

LEGAL ASPECTS OF THE IMPLEMENTATION OF THE PROJECT "REMOTE CUSTOMS CONTROL - CUSTOMS WITHOUT A CUSTOMS OFFICER" AT INTERNATIONAL AIRPORTS OF UZBEKISTAN BASED ON THE RISK MANAGEMENT SYSTEM OF CUSTOMS AUTHORITIES

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ABSTRACT

The article describes the ways of improving the customs administration of the Republic of Uzbekistan, simplifying customs procedures, increasing the efficiency of the activities of customs authorities, the steps of introducing remote customs control at the international airports of the Republic of Uzbekistan on the example of the current regulatory legal documents. Examples of studying international experience in this field and statistical data on passengers are presented.

Keywords: Customs Code, "remote customs control", risk management system, implementation, standard, "yellow corridor", "red corridor", "green corridor", "blue corridor", "Samarkand International Airport".

INTRODUCTION

State Customs Committee of the Republic of Uzbekistan (SCC) based on the Message of the President of the Republic of Uzbekistan Sh.Mirziyoyev Oliy Majlis¹, starting with the introduction of the procedure for entrepreneurs to pass through the "green" or "red" corridor

, depending on the honesty of the entrepreneur in 2018, the risk management system (RMS) The SCC has been implemented on a phased basis

at road, railway and aviation border customs posts.

The regulatory legal acts developed by the SCC reflect the state policy in the customs sphere.

Despite the fact that the activities of customs authorities are regulated by a large number of legislative acts, the legal basis for the provision of services in the customs sphere requires constant improvement.

In this connection, a number of measures are being taken to improve the regulatory framework:

revision of regulatory legal acts taking into account the recommendations and standards of the World Customs Organization (WCO), the World Trade Organization (hereinafter referred to as the WTO) and the Eurasian Economic Union (hereinafter referred to as the EAEU), as well as based on the best practices of foreign countries on the subject of:

the abolition of excessive administrative barriers in the customs sphere and simplification of customs procedures;

introduction of advanced customs administration methods (improvement of the requirements of customs regimes, introduction of the institute of customs audit and others);

¹ Концепция по реформированию таможенного администрирования и повышению эффективности деятельности органов государственной таможенной службы Республики Узбекистан в 2020-2023 годах (Приложение N 1 к Указу Президента РУз от 05.06.2020 г. N УП-6005) Национальная база данных законодательства (www.lex.uz), 6 июня 2020 г. "Собрание законодательства Республики Узбекистан", 8 июня 2020 г., N 22, ст. 235.

reducing the costs of participants in foreign economic activity (FEA);
improving the procedure for the preliminary declaration of goods and vehicles;
ensuring uniform application of customs legislation by all participants in customs legal relations;
reduction of cases of customs escort of goods, except in cases established by law, with the expansion of the use of alternative types of customs control, as well as the implementation of international norms and standards aimed at creating favorable conditions for trade facilitation, entrepreneurship development and improvement of the business environment.

I would like to note the words of S.Yu Kuznetsov², that "the WCO played a key role in the creation and dissemination of data on RMS among the organization's participants." For example, two significant projects on RMS are the revised Kyoto Convention (Chapter 6) Customs Control and SAFE Framework of Standards to secure and facilitate global trade – The Framework Standards for Security and Facilitation of World Trade, Standard 4 — SUR, are managed by the WCO, which also promotes informal communication between members of the organization, with specialists from the private sector and the scientific community.

International events and forums organized by such organizations on the implementation of customs control on the basis of risk management are important platforms for the exchange of information on risk management in customs control.

It should be noted that under risk management according to Standard 6.3 of the Revised Kyoto Convention (GAC)³ According to the relevant Methodological Recommendations, risk management is understood as the systematic application of management procedures and practices that provide customs authorities with the necessary information to track the movement of persons or goods that pose a certain risk. In the preamble to the PC, risk management is put on a par with the seven key principles of trade facilitation set out in this document:



Стандартный процесс управления таможенными рисками, Источник: ВТамО

According to the definition of the World Customs Organization, the standard process of customs risk management includes five main stages:

- 1 – "Establishing the context": import of goods, export control, passenger traffic, etc.;
- 2 – "Determining risks": ensuring the safety of state revenues (for example, based on estimated value, origin and classifications), prohibitions and restrictions (for example, drug smuggling, IPR, firearms, etc.);

² Кузнецова С.Ю. Анализ применения СУР в таможенно-тарифном регулировании. – Челябинск: ЮУрГУ, ЭУ – 567, 87 с., 3 ил., 6 табл., библиогр. список – 53наим.
https://dspace.susu.ru/xmlui/bitstream/handle/0001.74/21255/2018_691_kuznetsovasyu.pdf?sequence=1

³ Пересмотренная Киотская Конвенция http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/conventions/pf_revised_kyoto_conv/~/_link.aspx?id=A6A825DCC5CB4EABA2B74F79A7FD311B&z=z

3 – "Risk analysis": the probability of risk occurrence (unlikely, probably a high degree of probability);

4 – "Risk assessment and ranking": impact assessment

and the consequences of the occurrence of risk (for example, high, medium, low);

5 – "Elimination of risks": definition of countermeasures and assignment of risk levels (for example, skip, delay, move or destroy).

In addition to the above five steps, the risk management process requires constant monitoring and verification in order to exclude both false-negative and false-positive assessments of existing risks. Properly executed documentation, communication and consultations with all interested parties play a key role in this process, since risk management is a corporate-wide task, the solution of which involves the participation of the entire organization, not just a special calving⁴.

To date, a number of programs are being implemented at Uzbekistan's international airports, including comprehensive measures to ensure high-quality and fast service in the field of passenger and goods transportation.

According to the Customs Code of the Republic of Uzbekistan⁵ (TC), as well as resolutions of the Cabinet of Ministers of November 18, 2019

No. 912 "On further improvement of the organization of border, customs, sanitary-quarantine, phytosanitary control and veterinary supervision at checkpoints across the State border of the Republic of Uzbekistan"⁶, all goods transported through the transit point are subject to customs control by the customs authorities.

In addition, according to paragraphs two and three of Article 196 of the Customs Code, a personal inspection is carried out by an official of the customs authority in respect of an individual crossing the customs border and located in the customs control zone or transit zone of an airport open to international traffic, as well as, if there are grounds to believe that an individual hides with him and voluntarily does not present goods prohibited from import into or export from the customs territory, or goods transported in violation of the procedure established by the Customs Code.

In this regard, and in order to ensure convenience for passengers traveling through border customs posts, in accordance with with the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan №. 814 dated October 11, 2017 "On approval of the regulations on the procedure for the use of the double corridor system at checkpoints across the customs border of the Republic of Uzbekistan", from January 1, 2018, the use of the double corridor system at checkpoints across the customs border of the Republic of Uzbekistan (green and red) at international airports of the country was introduced.

And it was also established the introduction of this system at road and railway checkpoints across the customs border of the Republic of Uzbekistan — from January 1, 2021.

This resolution approved the Regulation on the procedure for applying the double corridor system at checkpoints across the customs border of the Republic of Uzbekistan in accordance with the annex, which establishes that the passage of an individual through the "green" corridor is considered for customs purposes as a statement to the customs authority that the specified person does not have goods subject to written declaration.

⁴ Практическое руководство по упрощению процедур торговли <https://tfig.unece.org/RUS/contents/customs-risk-management.htm>

⁵ Таможенный кодекс Республики Узбекистан (*Собрание законодательства Республики Узбекистан*, 2016 г., № 3(I)). <https://lex.uz/uz/docs/2876352>

⁶ Постановление Кабинета Министров Республики Узбекистан, от 18.11.2019 г. № 912 (*Национальная база правовых документов*, 18.11.2019, № 18.09.912/4030) <https://lex.uz/uz/docs/4600400>

At the same time, individuals are not exempt from the obligation to comply with the requirements of customs legislation.

Despite this, an average of 80% of violations detected at the customs posts of international airports, were committed by passengers traveling along the "green" corridor.

The above innovations are implemented in accordance with the TC and the Decree of the President of the Republic of Uzbekistan dated February 7, 2017

№. UP-4947 "On the Strategy of Actions for the further development of the Republic of Uzbekistan"⁷, in order to ensure that the conditions of customs clearance of citizens comply with generally accepted international standards, simplify customs formalities, apply effective control methods, as well as create the most favorable conditions for the development of tourism.

In order to create conditions with the highest quality of service on the models of the largest airports in the world, new or existing airports are being built or reconstructed.

The constant study of innovations and international experience allows us to assess the current situation in a particular area and it allows you to apply skills in the modernization of industries, as well as in the sphere described below.

Resolution of the President of the Republic of Uzbekistan No. PP-5100

"On measures to transform and support civil aviation enterprises"⁸ Dated April 30, 2021, providing for the construction and commissioning of a new airfield complex of the Samarkand airport became the starting point for the development of the project "Remote Customs control - Customs without a customs officer" (hereinafter referred to as the project).

The objectives of this project were as follows:

- provision of measures within the competence of customs authorities to protect national (state) and economic security, human life and health, environmental protection;

focusing on high-risk areas and ensuring more efficient use of existing at the disposal of resources;

- identification, forecasting and prevention of violations of customs legislation;

simplification and acceleration of customs operations when moving goods across the customs border.

Achieving the designated goals at the Samarkand International Airport was possible only with the use of the SCC RMS, which includes identification, analysis, assessment, monitoring of risks and taking measures to minimize them.

To this end, the following main areas for study have been identified:

legislative framework;

administrative measures taken by customs authorities;

risks at airports technologies that are determining factors, ways to accelerate cross-border flows and customs control over such flows.

During the study, it was found that at present there is a need to separate passengers according to the level of risks traveling through border customs posts. For this reason, studies have been conducted to estimate the number of passengers traveling through international airports.

A project of this scale set high goals for the customs authorities to introduce a new approach to operational and high-quality customs control to increase the capacity of the airport terminal complex, using modern technologies based on international experience.

⁷ Указ Президента Республики Узбекистан, от 07.02.2017 г. № УП-4947 (*Собрание законодательства Республики Узбекистан, 2017 г., № 6*) <https://lex.uz/uz/docs/3107042>

⁸ Постановление Президента Республики Узбекистан, от 30.04.2021 г. № ПП-5100 (*Национальная база данных законодательства, 30.04.2021 г., № 07/21/5100/0397*) <https://lex.uz/docs/5400434>

In this connection, this project was developed for the Samarkand International Airport on the basis of preliminary information on the principle of digital customs control, which provides effective customs control to determine the level of risk of passengers.

At the same time, the expected risks are compared with pre-established criteria for determining management priorities, according to the results of which the risks are classified into high, medium, low. Pursuant to Protocol No. 20 of February 7, 2022 of the expanded video conference held under the chairmanship of the President of the Republic of Uzbekistan Sh.M.Mirziyoyev, as well as paragraph 7.4 of the SCC Action Plan No. P-1/22-057 of March 18, 2022, on March 30, 2022, SCC Orders "On the introduction of an automated information system "Risk Management" were issued"

on passengers at the border customs posts of the international airport" and "On approval of the Methodology and algorithm for assessing the determination of risk level categories according to the criteria established for passengers at the border customs posts of the international airport"⁹.

In accordance with the requirements of the Decree of the President of the Republic of Uzbekistan "On measures to improve the cybersecurity system in the Republic of Uzbekistan" draft additional terms of reference according to the implementation of the automated information system "Risk Management" for passengers traveling through the border customs posts of the international airport, he passed an examination for compliance.

It should be noted that risk classification is necessary to determine priorities for the correct preparation of a management plan and the rational use of available resources (personnel, financing, technical support).

Today, the tourism sector is developing significantly all over the world and of course, the number of travel enthusiasts is increasing. The potential for the development of international tourism in our region is huge. The construction of such a unique complex in Samarkand will give a great impetus to the development of the tourist potential of this region. The launch of a new modern airport terminal is a great opportunity to further develop both internal and external tourism.

All this calls for vigilance and keeping up with the times, requires improvement of the implemented systems.

To this end, constant monitoring and assessment of previously identified risks is carried out in relation to newly discovered risks, the effectiveness of measures taken to make appropriate changes is checked. The effectiveness of risk management is assessed regularly at all stages, and in accordance with the results, the list of risk indicators is constantly expanding.

Risk profiles are also regularly checked and updated in the SUR, taking into account the current period and circumstances. Random checks are carried out in order to destroy the forecasts of companies that regularly contact the customs authorities with information about the methodology for identifying risks. The main idea of customs control using The SUR is a preliminary assessment and intervention as needed. With this technology, risk control and analysis is carried out even before the goods are loaded, that is, direct threats are determined, for example, an explosive device hidden in the cargo, infections, and also risks requiring border control (prohibited or dangerous goods, illegal trade) are determined. On March 18, 2022, the grand opening of the Samarkand International Airport took place in Samarkand. At the opening, it was noted that "In recent years, our government has been paying great attention to the development of transport and logistics infrastructure, including tourism. The opening of such a modern complex is an incredible opportunity for our airline. Firstly, the number of route frequencies,

⁹ Ведомственные нормативные акты ГТК.

the passenger flow of tourists to our country will increase, and it will also serve to increase the flow of transit passengers. Such a hub as Samarkand International Airport will provide high-quality, convenient and fast service for passengers arriving in our country," Ilkhom Makhkamov, Chairman of the Management Board of Uzbekistan Airways Joint Stock Company¹⁰.

The airport is built according to international standards, taking into account the requirements for servicing passengers with limited mobility and is able to serve up to 800 people per hour. According to the results of an independent study conducted by the international aviation consulting company Lufthansa Consulting, the possibility of an increase in annual passenger traffic is projected from 480 thousand to 2 million people.

The airport's capacity allows increasing the number of scheduled flights from 40 to 120 per week. The terminal includes 29 check-in counters, 8 boarding gates, 4 telescopic ladders, 10 passport control booths and 6 turnstiles with an automated check-in control system (e-gate) for departing passengers, as well as 15 passport control booths for arrivals. Service is planned at this international airport 1.5 million passengers a year, for this, all service organizations must work under a single goal, that is, each direction of service at airports must offer its own high-quality and convenient service for passengers.

The above confirms the expediency of the tasks assigned to the customs authorities to introduce innovations, which resulted in this project, implemented by the customs authorities for the first time in the history of Uzbekistan. On behalf of the distinguished President, this project was implemented at the Samarkand International Airport in April this year. Since July 1 of this year, this project has been launched in the departure hall of the Tashkent International Airport named after I.Karimov.

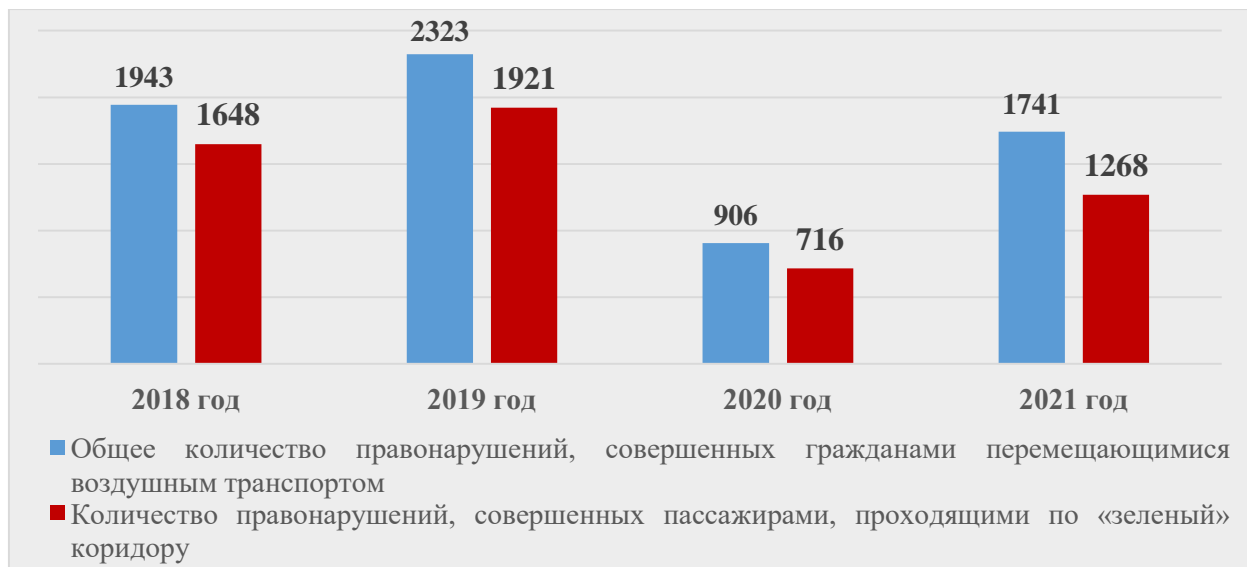
In accordance with the Presidential Decree, on July 1, 2022, it was introduced At Tashkent International Airport, it is planned to implement this project by October 1, 2022 at Termez International Airport and by the end of 2023 at all other international airports of this project. This is a very important project that allows to increase the capacity of international airports, which, in turn, will increase the tourist attractiveness of the republic. At the same time, if 3.4 million passengers moved through international airports in 2017, then in 2021 passenger traffic amounted to 4.5 million people.

	Total number of displaced citizens	Number of passengers transported by air	For citizens traveling by air
2017-year	21 677 259	3 436 209	15,9 %
2018-year	40 350 242	4 128 703	10,2 %
2019-year	42 599 316	5 193 074	12,2 %
2020-year	11 150 160	1 646 567	14,8 %
11 months of 2021-year	13 202 118	4 048 746	30,7 %

¹⁰ <https://www.uzairways.com/ru/press-center/news/sostoyalos-otkrytie-mezhdunarodnogo-aeroporta-samarkand>

For reference, it should be noted that over the past period of this year, through the border customs post "Tashkent International Airport" named after Islam Karimov on 998 flights (562 international flights, 436 domestic flights), 98 citizens who raveled with filling out a passenger customs declaration were subjected to personal inspection, 2 passengers revealed a violation of customs legislation.

Among the passengers moving in the direction of departure, there are only in 21 cases, illegal movement of material assets in the amount of 1 billion. 250.6 million soums was prevented, which increased by 1.4 times compared to the same period last year. According to these cases, 1 criminal case and 20 cases of administrative offenses were initiated.



The concept of "control — without a customs officer" includes a four-level customs control system, which involves the use of a passenger risk management system based on the best practices of China and Korea.

At the same time, at the 1st stage, the information provided in advance is analyzed and the passenger's risk level is determined, at the 2nd stage, the identification of passengers and their behavior is monitored, at the 3rd stage, passengers' luggage is intelligently scanned, and at the 4th stage, passengers deemed dangerous are subjected to customs control. In the Korean Customs Service, the API data provided in advance (Advance Passenger Information – passenger's full name, date of birth, citizenship, passport series information) and PNR (Passenger Name Record —information about the passenger's FISH, previous flight history, ticket agent and the person who ordered the ticket) are analyzed SUR and are classified by risk levels (low and high). The international airport in SUR has fully integrated information systems of border and other law enforcement agencies whose data, as well as previously identified and confirmed RMS are taken into account when assessing risks. Hand luggage and passengers' luggage are checked at the airport on the basis of automatic intelligent analysis methods using scanning devices. Passengers from the high-risk group, their actions, the processes of receiving hand luggage and baggage are monitored by a special group that studies images of security cameras of customs authorities and customs control is carried out in a separate room. At the same time, special seals with an audible signal are used to keep the luggage under control. In the Customs Service of the People's Republic of China, as in Korea, the information provided in advance is checked by special mathematical algorithms developed within the framework of the RMS.

The SUR is integrated into the information program of the border service. As soon as the border guard officer performing passport control registers information about the passenger in the program, a

warning is issued about the passenger classified as a risk group. A border guard officer informs the customs authorities about this through a special button and takes measures to ensure that the passenger stays with him longer. The customs authorities arrive at the informed border guard officer, identify the passenger and take him to a separate room for customs control. Currently, the arrival and departure halls of the Samarkand Airport are equipped with a total of 1,330 units of special equipment and 2 separate software tools. Also, the RMS has developed a module "Determining the level of passenger risk", with criteria for determining the level of passenger risk, algorithms for their work. Now, as a result of the introduction of the new system, passengers and their hand luggage are checked by aviation security officers, and if a violation of customs legislation is suspected, the baggage is presented to the customs authorities for inspection. All these factors show that in the modern world, the implementation of creative projects aimed at managing large-scale passenger traffic, with its constant growth. In conclusion, it should be noted that this project is new and requires constant evaluation, elimination of shortcomings and improvement. To this end, it is proposed: on the basis of advanced foreign experience, it is desirable to create a system of modern technologies, artificial intelligence and big data analysis for customs control of passengers; equipping international airports with modern scanning devices, tablets necessary for staff work, surveillance cameras and computers capable of analyzing; in order to improve the project, the implementation of a permanent and a detailed study of international application experience SUR at international airports.

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