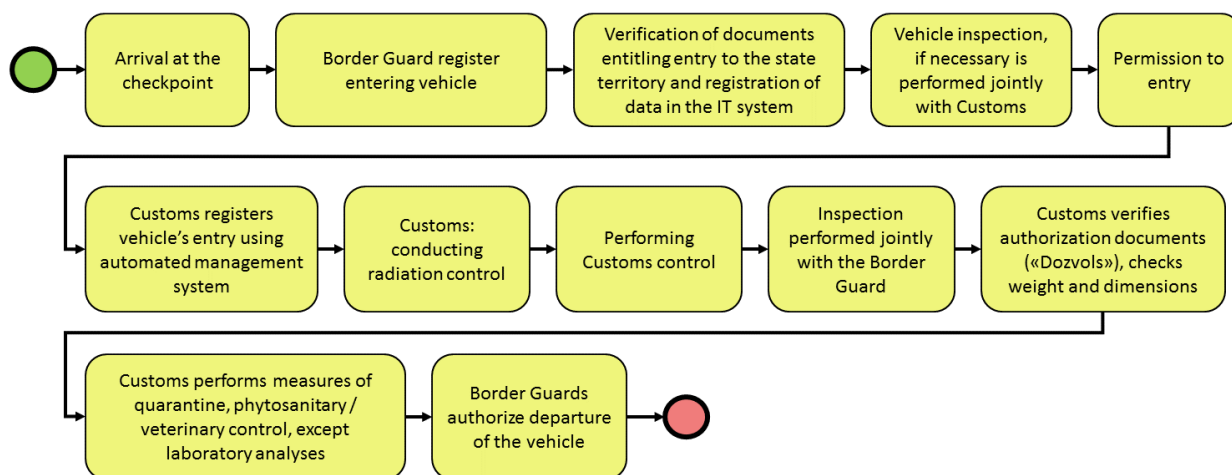
After Kazakhstan's accession to the EAEU, Customs control at the borders within the Union, between the five countries, was abolished; it remains only at the external borders.

The Model Scheme stipulates that only border police carries out controls at the road BCPs on the Kazakh-Russian section of the state border. Once all controls are accomplished, the border police officers on duty have the obligation to release vehicles from the BCP. In compliance with the Law of the Republic of Kazakhstan «On the State Border», border controls include:

- Preliminary verification of information concerning persons intending to cross the state border, including the use of information bases of transport organizations;
- Checking documents and persons, including through the processing of biometric personal data, and interviewing persons to determine the legality of their crossing the state border;

- Verification of the existence of authorization marks by all relevant control bodies in order to determine the legality of the movement of vehicles, cargo and goods across the border; and
- Inspection of persons, vehicles, cargo and goods, and, where necessary, special (in-depth) inspection, in order to detect and apprehend persons trespassing the border-crossing procedures.

Figure 2: Procedures for the control of goods at the borders of Kazakhstan



Source: Chart created by the author using the unified modelling language (UML) and based on information provided in the official border-crossing instructions.

A new form of control - exports control - has been introduced since 22 October 2018 at the state border between Kazakhstan and the Russian Federation, and between Kazakhstan and Kyrgyzstan. Staff of the State Revenue Department check and record at the border the real volume of imports in order to impose VAT. This procedure also applies to goods exported from Kazakhstan. This measure is arguably necessary as not all carriers have complied in good faith with the imposed measures. At the time of importation of the goods, border police officers issue to the carriers a ticket received from the Tax Service. By the 20th of the following month, the cargo owner has to pay the tax. Yet not everyone does pay it.

The introduction of these measures is related to the commitments made by Kazakhstan upon its accession to the WTO in 2015, according to which when Kazakhstan imports goods from countries outside the EAEU and Customs clears these goods at the tariff rates agreed by Kazakhstan in the WTO (which are lower than the EAEU's Common External Tariff), these goods should not be released outside the borders of Kazakhstan. If this arrangement is violated and the goods are exported, for example, to Russia, and if the control agencies of the Russian Federation establish that they have been cleared in Kazakhstan at the lower WTO rates, the goods are immediately destroyed.

The introduced provisions are not included in the model scheme for the organization of the passage across the State border of the Republic of Kazakhstan of persons, vehicles, goods and goods at BCPs.

v. Kyrgyzstan

Law No. 98 of the Kyrgyz Republic "On the State Border" of 16 May 2015 defines the types of control at BCPs, which include environmental, radiation, sanitary-epidemiological, veterinary, phytosanitary and chemical control.

Decree No. 739 of the Government of the Kyrgyz Republic of 7 October 2004 provides a "Regulation on border-crossing points of the Kyrgyz Republic", which sets out the key rules for crossing the borders.

Decree No. 556 of the Government of the Kyrgyz Republic of 19 November 2007 regulates several key issues of border control "On certain measures to streamline the operation of BCPs on the state border of the Kyrgyz Republic, intended for international road, air and rail links, and internal fixed posts on the roads of the Kyrgyz Republic," amended in 2020.

The sequence of implementation of all types of control at BCPs is determined by standard schemes for the passage of persons, vehicles, cargo and other assets across the State border, according to the types of international transport. These schemes are approved by decision of the governmental body for the protection of the State border, in agreement with the official control bodies.

The coordination of activities of the control bodies at BCPs is assigned to the heads of the border control regulatory bodies, and the management of the Customs control zone regime to the heads of the Customs control units.

The Regulation defines the types of border control, which include:

- border / immigration control;
- Customs control;
- sanitary and quarantine control;
- veterinary and phytosanitary control (by the authorized regulatory body responsible for sanitary, veterinary and phytosanitary safety);
- transport control (by the authorized regulatory body responsible for transport and communications); and
- control of drug trafficking (by the authorized regulatory agency on drug control).

A coordination mechanism is envisaged in the form of convening regulatory control bodies at coordination meetings, attended by representatives of these bodies, but also of other executive authorities or local authorities in whose territory the BCP is located. Representatives of public organizations and associations may be invited if necessary.

The relevant responsible bodies approved, as part of the accession of the Kyrgyz Republic to the EAEU in 2014, a collective Order⁸ on the "Procedure for interaction of the authorized regulatory bodies of the Kyrgyz Republic at automobile BCPs for crossing the Customs border of the Eurasian Economic Union".

⁸ Order of the Ministry of Transport and Communications of the Kyrgyz Republic as of 7 July 2015, No. 188 and the State Border Service of Kyrgyzstan as of 10 July 2015, No. 370, State Inspectorate of Veterinary and Phytosanitary Safety of the Government of the Kyrgyzstan as of 8 July 2015, No. 096, Ministry of Health of the Kyrgyzstan, as of 8 July 2015, No. 388 and the State Customs Service of the Government of the Kyrgyzstan as of 10 July 2015, No. 5-04/316

Review: Harmonization of border crossing procedures in SPECA Countries

This procedure covers the sequence of official control actions during the arrival of persons, goods, cargoes and animals, carried in freight vehicles, to the Customs territory of the Kyrgyz Republic (i.e. the Customs territory of the EAEU). This procedure includes:

- 1) border control (verification of the documents granting the right to cross the State border of the EEU);
- 2) sanitary and quarantine control of persons (only if there are objective sanitary and epidemiological grounds for such control and only at BCPs where this type of control is provided);
- 3) border police control: (verification of documents granting the right to cross the State border of the Kyrgyz Republic);
- 4) veterinary inspection (if necessary);
- 5) phytosanitary inspection (if necessary);
- 6) transport control;
- 7) Customs control; and
- 8) departure of cargo road vehicles from the BCP is subject to the permission of the border authority.

There is a policy of delegation of authority, where Customs officers control the weight and dimensions parameters [of vehicles]. However, it is not clear why transport control bodies are present at the border and why they perform functions other than their core ones. Figure 3 below describes the sequence of functions performed at the border.

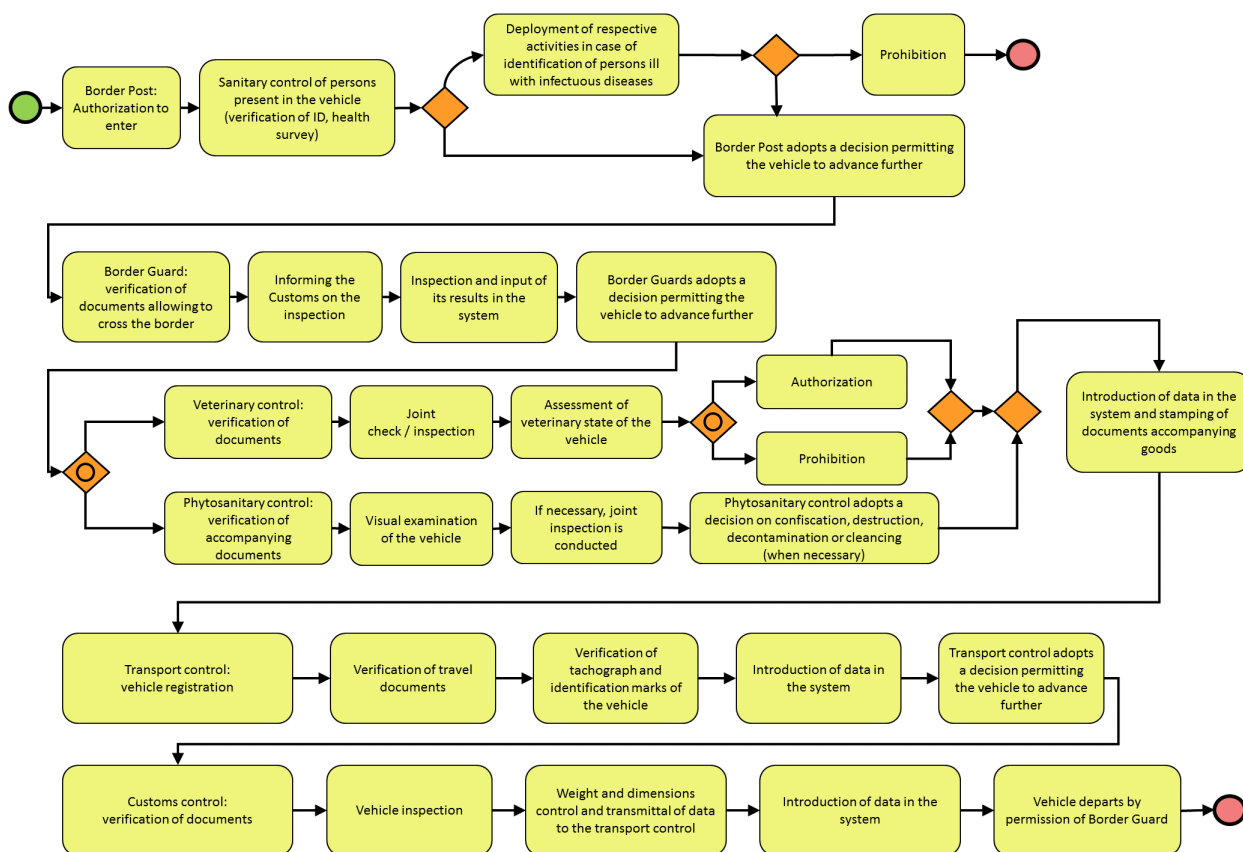
Based on this Procedure and the particularities of each BCP, the authorized State border protection agency drafts technical schemes for the entry of persons, vehicles, goods, and animals across the Customs border and into the territory of the EAEU. These schemes are coordinated with other State bodies performing control functions at the BCPs. The agreed technological schemes are approved by the heads of the territorial subdivisions of the State control bodies under whose authority the State control bodies at the BCPs are.

Unfortunately, no data is available on whether the technological schemes exist.

In July 2019, the Government of the Kyrgyz Republic adopted the Strategy for the Development of the Customs Service of the Kyrgyz Republic for 2019-2023 and the Plan of Measures for its implementation (Decision N° 363 of 22.07.2019, paragraph 1.2.1), which provide for procedures for interaction of control bodies at BCPs, including the establishment of a time frame for the completion of all types of controls and how to use advance information collected before the arrival of the goods.

Decree No. 677 of the Government of the Kyrgyz Republic of 5 December 2008 stipulates that the maximum time for all types of official controls for the import and export of goods and vehicles to and from the territory of the Kyrgyz Republic should not exceed one hour or the time of parking of an aircraft (a train).

Figure 3: Procedure for goods control at the border of Kyrgyzstan



Source: the graph was created by the author using the unified modelling language (UML) and is based on information provided in the official border-crossing instructions.

vi. Tajikistan

In Tajikistan, in addition to the established provisions of the Customs Code⁹, the coordination of activities of regulatory bodies at the border is reflected in the Regulation N° 541 on BCPs across the state border of the Republic of Tajikistan of 30 December 1998 and the Rules for the coordination of activities of bodies that control road BCPs across the Customs border of the Republic of Tajikistan on the principle of “one-stop-shop”, approved by Decree N° 436 of the Government of the Republic of Tajikistan of 3 July 2014.

The Regulation on BCPs assigns the coordination of activities of regulatory control bodies and budget-managing agencies at the border to the command of the Border Police Troops of Tajikistan. The Regulation provides for standard schemes defining the sequence of implementation of all

⁹ The Customs Code of the Republic of Tajikistan: prescribes in article 66 that Customs clearance may be completed only after the completion of sanitary, quarantine, phytosanitary, veterinary and other forms of regulatory control of the importation or exportation of goods into or from the Customs territory of the Republic of Tajikistan; article 77 stipulates that Customs authorities shall ensure the coordination and control of goods, the importation of which is prohibited or restricted, or which are under the jurisdiction of another regulatory agency; article 470 stipulates that Customs officers shall carry out their tasks independently and in cooperation with other government agencies, and the Customs service must grant to other agencies access to the Customs control zone for certain activities related to their competence. Customs officers must immediately inform relevant other government agencies in cases of detection of offences falling within the competence of these other agencies.

types of control. Such standard schemes have not been drafted. The abovementioned Rules of coordination were subsequently adopted. A key element in the approved Rules is the implementation of control following the “one-stop-shop” principle. The coordination (organization) of the work of transport, veterinary, phytosanitary, plant quarantine, sanitary and quarantine inspection bodies at BCPs is the responsibility of the Customs authorities located at the BCPs, which organize joint checks/inspections of vehicles and goods. The Rules require a single form for these joint checks/inspections.

The coordination rules were developed without consideration for electronic data interchange. In order to coordinate and monitor the official controls, the Rules provide for the use of a paper form – a coupon which indicates the time of starting and completion of control procedures for each department. The Rules stipulate that the procedure cannot last more than one hour for all regulatory authorities, regardless of its complexity.

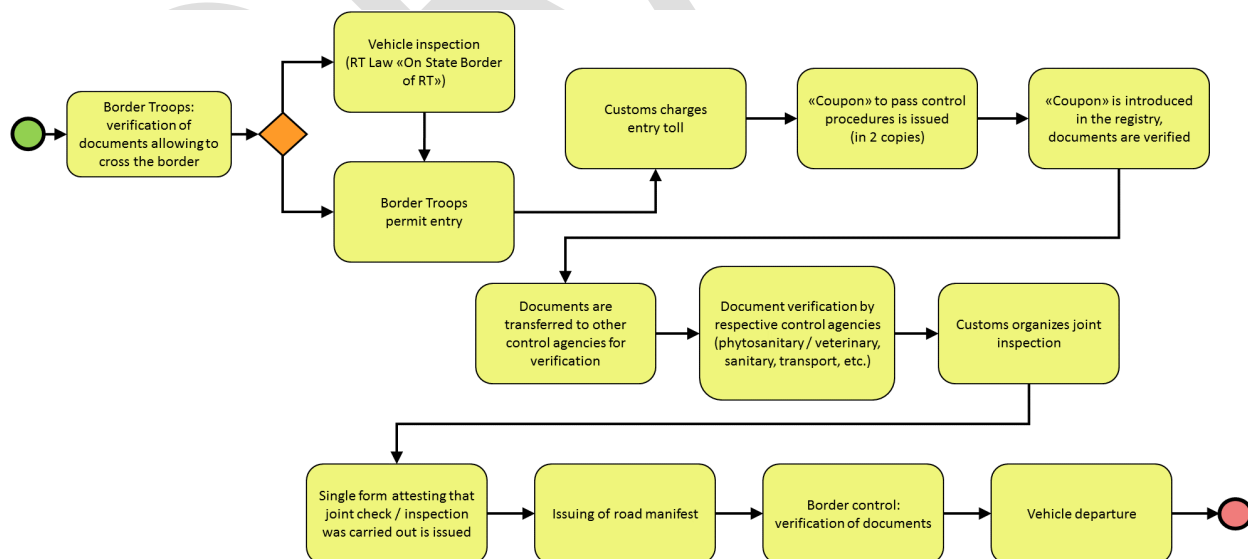
However, the Rules do not provide a clear logical sequence for all controls. This situation has led to different interpretations and varying practice of its implementation at different BCPs (see Figure 4 below).

Unfortunately, in practice, a number of steps are carried out in a different sequence depending on the BCP: Customs organizes the inspection, and then other border control agencies check the documents.

The Rules do not regulate the connection between border police control and other existing forms of control (Customs, sanitary, phytosanitary, etc.).

Border police control, which includes inspection of vehicles and goods by border police, in accordance with the Law on the State Border, are ensured outside Customs control.

Figure 4: Procedures for border control in Tajikistan according to standards. All points



Source: the graph was created by the author using the unified modelling language (UML) and is based on information provided in the official border-crossing instructions.

The existing multi-level coordination at the border, which complies with the adopted norms, contradicts in general the international norms on border agency coordination and negatively affects the accumulation of resources and modernization of procedures.

The Government of the Republic of Tajikistan has adopted a medium-term programme for the development of the customs authorities of the Republic of Tajikistan for the period 2020-2024 (Decision N° 537 of the Government of the Republic of Tajikistan of 1 November 2019) which enhances the role of Customs authorities in establishing inter-agency cooperation in the integrated border management in order to avoid duplication of border controls of cargo and goods. The introduction of mandatory advance information procedure is planned in order to improve the regulatory control mechanisms at border-crossing points.

Arguably, the Program has been adopted, but the implementation mechanism has not yet been established.

It is also necessary to consider the weak implementation of the Border Management Strategy and the plan for its implementation, both approved by Decree N° 202 of the Government of the Republic of Tajikistan of 29 April 2010. The Strategy envisages the implementation of several provisions of international conventions related to inter-agency and cross-border cooperation. The emphasis is on the institutionalization of the emerging forms of cooperation, development of standard operating procedures, delegation of authority, etc. The actual distribution of tasks, however, shows the opposite approach. According to the Strategy, the coordinating agency function is attributed to the national security authorities.

vii. Turkmenistan

Turkmenistan's Law of «On the State Border of Turkmenistan» (Article 22) defines the order of control at BCPs. In compliance with this Law, Customs, immigration, sanitary, quarantine, veterinary and phytosanitary controls take place at the BCPs. If necessary, the Law allows for other types of control at the BCPs.

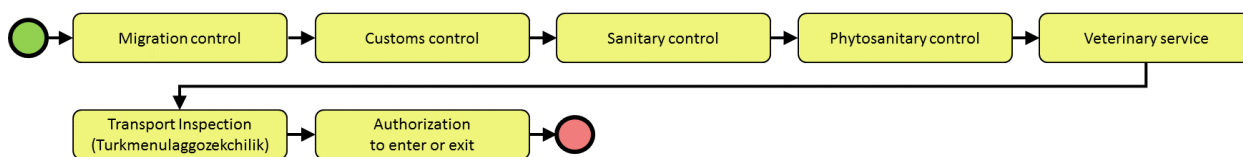
Clearly, the Cabinet of Ministers of Turkmenistan defines the types and contents of control for each BCP. The means and methods of control, as well as their application procedures are set forth by the regulations of the relevant ministries and departments which, in turn, are coordinated with the justice and health authorities.

In response to the COVID-19 pandemic, the Law was amended to strengthen controls at BCPs in the event of any circumstances that could massively harm the health of the population. According to the amendments, the BCPs are equipped with disinfectant barriers for vehicles and facilities for decontamination / disinfection of road and rail transports.

The ASYCUDA Customs data processing system has been deployed in Turkmenistan, which simplifies the standardization of business processes, including those related to crossing the borders.

Due to the lack of access to official sources, information from carriers was used to evaluate the procedures. A consultation session was organized with a focus team of those carriers to clarify the procedures of state control (see. Figure 5 below).

Figure 5: Procedures for the control of goods at the borders of Turkmenistan (according to information provided by carriers at the Farap border of Uzbekistan)



Source: the graph was created by the author using the unified modelling language (UML) and is based on information provided by carriers.

viii. Uzbekistan

In Uzbekistan, the coordination of the activities of state control agencies at BCPs and the order of their implementation are regulated by several laws and regulations, including:

- Regulations on BCPs at the State Border of the Republic of Uzbekistan (approved by Decision N°89 of the Cabinet of Ministers of 28 March 2016);
- Regulations on the Procedure for Conducting Border, Customs, Sanitary and Quarantine, Phytosanitary and Veterinary Controls at Entry Points for Persons, Vehicles and Goods across the Border of the Republic of Uzbekistan (approved by Decision N° 912 of the Cabinet of Ministers of the Republic of Uzbekistan on 18 November 2019 “On further improvement of the procedure of organization of border police, Customs, sanitary and quarantine, phytosanitary and veterinary controls at border-crossings points of the Republic of Uzbekistan”); and
- Regulations on Medical (Sanitary) Control at border-crossings points of the Republic of Uzbekistan (approved by all departments and registered by the Ministry of Justice on 22 May 2000, Registration number 927).

The general rules for crossing the border determine that a technological scheme for crossing the state border is introduced for each specific BCP individually.

The principle of coordination and cooperation is enforced by joint responsibility of the Customs authority and border control for organization of cooperation between state control bodies at BCPs.

Control procedures in relation to drivers, goods and vehicles undertaken by the regulatory authorities should be carried out using an electronic Single Window Customs information system, which registers the time of entry and exit of a vehicle, as well as the effective duration of control procedures performed by each control agency. In the absence of an electronic system or a technical failure, authorities must use a Unified Registration Sheet, which must be filled in with respective information upon termination of each stage of controls.

The Regulation on the procedure for conducting border police, Customs, sanitary and quarantine, phytosanitary and veterinary controls describes the sequence of actions of each control agency, indicating the timeframe for each control operation. Five services responsible for the official controls are represented at the BCP (see Table 1 below).

Table 1: Type and timeframe of border controls in Uzbekistan

№	Type of control carried out	Completion time
1	sanitary and quarantine control (the driver undergoes sanitary control)	3 minutes
2	border police control (verification of the passport and documents giving the right to cross the border)	4 minutes
3	Customs control (the driver, goods and vehicles undergo Customs control and clearance)	15 minutes
4	phytosanitary control (if the transported goods are subject to phytosanitary control)	4 minutes
5	veterinary control (if imported goods are subject to veterinary control)	4 minutes

In general, the time limit for the presence of a vehicle at a BCP, depending on its type and technical condition, may not exceed 30 minutes for cargo vehicles.

The Regulation also specifies in which cases the time for passing control procedures may exceed the established norms. In particular, in cases of detection of an offense by state control bodies operating on the territory of a BCP, the time for passing control procedures may exceed the established norms.

Based on the established laws and regulations, a control flow chart (entry into Uzbekistan) has been developed. Its detailed representation is assembled in Figure 6 below.

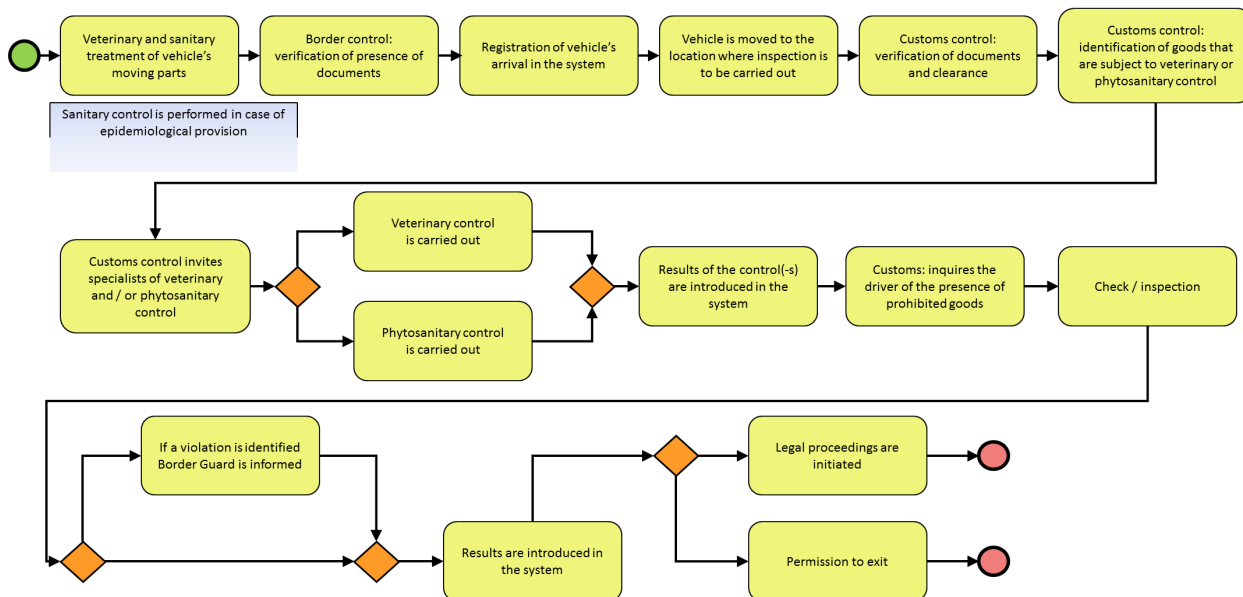
Border crossing rules also define the procedures of official environmental controls, which are not reflected in the sequencing in the chart above. Environmental control specialists intervene at the stage of Customs control of vehicles and goods.

Medical (sanitary) check is not included in the sequence of implementation of state control of vehicles, but it is reflected in the respective annexes and is provided for by the Regulation on medical (sanitary) controls at BCPs at the state border of the Republic of Uzbekistan.

In the framework of the Customs modernization reforms in Uzbekistan, a Presidential Decree was adopted on 5 June 2020 “On the reform of Customs administration and the modernization of the functioning of the State Customs Service of the Republic of Uzbekistan”¹⁰ (during the preparation of this report). According to this Decree, the State Customs Committee was entrusted with additional functions to coordinate the activities of the sanitary and quarantine, phytosanitary and veterinary control at BCPs at the state border of the Republic of Uzbekistan, and to implement non-tariff regulation measures.

¹⁰ <https://lex.uz/pdfs/4844619>

Figure 6: Goods control procedures at the borders of Uzbekistan



Source: the graph was created by the author using the unified modelling language (UML) and is based on information provided in the official border-crossing instructions.

In addition, open sources (the open data portal of the Republic of Uzbekistan, on the web page of the State Customs Committee of the Republic of Uzbekistan¹¹) have published a ranking of BCPs, based on time indicators (analysis of the average time spent on Customs clearance of goods and vehicles at Customs border posts).

CONCLUSIONS AND RECOMMENDATIONS ON THE HARMONIZATION OF BORDER CROSSING PROCEDURES IN THE SPECA COUNTRIES

Harmonization of regulatory procedures

Summarizing the available data on border control procedures in the SPECA countries and taking into account the provisions of international norms, in particular the International Convention on the Harmonization of Frontier Controls of Goods of 1982, the situation regarding the harmonization of border crossing procedures in the SPECA region is as follows:

Coordination of controls at the border: Following international best practice, Customs authorities play a coordinating role in establishing coordinated border management. In the SPECA countries, this provision is reflected in strategic documents, but it is not universally implemented in practice.

¹¹ <https://data.gov.uz/ru/sphere/authority/143>

Table 2: Coordination of control at the border

N°	Country	Coordinating authorities
1.	Afghanistan	
2.	Azerbaijan	Border police is responsible for coordinating the control of crossing the borders of Azerbaijan; The authorities of the state body on the Single Window for the inspection of goods and vehicles at BCPs are vested in the State Customs Committee of Azerbaijan, which is also entrusted with the functions of veterinary, phytosanitary, sanitary control, as well as the functions of verifying hygienic and other certificates of quality.
3.	Kazakhstan	Border police and Customs carry out border control functions within the limits of their authority.
4.	Kyrgyzstan	Border police and Customs in the framework of their power to carry out control functions at the border.
5.	Tajikistan	Border police is responsible for coordination at the BCPs.
6.	Turkmenistan	
7.	Uzbekistan	Border police in cooperation with the Customs authorities coordinate control at the border. At the BCPs, Customs authorities coordinate activities related to sanitary and quarantine measures, phytosanitary, veterinary and environmental control

Contents of inspection controls at the border: international norms make recommendations but do not restrict the structure of controls at the border. In general, border controls in the SPECA countries correspond to the list proposed, but there are exceptions in some countries. For example, export controls have been introduced in Kazakhstan, which is implemented at BCPs with Russia and Kyrgyzstan.

Form of inter-agency cooperation: out of the two proposed forms of cooperation (delegation of functions or close cooperation of individual services) we observe gradual development of interagency cooperation based on the delegation of functions from one agency to another.

Table 3: Schemas of delegation of controls at the border

N°	Country	Delegation of functions	Comments
1.	Afghanistan	No information	

Review: Harmonization of border crossing procedures in SPECA Countries

2.	Azerbaijan	Yes	Phytosanitary and veterinary control, registration of vehicles
3.	Kazakhstan	Yes	Phytosanitary and veterinary control
4.	Kyrgyzstan		Weight control at some external BCPs. At BCPs where the EAIS system for Customs control and clearance is implemented.
5.	Tajikistan	No	Only payment of road fees
6.	Turkmenistan	No	
7.	Uzbekistan	Yes, (pilot)	Customs carries out phytosanitary and veterinary controls

Time indicators of border control: not all regulations related to the BCPs in the countries of the region provide time restrictions for the performance of respective border controls.

Table 4: Time indicators of border control

N°	Country	Timeframe for control
1.	Afghanistan	No information
2.	Azerbaijan	No information
3.	Kazakhstan	No information
4.	Kyrgyzstan	The maximum time for all required types of official controls for the import/export of goods should not exceed one hour
5.	Tajikistan	Any procedure cannot last more than one hour (applicable to all regulatory authorities), regardless of its complexity
6.	Turkmenistan	No information
7.	Uzbekistan	the total timeframe for a vehicle should not exceed 30 minutes

Joint inspection of cargo: joint inspection is not applied at any BCP between SPECA countries. At the same time, Azerbaijan is actively developing joint controls at its BCP «Red Bridge» with Georgia. There was an attempt to organize joint inspections of goods on the Kyrgyz-Kazakh border within the framework of the Agreement signed in 2006 between the Government of the Republic

of Kazakhstan and the Government of the Kyrgyz Republic on joint control at the Kazakh-Kyrgyz state border, but it was unsuccessful.

Access to information: with regard to BCPs, access to information means the availability of information on border crossing procedures and the availability of mechanisms of advance submission of information. Systems of advance submission of information are being actively developed in the SPECA region, with the exception of some countries (Tajikistan and Turkmenistan). Some issues remain, notably, the fact that information obtained by Customs authorities in advance is often not used by other control authorities; and that databases of the phytosanitary, sanitary and epidemiological inspection agencies and Customs are not related.

Consistency of border controls: not all countries specify in their regulations a sequence of control procedures and the timeframes for their implementation. In countries where such sequence is prescribed, there are still some inconsistencies of representation.

Official instructions for border control officials: no instructions for officials of border control agencies are available in open sources.

The following recommendations for inter-agency and international cooperation are proposed:

- **Testing for COVID-19:** organize an online meeting of the competent authorities of the SPECA countries to discuss testing problems at COVID-19 with a view to developing a mechanism for the acceptance of tests in other SPECA countries, considering possible waiver of tests for drivers of transit cargo.
- **Green Corridor:** initiate a discussion with the participation of the competent authorities of the SPECA countries on the agreement and development of simplified procedures for a SPECA Green Corridor (notably in times of pandemic), taking into account the priority passage of humanitarian and perishable goods across the border depending on the direction of movement (1-2 corridors), and promote the practice of electronic queuing.
- **Coordination of the operating mode of BCPs:** considering the coordination of closing BCPs with neighbouring countries and timely informing carriers about such closures.
- **Creation of a regional headquarters for the coordination of border control measures:** the lack of coordination of the work of BCPs, along with the need to search for coordinated solutions to systemic technical and legal issues, requires prompt responses to problems related to border crossing, import, export and transit of goods, notably, during the COVID-19 pandemic. Following the example of other sectors, it is advisable to establish a regional headquarters of the countries of the region to harmonize border controls. The functioning of such regional headquarters will predetermine and coordinate the activities of border police checking individuals and Customs checking vehicles and drivers (in all countries of the region, Customs and border police have complementary responsibility for the operation of BCPs). As online meetings are becoming a norm, this regional headquarters can operate online to allow senior management to engage in its work. Meetings with the business community, possibly as a separate session of the SPECA Economic Forum, may become regular practice in the future. Such a dialogue would allow for focused and substantive work on the elimination of barriers in interregional cooperation. Legal cooperation could be organized by signing a Memorandum on regional inter-agency cooperation in the framework of agencies already designated to coordinate transit in the SPECA countries.

- **Access to information:** agree on the establishment of a mechanism for publishing all operational information related to the functioning of BCPs, and the introduction of new restrictive measures by the Governments of the SPECA countries, on the respective websites of Customs authorities; link these Customs information web sites of the SPECA countries.
- **BCP infrastructure:** it is necessary to establish an equal level of development of BCP infrastructure and officially specify standard requirements for the arrangement and technical equipment of BCPs at the Customs border, taking into account their specialization. The international norms provide for such specifications, but they are not always applied in the existing BCP infrastructure in many countries. The geographical location of a BCP would also affect the level of harmonization of its infrastructure.
- **Transparency of the technological schemes for border control:** It is recommended to organize a meeting of the competent authorities of the SPECA countries to discuss optimization and transparency of controls at BCPs such as uploading the technological schemes on border-crossing procedures on official Customs websites, publication of service instructions for officials carrying out border control at the BCPs, and harmonization of procedures, with a view to establish a standardized model technological scheme for control procedures at BCPs, in which the interaction of various departments will be reflected as accurately as possible.

A model BCP control scheme should include best practices from the SPECA countries:

1. **Delegation of authority by other government agencies to Customs**, taking into account the establishment of interagency data exchange, inspections based on risk analysis and the principle of selectivity of controls:

Table 1: Possible elements of the model technological scheme for BCPs

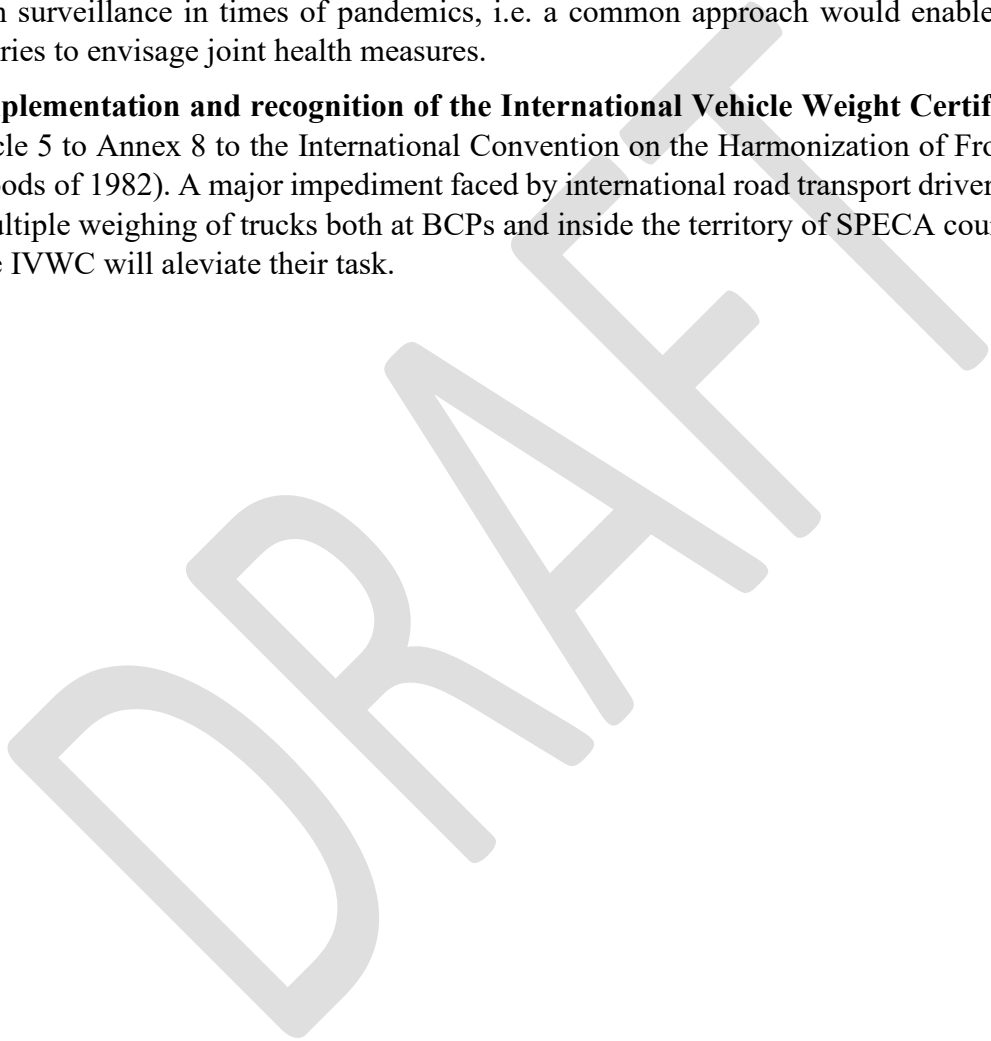
<p>Delegate to Customs the function of carrying out:</p> <ol style="list-style-type: none"> 1) phytosanitary and veterinary control, except for laboratory control and tests, 2) control of the weight and dimensions of the vehicles, 3) radiation and environmental control. <p>Relevant authorities will be called on only if the first inspection discovers irregularities.</p>	<p>Delegation of authority of control to Customs is growing in the region, by varying degrees in the different countries, and this measure is increasingly understood in terms of a catalyst for reducing the time for official controls.</p> <p>These measures will, in turn, strengthen the training programmes for Customs officers working at BCPs.</p>
<p>Coordinated interaction of Customs authorities and border police during border control and registration of persons and vehicles entering and leaving the country:</p> <ul style="list-style-type: none"> - registration of individuals by border police officers; 	<p>The legislation on the State borders of the SPECA countries should be analysed with a view to harmonize it and introduce modern inter-agency cooperation tools, while ensuring interoperability in cases of emergency (such as COVID-19).</p>

- registration of persons accompanying vehicles by Customs, while entering all data into a single integrated system.	
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2. Strengthening the medical and sanitary control of persons entering and leaving the country. While strengthening the consistency of official controls, it is advisable to use and implement throughout the region the best practices of countries that put health control first.

It is recommended to include in the technological schemes on border control the need for unified health surveillance in times of pandemics, i.e. a common approach would enable neighbouring countries to envisage joint health measures.

3. Implementation and recognition of the International Vehicle Weight Certificate (IVWC) (Article 5 to Annex 8 to the International Convention on the Harmonization of Frontier Controls of Goods of 1982). A major impediment faced by international road transport drivers is the system of multiple weighing of trucks both at BCPs and inside the territory of SPECA countries. The use of the IVWC will alleviate their task.



ANNEX: SITUATION AT BCPS DURING THE COVID-19

An analysis of the situation at the borders in connection with the spread of COVID-19 revealed the following range of problems:

- There is a practice in the region of unilateral closure of BCPs, without coordination with the neighbouring parties or timely notification of the participants in the transportation process. In many cases this inconsistency leads to the need to change the itinerary during the operation, which leads to increasing the length and cost of transportation.
- Testing drivers traveling on transit with all types of cargo leads to long queues. In some instances the distance is short, for example the distance from the border of Uzbekistan «Yallama» to the border of Tajikistan «Fottekhobod» is just over 100 km, and the formation of a caravan under agreed escort could help avoid delays of up to 5 days.
- A practice of non-recognition of many foreign trade documents (certificates) has been established in the region. The competent authorities of the SPECA countries have not yet been able to agree on and provide a mechanism for the recognition of COVID-19 tests, which could also facilitate border crossing. Consequently, test results for drivers were not being accepted by other countries.
- As practice has demonstrated, socially important goods, as well as fresh agricultural produce, had to stay idle in queues, as along with all other goods, even though most SPECA countries recognize international standards on according priority to the passage of perishable produce. No «green corridor» mechanisms have been established for this type of cargo.
- Due to the lack of harmonization and development of testing procedures between countries, there have been cases when a driver, who had tested positive for COVID-19, was replaced by a local one upon entry into the territory of a neighbouring country. The driver who crossed the border could not return to the first country because of a ban on individuals crossing the border.
- There was a lack of operational measures to harmonize decision-making procedures among neighbouring countries' agencies, which also attests to weak inter-agency cooperation. The operational headquarters established in each country did not have a mechanism for interaction and all the measures taken were subject to local, national prohibitions and restrictions. In the event of an extraordinary situation during transit, drivers have to find solutions by themselves.
- The mandatory requirement of vehicle owners to have civil responsibility insurance in national insurance organizations can become a source for an administrative barrier to international road transport. As road vehicles are considered by insurers as high risk, their owners are liable for any damage to the health and property of persons injured in a road accident, even if the accident is not the owner's fault. The solution to this problem could be the establishment of a regional insurance system within the SPECA region.

You can find more information on the Non-tariff measures in the SPECA countries in the UNECE paper “The Impact of COVID-19 Induced Non-Tariff Measures on SPECA Countries’ trade Patterns: Evidence from UNECE’s survey of Freight Forwarders”, November 2020.

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