



BS/WG/CM/R(2010)1

**REPORT OF THE MEETING
OF THE BSEC WORKING GROUP
ON CUSTOMS MATTERS**

Istanbul, 6-7 April 2010

1. The Meeting of the BSEC Working Group on Customs Matters was held in Istanbul, at the BSEC Headquarters, on 6-7 April 2010.
2. The Meeting was chaired by Mr. Pavel PASHKO, Deputy Head of the State Customs Service of Ukraine.
3. The Meeting was attended by the representatives of the following BSEC Member States:

Republic of Armenia
Republic of Azerbaijan
Hellenic Republic
Russian Federation
Republic of Serbia
Republic of Turkey
Ukraine
4. The representatives of the Czech Republic, the United States of America and the European Commission participated in the Meeting as BSEC Observers.

The List of Participants is attached as **Annex I**.

5. The Agenda of the Meeting was discussed and adopted. The Agenda, as adopted, is attached as **Annex II**.

**CONSIDERATION OF POSSIBILITY TO ESTABLISH A MECHANISM OF
EXCHANGE OF PRELIMINARY INFORMATION AMONG THE INTERESTED
CUSTOMS ADMINISTRATIONS OF THE BSEC MEMBER STATES**

6. The Working Group continued the consideration of the issue concerning the possibility of establishing a mechanism of exchange of preliminary information among the Customs Administrations of the interested BSEC Member States.

7. The Working Group reiterated that bilateral agreements on exchange of preliminary information of customs data, mutual assistance on customs matters and other bilateral agreements signed between the Customs Administrations of the BSEC Member States and third parties could serve as the legal basis for the exchange of preliminary information.

8. The Working Group took note of the willingness of the Russian Federation to elaborate a model of bilateral agreement/protocol on exchange of preliminary information among the interested Customs Administrations of the BSEC Member States and disseminate it through the PERMIS to the BSEC Member States.

9. The Working Group also took note of the willingness of Ukraine, as the Country Coordinator of the Working Group, to elaborate the principles of exchange of preliminary information among the interested Customs Administrations of the BSEC Member States and disseminate it through the PERMIS to the BSEC Member States.

10. The Working Group agreed that the draft documents to be presented by the Russian Federation and Ukraine shall take into account the details and structure of the exchange mechanisms, including the objectives of information exchange, its size, data protection issues, rules of management and final use of exchanged information. The draft documents will be considered at the next meeting of the Working Group.

11. The representative of the Hellenic Republic stressed once again the importance of having a legal basis for the establishment mechanism for the exchange of information. However he emphasized the importance of the protection of the personal data and he underlined that they should be treated in accordance with the national legislation of the affiliated member state providing information. He also said that the Hellenic Republic as a member state of the European Union, also a Member State of the BSEC, is always positive but it should be taken into consideration the obligations which are in accordance with the European legislation.

12. The WG recognized the existence of different IT solutions for information exchange which are currently being used by some Customs Administrations of the BSEC Member States.

CONSIDERATION OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE WORKSHOP ON CUSTOMS DATA EXCHANGE

13. Following the instruction of the Council, the Working Group considered the Summary Proceedings of the Workshop on “Customs Data Exchange” held in Kyiv, Ukraine, on 15 October 2009.

14. The Working Group noted the existing arrangement of exchange of information between State Customs Service of Ukraine and Customs Service of the Republic of Moldova and stated that this experience of exchange of preliminary information may be used for developing such systems among the customs administrations of the interested non-EU BSEC Member States.

15. The Working Group expressed its appreciation to the State Customs Service of Ukraine for organizing the Workshop and called upon the other Member States to continue the practice of organizing similar events in the future.

PROJECT PROPOSAL ON BOTTLENECKS AT BORDER CROSSINGS ALONG THE BSEC REGION

16. The Working Group took note in a positive manner of the proposal of the Republic of Turkey to establish a project team consisting of experts from the interested Customs Administrations of the Member States for determining the bottlenecks in border crossings along the BSEC region by using the existing methods established by the international organizations such as the World Customs Organization (WCO) and the United Nations (UN) that involves waiting time analysis studies of the border crossing procedures and applications.

17. The Working Group welcomed this proposal and invited the Republic of Turkey in cooperation with the interested BSEC Member States to submit to the BSEC PDF the project proposal for endorsement and subsequent financing.

18. The representative of the Republic of Turkey stated that they will submit as soon as possible the project proposal to the BSEC PDF taking into consideration the position of the interested BSEC Member States.

CLARIFICATION ON PARA. 20 OF THE REPORT OF THE WORKING GROUP CONCERNING THE REVISED POSITION OF THE EUROPEAN UNION

19. The Working Group took note of the clarification of the position of the European Commission concerning the preliminary exchange of customs data among the interested BSEC Member States as follows:

*“The representative of the European Commission (EC) reconfirmed the position of the Commission which states that the EC shows a positive approach towards the establishment of a preliminary information exchange mechanism of customs data among the **non EU** BSEC Member States. The EC also pointed out that **within the EU** the EC is the sole spokesman on the issue of exchange of information and that **the three EU Member States that are also Member States of the BSEC cannot participate in such an arrangement, the European Commission being the entity which can conclude bilateral agreements with third countries in this respect. The EC stated that the EC welcomes and encourages the establishment of such systems as they are regarded as useful tools and effective instruments of reducing waiting times at the borders and stimulating trade flows among the participating countries.***

20. The Working Group was informed that the European Commission follows with interest the discussion on the exchange of customs information that is taking place within the BSEC.

21. Ukraine, as the Country-Coordinator of the Working Group on Customs Matters, requested the European Commission to inform at the next meeting of the Working Group its

position concerning the exchange of preliminary information among the non-EU BSEC Member States and its eventual participation in such an exchange.

EVALUATION REPORT OF THE COUNTRY COORDINATOR OF THE WORKING GROUP ON ITS ACTIVITIES DURING THE 2-YEAR PERIOD

22. The Working Group took note in a positive manner of the Evaluation Report prepared by Ukraine as the Country Coordinator of the Working Group on Customs Matters on the activities of this BSEC subsidiary organ for the period April 2008- April 2010 in compliance with the Resolution of the 15th Meeting of the BSEC Council of Ministers of Foreign Affairs.

The Evaluation Report is attached as **Annex III**.

23. The Working Group commended Ukraine for the activities organized during this period recommended to the next Country Coordinator to take into account the recommendations and suggestions contained in the Evaluation Report while drafting the next 2-year Plan of Action for the Working Group.

APPOINTMENT OF THE NEW COUNTRY COORDINATOR OF THE WORKING GROUP

24. The Working Group suggested to the interested Member States willing to assume the role of the Country Coordinator of the Working Group on Customs Matters for the next 2 years to submit to the PERMIS their written intentions by 1 May 2010 so that the issue could be considered by the incoming Meeting of the Council of Ministers of Foreign Affairs in Sofia on 28 May 2010.

25. The Working Group expressed its appreciation to Ukraine for the work accomplished as the Country Coordinator of the Working Group for the last 2 years.

ANY OTHER BUSINESS

26. The Working Group took note of the outcome of the 1st International Scientific Conference on Information Systems and Technologies in Customs Matters organized by the State Customs Committee of the Republic of Azerbaijan and the Federal Customs Service of the Russian Federation on 21-22 December 2009 in Baku, the Republic of Azerbaijan.

27. The Working Group expressed its appreciation to the State Customs Committee of the Republic of Azerbaijan for organizing and hosting the Conference and to the Federal Customs Service of the Russian Federation for its contribution to the successful conclusion of the Conference.

28. The Working Group recommended to the Member States to follow-up the results of the Conference at the relevant meetings of the BSEC subsidiary organs and organize and participate in similar events during the incoming chairmanships in the BSEC.

29. The Working Group took note of the Indicative Work Programme of the Working Group on Customs Matters for 2010-2011 and agreed to submit to PERMIS the events and activities related to customs matters planned in the BSEC Member States for their inclusion into the BSEC Calendar of Events for 2010-2011.

The Indicative Work Programme of the Working Group is attached as **Annex IV**.

DATE AND VENUE FOR THE NEXT MEETING

30. The date and venue of the next Meeting of the Working Group on Customs Matters will be communicated to the BSEC Member States through BSEC PERMIS.

ADOPTION OF THE REPORT OF THE MEETING

31. The Working Group adopted the present Report for submission to the next Meeting of the Committee of the Senior Officials of the BSEC Member States to be held in Sofia on 26-27 May 2010.
