

Conclusions and recommendations of the working group on the means to resolve the issue of reconciling safety and security, trade facilitation and the fight against fraud

During the Conference on customs and cross-border co-operation, the working group on the means to resolve the issue of reconciling safety and security, trade facilitation and the fight against fraud examined this issue, keeping in mind the importance of illegal traffic and its negative impact on the economies in the region.

- Several findings were established

- The evolution of the international situation during the last few years has made safety and security issues, and namely security of commercial exchanges, one of the highest priorities among the concerns of States. In this context, customs is an important stakeholder in trade regulations, in the protection of society and has a central role to play.

- Recent events impose on customs administrations the necessity to reconsider their strategy in order to develop tools which take into account these factors and to enhance and strengthen the means implemented to ensure the security of the international trade supply chain, from producer to end-user, as well as the safety of society.

- It is important to ensure a balance between the needs for trade facilitation to ensure economic development on the one hand, and those of safety and security and the fight against fraud on the other.

- Customs administrations must fully exploit the benefits which may derive from effective controls, for instance those made available by information technology and the harmonisation of procedures, and take advantage of this potential in the facilitation of legitimate trade.

- The working group on the means to resolve the issue of reconciling safety and security, trade facilitation and the fight against fraud :

Recognising that its role comprises the protection of financial interests of the society, prevention of commercial fraud, enhancing safety and security of populations and promotion of economic development;

Recognising also that customs fraud and cross-border criminal activities undermine the economy, harm the stability and security of society and have a negative effect on national budgets;

Aware that the correct application of customs legislation in international trade covers also controls over criminal or threats of violent actions against people and goods, health

and safety risks to consumers, including counterfeit and pirated goods, environmental risks as well as risks to public security;

Conscious that customs administrations have a central role to play in this context;

Considering therefore that it is necessary to find the balance between the constraints relating to safety and security, trade facilitation and the fight against fraud;

Recognising that within the European Union, a legal framework, a strategy and a range of techniques have been developed to reach the above mentioned objective;

Considering that the scope and intensity of customs fraud call for efficient and co-ordinated actions between the customs administrations, other law enforcement agencies and business operators;

Therefore proposes to the Directors General the adoption of the following recommendations

- 1 - Implementation and use of the existing legal and administrative framework, including appropriate rules on data protection and confidentiality, and streamlining of this framework, when necessary, in order to achieve a comprehensive approach to security and to cover the exchange of information between customs offices at the national, regional and international level for allowing more effective prevention of fraud.
- 2 - Implementation, with the help of the European Union, the principle of risk-based customs control and set up the necessary organisational framework.
- 3 - Maximisation of the effectiveness of the external border controls of goods by concentrating them on consignments that pose a risk for safety and security, including counterfeit and pirated goods.
- 4 - Establishing customs controls, other than spot checks, on intelligence and on risk analysis using data processing techniques, with the purpose of identifying and quantifying the risks and developing the necessary measures to assess the risks, on the basis of criteria developed at national, regional (e.g. EU) and, where available, international level.
- 5 - Where necessary, acquisition of the means, including the legal basis, to perform post-clearance controls including audit in order to reconcile the needs of the fight against fraud and of trade facilitation, without prejudice to the specificity of safety and security controls.

- 6 - Consideration of the possibility of performing pre-exportation controls and other measures to ensure the security of commercial exchanges, taking into account the framework of standards adopted by the WCO on security and trade facilitation.
- 7 - Improvement of national, regional and international co-operation between customs administrations and competent authorities on all levels in the field of safety and security of society (e.g. through MoU, the creation of joint structures and by joint customs/inter-agency operations).
- 8 - Strengthening computerisation of procedures to promote processing and exchange of information in real time. This computerisation must be set up within the necessary legal environment allowing for structured data exchange while enforcing confidentiality of exchanged data.
- 9 - Improvement of the management and operational application of customs controls, encouragement of their standardisation and enhancement of integrity.
- 10 - Exchange experiences and best practises in the field of customs controls.
- 11 - Creation and development of an ongoing dialogue with economic operators, conclusion of agreements with professional associations in view of detecting illicit operations, while facilitating legitimate trade and border crossing, including within the framework of MoUs between operators and customs administrations and by setting-up and implementation of Authorised Economic Operator Programmes.
- 12 - Reflecting on possibilities to develop training on matters of common interest for customs staff in charge of the fight against fraud, as well as, where appropriate, with trade operators.