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International Convention on the Harmonization of Frontier

Controls of Goods, 1982

Issues in the application of the Convention

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Note by the secretariat

The secretariat prepared this Informal document for comments or additional input by the Working Party. As the Informal document is in Word-format, delegates are invited to insert their comments/additions directly into the text and submit their amended version to the secretariat (roel.janssens@un.org).

Cross-border Facilitation Instruments and Itineraries

Chapter overview

The aims of cross-border facilitation with its various themes and principles¹ is to improve cross-border transport and trade flows between countries. Trade costs (discussed in Chapter 3) are a core concern; as are efforts towards developing suitable transport infrastructure and providing for essential international transport connectivity, or by ensuring that trade relevant procedures (e.g., customs, transport, NTMs, and payment) are administered in the most accommodating manner. Opportunities for improvement can usually be found within the respective organisations that are involved in cross-border trade operations. Opportunities can also be found at the transactional level between those organisations, and through partnership arrangements. Crucially, the various stakeholders in cross-border trade can also work together to reshape the governing regulatory environment (also discussed in Chapter 3). A common mechanism for shaping the governing cross-border trade environment is through the adoption of international instruments with cross-border facilitation objectives at their core – which is the focus of this chapter.

There are many international instruments which draw on cross-border facilitation themes and principles (e.g., UN/CEFACT and UNCTAD 2002). The following three instruments are perhaps the most prominent examples:

- International Convention on the Harmonization of Frontier Controls of Goods (UNECE 1982)
- International Convention on the Simplifications and Harmonisation of Customs Procedures - Revised Kyoto Convention (WCO 2006b), and
- WTO Agreement on Trade Facilitation (WTO 2014a)

But these three do not stand on their own and there is considerable overlap between them and with other instruments, including, for example, the many recommendations and standards that are offered by United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) and the World Customs Organisation, amongst others (see 13). Important to note is that the institutions supporting these instruments play an active role in the coordination of efforts between signatory parties. Also, important to note is that most measures featured in these instruments do not stand on their own and can be viewed as steppingstones towards ever more improved cross-border facilitation performance. This, too, will be elaborated in this chapter by reference to cross-border facilitation “itineraries”.

A review of the three most prominent instruments

The **International Convention on the Harmonization of Frontier Controls of Goods** has its origins in international efforts that seek to make sure that border crossings do not disrupt cross border transport

¹Reviewed in Chapter 2

operations; explicit obligations are focused on the land modes of transport. Similar provision for gateway facilities in other modes of transport are also specified in in the “Facilitation” Annex 9 to ICAOs Convention on International Civil Aviation (ICAO 2022), and the Convention on Facilitation of International Maritime Traffic (FAL) (IMO 1965, IMO 2019).

The International Convention on the Simplifications and Harmonisation of Customs Procedures – referred to as the **WCO Revised Kyoto Convention** (WCO 2006b) – serves as a blueprint for the legislation of customs administrations around the world. By adopting this blueprint, countries ensure a high level of harmonisation between their customs and border arrangements with those of their trade partners. Resulting familiarity lends itself well for business compliance, but also for customs cooperation.

The **WTO Trade Facilitation Agreement** draws very heavy on the measures already recommended in the WCO Revised Kyoto Convention. Some might say that it is “old wine in new skins” (Wolfgang and Kafeero 2014). What distinguishes the WTO Trade Facilitation Agreement is that it takes its thrust from wanting to provide for trade led growth and economic development (WTO 2015), and move conversations from tariff levels to non-tariff measures with focus on the operational aspects of cross-border trade (e.g., Grainger 2011). Moreover, the Trade Facilitation Agreement obliges developed countries to support developing and least developed countries in their trade facilitation implementation efforts.

Since each of these three instruments binds signatory parties to the implementation of specific facilitation measures, it is worth taking a more detailed look.

International Convention on the Harmonization of Frontier Controls of Goods

The International Convention on the Harmonization of Frontier Controls of Goods was agreed in Geneva on 21 October 1982 and entered into force on 15 October 1985. It has since been amended twice, first in 2008 by adding Annex VIII and then in 2011 by adding Annex IX. The Convention applies to all goods moved across one or more frontiers – whether by land, sea, or air – and applies to import, export, and transit movements alike. In 2023 the Convention had 58 contracting parties², which include the vast majority states working together through the OSCE and UNECE.

The focus of this Convention is on streamlining administrative procedures and remove cross-border technical barriers. At its hart is the explicit aim of “**reducing the requirements for completing formalities as well as the number and duration of controls**, in particular by national and international co-ordination of control procedures and of their methods of application” (Art.1). Subsequent provisions within the Convention commit signatory parties to:

- Cooperation and coordination between customs and other services at home and internationally (Art.4)
- Providing qualified personnel with the necessary equipment at the place where the controls are to take place; and giving official instructions to officers to act in accordance with international agreements (Art.5)
- International co-operation with each other and with competent international organisations in support of the Convention’s aims (Art.6)

² <https://unece.org/legal-instruments-field-transport-45>

- Arrangements for the joint control of goods and documents between neighbouring countries (Art. 7). Such arrangements should also cover the opening hours of frontier posts, categories of goods handled, modes of transport served, and provisions for international customs transit procedures
- The exchange of information necessary to apply controls effectively, and in line with the aims of the Convention (Art.8)
- Harmonized specifications for trade and transport documents in line with applicable international conventions or recommendations³ as well as applicable legal and operational requirements (Art.9)

Parties to the Convention also agree that:

- Goods in transit will receive simple and speedy treatment when they are transported under conditions that provide adequate security. However, if there is a threat to public safety, controls may still be carried out
- They will facilitate customs clearance for goods covered by an international customs transit procedure (Art.10) by extending the hours and competencies of existing customs posts.

Annex I of the Convention concerns the harmonise of customs control and other controls. It acknowledges that the customs administration is effectively the lead agency at the border. Subsequently, a key principle should thus be, as far as possible, for non-customs agencies to coordinate their control activities with customs. The option for controls activity to take place away from the border remains (I, Art.1). Further operating principles for border controls and cooperation in line with the aims of the Convention are specified for:

- medico-sanitary inspections carried out for the protection of the life and health of persons (Annex II)
- veterinary inspections applied to animals or animal products and their conditions of transport (Annex III)
- phytosanitary inspections to help prevent the spread and the introduction pests of plants and plant products (Annex IV).
- compliance controls with technical standards (Annex V)
- quality controls to ensure that goods match minimum international or national quality standards⁴ (Annex VI)

Furthermore, with the 2008 update to the Convention it also provides for **the facilitation of border crossing procedures by road transport (Annex VIII)**, including obligations for:

- visa procedures for professional drivers (A.VIII, Art.2)
- information sharing in order to plan and manage border facilities better; shift formalities to the point of departure and destination; and give priority to perishable shipments (A.VIII, Art.3)
- uniform conditions for vehicle inspection, including the mutual recognition of applicable inspection certificates (A.VIII, Art.4); an optional template for such certificates is detailed in Appendix 1 to Annex VIII)
- mutual recognition of international vehicle weight certificates (A.VIII, Art.5); an optional template for such certificates is detailed in Appendix 2 to Annex VIII)

³ Especially the UN Document Layout Key; UNECE (2017). Recommendation No.1: United Nations Layout Key for Trade Documents Recommended Practice and Guidelines. Geneva, United Nations.

⁴ e.g., marketing standards for horticultural produce

- streamlined formalities at border crossing points, including:
 - facilities that enable joint controls with neighbouring countries (one-stop);
 - 24/7 operations where this is justified by trade needs;
 - off-lane controls areas for vehicle checks; appropriate parking and terminal facilities;
 - proper hygiene, social and telecommunications facilities for drivers; and
 - space for forwarding agents to establish adequate facilities at border crossings to serve transport operators on competitive terms (A.VIII, Art.6).
- reporting to the UNECE Executive Secretariate in the form of a survey, at least once every two years (A.VIII, Art.7).

Since the 2011 update to the Convention, it also provides for **the facilitation of border crossing procedures for international rail freight (Annex IX)**. It holds that “Contracting Parties shall undertake to cooperate in order to standardize as fully as possible formalities and requirements in respect of documents and procedures in all areas connected with the carriage of goods by rail”. It holds, amongst other obligations, that contracting parties shall:

- facilitate the procedures for granting of visas for locomotive crews, refrigerated unit crews, persons accompanying freight shipments and staff at border (interchange) station (including measures that permit border staff to cross the border for joint controls)
- ensure that facilities, electronic systems, and equipment is in place to carry out controls and inspections effectively
- have access to facilities, including sidings, for holding, storing goods, and placing goods under temporary storage customs arrangements where necessary
- employ suitably qualified staff
- have access to equipment, facilities, and information and communication technology to be able to receive regulatory data about rolling stock (especially with regard to approval and inspection) before it arrives at the border crossing facility
- process formalities and controls in coordinated manner, including formalities for rolling stock, combined transport units (e.g. containers, semi-trailers, piggyback) and goods
- apply the principle that goods are subject to a risk-based control regime, and that goods shipped under seal need not be physically examined
- border controls shall be simplified, and as far as possible controls should take place at the stations of departure or destination
- use electronic systems; information for customs control shall be provided in advance
- have the option to use the CIM/SMGS railway consignment note, which can also be used as a customs document

Any disputes between two or more contracting parties concerning the interpretation or application of the Convention shall, as far as possible, be settled by negotiation between them or by other means of settlement. Should this not be possible, procedures for arbitration can be initiated by the relevant parties (Art. 20).

The Convention is administered by an Administrative Committee (Art.22 and Annex VII) – also known as UNEXE Working Party 30 – and is composed of all the Contracting Parties. The Convention’s Executive

Secretariate is provided by the United Nations Economic Commission for Europe. The official full text is available in English, French, Russian and Spanish⁵ (UNECE 1982).

Revised Kyoto Convention

The International Convention on the Simplification and Harmonisation of Customs Procedures first came into force in 1976 as the Kyoto (Customs) Convention. The current Revised Kyoto Convention was adopted in 2006. In 2022 it had 133 Contracting Parties⁶, including most OSCE and UNECE member states. This Convention serves as the basis – some might say “blueprint” – for effective, predictable and efficient customs procedures. They are designed to provide for trade facilitation without having to compromise the statutory functions of customs administrations (WCO 2006a).

The Convention is managed by a WCO Management Committee which is tasked with administering, reviewing, and updating the convention at regular intervals. Decisions are taken by consensus, and if consensus cannot be reached, decided by a vote among the contracting parties present. Accession to the Convention is for an unlimited duration, but parties can revoke their membership to the entire Convention or any of its specific annexes or chapters. It is thus a very flexible instruments, though many of its standards in aid of trade facilitation have been made binding through the 2017 adoption of the WTO Trade Facilitation Agreement (see p.8). The Body of the Convention sets out the procedures for its adoption and administration. It and the General Annex (Box 4-1) are binding on all Contracting Parties. Specific Annexes or Chapters (Box 4-2) are not binding, and Contracting Party can choose which ones to accept. The underlying principles of the Convention seek to ensure that customs procedures:

- are transparent and predictable
- are standardized and simplified, especially with regard to documents and declarations
- confer preferential treatment to suitably trusted individuals or companies
- make maximum use of information technology
- require minimal effort from the customs administration to ensure that businesses are compliant with applicable regulations
- utilize risk management techniques, and audit-based controls
- are developed and applied in partnership with the business community
- are coordinated, along with any subsequent operational interventions, with other (non-customs) border agencies

Source: adapted from WCO (2006b), WCO (2023c)

Box 4-1: WCO Revised Kyoto Convention: General Annex

Chapter 1	General principles
Chapter 2	Definitions
Chapter 3	Clearance and other Customs formalities
Chapter 4	Duties and taxes A. Assessment, collection and payment of duties and taxes

⁵ <https://unece.org/transport/border-crossing-facilitation/agreements-and-conventions>

⁶

https://www.wcoomd.org/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

	B. Deferred payment of duties and taxes C. Repayment of duties and taxes
Chapter 5	Security
Chapter 6	Customs control
Chapter 7	Application of information technology
Chapter 8	Relationship between the Customs and third parties
Chapter 9	Information, decisions and rulings supplied by the Customs A. Information of general application B. Information of a specific nature C. Decisions and rulings
Chapter 10	Appeals in Customs matters A. Right of appeal B. Form and grounds of appeal C. Consideration of appeal

Box 4-2: WCO Revised Kyoto Convention: Specific Annexes and Chapters

Annex A	Arrival of goods in a Customs territory
Chapter 1	Formalities prior to the lodgement of the Goods declaration
Chapter 2	Temporary storage of goods
Annex B	Importation
Chapter 1	Clearance for home use
Chapter 2	Re-importation in the same state
Chapter 3	Relief from import duties and taxes
Annex C	Exportation
Chapter 1	Outright exportation
Annex D	Customs warehouses and free zones
Chapter 1	Customs warehouses
Chapter 2	Free zones
Annex E	Transit
Chapter 1	Customs transit
Chapter 2	Transshipment
Chapter 3	Carriage of goods coastwise
Annex F	Processing
Chapter 1	Inward processing
Chapter 2	Outward processing
Chapter 3	Drawback
Chapter 4	Processing of goods for home use
Annex G	Temporary admission
Chapter 1	Temporary admission
Annex H	Offences
Chapter 1	Customs offences
Annex J⁷	Special procedures
Chapter 1	Travellers
Chapter 2	Postal traffic
Chapter 3	Means of transport for commercial use
Chapter 4	Stores

⁷ There is no Annex I

Chapter 5	Relief consignments
Annex K	Origin
Chapter 1	Rules of Origin
Chapter 2	Documentary evidence of origin
Chapter 3	Control of documentary evidence of origin

WTO Trade Facilitation Agreements

Perhaps the most significant cross-border facilitation instrument for trade and customs procedures at present, is the WTO Trade Facilitation Agreement. It had been a long time in the making (Neufeld 2014, Wu 2019). The objective of reducing other barriers to trade, next to trade tariffs, is explicitly highlighted in the original preamble of the General Agreement on Tariffs and Trade GATT (1947). The World Trade Organization (WTO) is the successor to the GATT and was brought to life in 1995 after the 8 yearlong Uruguay Round and the resulting Marrakesh Agreement⁸. The proposal for measures with specific focus on trade facilitation was launched in 1996 at the Singapore Ministerial. Much of the subsequent conversations were made with reference to GATT Articles V, VIII and X (1994). Negotiations concluded in 2013 at the Bali Ministerial Conference in the form of WTO Trade Facilitation Agreement (WTO 2014a)⁹.

Table 4-1 offers a point-by-point summary of trade facilitation measures detailed in the Agreement. Articles 1-5 have their origin in GATT Article X concerning the Publication and Administration of Trade Regulations; Articles 6-10 follow on from GATT Article VIII concerning Fees and Formalities connected with Importation and Exportation; and Article 11 builds on GATT Article V with focus on the Freedom of Transit (Wu 2019). Article 12 relates to customs cooperation. Article 23 sets out the supporting institutional arrangements. What is noteworthy is that nearly all measures in the Trade Facilitation Agreement match recommendations and obligations that have already been reached elsewhere, especially in the WCO Revised Kyoto Convention and the International Convention on the Harmonization of Frontier Controls of Goods, amongst others (UN/CEFACT and UNCTAD 2002, Wolfgang and Kafeero 2014).

Table 4-1: Measures listed by reference to applicable articles in the WTO Trade Facilitation Agreement

Article and Heading	Implementation obligations (“Trade Facilitation measures”)
Article 1: Publication and Availability of Information	
1. Publication	<ul style="list-style-type: none"> To publish applicable trade and customs related information promptly in an easily accessible manner

⁸ Which in Annex 1A, amongst other goods agreements, includes the GATT (1994). The General Agreement on Tariffs and Trade, WTO.

⁹ This was subsequently inserted into Annex 1A of the Marrakesh Agreement WTO (2014b). Protocol amending the Marrakesh Agreement Establishing the World Trade Organization, Decision of 27 November 2014: Agreement on Trade Facilitation (WT/L/940). General Council. Geneva, World Trade Organization.

2. Information Available through Internet	<ul style="list-style-type: none"> • Produce practical compliance guides • Make trade documents available for download • Publish applicable trade laws • Publish the contact details for the below enquiry points
3. Enquiry Points	<ul style="list-style-type: none"> • Implement a contact service where relevant parties (including business operators) can obtain information about the applicable trade and customs procedures
4. Notification	<ul style="list-style-type: none"> • Inform the WTO about where the above points have been published
Article 2: Opportunity to Comment, Information before Entry into Force and Consultations	
1. Opportunity to Comment and Information Before Entry into Force	<ul style="list-style-type: none"> • Ensure that traders and other interested parties can comment about any new trade and customs related laws before they are implemented
2. Consultations	<ul style="list-style-type: none"> • Border agencies must regularly consult with traders and other stakeholders
Article 3: Advance Rulings	
Advance (binding) rulings	<ul style="list-style-type: none"> • To provide, upon application by the trader, advance (binding) tariff classification or origin rulings before goods are imported
Article 4: Procedures for Appeal or Review	
Appeals	<ul style="list-style-type: none"> • Traders have the right to appeal decisions made by Customs in an administrative or judicial proceeding
Article 5: Other Measures to Enhance Impartiality, Non-Discrimination and Transparency	
1. Notification for Enhanced Controls or Inspections	<ul style="list-style-type: none"> • Temporary enhanced control arrangements (e.g., in response to public health risk) shall be based on risk • Relevant information and guidance must be published • Any enhanced controls shall be in proportion to risk and removed when the risk no longer applies
2. Detention	<ul style="list-style-type: none"> • Where goods are detained for inspection relevant business operators are to be informed promptly
3. Test Procedures	<ul style="list-style-type: none"> • Business operators shall have the right to a second test where the first led to an adverse outcome • Publish/share the contract details of laboratories where tests can be carried out
Article 6: Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation and Penalties	
1. General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation	<ul style="list-style-type: none"> • Any fees and charges shall be applied in line with WTO Principle (see GATT 1994) • Fees and charges shall be published along with details about how they can be paid • Any applicable fees and charges shall be periodically reviewed and reduced where possible
2. Specific Disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation	<ul style="list-style-type: none"> • Customs fees and charges shall be in proportion to the cost and service provided by the administration • Any fees not specific to an import or export operations must be closely related to Customs' processing of goods
3. Penalty Disciplines	<ul style="list-style-type: none"> • Penalties are only to be imposed on the person(s) responsible and proportionate to the degree of violations; prior disclosure shall be considered as a potential factor for mitigating the penalty sum. • Are to be issued with a written explanation

	<ul style="list-style-type: none"> Any conflicts of interest in the assessment of penalties are to be avoided
Article 7: Release and Clearance of Goods	
1. Pre-arrival Processing	<ul style="list-style-type: none"> To expedite the release of goods, traders shall be permitted to submit import documents and related information in advance and prior to the arrival of the goods
2. Electronic Payment	<ul style="list-style-type: none"> The electronic payment options for duties, taxes, fees, and charges shall (as far as practical) be implemented
3. Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges	<ul style="list-style-type: none"> Subject to financial guarantee goods may be released by customs prior to the payment of duties and taxes
4. Risk Management	<ul style="list-style-type: none"> Risk management principles shall apply to the control of goods Administrations shall concentrate their controls on high-risk goods and expedite the release of low risk goods
5. Post-clearance Audit	<ul style="list-style-type: none"> Post clearance audit methods (e.g., by auditing relevant records at the trader's premises) shall be applied to expedite customs release The outcome of those audits shall inform risk management evaluations
6. Establishment and Publication of Average Release Times	<ul style="list-style-type: none"> Conduct studies to measure the average time it takes to release goods at the borders Publish those studies
7. Trade Facilitation Measures for Authorized Operators	<ul style="list-style-type: none"> Special or preferential customs treatment is to be provided to reliable (trusted) traders Qualifying criteria for trusted trader or authorised economic operator programmes is to be published WTO members shall seek to provide mutual recognition of their respective trusted trader programmes
8. Expedited Shipments	<ul style="list-style-type: none"> Air express-delivery operators and similar types of companies may benefit from special procedures for expedited customs release.
9. Perishable Goods	<ul style="list-style-type: none"> Allow for release in the shortest possible time Priority treatment for examination and clearance; and where appropriate Where appropriate, to accommodate clearance outside normal office hours Allow goods to be stored in conditions appropriate for their conservation (e.g. temperature controlled) and where practical to conduct examinations at those facilities
Article 8: Border Agency Cooperation	
Border Agency Cooperation	<ul style="list-style-type: none"> Border agencies shall cooperate and coordinate their controls and procedures to facilitate trade Countries with common land borders shall cooperate and coordinate procedures
Article 9: Movement of Goods Intended for Import under Customs Control	
Imports under Customs Control	<ul style="list-style-type: none"> Allow goods to be moved under a simplified customs procedure to an inland office, and permit the importer to clear goods at the destination rather than at the border crossing or port of arrival
Article 10: Formalities Connected with Importation, Exportation and Transit	

<p>1. Formalities and Documentation Requirements</p>	<ul style="list-style-type: none"> • To regularly review the number of documents and formalities required with a view towards reducing or simplifying them • Document requirements and formalities should be as fast and as efficient as possible; eliminated where no longer needed; and should not be adopted if less restrictive solutions are available (e.g. automation)
<p>2. Acceptance of Copies</p>	<ul style="list-style-type: none"> • Where border agencies require supporting documents to complete their control (e.g., commercial invoice or transport documents) they need not be originals • The export declaration (original or copy) shall not be required for importation • If the original document has been provided to one government authority, other government authorities shall accept any authenticated copy by that agency holding the original.
<p>3. Use of International Standards</p>	<ul style="list-style-type: none"> • Relevant international standards for trade and customs procedures are to be adopted (e.g. for electronic data sharing) • WTO members shall participate in the regular review of those standards
<p>4. Single Window</p>	<ul style="list-style-type: none"> • Efforts towards the implementation of a “single window” facility which allows traders to submit all trade related information via one single entry point • The one-time submission principle shall apply whereby information already shared shall not be requested again • As far as possible, modern information and communication technology shall be utilised
<p>5. Pre-shipment Inspection (PSI)</p>	<ul style="list-style-type: none"> • In countries where PSI procedures apply (i.e.. inspection by private companies before shipment), they shall be phased out. • New PSI regimes are not to be introduced
<p>6. Use of Customs Brokers</p>	<ul style="list-style-type: none"> • Mandatory requirements for the use of customs brokers should not be introduced • Where their use is mandatory any broker licencing rules shall be transparent and objective
<p>7. Common Border Procedures and Uniform Documentation Requirements</p>	<ul style="list-style-type: none"> • The release of goods and clearance shall be based on common customs procedures and uniform document requirements (but differentiate customs treatment and risk management practices are permitted)
<p>8. Rejected Goods</p>	<ul style="list-style-type: none"> • The importer has the right to return (e.g., to the exporter) or re-consign any rejected goods in circumstance where the prescribed sanitary, phytosanitary or other technical regulations could not be met.
<p>9. Temporary Admission of Goods and Inward and Outward Processing</p>	<ul style="list-style-type: none"> • These procedures shall be provided for. Temporary admission allows for goods to be imported free of duties on condition that they are returned within a specific period of time. Inward processing relieve allows for goods to be imported free of duties where they form part of export manufacturing or repair. Outward processing relief allows for duties and taxes to be collected only on the value added by foreign processing.
<p>Article 11: Freedom of Transit</p>	
<p>1-3. Transit Charges, regulations, and formalities</p>	<ul style="list-style-type: none"> • Transit formalities shall be eliminated or reduced if no longer required or a less trade restrictive solution is available; charges may only relate to the cost of administration and services provided

4. Non-discrimination	<ul style="list-style-type: none"> • Goods in transit shall not be treated less favourable than if they had not been in transit
5.-10. Transit, procedures and controls	<ul style="list-style-type: none"> • Shall allow for pre-declaration; only apply formalities necessary for transit; shall not apply charges, formalities, or inspections at locations other than at the office of departure or destination; shall not apply technical regulations and market conformity assessments; shall promptly release goods from transit once they reach the office of exit • Separate clearance lanes for transit traffic are encouraged
11.-15. Guarantees	<ul style="list-style-type: none"> • Transit guarantees shall be proportionate, discharged without delay, and applied in a consistent manner • Information about how guarantees are set must be made available • Customs may only insist on accompanying transit goods in convoy where they are of a high risk or where the requirement is specified by national law
16.-17. Cooperation and coordination	<ul style="list-style-type: none"> • Countries shall cooperate and coordinate to enhance the freedom of transit • A national transit coordinator to accommodate enquires and proposals should be appointed
Article 12: Customs Cooperation	
Customs Cooperation	<ul style="list-style-type: none"> • Customs cooperation between countries is to be encouraged along with obligations to respond to information requests
Article 23: Institutional Arrangements	
1. Committee on Trade Facilitation	<ul style="list-style-type: none"> • The WTO Committee on Trade Facilitation is to review the operation and implementation of the Agreement every four years • The Committee shall maintain close contact with other international organisations (e.g. WCO) • Best practice experiences and insights are to be exchanged
2. National Committee on Trade Facilitation	<ul style="list-style-type: none"> • National trade facilitation committees are to be established to facilitate both domestic coordination and implementation of the provisions of this Agreement.

Source: adapted from WTO (2014a)¹⁰

Perhaps the key distinguishing feature of the WTO Trade Facilitation Agreement is that it is binding upon members who have accepted it¹¹. The discipline of the WTO's Dispute Settlement Mechanism (GATT 1994; Annex 2) applies. Parties falling short of their obligations are potentially at risk of rulings with adverse trade countermeasures. All WTO members are also subject to the scrutiny of the WTO's Trade Policy Review Mechanism. The purpose of which is to: *“contribute to improved adherence by all Members to rules, disciplines and commitments made under the Multilateral Trade Agreements and, where applicable, the Plurilateral Trade Agreements, and hence to the smoother functioning of the multilateral trading system, by achieving greater transparency in, and understanding of, the trade policies and practices of Members”*

¹⁰ A version of this table was originally published in Grainger, A. (2021). Cross-border logistics operations : effective trade facilitation and border management. London, Kogan Page. Further detailed reading with examples and case studies can be found in WTO. (2022). "Trade Facilitation Agreement Facility." Retrieved 9 Dec, 2022, from <https://www.tfafacility.org>.

¹¹ Ratification status in January 2023 was 95.1%. Following WTO members had not yet ratified the Agreement: Democratic Republic of Congo, Hati, Mauritania, Surinam, Tonga, Venezuela, and Yemen; see: <https://tfadatabase.org/en/ratifications>

(GATT 1994; Annex 3). The frequency of reviews are every two years for the four largest trading entities, every four years for the next 16 countries, and every six years for other Members.

Important to note is that the WTO Trade Facilitation Agreement includes mechanisms for accessing capacity building support as well as special and differential treatment for developing and least developing countries. These are detailed in Articles 13-22, which offer a certain degree of flexibility to developing and least developed countries over the time-period during which measures need to be implemented. They also give those countries a mechanism by which they can oblige other member states to provide the necessary support – whether financial or technical. Progress towards implementation is recorded in the WTO Trade Facilitation Database (WTO 2023b)¹².

Other international instruments and conventions

There is an entire symphony¹³ of instruments that complement and expand upon the three reviewed above. Each instrument has its specific focus. For example, the 600 plus measures specified in the WCO Revised Kyoto Convention are supported by additional, detailed WCO guidelines. The **World Customs Organization** also offers other complementing instruments. These include, amongst others, in no order:

- the Convention on the Harmonized Commodity Description and Coding System (HS Code), that entered into force in 1988
- the Customs Convention on Containers 1972¹⁴
- the ATA and Istanbul Convention for the temporary admission of goods; often used by touring exhibitions, theatres, and orchestras
- the WCO e-Commerce Package containing a Framework of Standards on Cross-Border E-Commerce (WCO 2022a)
- the WCO Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework), emphasizing customs and non-customs co-operations, international customs co-operations, and the partnership between trusted businesses and customs administrations (WCO 2021)
- numerous WCO Council Recommendations specific to customs procedures and facilitation

The WCO is also prolific in the production of training and reading materials that include amongst other tools, the:

- WCO Customs Risk Management Compendium (WCO 2022b)
- WCO Coordinated Border Management (WCO 2015)
- WCO Single Window Guidelines and resources (WCO 2023a)
- WCO Data Model; including resource app and detailed guidelines (WCO 2023d)
- WCO Time Release Study methodology; to assess the time it takes to release goods at border crossing points (WCO 2018)

The **UNECE**, next to being the home for the International Convention on the Harmonization of Frontier Controls of Goods, also looks after other transport facilitation specific agreements with complementing aims

¹² <https://tfadatabase.org/en/implementation>.

¹³ A phrase borrowed from Wu, H. (2019). *Trade Facilitation in the Multilateral Trading System: Genesis, Course and Accord*. London, Routledge.

¹⁴ Administered by the WCO on behalf of the UNECE

(see Box 4-1). The International Maritime Organization (IMO) and the International Civil Aviation Organization have a similarly comprehensive catalogue of instruments for the facilitation of the maritime and air transport modes. Important to highlight is that the UNECE also hosts the UN Centre for Trade Facilitation and Electronic Business (UN/CEFACT), which has developed numerous recommendations to reduce, harmonize and automate procedures and paperwork in international trade (UNECE 2020); see Box 4-2). There are other organisations that lend very active cross-border facilitation related contributions. Table 4-2 lists some of the more prominent ones, but it is by no means exhaustive.

Box 4-1: UNECE Agreements with cross-border facilitation aims

Transport Infrastructure

- Declaration on the construction of main international traffic arteries, 1950
- European Agreement on Main International Traffic Arteries (AGR), of 15 November 1975
- European Agreement on Main International Railway Lines (AGC), of 31 May 1985
- European Agreement on Important International Combined Transport Lines and Related Installations (AGTC), of 1 February 1991 (as amended)
- European Agreement on Main Inland Waterways of International Importance (AGN), of 19 January 1996

Road Traffic and Road Signs

- Convention on Road Traffic, of 19 September 1949 (as amended)
- Protocol on Road Signs and Signals, of 19 September 1949
- Convention on Road Signs and Signals, of 8 November 1968 (as amended)
- European Agreement supplementing the 1968 Convention on Road Traffic, of 1 May 1971 (as amended)
- European Agreement supplementing the Convention on Road Signs and Signals (1968), of 1 May 1971 (as amended)
- European Agreement on the Application of Article 23 of the 1949 Convention on Road Traffic concerning the Dimensions and Weights of Vehicles Permitted to Travel on Certain Roads of the Contracting Parties, of 16 September 1950
- European Agreement supplementing the 1949 Convention on Road Traffic and the 1949 Protocol on Road Signs and Signals of 16 September 1950
- European Agreement on Road Markings, of 13 December 1957 (as amended)
- Agreement on Minimum Requirements for the Issue and Validity of Driving Permits (APC), of 1 April 1975

Road Vehicles

- Agreement concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations, of 20 March 1958
- Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of Such Inspections, of 13 November 1997
- Agreement concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts which can be fitted and / or be used on Wheeled Vehicles, of 25 June 1998

Other Legal Instruments related to Road Transport

- European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR), of 1 July 1970 (as amended)

- Convention on the Taxation of Road Vehicles engaged in International Goods Transport, of 14 December 1956
- Convention on the Contract for the International Carriage of Goods by Road (CMR), of 19 May 1956 (as amended)
- Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), of 1 March 1973 (as amended)
- General Agreement on Economic Regulations for International Road Transport, of 17 March 1954

Inland Water Transport

- Convention relating to the Unification of Certain Rules concerning Collisions in Inland Navigation, of 15 March 1960
- Convention on the Registration of Inland Navigation Vessels, of 25 January 1965
- Convention on the Measurement of Inland Navigation Vessels, of 15 February 1966
- Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN), of 1 March 1973
- Protocol to the Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN), of 5 July 1978
- Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN), of 6 February 1976
- Protocol to the Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterways (CVN), of 5 July 1978

Border Crossing Facilitation

- Convention concerning Customs Facilities for Touring, signed in New York on 4 June 1954 (as amended)
- Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), of 15 January 1959 (as amended)
- Customs Convention on the Temporary Importation of Commercial Road Vehicles, of 18 May 1956
- International Convention to Facilitate the Crossing of Frontiers for Goods Carried by Rail, of 10 January 1952
- Customs Convention concerning Spare Parts Used for Repairing Europ Wagons, of 15 January 1958
- Customs Convention on Containers, of 18 May 1956 (as amended)
- European Convention on Customs Treatment of Pallets Used in International Transport, of 9 December 1960
- International Convention on the Harmonization of Frontier Controls of Goods, 21 October 1982 (as amended)
- Convention on Customs Treatment of Pool Containers Used in International Transport, 21 January 1994
- Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes Geneva, 9 February 2006

Transport of Dangerous Goods

- Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), of 30 September 1957 (as amended)
- Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD), of 10 October 1989
- European Agreement Concerning the International Carriage of Dangerous Goods by Inland Waterway (ADN), of 25 May 2000

Transport of Perishable Foodstuffs

- Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP), of 1 September 1970

Source: <https://unece.org/list-agreements>

Box 4-3: UN CEFCT Recommendations; March 2023

- Rec 1 – UN Layout Key for Trade Documents
- Rec 2 – ECE Layout Key: Semantic Information and Codes in International Trade Data Exchange
- Rec 4 – National Trade Facilitation Bodies
- Rec 6 – Aligned Invoice Layout Key for International Trade
- Rec 8 – Unique Identification Code Methodology – UNIC
- Rec 11 – Documentary Aspects of the Transport of Dangerous Goods
- Rec 12 – Measures to Facilitate Maritime Transport Documents Procedures
- Rec 13 – Facilitation of Identified Legal Problems in Import Clearance Procedures
- Rec 14 – Authentication of Trade Documents
- Rec 15 – Simpler Shipping Marks
- Rec 18 – Facilitation Measures Related to International Trade Procedures
- Rec 22 – Layout Key for Standard Consignment Instructions
- Rec 25 – Use of the UN Electronic Data Interchange for Administration, Commerce and Transport Standard (UN/EDIFACT)
- Rec 26 – The Commercial Use of Interchange Agreements for Electronic Data Interchange
- Rec 27 – Preshipment Inspection
- Rec 31 – Electronic Commerce Agreement
- Rec 32 – E-Commerce Self-Regulatory Instruments (Codes of Conduct)
- Rec 33 – Single Window Recommendation
- Rec 34 – Data Simplification and Standardization for International Trade
- Rec 35 – Establishing a legal framework for international trade Single Window
- Rec 36 – Single Window Interoperability
- Rec 37 – Single Submission Portals (SSPs)
- Rec 38 - Trade Information Portals (TIP)
- Rec 40 – Consultation Approaches
- Rec 41 – Public-Private Partnerships in Trade Facilitation
- Rec 42 – Establishment of a Trade and Transport Facilitation Monitoring Mechanism (TTFMM)
- Rec 43 – Sustainable Procurement
- Rec 44 – Cross-Border Facilitation Measures for Disaster Relief
- Rec 45 – Minimum Standards for Ship Agents and Ship Brokers
- Rec 46 – Enhancing Traceability and Transparency of Sustainable Value Chains in the Garment and Footwear Sector
- Rec 47 – Pandemic Crisis Trade-Related Response

Table 4-2: Other prominent organisations with a cross-border facilitation mandate

Abbreviation	Full name	Synopsis
GAfTF	Global Alliance for Trade Facilitation	This is a public private partnership for trade-led growth, supporting governments in developing countries and least-

		developed countries (LDCs) in implementing the World Trade Organization's Trade Facilitation Agreement.
IATA	International Air Transport Association	IATA is the trade association for the world's airlines, representing some 260 air carriers or 83% of total air traffic. The organization supports many areas of aviation activity and helps formulate industry policy on critical aviation issue
ICAO	International Civil Aviation Organization	ICAO is a specialized agency of the United Nations, that was created in 1944 to promote the safe and orderly development of international civil aviation throughout the world
ICC	International Chamber of Commerce	The ICC is the world business organization. Founded in 1919 its objective is "to serve world business by promoting trade and investment, open markets for goods and services, and the free flow of capital".
IMO	International Maritime Organization	IMO came to life in 1958 as the International Maritime Consultative Organizations and later in 1982 as the IMO. It serves a UN specialized agency responsible for safe, secure and efficient shipping and the prevention of pollution from ships
ITC	International Trade Center	The ITC is a joint agency of the WTO (WTO) and the United Nations (UN). ITC's mission is to increase the competitiveness of the private sector, especially small and medium-sized enterprises (SMEs), by building export capacity, reducing trade-transaction costs and deepening regional integration through trade facilitation measures.
OECD	Organisation for Economic Co-operation	The OECD was established in 1961 as the successor to the OEEC, established in 1947. Its mission is to "promote policies that will improve the economic and social well-being of people around the world." It works on issues related to economic, social and environmental change, including topics such as regulatory reform, development and international trade.
UNCITRAL	United Nations Commission on International Trade Law	UNCITRAL is the core legal body of the United Nations system in the field of international trade law. Its mandate is to remove legal obstacles to international trade by progressively modernizing and harmonizing trade law.
UNCTAD	United Nations Conference on Trade and Development	UNCTAD was established in 1964. UNCTAD promotes a development-friendly integration of developing countries into the world economy. The scope and content of UNCTAD's work covers topics such as commodities, shipping and transport, technology, competition law, trade in goods and services, and Foreign Direct Investment.
UNESCAP	UN Economic Commission for Asia and the Pacific	UNESCAP is one of the five regional commissions of the UN, and is the regional development arm for the Asia-Pacific region. Established in 1947 it focuses on regional cooperation in areas including macroeconomic policy and development, trade and investment, and transport.
WBG	World Bank Group	The World Bank is the main multilateral provider of Aid for Trade, development assistance designed to help developing countries more effectively engage in international trade.

Source: edited text from the UNECE Trade Facilitation Implementation Guide (UNECE 2023) and respective websites

Engagement and implementation Itineraries

The mechanisms for engagement with the respective instruments differ by instrument and its governing institutions. Usually, engagement can be direct through nominated representatives acting on behalf of the signatory parties. For most stakeholders it will be indirect, by working with those representatives and any consultation or engagement activities that are coordinated by the relevant secretariates. Secretariates at some institutions may also have discretion over budgets that can be used for capacity building type projects. Secretariates may, depending on the specific instrument and associated powers, also have responsibilities for monitoring compliance with applicable measures. But it is important to understand that mechanisms for engagement with the representatives of participating states and the secretariates can evolve in line with their requirements. The World Customs Organization, for example, often seeks views from its Private Sector Consultative Group (WCO 2023b). The World Trade Organization reaches out to observers that include countries with formalised membership aspirations as well as approved international intergovernmental organisations (WTO 2023a). Many of those intergovernmental organisations also play an active hand in defining applicable facilitation measures – for example by drafting recommendations and guidelines (e.g., those of UN CEFAC listed in Box 4-3).

Ideally, the measures specified in relevant instruments should not be considered in isolation. It usually makes sense to focus on how various prescribed or recommended measures interlink. Most measures lend themselves to reform “pathways” or “itineraries”. Some may also use the term “steppingstone”. For example, the implementation of a trade information portal requires multiple government agencies to work together and agree what should be published on that portal, and how to keep the published information up to date. The relationships thus developed can then serve as a useful stepping-stone for other facilitation measures that require good cooperation between border agencies – such the work of National Trade Facilitation Committees or the many efforts necessary to successfully implement a single window solution.

Inevitably, when it comes to implementing cross-border facilitation measures tasked policy makers and project managers will need to explore what the best itineraries might be. Much of this will depend on what is already in place and the specific needs of stakeholders. Prior consultation activities and studies are usually essential for working out appropriate plans of action. In countries with an active public-private sector engagement culture it is often possible to also draw on formalised, detailed action plans with predefined pathways and performance expectations. The UK is one example (HMG 2020) of many, where countries have specified such plans (UNECE 2015). Progress may even be actively monitored by applying “SMART” – that is: specific, measurable, relevant, and time-bound – principles within a formal monitoring framework (UN/CEFACT 2017).

The selection of steppingstones also depends on wider framing objectives. For example, an itinerary that seeks to dematerialise paper processes could contain following steps:

- Development and adoption of **electronic document standards** for commercial and regulatory documents

- Implementation of **legal measures** to ensure electronic documents have legal standing (e.g., e-signature)
- Activities to help **foster the development of electronic document software** which business operators can then use to automate much of their trade document needs
- Development and maintenance of **electronic data models** that draw on standardised commercial and regulatory documents
- Implement and maintain **electronic customs systems** that draw on standardised electronic data models to help automate the bulk of all administrative processes
- **Improve risk management** systems by drawing on electronic data and training AI-type evaluation and assessment tools
- Implement electronic **single window solutions** for the sharing of data between business operators and all relevant government agencies as well as the sharing of control information between border agencies and non-border agencies
- **Explore further advancements** that can automate much of the compliance burden and improve control outcomes, for example by enabling the efficient sharing (e.g. on a voluntary basis) of commercial as and when it is created – instead of when declared or requested¹⁵.

An itinerary of measures aimed at speeding-up border crossing processes and flows could include the following points:

- **Multi-lane** clearance arrangements to accommodate flows where processing speeds differ
- **De minimis rules** for low value cargo (e.g., shipped using express and postal services); this exempts a large volume of shipments that would otherwise be cumbersome (and costly) to processes
- **Pre-arrival processing** enables risks to be assessed before goods arrive. Where cooperation with transport operators works well, this measure can also prevent non-compliant goods from being shipped before costs escalate. Advance sharing of information about goods and vehicles also enables border staff to improve their operational forecasting models, thus making sure they are optimally resourced
- **Risk management** ensures that always complaint operators are not needlessly delayed at the border
- **Transit procedures** that fast-track or exempt transit shipments from border controls. This is speeds up border clearance because vehicles do not need to be unnecessarily delayed. And because goods are shipped under seal and operators are known, the non-compliance risk is low.
- **Customs facilitations** that allow for **inland clearance** (e.g., under transit arrangements) and fast-tracked treatment at border crossings
- **Post clearance audit control** methods that reduce the need to conduct detailed administrative checks at border crossing facilities
- **Authorised Trade Regimes** that give preference to the most compliant, low-risk traders – and can thus be fast-tracked at the border
- **Advance rulings** for technically complex compliance issues (e.g. tariff classification and origin), thus reducing the risk of delays at the border

¹⁵ See, for example, the Dutch pilot studies tht have been reported by Rukanova, B., S. van Engelenburg, J. Ubacht, Y.-H. Tan, M. Geurts, M. Sies, M. Molenhuis, M. Slegt and D. van Dijk (2023). "Public value creation through voluntary business to government information sharing enabled by digital infrastructure innovations: a framework for analysis." *Government Information Quarterly*: 101786.

- **Coordinated Border Management** practices reduce touchpoints with business operators, thus improve processing flows at border crossing facilities. They also help improve control outcomes by ensuring that customs and non-customs agencies work together in the most coordinated manner.
- **Efficient payment procedures** that allow duties and fees (if applicable) to be paid instantly or in advance without giving any reason for goods to be held or delayed.
- **Standardised procedures and mutual recognition** of certificates, licences, permits, and authorisations reduce the regulatory burden associated with product specific NTMs, prohibitions, restrictions, or vehicle controls. Moreover, it can significantly help reduce demand on border crossing control services
- **Joint border controls** between the neighbour countries reduce touchpoints with business operators even more, thus further reducing the potential time it takes to clear border crossings.
- **Aligned operating hours** on both sides of the border ensure that facilities are staff and business operators do not need to wait.

Another itinerary might be one that seeks to improve the relationships between border agencies and business operators. Following steps lend themselves here:

- Implementation and maintenance of a national **trade information portal** so that businesses know what the most up-to-date compliance requirements are
- Provide for **advance rulings** on technically complex issues, such as tariff classification and origin rules
- **Appeal procedures** that enable business operators to challenge the decisions of border staff effectively
- Implementation of **electronic compliance solutions** that make the payment of bribes for fast-track treatment more difficult
- Measures that foster a **lively dialogue amongst stakeholders and regulatory agencies** about how the cross-border trade and customs environment can be improved (see also Chapter 3)
- Active **customs risk management** with coercive measures (including training and helpline support) that encourage non-complaint businesses to become more compliant – and thus view border agencies as a support service, not an agencies that must be feared
- Formal **trusted trade programmes** that recognise and reward investments made by business operators for improving their trade compliance performance.

Summary analysis

This chapter reviewed three core cross-border facilitation instruments: the International Convention on the Harmonization of Frontier Controls of Goods (UNECE 1982); the International Convention on the Simplifications and Harmonisation of Customs Procedures - Revised Kyoto Convention (WCO 2006b); and the WTO Agreement on Trade Facilitation (WTO 2014a). Also highlighted is that much withing these instruments overlaps, and matches other international instruments – including, for example, the many recommendations published by UN/CEFACT and the WCO, or additional instruments by the UNECE, amongst others.

By reference to Chapter 3, which looked at the levels at which cross-border facilitation action takes place, it can also worth holding onto the fact that these instruments are formidable tools for the coordination of cross-border facilitation activities between countries – and thus defining the global trade environment within which

cross-border commerce takes place. It may also be worth highlighting that reference to international commitments can be useful where stakeholders need to overcome implementation obstacles at home. But, as highlighted in Chapter 2, the range of cross-border facilitation themes is broad and growing. It can be foreseen that the reviewed instruments will evolve further in their own right or through complementing additional, perhaps new instruments.

For interested parties wanting to improve the cross-border trade environment it is worth holding onto the principles that underly these instruments (discussed in detail in Chapter 2) and remembering that there are multiple levels of action. These can be inward looking, within a specific organisation, between organisation, and as discussed here by shaping the environment within which trade takes place. It may also be worth highlighting, as touched upon in Chapter 1, that efforts towards improving the international trade environment not only take place on the global stage, but also on the regional stage. Many regional trade and customs agreements, for example, subscribe to cooperation efforts that match and go beyond the spirit of the instruments reviewed in this Chapter. In the case of the European Union, for example, efforts have advanced so far that the need for border controls between member states is completely removed. Transport infrastructure and governing regulations are also to a large extent fully coordinated.

Inevitably, instruments in aid of cross-border facilitation measures need to be aligned to stakeholders needs. At the very least this is to safeguard the competitiveness of businesses and safeguard public control expectations. Bottom-up conversations, informed by costs experiences and other trade inhibiting frustrations may be matched with what the obligations and recommendations of international instruments provide. Important to recognise is that measures build on top of each other. Strategic planning and an understanding of possible itineraries towards cross-border facilitation are strongly advised.

Readers may wish to reflect on the three respective instruments and how these can be operationalised (including itineraries) to best effect with focus on reducing trade costs whilst also enhancing control outcomes. A good starting point is to draw and expand on any diagnostic studies, national strategy documents with cross-border facilitation objectives, and the activities of national PRO Committees (or similar; see Box 2-7).

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Cross-Border Facilitation Guidelines

A practical guide to cross-border facilitation

Chapter 4

Prepared by Dr Andrew Grainger for the
Organization for Security and Co-operation in
Europe (OSCE) and the United Nations Economic
Commission for Europe (UNECE)

(Version: 6th April 2023)

Cross-border Facilitation Instruments and Itineraries

1 Chapter overview

The aim of cross-border facilitation, with its various themes and principles¹⁶, is to improve cross-border transport and trade flows between countries. Trade costs (discussed in Chapter 3) are a core concern; as are efforts towards developing suitable transport infrastructure and providing for essential international transport connectivity, or by ensuring that trade relevant procedures (e.g., customs, transport, NTMs, and payment) are administered in the most accommodating manner. Opportunities for improvement can usually be found within the respective organisations that are involved in cross-border trade operations. Opportunities can also be found at the transactional level between those organisations, and through partnership arrangements. Crucially, the various stakeholders in cross-border trade can also work together to reshape the governing regulatory environment (also discussed in Chapter 3). A common mechanism for shaping the governing cross-border trade environment is through the adoption of international instruments with cross-border facilitation objectives at their core – which is the focus of this chapter.

There are many international instruments which draw on cross-border facilitation themes and principles (e.g., UNECE and UNCTAD 2002). The following three instruments are perhaps the most prominent examples:

- International Convention on the Harmonization of Frontier Controls of Goods (UNECE 1982)
- International Convention on the Simplifications and Harmonisation of Customs Procedures - Revised Kyoto Convention (WCO 2006a), and
- WTO Agreement on Trade Facilitation (WTO 2014a)

But these three do not stand on their own, and there is considerable overlap between them and with other instruments including, for example, the many recommendations and standards that are offered by United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) and the World Customs Organisation, amongst others (see p. 13). Important to note is that the institutions supporting these instruments play an active role in the co-ordination of efforts between signatory parties. Also, important to note is that most measures featured in these instruments do not stand on their own and can be viewed as stepping-stones towards ever more improved cross-border facilitation performance. This, too, will be elaborated in this chapter by reference to cross-border facilitation “itineraries”.

¹⁶Reviewed in Chapter 2

2 A review of the three most prominent instruments

The **International Convention on the Harmonization of Frontier Controls of Goods** (UNECE 1982) has its origins in international efforts that seek to make sure that border crossings do not disrupt cross-border transport operations; explicit obligations are focused on land modes of transport. Similar provision for gateway facilities in other modes of transport are also specified in “Facilitation” - Annex 9 of ICAOs Convention on International Civil Aviation (ICAO 2022), and the Convention on Facilitation of International Maritime Traffic (FAL) (IMO 1965, 2019).

The International Convention on the Simplifications and Harmonisation of Customs Procedures – referred to as the **WCO Revised Kyoto Convention** (WCO 2006a) – serves as a blueprint for the legislation of customs administrations around the world. By adopting this blueprint, countries ensure a high level of harmonisation between their customs and border arrangements with those of their trade partners. Resulting familiarity lends itself well for business compliance, but also for customs co-operation.

The **WTO Trade Facilitation Agreement** draws very heavily on the measures already recommended in the WCO Revised Kyoto Convention. Some might say that it is “old wine in new skins” (Wolfgang and Kafeero 2014). What distinguishes the WTO Trade Facilitation Agreement is that it takes its thrust from wanting to provide for trade led growth and economic development (WTO 2015), and move conversations from tariff levels to non-tariff measures with focus on the operational aspects of cross-border trade (e.g., Grainger 2011). Moreover, the Trade Facilitation Agreement obliges developed countries to support developing and least developed countries in their trade facilitation implementation efforts.

Since each of these three instruments binds signatory parties to the implementation of specific facilitation measures, it is worth taking a more detailed look.

3 International Convention on the Harmonization of Frontier Controls of Goods

The International Convention on the Harmonization of Frontier Controls of Goods (UNECE 1982) was agreed in Geneva on 21 October 1982 and entered into force on 15 October 1985. It has since been amended twice: first in 2008 by adding Annex VIII, and then in 2011 by adding Annex IX. The Convention applies to all goods moved across one or more frontiers – whether by land, sea, or air – and applies to import, export, and transit movements alike. In 2023, the Convention had 58 contracting parties¹⁷, which include the vast majority of states working together through the OSCE and UNECE.

The focus of this Convention is on streamlining administrative procedures and to remove cross-border technical barriers. At its heart is the explicit aim of “**reducing the requirements for completing formalities as well as the number and duration of controls**, in particular by national and international co-ordination of

¹⁷ <https://unece.org/legal-instruments-field-transport-45>

control procedures and of their methods of application” (Art.1). Subsequent provisions within the Convention commit signatory parties to:

- Co-operation and co-ordination between customs and other services at home and internationally (Art.4);
- Providing qualified personnel with the necessary equipment at the place where the controls are to take place; and giving official instructions to officers to act in accordance with international agreements (Art.5);
- International co-operation with each other and with competent international organisations in support of the Convention’s aims (Art.6);
- Arrangements for the joint control of goods and documents between neighbouring countries (Art. 7). Such arrangements should also cover the opening hours of frontier posts, categories of goods handled, modes of transport served, and provisions for international customs transit procedures;
- The exchange of information necessary to apply controls effectively, and in line with the aims of the Convention (Art.8);
- Harmonised specifications for trade and transport documents in line with applicable international conventions or recommendations¹⁸ as well as applicable legal and operational requirements (Art.9).

Parties to the Convention also agree that:

- Goods in transit will receive simple and speedy treatment when they are transported under conditions that provide adequate security. However, if there is a threat to public safety, controls may still be carried out;
- They will facilitate customs clearance for goods covered by an international customs transit procedure (Art.10) by extending the hours and competencies of existing customs posts.

Annex I of the Convention concerns the harmonisation of customs control and other controls. It acknowledges that the customs administration is effectively the lead agency at the border. Subsequently, a key principle should thus be, as far as possible, for non-customs agencies to co-ordinate their controls activity with customs. The option for controls activity to take place away from the border remains (I, Art.1). Further operating principles for border controls and co-operation in line with the aims of the Convention are specified for:

- Medico-sanitary inspections carried out for the protection of the life and health of persons (Annex II);
- Veterinary inspections applied to animals or animal products and their conditions of transport (Annex III);
- Phytosanitary inspections to help prevent the spread and introduction of pests of plants and plant products (Annex IV);
- Compliance controls with technical standards (Annex V);

¹⁸ Especially the UN Document Layout Key; Unece, 'Recommendation No.1: United Nations Layout Key for Trade Documents Recommended Practice and Guidelines', in United Nations Centre for Trade Facilitation and Electronic Business (ed.), (Geneva: United Nations, 2017a).

- Quality controls to ensure that goods match minimum international or national quality standards¹⁹ (Annex VI).

Furthermore, with the 2008 update to the Convention, it also provides for **the facilitation of border crossing procedures by road transport (Annex VIII)**, including obligations for:

- Visa procedures for professional drivers (A.VIII, Art.2)
- Information sharing in order to plan and manage border facilities better; shift formalities to the point of departure and destination; and give priority to perishable shipments (A.VIII, Art.3);
- Uniform conditions for vehicle inspection, including the mutual recognition of applicable inspection certificates (A.VIII, Art.4); an optional template for such certificates is detailed in Appendix 1 to Annex VIII);
- Mutual recognition of international vehicle weight certificates (A.VIII, Art.5); an optional template for such certificates is detailed in Appendix 2 to Annex VIII);
- Streamlined formalities at border crossing points, including:
 - Facilities that enable joint controls with neighbouring countries (one-stop);
 - 24/7 operations where this is justified by trade needs
 - Off-lane controls areas for vehicle checks; appropriate parking and terminal facilities
 - Proper hygiene, social, and telecommunication facilities for drivers
 - Space for forwarding agents to establish adequate facilities at border crossings to serve transport operators on competitive terms (A.VIII, Art.6);
- Reporting to the UNECE Executive Secretariate in the form of a survey, at least once every two years (A.VIII, Art.7).

Since the 2011 update to the Convention, it also provides for **the facilitation of border crossing procedures for international rail freight (Annex IX)**. It holds that “Contracting Parties shall undertake to cooperate in order to standardize as fully as possible formalities and requirements in respect of documents and procedures in all areas connected with the carriage of goods by rail”. It holds, amongst other obligations, that contracting parties shall:

- Facilitate the procedures for granting of visas for locomotive crews, refrigerated unit crews, persons accompanying freight shipments, and staff at border (interchange) stations (including measures that permit border staff to cross the border for joint controls);
- Ensure that facilities, electronic systems, and equipment is in place to carry out controls and inspections effectively;
- Have access to facilities, including sidings, for holding, storing goods, and placing goods under temporary storage customs arrangements where necessary;
- Employ suitably qualified staff;
- Have access to equipment, facilities, and information and communication technology to be able to receive regulatory data about rolling stock (especially with regard to approval and inspection) before it arrives at the border crossing facility;

¹⁹ e.g., marketing standards for horticultural produce

- Process formalities and controls in a co-ordinated manner, including formalities for rolling stock, combined transport units (e.g., containers, semi-trailers, piggyback), and goods;
- Apply the principle that goods are subject to a risk-based control regime, and that goods shipped under seal need not be physically examined;
- Border controls shall be simplified, and as far as possible, controls should take place at the stations of departure or destination;
- Use electronic systems; information for customs control shall be provided in advance;
- Have the option to use the CIM/SMGS railway consignment note, which can also be used as a customs document.

Any disputes between two or more contracting parties concerning the interpretation or application of the Convention shall, as far as possible, be settled by negotiation between them or by other means of settlement. Should this not be possible, procedures for arbitration can be initiated by the relevant parties (Art. 20).

The Convention is administered by an Administrative Committee (Art.22 and Annex VII) – also known as UNECE Inland Transport Committee Working Party 30 – and is composed of all the Contracting Parties. The Convention’s Executive Secretariate is provided by the United Nations Economic Commission for Europe’s (UNECE) Sustainable Transport Division. The official full text is available in English, French, Russian, and Spanish²⁰ (UNECE 1982).

4 Revised Kyoto Convention

The International Convention on the Simplification and Harmonisation of Customs Procedures first came into force in 1976 as the Kyoto (Customs) Convention. The current Revised Kyoto Convention was adopted in 2006. In 2022, it had 133 Contracting Parties²¹, including most participating States of OSCE and UNECE member States. This Convention serves as the basis – some might say “blueprint” – for effective, predictable, and efficient customs procedures. They are designed to provide for trade facilitation without having to compromise the statutory functions of customs administrations (WCO 2006b).

The Convention is managed by a WCO Management Committee which is tasked with administering, reviewing, and updating the convention at regular intervals. Decisions are taken by consensus, and if consensus cannot be reached, decided by a vote among the contracting parties present. Accession to the Convention is for an unlimited duration, but parties can revoke their membership to the entire Convention, or any of its specific annexes or chapters. It is thus a very flexible instrument, though many of its standards in aid of trade facilitation have been made binding through the 2017 adoption of the WTO Trade Facilitation Agreement (see p.8). The Body of the Convention sets out the procedures for its adoption and administration. It, and the General Annex (Box 4-1), are binding on all Contracting Parties. Specific Annexes

²⁰ <https://unece.org/transport/border-crossing-facilitation/agreements-and-conventions>

²¹

https://www.wcoomd.org/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

or Chapters (Box 4-2) are not binding, and Contracting Parties can choose which ones to accept. The underlying principles of the Convention seek to ensure that customs procedures:

- Are transparent and predictable;
- Are standardised and simplified, especially with regard to documents and declarations;
- Confer preferential treatment to suitably trusted individuals or companies;
- Make maximum use of information technology;
- Require minimal effort from the customs administration to ensure that businesses are compliant with applicable regulations;
- Utilise risk management techniques, and audit-based controls;
- Are developed and applied in partnership with the business community;
- Are co-ordinated, along with any subsequent operational interventions, with other (non-customs) border agencies.

Source: adapted from WCO (2006a, 2023c)

Box 4-1: WCO Revised Kyoto Convention: General Annex

Chapter 1	General principles
Chapter 2	Definitions
Chapter 3	Clearance and other Customs formalities
Chapter 4	Duties and taxes A. Assessment, collection, and payment of duties and taxes B. Deferred payment of duties and taxes C. Repayment of duties and taxes
Chapter 5	Security
Chapter 6	Customs control
Chapter 7	Application of information technology
Chapter 8	Relationship between the Customs and third parties
Chapter 9	Information, decisions, and rulings supplied by the Customs A. Information of general application B. Information of a specific nature C. Decisions and rulings
Chapter 10	Appeals in Customs matters A. Right of appeal B. Form and grounds of appeal C. Consideration of appeal

Box 4-2: WCO Revised Kyoto Convention: Specific Annexes and Chapters

Annex A	Arrival of goods in a Customs territory
Chapter 1	Formalities prior to the lodgement of the Goods declaration
Chapter 2	Temporary storage of goods
Annex B	Importation
Chapter 1	Clearance for home use
Chapter 2	Re-importation in the same state

Chapter 3	Relief from import duties and taxes
Annex C	Exportation
Chapter 1	Outright exportation
Annex D	Customs warehouses and free zones
Chapter 1	Customs warehouses
Chapter 2	Free zones
Annex E	Transit
Chapter 1	Customs transit
Chapter 2	Transshipment
Chapter 3	Carriage of goods coastwise
Annex F	Processing
Chapter 1	Inward processing
Chapter 2	Outward processing
Chapter 3	Drawback
Chapter 4	Processing of goods for home use
Annex G	Temporary admission
Chapter 1	Temporary admission
Annex H	Offences
Chapter 1	Customs offences
Annex J²²	Special procedures
Chapter 1	Travellers
Chapter 2	Postal traffic
Chapter 3	Means of transport for commercial use
Chapter 4	Stores
Chapter 5	Relief consignments
Annex K	Origin
Chapter 1	Rules of Origin
Chapter 2	Documentary evidence of origin
Chapter 3	Control of documentary evidence of origin

5 WTO Trade Facilitation Agreements

Perhaps the most significant cross-border facilitation instrument for trade and customs procedures at present, is the WTO Trade Facilitation Agreement. It had been a long time in the making (Neufeld 2014; Wu 2019). The objective of reducing other barriers to trade, next to trade tariffs, is explicitly highlighted in the original preamble of the General Agreement on Tariffs and Trade GATT (1947). The World Trade Organization (WTO) is the successor to the GATT and was brought to life in 1995 after the 8 year-long Uruguay Round and the resulting Marrakesh Agreement²³. The proposal for measures with specific focus on trade facilitation was launched in 1996 at the Singapore Ministerial Conference. Much of the subsequent

²² There is no Annex I

²³ Which in Annex 1A, amongst other goods agreements, includes the Gatt, 'The General Agreement on Tariffs and Trade', (Geneva: WTO, 1994).

conversations were made with reference to GATT Articles V, VIII, and X (1994). Negotiations concluded in 2013 at the Bali Ministerial Conference in the form of WTO Trade Facilitation Agreement (WTO 2014a)²⁴.

Table 4-1 offers a point-by-point summary of trade facilitation measures detailed in the Agreement. Articles 1-5 have their origin in GATT Article X concerning the Publication and Administration of Trade Regulations; Articles 6-10 follow on from GATT Article VIII concerning Fees and Formalities connected with Importation and Exportation; and Article 11 builds on GATT Article V with focus on the Freedom of Transit (Wu 2019). Article 12 relates to customs co-operation. Article 23 sets out the supporting institutional arrangements. What is noteworthy is that nearly all measures in the Trade Facilitation Agreement match recommendations and obligations that have already been reached elsewhere, especially within the WCO Revised Kyoto Convention and the International Convention on the Harmonization of Frontier Controls of Goods, amongst others (UNECE and UNCTAD 2002; Wolffgang and Kafeero 2014).

Table 4-1: Measures listed by reference to applicable articles in the WTO Trade Facilitation Agreement

Article and/ Heading	Implementation obligations (“Trade Facilitation measures”)
Article 1: Publication and Availability of Information	
1. Publication	<ul style="list-style-type: none"> To publish applicable trade and customs related information promptly in an easily accessible manner.
2. Information Available through Internet	<ul style="list-style-type: none"> Produce practical compliance guides; Make trade documents available for download; Publish applicable trade laws; Publish the contact details for the below enquiry points.
3. Enquiry Points	<ul style="list-style-type: none"> Implement a contact service where relevant parties (including business operators) can obtain information about the applicable trade and customs procedures.
4. Notification	<ul style="list-style-type: none"> Inform the WTO about where the above points have been published.
Article 2: Opportunity to Comment, Information before Entry into Force and Consultations	
1. Opportunity to Comment and Information Before Entry into Force	<ul style="list-style-type: none"> Ensure that traders and other interested parties can comment about any new trade and customs related laws before they are implemented.
2. Consultations	<ul style="list-style-type: none"> Border agencies must regularly consult with traders and other stakeholders.
Article 3: Advance Rulings	
Advance (binding) rulings	<ul style="list-style-type: none"> To provide, upon application by the trader, advance (binding) tariff classification, or origin rulings before goods are imported.
Article 4: Procedures for Appeal or Review	
Appeals	<ul style="list-style-type: none"> Traders have the right to appeal decisions made by Customs in an administrative or judicial proceeding.
Article 5: Other Measures to Enhance Impartiality, Non-Discrimination, and Transparency	

²⁴ This was subsequently inserted into Annex 1A of the Marrakesh Agreement Wto, 'Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization, Decision of 27 November 2014: Agreement on Trade Facilitation (Wt/L/940)', in General Council (ed.), (Geneva: World Trade Organization, 2014b).

1. Notification for Enhanced Controls or Inspections	<ul style="list-style-type: none"> • Temporary enhanced control arrangements (e.g., in response to public health risk) shall be based on risk; • Relevant information and guidance must be published; • Any enhanced controls shall be in proportion to risk and removed when the risk no longer applies.
2. Detention	<ul style="list-style-type: none"> • Where goods are detained for inspection relevant business operators are to be informed promptly.
3. Test Procedures	<ul style="list-style-type: none"> • Business operators shall have the right to a second test where the first led to an adverse outcome; • Publish/share the contract details of laboratories where tests can be carried out.
Article 6: Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation and Penalties	
1. General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation	<ul style="list-style-type: none"> • Any fees and charges shall be applied in line with WTO Principle (see GATT 1994); • Fees and charges shall be published along with details about how they can be paid; • Any applicable fees and charges shall be periodically reviewed and reduced where possible.
2. Specific Disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation	<ul style="list-style-type: none"> • Customs fees and charges shall be in proportion to the cost and service provided by the administration; • Any fees not specific to an import or export operation must be closely related to Customs' processing of goods.
3. Penalty Disciplines	<ul style="list-style-type: none"> • Penalties are only to be imposed on the person(s) responsible and proportionate to the degree of violations; prior disclosure shall be considered as a potential factor for mitigating the penalty sum; • Are to be issued with a written explanation; • Any conflicts of interest in the assessment of penalties are to be avoided.
Article 7: Release and Clearance of Goods	
1. Pre-arrival Processing	<ul style="list-style-type: none"> • To expedite the release of goods, traders shall be permitted to submit import documents and related information in advance and prior to the arrival of the goods.
2. Electronic Payment	<ul style="list-style-type: none"> • The electronic payment options for duties, taxes, fees, and charges shall (as far as practical) be implemented.
3. Separation of Release from Final Determination of Customs Duties, Taxes, Fees, and Charges	<ul style="list-style-type: none"> • Subject to financial guarantee, goods may be released by customs prior to the payment of duties and taxes.
4. Risk Management	<ul style="list-style-type: none"> • Risk management principles shall apply to the control of goods; • Administrations shall concentrate their controls on high-risk goods and expedite the release of low risk goods.
5. Post-clearance Audit	<ul style="list-style-type: none"> • Post clearance audit methods (e.g., by auditing relevant records at the trader's premises) shall be applied to expedite customs release; • The outcome of those audits shall inform risk management evaluations.

6. Establishment and Publication of Average Release Times	<ul style="list-style-type: none"> • Conduct studies to measure the average time it takes to release goods at the borders; • Publish those studies.
7. Trade Facilitation Measures for Authorised Operators	<ul style="list-style-type: none"> • Special or preferential customs treatment is to be provided to reliable (trusted) traders; • Qualifying criteria for trusted trader or authorised economic operator programmes is to be published; • WTO members shall seek to provide mutual recognition of their respective trusted trader programmes.
8. Expedited Shipments	<ul style="list-style-type: none"> • Air express-delivery operators and similar types of companies may benefit from special procedures for expedited customs release.
9. Perishable Goods	<ul style="list-style-type: none"> • Allow for release in the shortest possible time; • Priority treatment for examination and clearance where appropriate; • Where appropriate, to accommodate clearance outside normal office hours; • Allow goods to be stored in conditions appropriate for their conservation (e.g., temperature controlled) and where practical, to conduct examinations at those facilities.
Article 8: Border Agency Cooperation	
Border Agency Cooperation	<ul style="list-style-type: none"> • Border agencies shall co-operate and co-ordinate their controls and procedures to facilitate trade; • Countries with common land borders shall co-operate and co-ordinate procedures.
Article 9: Movement of Goods Intended for Import under Customs Control	
Imports under Customs Control	<ul style="list-style-type: none"> • Allow goods to be moved under a simplified customs procedure to an inland office, and permit the importer to clear goods at the destination rather than at the border crossing or port of arrival.
Article 10: Formalities Connected with Importation, Exportation, and Transit	
1. Formalities and Documentation Requirements	<ul style="list-style-type: none"> • To regularly review the number of documents and formalities required with a view towards reducing or simplifying them; • Document requirements and formalities should be as fast and as efficient as possible; eliminated where no longer needed; and should not be adopted if less restrictive solutions are available (e.g., automation).
2. Acceptance of Copies	<ul style="list-style-type: none"> • Where border agencies require supporting documents to complete their control (e.g., commercial invoice or transport documents) they need not be originals; • The export declaration (original or copy) shall not be required for importation; • If the original document has been provided to one government authority, other government authorities shall accept any authenticated copy by that agency holding the original.
3. Use of International Standards	<ul style="list-style-type: none"> • Relevant international standards for trade and customs procedures are to be adopted (e.g., for electronic data sharing); • WTO members shall participate in the regular review of those standards.

4. Single Window	<ul style="list-style-type: none"> • Efforts towards the implementation of a “single window” facility which allows traders to submit all trade related information via one single entry point; • The one-time submission principle shall apply whereby information already shared shall not be requested again; • As far as possible, modern information and communication technology shall be utilised.
5. Pre-shipment Inspection (PSI)	<ul style="list-style-type: none"> • In countries where PSI procedures apply (i.e., inspection by private companies before shipment), they shall be phased out; • New PSI regimes are not to be introduced.
6. Use of Customs Brokers	<ul style="list-style-type: none"> • Mandatory requirements for the use of customs brokers should not be introduced; • Where their use is mandatory, any broker licensing rules shall be transparent and objective.
7. Common Border Procedures and Uniform Documentation Requirements	<ul style="list-style-type: none"> • The release of goods and clearance shall be based on common customs procedures and uniform document requirements (but differentiated customs treatment and risk management practices are permitted).
8. Rejected Goods	<ul style="list-style-type: none"> • The importer has the right to return (e.g., to the exporter) or re-consign any rejected goods in circumstance where the prescribed sanitary, phytosanitary, or other technical regulations could not be met.
9. Temporary Admission of Goods and Inward and Outward Processing	<ul style="list-style-type: none"> • These procedures shall be provided for. Temporary admission allows for goods to be imported free of duties on condition that they are re-exported within a specific period of time. Inward processing relief allows for goods to be imported free of duties where they form part of export manufacturing or repair. Outward processing relief allows for duties and taxes to be collected only on the value added by foreign processing.
Article 11: Freedom of Transit	
1-3. Transit Charges, regulations, and formalities	<ul style="list-style-type: none"> • Transit formalities shall be eliminated or reduced if no longer required, or a less trade restrictive solution is available; charges may only relate to the cost of administration and services provided.
4. Non-discrimination	<ul style="list-style-type: none"> • Goods in transit shall not be treated less favourable than if they had not been in transit.
5.-10. Transit, procedures, and controls	<ul style="list-style-type: none"> • Shall allow for pre-declaration; only apply formalities necessary for transit; shall not apply charges, formalities, or inspections at locations other than at the office of departure or destination; shall not apply technical regulations and market conformity assessments; shall promptly release goods from transit once they reach the office of exit; • Separate clearance lanes for transit traffic are encouraged.
11.-15. Guarantees	<ul style="list-style-type: none"> • Transit guarantees shall be proportionate, discharged without delay, and applied in a consistent manner; • Information about how guarantees are set must be made available; • Customs may only insist on accompanying transit goods in convoy where they are of a high risk or where the requirement is specified by national law.

16.-17. Cooperation and coordination	<ul style="list-style-type: none"> • Countries shall co-operate and co-ordinate to enhance the freedom of transit; • A national transit co-ordinator to accommodate enquires and proposals should be appointed.
Article 12: Customs Cooperation	
Customs Cooperation	<ul style="list-style-type: none"> • Customs co-operation between countries is to be encouraged along with obligation to respond to information requests.
Article 23: Institutional Arrangements	
1. Committee on Trade Facilitation	<ul style="list-style-type: none"> • The WTO Committee on Trade Facilitation is to review the operation and implementation of the Agreement every four years; • The Committee shall maintain close contact with other international organisations (e.g., WCO); • Best practice experiences and insights are to be exchanged.
2. National Committee on Trade Facilitation	<ul style="list-style-type: none"> • National trade facilitation committees are to be established to facilitate both domestic co-ordination and implementation of the provisions of this Agreement.

Source: adapted from WTO (2014a)²⁵

Perhaps the key distinguishing feature of the WTO Trade Facilitation Agreement is that it is binding upon members who have accepted it²⁶. The discipline of the WTO’s Dispute Settlement Mechanism (GATT 1994; Annex 2) applies. Parties falling short of their obligations are potentially at risk of rulings with adverse trade countermeasures. All WTO members are also subject to the scrutiny of the WTO’s Trade Policy Review Mechanism. The purpose of which is to: *“contribute to improved adherence by all Members to rules, disciplines and commitments made under the Multilateral Trade Agreements and, where applicable, the Plurilateral Trade Agreements, and hence to the smoother functioning of the multilateral trading system, by achieving greater transparency in, and understanding of, the trade policies and practices of Members”* (GATT 1994; Annex 3). The frequency of reviews are every two years for the four largest trading entities, every four years for the next 16 countries, and every six years for other Members.

Important to note is that the WTO Trade Facilitation Agreement includes mechanisms for accessing capacity building support as well as special and differential treatment for developing and least developed countries. These are detailed in Articles 13-22, which offer a certain degree of flexibility to developing and least developed countries over the time-period during which measures need to be implemented. They also give those countries a mechanism by which they can oblige other member states to provide the necessary support – whether financial or technical. Progress towards implementation is recorded in the WTO Trade Facilitation Database (WTO 2023b)²⁷.

²⁵ A version of this table was originally published in Andrew Grainger, *Cross-Border Logistics Operations : Effective Trade Facilitation and Border Management* (London: Kogan Page, 2021) 1 online resource (313 pages). Further detailed reading with examples and case studies can be found in Wto, 'Trade Facilitation Agreement Facility', <<https://www.tfafacility.org>>, accessed 9 Dec 2022.

²⁶ Ratification status in January 2023 was 95.1%. Following WTO members had not yet ratified the Agreement: Democratic Republic of Congo, Haiti, Mauritania, Surinam, Tonga, Venezuela, and Yemen; see: <https://tfadatabase.org/en/ratifications>

²⁷ <https://tfadatabase.org/en/implementation>.

6 Other international instruments and conventions

There is an entire symphony²⁸ of instruments that complement and expand upon the three reviewed above. Each instrument has its specific focus. For example, the 600 plus measures specified in the WCO Revised Kyoto Convention are supported by additional, detailed WCO guidelines. The **World Customs Organization** also offers other complementing instruments. These include, amongst others, in no particular order:

- The Convention on the Harmonized Commodity Description and Coding System (HS Code), that entered into force in 1988.
- The Customs Convention on Containers 1972²⁹
- The ATA and Istanbul Convention for the temporary admission of goods; often used by touring exhibitions, theatres, and orchestras;
- The WCO e-Commerce Package containing a Framework of Standards on Cross-Border E-Commerce (WCO 2022a);
- The WCO Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework), emphasizing customs and non-customs co-operations, international customs co-operations, and the partnership between trusted businesses and customs administrations (WCO 2021).
- Numerous WCO Council Recommendations specific to customs procedures and facilitation

The WCO is also prolific in the production of training and reading materials that include amongst other tools, the:

- WCO Customs Risk Management Compendium (WCO 2022b)
- WCO Coordinated Border Management (WCO 2015)
- WCO Single Window Guidelines and resources (WCO 2023b)
- WCO Data Model; including resource app and detailed guidelines (WCO 2023a)
- WCO Time Release Study methodology; to assess the time it takes to release goods at border crossing points (WCO 2018)

The **UNECE**, next to being the home for the International Convention on the Harmonization of Frontier Controls of Goods, also looks after other transport facilitation specific agreements with complementing aims (see Box 4-3). The International Maritime Organization (IMO) and the International Civil Aviation Organization have a similarly comprehensive catalogue of instruments for the facilitation of maritime and air transport modes. Important to highlight is that the UNECE also hosts the UN Centre for Trade Facilitation and Electronic Business (UN/CEFACT), which has developed numerous recommendations to reduce, harmonise, and automate procedures and paperwork in international trade (UNECE 2020); see Box 4-4. There are other organisations that lend very active cross-border facilitation related contributions. Table 4-2 lists some of the more prominent ones, but it is by no means exhaustive.

²⁸ A phrase borrowed from Hao Wu, *Trade Facilitation in the Multilateral Trading System: Genesis, Course and Accord* (London: Routledge, 2019).

²⁹ Administered by the WCO on behalf of the UNECE

Box 4-3: UNECE Agreements with cross-border facilitation aims; March 2023**Transport Infrastructure**

- Declaration on the construction of main international traffic arteries, 1950
- European Agreement on Main International Traffic Arteries (AGR), of 15 November 1975
- European Agreement on Main International Railway Lines (AGC), of 31 May 1985
- European Agreement on Important International Combined Transport Lines and Related Installations (AGTC), of 1 February 1991 (as amended)
- European Agreement on Main Inland Waterways of International Importance (AGN), of 19 January 1996

Road Traffic and Road Signs

- Convention on Road Traffic, of 19 September 1949 (as amended)
- Protocol on Road Signs and Signals, of 19 September 1949
- Convention on Road Signs and Signals, of 8 November 1968 (as amended)
- European Agreement supplementing the 1968 Convention on Road Traffic, of 1 May 1971 (as amended)
- European Agreement supplementing the Convention on Road Signs and Signals (1968), of 1 May 1971 (as amended)
- European Agreement on the Application of Article 23 of the 1949 Convention on Road Traffic concerning the Dimensions and Weights of Vehicles Permitted to Travel on Certain Roads of the Contracting Parties, of 16 September 1950
- European Agreement supplementing the 1949 Convention on Road Traffic and the 1949 Protocol on Road Signs and Signals of 16 September 1950
- European Agreement on Road Markings, of 13 December 1957 (as amended)
- Agreement on Minimum Requirements for the Issue and Validity of Driving Permits (APC), of 1 April 1975

Road Vehicles

- Agreement concerning the Adoption of Harmonized Technical United Nations Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these United Nations Regulations, of 20 March 1958
- Agreement concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal Recognition of Such Inspections, of 13 November 1997
- Agreement concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts which can be fitted and / or be used on Wheeled Vehicles, of 25 June 1998

Other Legal Instruments related to Road Transport

- European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR), of 1 July 1970 (as amended)
- Convention on the Taxation of Road Vehicles engaged in International Goods Transport, of 14 December 1956
- Convention on the Contract for the International Carriage of Goods by Road (CMR), of 19 May 1956 (as amended)
- Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), of 1 March 1973 (as amended)

- General Agreement on Economic Regulations for International Road Transport, of 17 March 1954

Inland Water Transport

- Convention relating to the Unification of Certain Rules concerning Collisions in Inland Navigation, of 15 March 1960
- Convention on the Registration of Inland Navigation Vessels, of 25 January 1965
- Convention on the Measurement of Inland Navigation Vessels, of 15 February 1966
- Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN), of 1 March 1973
- Protocol to the Convention relating to the Limitation of the Liability of Owners of Inland Navigation Vessels (CLN), of 5 July 1978
- Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterway (CVN), of 6 February 1976
- Protocol to the Convention on the Contract for the International Carriage of Passengers and Luggage by Inland Waterways (CVN), of 5 July 1978

Border Crossing Facilitation

- Convention concerning Customs Facilities for Touring, signed in New York on 4 June 1954 (as amended)
- Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), of 15 January 1959 (as amended)
- Customs Convention on the Temporary Importation of Commercial Road Vehicles, of 18 May 1956
- International Convention to Facilitate the Crossing of Frontiers for Goods Carried by Rail, of 10 January 1952
- Customs Convention concerning Spare Parts Used for Repairing Europ Wagons, of 15 January 1958
- Customs Convention on Containers, of 18 May 1956 (as amended)
- European Convention on Customs Treatment of Pallets Used in International Transport, of 9 December 1960
- International Convention on the Harmonization of Frontier Controls of Goods, 21 October 1982 (as amended)
- Convention on Customs Treatment of Pool Containers Used in International Transport, 21 January 1994
- Convention on International Customs Transit Procedures for the Carriage of Goods by Rail under Cover of SMGS Consignment Notes Geneva, 9 February 2006

Transport of Dangerous Goods

- Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), of 30 September 1957 (as amended)
- Convention on Civil Liability for Damage caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (CRTD), of 10 October 1989
- European Agreement Concerning the International Carriage of Dangerous Goods by Inland Waterway (ADN), of 25 May 2000

Transport of Perishable Foodstuffs

- Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for such Carriage (ATP), of 1 September 1970

Source: <https://unece.org/list-agreements>

Box 4-4: UN CEFCT Recommendations; March 2023

- Rec 1 – UN Layout Key for Trade Documents
- Rec 2 – ECE Layout Key: Semantic Information and Codes in International Trade Data Exchange
- Rec 4 – National Trade Facilitation Bodies
- Rec 6 – Aligned Invoice Layout Key for International Trade
- Rec 8 – Unique Identification Code Methodology – UNIC
- Rec 11 – Documentary Aspects of the Transport of Dangerous Goods
- Rec 12 – Measures to Facilitate Maritime Transport Documents Procedures
- Rec 13 – Facilitation of Identified Legal Problems in Import Clearance Procedures
- Rec 14 – Authentication of Trade Documents
- Rec 15 – Simpler Shipping Marks
- Rec 18 – Facilitation Measures Related to International Trade Procedures
- Rec 22 – Layout Key for Standard Consignment Instructions
- Rec 25 – Use of the UN Electronic Data Interchange for Administration, Commerce and Transport Standard (UN/EDIFACT)
- Rec 26 – The Commercial Use of Interchange Agreements for Electronic Data Interchange
- Rec 27 – Preshipment Inspection
- Rec 31 – Electronic Commerce Agreement
- Rec 32 – E-Commerce Self-Regulatory Instruments (Codes of Conduct)
- Rec 33 – Single Window Recommendation
- Rec 34 – Data Simplification and Standardization for International Trade
- Rec 35 – Establishing a legal framework for international trade Single Window
- Rec 36 – Single Window Interoperability
- Rec 37 – Single Submission Portals (SSPs)
- Rec 38 - Trade Information Portals (TIP)
- Rec 40 – Consultation Approaches
- Rec 41 – Public-Private Partnerships in Trade Facilitation
- Rec 42 – Establishment of a Trade and Transport Facilitation Monitoring Mechanism (TTFMM)
- Rec 43 – Sustainable Procurement
- Rec 44 – Cross-Border Facilitation Measures for Disaster Relief
- Rec 45 – Minimum Standards for Ship Agents and Ship Brokers
- Rec 46 – Enhancing Traceability and Transparency of Sustainable Value Chains in the Garment and Footwear Sector
- Rec 47 – Pandemic Crisis Trade-Related Response

Table 4-2: Other prominent organisations with a cross-border facilitation mandate

Abbreviation	Full name	Synopsis
GAfTF	Global Alliance for Trade Facilitation	This is a public private partnership for trade-led growth, supporting governments in developing countries and least-developed countries (LDCs) in implementing the World Trade Organization’s Trade Facilitation Agreement.

IATA	International Air Transport Association	IATA is the trade association for the world's airlines, representing some 260 air carriers or 83% of total air traffic. The organization supports many areas of aviation activity and helps formulate industry policy on critical aviation issue.
ICAO	International Civil Aviation Organization	ICAO is a specialized agency of the United Nations, that was created in 1944 to promote the safe and orderly development of international civil aviation throughout the world.
ICC	International Chamber of Commerce	The ICC is the world business organisation. Founded in 1919 its objective is "to serve world business by promoting trade and investment, open markets for goods and services, and the free flow of capital".
IMO	International Maritime Organization	IMO came to life in 1958 as the International Maritime Consultative Organizations and later in 1982 as the IMO. It serves as a UN specialized agency responsible for safe, secure and efficient shipping and the prevention of pollution from ships.
ITC	International Trade Centre	The ITC is a joint agency of the World Trade Organization (WTO) and the United Nations (UN). ITC's mission is to increase the competitiveness of the private sector, especially small and medium-sized enterprises (SMEs), by building export capacity, reducing trade-transaction costs, and deepening regional integration through trade facilitation measures.
OECD	Organisation for Economic Co-operation	The OECD was established in 1961 as the successor to the OEEC, established in 1947. Its mission is to "promote policies that will improve the economic and social well-being of people around the world." It works on issues related to economic, social, and environmental change, including topics such as regulatory reform, development, and international trade.
UNCITRAL	United Nations Commission on International Trade Law	UNCITRAL is the core legal body of the United Nations system in the field of international trade law. Its mandate is to remove legal obstacles to international trade by progressively modernising and harmonising trade law.
UNCTAD	United Nations Conference on Trade and Development	UNCTAD was established in 1964. UNCTAD promotes a development-friendly integration of developing countries into the world economy. The scope and content of UNCTAD's work covers topics such as commodities, shipping and transport, technology, competition law, trade in goods and services, and Foreign Direct Investment.
UNESCAP	UN Economic Commission for Asia and the Pacific	UNESCAP is one of the five regional commissions of the UN, and is the regional development arm for the Asia-Pacific region. Established in 1947, it focuses on regional co-operation in areas including macroeconomic policy and development, trade and investment, and transport.

WBG	World Bank Group	The World Bank is the main multilateral provider of Aid for Trade, development assistance designed to help developing countries more effectively engage in international trade.
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Source: edited text from the UNECE Trade Facilitation Implementation Guide (UNECE 2023) and respective websites

7 Engagement and implementation Itineraries

The mechanisms for engagement with the respective instruments differ by instrument and its governing institutions. Usually, engagement can be direct through nominated representatives acting on behalf of the signatory parties. For most stakeholders it will be indirect, by working with those representatives and any consultation or engagement activities that are co-ordinated by the relevant secretariates (see case-study in Box 4-5). Secretariates at some institutions may also have discretion over budgets that can be used for capacity building type projects. Secretariates may, depending on the specific instrument and associated powers, also have responsibilities for monitoring compliance with applicable measures. But it is important to understand that mechanisms for engagement with the representatives of participating states and the secretariates can evolve in line with their requirements. The World Customs Organization, for example, often seeks views from its Private Sector Consultative Group (WCO 2023d). The World Trade Organization reaches out to observers that include countries with formalised membership aspirations as well as approved international intergovernmental organisations (WTO 2023a). Many of those intergovernmental organisations also play an active hand in defining applicable facilitation measures – for example, by drafting recommendations and guidelines (e.g., those of UN CEFAC listed in Box 4-4).

Box 4-5: Case-study – engaging with the UNECE’s Inland Transport Committee

Context

“The Inland Transport Committee is a United Nations centre providing a comprehensive platform for consideration of all aspects of inland transport development and cooperation, with special attention to interregional and intraregional regulatory governance through the United Nations transport conventions and other means.”

The main outcome of the Inland Transport Committee’s work programme is a set of international agreements, conventions, and other international legally binding instruments. This includes the “International Convention on the Harmonization of Frontier Controls of Goods” along with all the other instruments listed in Box 4-2.

Much of the work of the Inland Transport Committee is supported by working parties that specialise in specific topics. Working Party 30 on “Customs Questions affecting Transport”, for example, focuses on initiating and pursuing “*actions aimed at the harmonization and simplification of regulations, rules and documentation for border crossing procedures for the various modes of inland transport*”. As such, Working Party 30 also serves as the Administrative Committees for the:

- International Convention on the Harmonization of Frontier Controls of Goods, 1982 (as amended)

- TIR Convention, 1975
- Custom Treatment of Pool Containers, 1994

Several working parties are supported by additional expert groups. Working Party 1 concerning road traffic safety, for example, is supported by a group of experts on road signs and signals, and another group of experts tasked with drafting a new legal instrument on the use of automated vehicles in road traffic.

The Secretariat for the Inland Transport Committee and its various working parties and expert groups is provided by the UNECE Sustainable Transport Division. Depending on the Working Party, formal sessions are typically held one to three times per year.

Engagement with the Inland Transport Committee

How to engage with the Inland Transport Committee depends on who you are. UNECE member states and contracting parties³⁰ participate in the work of the Inland Transport Committee – including its working parties – through formal representation. The names of nominated representatives must be notified to the Secretariat in advance of any held sessions.

Representatives are often civil servants and may be accompanied by advisers and experts. It is usually good practice for such representatives to be informed and accountable. Inevitably, this includes consultation activities by them at the national level with relevant stakeholders. Often, to help develop views and positions, they will also consult and co-ordinate with relevant interest groups from other nations.

The Secretariat and Inland Transport Committee may solicit views from other bodies and accredited Non-Government Organisations. Important for the work of the Inland Transport Committee and its Secretariat are monitoring and data gathering activities; for which input from relevant stakeholders is actively sought. This is another engagement opportunity.

Ideally, the measures specified in relevant instruments should not be considered in isolation. It usually makes sense to focus on how various prescribed or recommended measures interlink. Most measures lend themselves to reform “pathways” or “itineraries”. Some may also use the term “stepping stone”. For example, the implementation of a trade information portal requires multiple government agencies to work together and agree what should be published on that portal, and how to keep the published information up to date. The relationships thus developed can then serve as a useful stepping-stone for other facilitation measures that require good co-operation between border agencies – such as the work of National Trade

³⁰ UNECE member States participate at the ITC sessions as full members with voting rights. Non-UNECE Member States have the right to participate as full members to the segments of the ITC session that deal with legal instruments to which they are contracting parties, and remain in a consultative capacity in other parts.

Facilitation Committees or the many efforts necessary to successfully implement a “single window” solution.

Inevitably, when it comes to implementing cross-border facilitation measures, tasked policy makers and project managers will need to explore what the best itineraries might be. Much of this will depend on what is already in place and the specific needs of stakeholders. Prior consultation activities and studies are usually essential for working out appropriate plans of action. In countries with an active public-private sector engagement culture, it is often possible to also draw on formalised, detailed action plans with predefined pathways and performance expectations. The UK is one example (HMG 2020) of many, where countries have specified such plans (UNECE 2015). Progress may even be actively monitored by applying “SMART” – that is: specific, measurable, relevant, and time-bound – principles within a formal monitoring framework (UNECE 2017b).

The selection of stepping-stones also depends on wider framing objectives. For example, an itinerary that seeks to dematerialise paper processes could contain following steps:

- Development and adoption of **electronic document standards** for commercial and regulatory documents;
- Implementation of **legal measures** to ensure electronic documents have legal standing (e.g., e-signature);
- Activities to help **foster the development of electronic document software** which business operators can then use to automate much of their trade document needs;
- Development and maintenance of **electronic data models** that draw on standardised commercial and regulatory documents;
- Implement and maintain **electronic customs systems** that draw on standardised electronic data models to help automate the bulk of all administrative processes;
- **Improve risk management** systems by drawing on electronic data and training AI-type evaluation and assessment tools;
- Implement electronic **single window solutions** for the sharing of data between business operators and all relevant government agencies as well as the sharing of control information between border agencies and non-border agencies;
- **Explore further advancements** that can automate much of the compliance burden and improve control outcomes, for example, by enabling the efficient sharing (e.g., on a voluntary basis) of commercial data as and when it is created – instead of when declared or requested³¹.

An itinerary of measures aimed at speeding-up border crossing processes and flows could include the following points:

- **Multi-lane** clearance arrangements to accommodate flows where processing speeds differ;

³¹ See, for example, the Dutch pilot studies that have been reported by Boriana Rukanova et al., 'Public Value Creation through Voluntary Business to Government Information Sharing Enabled by Digital Infrastructure Innovations: A Framework for Analysis', *Government Information Quarterly*, 40/2 (2023/01/20/ 2023).

- **De minimis rules** for low value cargo (e.g., shipped using express and postal services); this exempts a large volume of shipments that would otherwise be cumbersome (and costly) to processes;
- **Pre-arrival processing** enables risks to be assessed before goods arrive. Where co-operation with transport operators works well, this measure can also prevent non-compliant goods from being shipped before costs escalate. Advance sharing of information about goods and vehicles also enables border staff to improve their operational forecasting models, thus making sure they are optimally resourced;
- **Risk management** ensures that always complaint operators are not needlessly delayed at the border;
- **Transit procedures** that fast-track or exempt transit shipments from border controls. This speeds up border clearance because vehicles do not need to be unnecessarily delayed. And because goods are shipped under seal and operators are known, the non-compliance risk is low;
- **Customs facilitations** that allow for **inland clearance** (e.g., under transit arrangements) and fast-tracked treatment at border crossings;
- **Post clearance audit control** methods that reduce the need to conduct detailed administrative checks at border crossing facilities;
- **Authorised Trade Regimes** that give preference to the most compliant, low-risk traders – and can thus be fast-tracked at the border;
- **Advance rulings** for technically complex compliance issues (e.g. tariff classification and origin), thus reducing the risk of delays at the border;
- **Coordinated Border Management** practices reduce touchpoints with business operators, thus improve processing flows at border crossing facilities. They also help improve control outcomes by ensuring that customs and non-customs agencies work together in the most coordinated manner;
- **Efficient payment procedures** that allow duties and fees (if applicable) to be paid instantly or in advance without giving any reason for goods to be held or delayed;
- **Standardised procedures and mutual recognition** of certificates, licences, permits, and authorisations reduce the regulatory burden associated with product specific NTMs, prohibitions, restrictions, or vehicle controls. Moreover, it can significantly help reduce demand on border crossing control services;
- **Joint border controls** between the neighbour countries reduce touchpoints with business operators even more, thus further reducing the potential time it takes to clear border crossings;
- **Aligned operating hours** on both sides of the border ensure that facilities are staffed and business operators do not need to wait.

Another itinerary might be one that seeks to improve the relationships between border agencies and business operators. The following steps lend themselves here:

- Implementation and maintenance of a national **trade information portal** so that businesses know what the most up-to-date compliance requirements are;
- Provide for **advance rulings** on technically complex issues, such as tariff classification and origin rules;

- **Appeal procedures** that enable business operators to challenge the decisions of border staff effectively;
- Implementation of **electronic compliance solutions** that make the payment of bribes for fast-track treatment more difficult;
- Measures that foster a **lively dialogue amongst stakeholders and regulatory agencies** about how the cross-border trade and customs environment can be improved (see also Chapter 3);
- Active **customs risk management** with coercive measures (including training and helpline support) that encourage non-complaint businesses to become more compliant – and thus view border agencies as a support service, not as agencies that must be feared;
- Formal **trusted trade programmes** that recognise and reward investments made by business operators for improving their trade compliance performance.

8 Summary analysis

This chapter reviewed three core cross-border facilitation instruments: the International Convention on the Harmonization of Frontier Controls of Goods (UNECE 1982); the International Convention on the Simplifications and Harmonisation of Customs Procedures - Revised Kyoto Convention (WCO 2006a); and the WTO Agreement on Trade Facilitation (WTO 2014a). Also highlighted is that much within these instruments overlap and match other international instruments – including, for example, the many recommendations published by UN/CEFACT and the WCO, or additional instruments by the UNECE, amongst others.

By reference to Chapter 3, which looked at the levels at which cross-border facilitation action takes place, it is also worth holding on to the fact that these instruments are formidable tools for the co-ordination of cross-border facilitation activities between countries – and thus defining the global trade environment within which cross-border commerce takes place. It may also be worth highlighting that reference to international commitments can be useful where stakeholders need to overcome implementation obstacles at home. But, as highlighted in Chapter 2, the range of cross-border facilitation themes is broad and growing. It can be foreseen that the reviewed instruments will evolve further in their own right or through complementing additional, perhaps new instruments.

For interested parties wanting to improve the cross-border trade environment, it is worth holding on to the principles that underlie these instruments (discussed in detail in Chapter 2) and remembering that there are multiple levels of action. These can be inward looking, within a specific organisation, between organisations, and as discussed here, by shaping the environment within which trade takes place. It may also be worth highlighting, as touched upon in Chapter 1, that efforts towards improving the international trade environment not only takes place on the global stage, but also on the regional stage. Many regional trade and customs agreements, for example, subscribe to co-operation efforts that match and go beyond the spirit of the instruments reviewed in this Chapter. In the case of the European Union, for example, efforts have advanced so far that the need for border controls between member states is completely removed. Transport infrastructure and governing regulations are also, to a large extent, fully co-ordinated.

Inevitably, instruments in aid of cross-border facilitation measures need to be aligned to stakeholders' needs. At the very least this is to safeguard the competitiveness of businesses and to safeguard public control expectations. Bottom-up conversations, informed by costs experiences and other trade inhibiting frustrations, may be matched with what the obligations and recommendations of international instruments provide. Important to recognise is that measures build on top of each other. Strategic planning and an understanding of possible itineraries towards cross-border facilitation are strongly advised.

Readers may wish to reflect on the three respective instruments and how these can be operationalised (including itineraries) to best effect with focus on reducing trade costs whilst also enhancing control outcomes. A good starting point is to draw and expand on any diagnostic studies, national strategy documents with cross-border facilitation objectives, and the activities of national PRO Committees (or similar; see Box 2-7).

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