

**Strengthening the Capacities of Developing Countries and
Countries with Economies in Transition to Facilitate Legitimate
Border Crossing, Regional Cooperation and Integration**

Report

**Analysis of Conditions and Proposed Roadmap for Electronic
Data Exchange between the Customs Authorities of Tajikistan
and Kyrgyzstan**

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Abbreviations and Acronyms

BCP	Border-crossing point
C2C	Customs-to-Customs
CST	Custom service of Tajikistan
EDS	Electronic digital signature
ICT	Information and communication technologies
PEA	Post-entry audit
UAIS	Uniform automated information system
ABBAT	Association of International Road Operators of Tajikistan
EDE	Electronic exchange of information

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Background

In December 2011, the General Assembly approved the project “Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration”. In December 2012, a Review Group that met under the auspices of the Department of Economic and Social Affairs approved the final version of the project document.

Crossing borders has always been a problem in international transport and trade. Despite recent improvements, international transport still faces obstacles, costs and difficulties at borders. Border crossing problems most severely affect landlocked developing countries, as they seriously impede access of those countries to the global market and lead to substantial losses for their national economies. The competitiveness of those countries is undermined by cumbersome customs and other control procedures. Overall, limitations to trade and transport facilitation are detrimental to economic growth, regional cooperation and integration.

Control authorities at borders face security challenges related to smuggling, terrorism, illegal trade and immigration. In view of the large volume of cross-border transport operations nowadays, customs authorities are no longer in a position to control every vehicle or container. Instead, they have to apply risk management techniques and identify high risk consignments on the basis of available data. However, the data provided for risk analysis in a given country could potentially be falsified or intended to mislead customs officials. Often, the most reliable data on the transported goods is available at the customs offices of departure at the origin of a transit movement following an export procedure. To the extent possible, these data should be captured and then made available to the customs authorities of transit and destination countries through a common Electronic Data Interchange (EDE) system, prior to the arrival of the goods. The World Customs Organization (WCO) has identified the availability of advance electronic cargo information and the establishment of Customs-to-Customs (C2C) network arrangements as cornerstones of the global supply chain security.

Content of the document

The document assesses the current legal and technical framework, as well as existing experience, practice and capacity for implementing electronic information exchange from the private sector to customs as well as to and from other customs administrations, in the context of international transit to, from and through the territory of Tajikistan.

The legal assessment examines national laws and secondary legislation relevant to the exchange of electronic information as well as bilateral and/or multilateral agreements that would have an impact on the C2C electronic exchange of transit information.

The technical assessment includes a summary description of the IT systems used by customs to process transit data, a description of the transit data stored in the IT systems, a description of the data used for risk analysis. Availability of infrastructure allowing the exchange of electronic messages, as well as adoption of the national,

regional and international standards used by customs in electronic information exchanges related to transit, for both C2C and B2C messaging in the candidate country.

This document identifies the legal and technical experience required and the capacity gaps to fill prior to enabling C2C information exchange in Tajikistan. The document examines the availability of a legal background to allow for C2C exchanges or allow the use of data received from other customs administrations, the availability of technical infrastructure to allow for such exchanges, and the availability and capacity of technical human resources to implement the project.

This document also provides analysis the conditions and proposed Roadmap for Electronic Data Exchange between the Customs Authorities of Tajikistan and Kyrgyzstan using data provided in Gap analysis for Kyrgyzstan.

Overview

Today, only a few international conventions provide a legal basis for the exchange of information related to the international transport of goods. Among those, the Customs Convention on the International Transport of Goods under Cover of TIR Carnets, 1975 (TIR Convention, 1975) has the broadest geographical scope (67 countries worldwide). The exchange of electronic information is being addressed in the framework of the so-called eTIR project, which has been administered by the United Nations Economic Commission for Europe (UNECE) since 2002. The eTIR project aims at full computerization of the TIR procedure and will eventually replace customs paper documents with the exchange of electronic messages. The requirements of the necessary electronic systems have already been determined, including the establishment of a centralized C2C information network.

Based on the work already completed by the eTIR project and other further innovations to the systems it created, the proposed project aims at implementing and strengthening the capacity to use a versatile C2C information network in up to five pilot developing countries and countries with economies in transition with their neighboring countries and trading partners. This will ensure a secure exchange of information related to goods in transit, inter alia those under cover of the TIR procedure. In the long term, the network will be designed to facilitate the exchange of C2C and Business-to-Customs (B2C) information globally. The sustainability of such a network could easily be ensured by means of a minimal fee-for-use that would provide the necessary funds to maintain the system. Secure electronic exchange of C2C information will lead to increased security and reduced border-crossing delays.

The present report identifies the legal and technical gaps that may prevent C2C information exchange of transit data, particularly gaps concerning TIR transports from/to/through Tajikistan.

Introduction

As a small landlocked country, Tajikistan depends on external trade for its development, and its export-driven businesses in agriculture and industry require transport that is fast, reliable, and cheap. Although Tajikistan is strategically located in Central Asia, allowing the country to serve as an important transit route for commercial traffic among the People's Republic China, the Russian Federation, South Asia, and the Middle East.

Tajikistan considers transit as key criteria for its attractiveness and competitiveness in the transport sector, and as an indicator of development to increase exports. Under current realities, indicators such as speed without delay, costs, service and stability are the main parameters for carriers in choosing a corridor route. The existing level of Tajikistan's volume of road transport transit is significant compared to the potential trade growth between Central Asia, South Asia and Afghanistan. However, due to its unique geographical location, Tajikistan is ready to capture transit income opportunities. The approved Transport Sector Development Programme provides a basis for the improvement of the industry. It offers a list of investments for the short, mid and long-term; addresses the ecological safety of the transport sector; and outlines steps towards the automation of communications within the sector. However, the program objectives, goals and action plans regularly reviewed and updated to discuss new realities and changing environments in the country and the region.

Since Independence Tajikistan has paid special attention to the promotion of regional trade, and has achieved remarkable results in improving its transport system and implementing a special approach towards the issue of transit and communication potentials.

1. Key trade and traffic flows from, to and through the Republic of Tajikistan

Trade facilitation plays a vital role for all countries, especially in expanding intra- and inter-regional trade, which is perceived to spur investments and economic growth in the long-term. The benefits from the removal of deficiencies and inefficiencies in cross-border trade can be much greater to stakeholders than the removal of tariff barriers.

The main trade partners of Tajikistan for 2015 were Switzerland, Turkey, Kazakhstan, Iran, Russia, Afghanistan and China.

The country's main imports are oil, automobiles, construction materials, wheat, sugar and electrical equipment.

Tajikistan's exports rely on low value-added agriculture and mineral products. Tajikistan's main exports are aluminum, cotton fibre and electricity.

According to statistics and data provided by the Ministry of economic development and trade, the diagram below shows the main foreign trade figures for 2014 and 2015.

Diagram 1. Foreign trade figures for 2014 – 2015 (in million US \$)

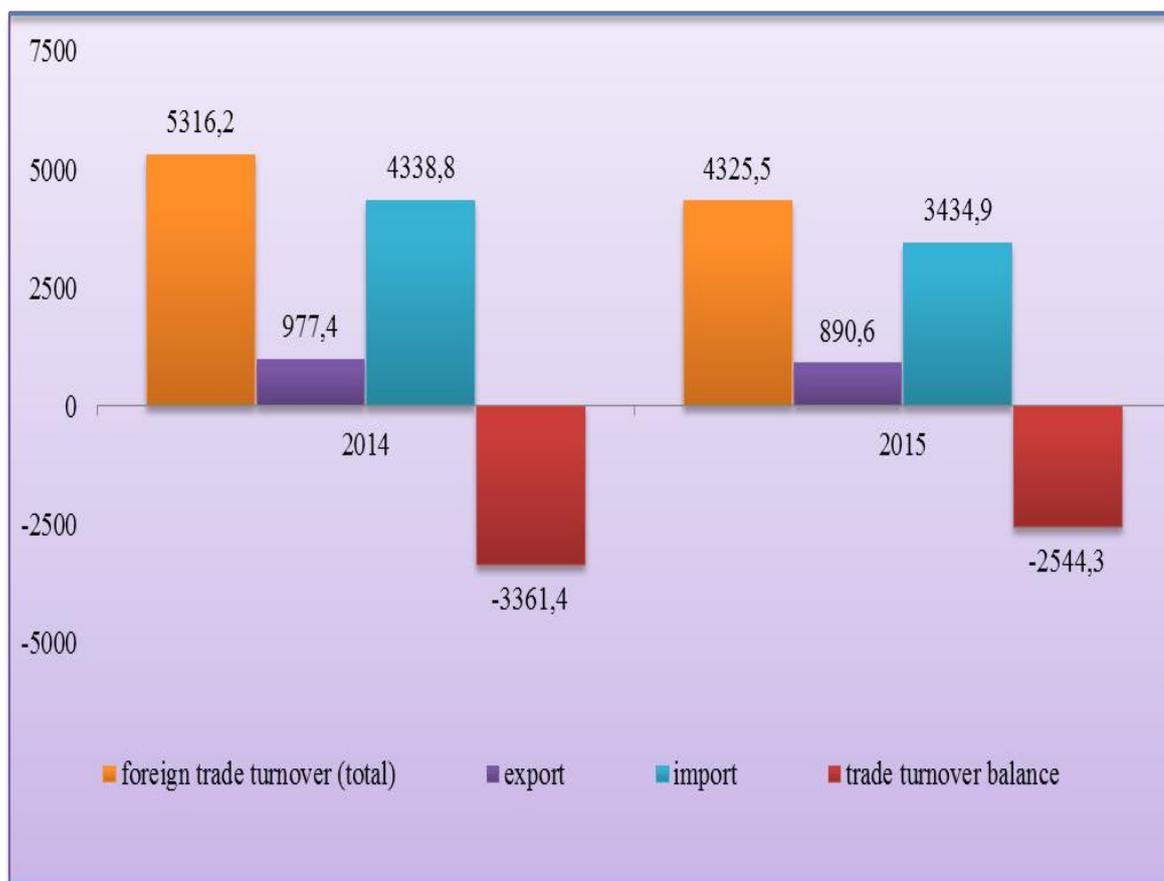


Diagram 2. Main countries of export

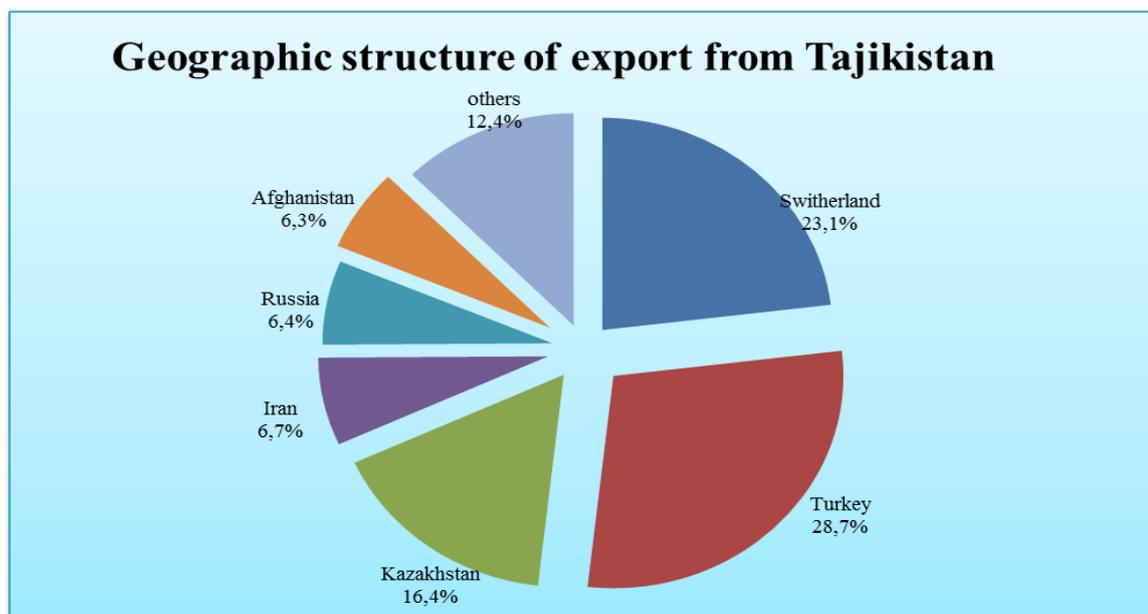
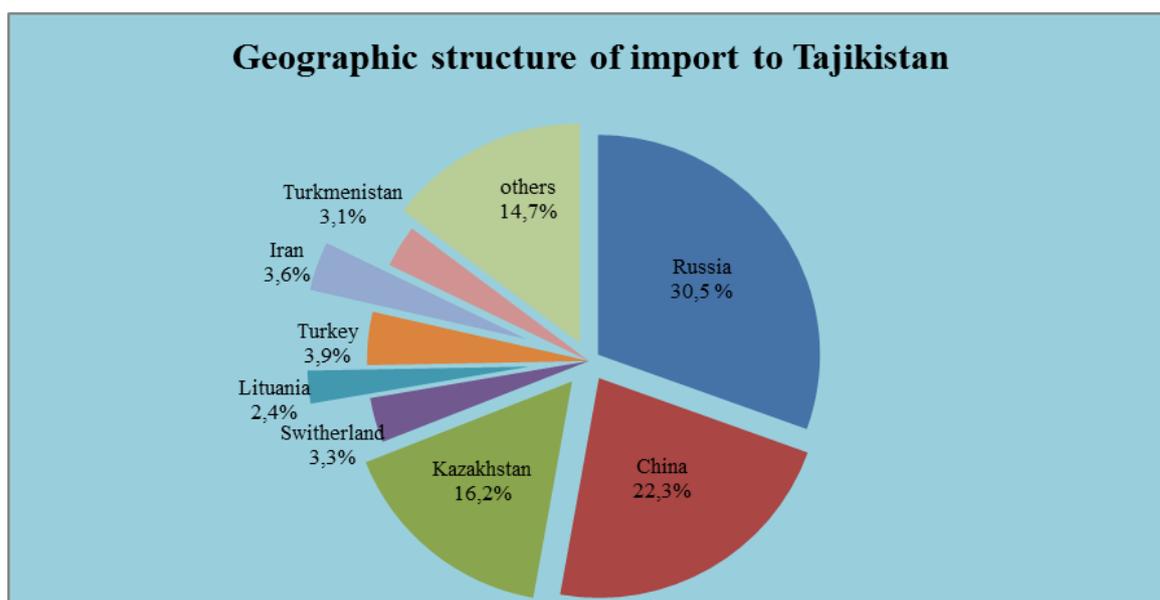


Diagram 3. Main countries of import to Tajikistan



2. Legal regime for international road transport

Road transport as a main mean of international transportation in Tajikistan based on concluded international agreements on road transportation that allow facilitating transportation procedures to/from Tajikistan.

There are 70 signed and joined bilateral and multilateral agreements in the field of transportation and transit in Tajikistan.

Table 1. Status of accession of Tajikistan to international conventions and agreements on road transport

<i>No</i>	<i>Conventions / Treaties</i>	<i>No. of the Government or Parliament decree on ratification</i>
1.	Customs Convention on International Transport of Goods under Cover of TIR Carnets, 14.11.1975	No287 from 11.03.96
2.	Customs Convention on the Temporary Importation of Vehicles for Commercial Purposes, 05.18.1956	No289 from 11.03.1996

3.	International Convention on the Harmonization of Frontier Controls of Goods, 21.10.1982	№44 from 14.04.2010
4.	Convention on the Contract for the International Carriage of Goods by Road (CMR), 19.05.1956	№286 from 11.03.1996
5.	CIS Convention on International Road Transport of Passengers and Baggage - October 9, 1997, Bishkek	№ 93 from 11.03.2000
6.	Convention on Road Traffic (1968)	№287 from 11.03.96
7.	Convention on Road Signs and Signals (1968)	№ 288 from 11.03.1996
8.	Customs Convention on Containers (1972)	№43 from 14.04.2010
9.	Agreement of 1970 of Carriage of Perishable Foodstuffs and the Special Equipment to be Used for such Carriage (ATP)	№42 from 14.04.2010
10.	European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) (1957)	№41 from 14.04.2010
11.	Agreement between the Governments of the Shanghai Cooperation Organization Member States on Facilitation of International Road Transport (2014)	№1743 from 21.01.2015
12.	ECO Transit Transport Framework Agreement (TTFA)	№ 394 from 5.10.1998
13.	CAREC Cross-border Transit Agreement	№ 368 from 16.03.2011

Table 2. List of bilateral agreements on road transport concluded by Tajikistan with neighboring countries, as of 01.01.2016

<i>Neighboring Country</i>	<i>Title of the, document</i>	<i>Date and place of signature</i>	<i>No. of Government Decree and date</i>
Afghanistan 	Intergovernmental Agreement on International Road Transport	27.04.2005 Kabul	№ 331 from 1.09.2005
Kyrgyzstan 	Intergovernmental Agreement on International Road Transport	27.05.2013 Bishkek	№ 489 from 2.11.2013
China 	Intergovernmental Agreement on International Road Transport	27.08.2008 Dushanbe	№ 1215 from 14.01.2009

Note: No intergovernmental agreement on international road transport signed between Tajikistan and Uzbekistan

3. TIR transportation

As a member of the TIR Convention Tajikistan uses TIR Carnets for transportation to/from other countries. According to statistical data of Association of International road transporters (ABBAT), which is a member of IRU and responsible for issuing TIR Carnets as of the end of 2015 the Republic of Tajikistan issued 2,518 TIR Carnets.

Directions for international carriage of goods under cover of TIR Carnets are in the Table below.

Table 3. Main figures of TIR transports by road

Country	To Tajikistan	From Tajikistan	Total amount
Russia	57	454	511
Turkey	726	723	1449
Iran	0	15	15
Lithuania	362	1	363
Kyrgyzstan	2	6	8
Kazakhstan	4	95	99
Ukraine	10	4	14
Moldova	2	0	2
Poland	1	0	1
Georgia	0	5	5
Germany	1	1	2
Belorussia	3	1	4

4. Overview of the customs system in Tajikistan

Tajikistan national legislation in trade and transit is undergoing a deep development in order to facilitate trade with neighboring countries and to meet international standards.

The main regulation body is the Customs Service under the Government of the Republic of Tajikistan. It ensures the application of the customs legislations and the realization of customs objectives set by the Republic of Tajikistan. The key document is the Custom Code of Tajikistan, enacted on January 2007.

The Republic of Tajikistan approved the Customs Development Concept aimed at modernizing customs regulation and meeting international standards. The five-year development program comprised:

Phase I (2009-2012) which includes further harmonization of national legislation with generally accepted customs standards, laying the base for the development of a full-fledged customs infrastructure, and implementation of the Unified Automated Information System of the Tajikistan customs.

Phase II (2012-2014) which envisages completion of construction and improvement of inland and border customs facilities, and establishing a full-fledged customs infrastructure, meeting international standards.

Starting from January 1, 2010, a new format of the cargo customs declaration and transit declaration introduced in Tajikistan, in line with the EU Single Administrative Document (SAD).

This new main customs document used as a single set of the cargo customs declaration/transit declaration forms instead of the previously used separate CCD and transit declaration forms. Tajikistan possesses 25 border-crossing points (17 with Uzbekistan, 5 with Kyrgyzstan, 2 with Afghanistan, 1 with China). Only 9 border-crossing points are available for transit freight transport.

Development of customs regulation also carried out at the international level. In addition to several bilateral agreements concluded with neighboring countries, Tajikistan is the part of several regional organizations or development programs pursuing the objective of enhancing trade by improving customs rules and infrastructures.

It also belongs to the CAREC regional trade facilitation program (ADB), under which a Common Action Plan regarding harmonization and simplification of customs procedures and documentation conducted. Other areas covered under the Plan include:

- developing border posts and facilities
- developing simplified transit systems
- data consolidation, information sharing, and ICT development for customs operations
- developing risk management and post-entry audit
- developing a regional intelligence system
- capacity building for regional customs organizations.

4.1 Customs development principles of the Republic of Tajikistan:

- Improvement of customs legislation in view of the international standards;
- Transparency and predictability of customs procedures;
- Consumer focused approach by improvement of quality of customs procedures;
- The minimal intervention in activity of traders by simplification of customs procedures and use of risk based system;
- Cooperation and partnership, both with other public authorities and with business-community;
- Balance concerning customs control versus safety and trade facilitation measures.

Customs modernization and infrastructure development included:

- Delivery, installation, launching and support of the basic component of Customs Modernization Project - the Uniformed automated information system (UAIS);
- Introduction of ICT and installation of the communication equipment;
- Construction and rehabilitation of border customs posts;
- Equipment of border customs facilities by means of customs control.

4.2 Application of TIR procedure and its automation

On September 15 2009 in Dushanbe, the Government of Tajikistan and IRU signed a Memorandum of cooperation in developing transportation of cargoes and commodities via the territory of Tajikistan.

The practical implementation of TIR Convention is realizing by Association of International transport forwarders of Tajikistan -“ABBAT”. IRU and the Government of Tajikistan signed a memorandum of cooperation in developing transportation of cargoes and commodities via the territory of Tajikistan.

For automation of TIR procedures the Protocol between Custom service, ABBAT and IRU on introduction of eTIR components has been signed in April 2016.

According to the Protocol an Action Plan on implementation of TIR-EPD as well as operation of EPD system in Customs service of Tajikistan has been approved.

Safe TIR and TIR EPD components intend to introduce in Tajikistan by the end of 2016.

5. Introduction of Single Window

The Government of the Republic of Tajikistan adopted the Concept of the Single Window establishing in order to facilitate export and import procedures in 2008. On May 3d 2010 by the Resolution №222, the program on introduction of Single Window was adopted.

Development Concept and Implementation Program for «Single Window» concerning export/import and transit procedures included the following steps:

- «Single Window» Coordinating Committee was formed with participation of representatives of the border control authorities;
- State unitary enterprise «Single Window Center» was formed under the Customs Service of the Government of Republic Tajikistan;
- Implementation of «Single Window» in the Uniform customs automated information system of Tajikistan.

6. Unification of the key customs documents

In January 1, 2010 in Republic Tajikistan the new form of the cargo customs declaration and transit declaration, corresponding to the uniform administrative document (UAD) of the European Union was introduced;

The new key customs document used as the uniform complete set of forms of cargo customs declaration/transit declaration versus the separate SCD forms used before and transit declaration forms that have essentially simplified the customs formalities.

Tajik analogue of SAD accompanies the goods from the moment of their import on customs territory of Tajikistan up to customs of destination, and from the moment of issuance by customs of departure of the permit to export of goods prior their actual departure from the customs territory of Tajikistan.

7. Development of the Uniform Automated Information System

The Asian Development Bank (ADB) has completed its Regional Customs Modernization and Infrastructure Development Project in Tajikistan, which was designed to improve the efficiency and transparency of customs services to facilitate trade and promote regional customs cooperation.

The project developed a unified automated information system to process customs declarations, installed the system in 72 customs posts, and trained customs officers in its operation. The system allows better monitoring of cargo transportation through borders and its delivery to a destination place, improving the quality of customs control, clearance procedures, and collection of customs duties.

To strengthen customs processing capacity, the project also constructed and rehabilitated priority border posts, and procured vehicles, X-ray machines, and diesel generators.

According to a project completion report, import clearance time fell to 1-2 days by the end of 2011, from 10 days in 2005. Customs revenue collection more than quadrupled over the project implementation period from \$103 million in 2003 to \$485 million in 2011. Tracing irregularities in customs declarations has also become much easier.

ADB provided a \$10.7 million loan for the project, co-financed by a \$1.6 million grant from the Government of the United States of America, and a contribution of \$2.68 million from the Tajik Government. The Customs Service was the Executing Agency for the project, which was approved in 2004.

Realization of the project assisted to

- (i) improve the efficiency and transparency of customs services and reinforce the ongoing customs legal reforms and simplification of custom procedures;
- (ii) facilitate trade and promote regional customs cooperation through concerted customs reforms and modernization in the Region.

Basic goal of UAIS is consistent automation of the functions, which carried out by customs.

Customs service of Tajikistan has its own Uniform automated information system (UAIS). The system is reliable secure network for data exchange and includes Single infrastructure to connect the Main customs Office with its regional agencies. Users have access to central data resources including software.

For transit data processing, UAIS has a subsystem for customs registration and control (CRC). The subsystem provides automation of the main customs procedures and control of goods and vehicles, goods delivery and vehicles operating within the territory of Tajikistan.

The system provides automation of the following basic customs processes:

- Registration and control of delivery of the goods
- Control of declarations
- Introduction of customs-tariff regulation
- Control of obligatory payments
- Risk management
- Introduction of customs statistics
- Data exchange with external sources

- Control over access to information, its confidentiality

The system monitors cargo transportation through borders and its delivery to a destination place. It has improved the quality of all the procedures and collection of customs duties. As a result of these efforts, currently 100% customs declarations passed through the UAIS. In addition, staff in these customs stations has been trained to correctly use the new system. The system is capable of exchanging customs information electronically with other countries.

UAIS automatically provides data on registered TIR carnets in customs agencies to ABBAT via email. If necessary system is able to exchange data with other private entities.

Technical specifications for UAIS of Tajikistan

UAIS uses XML standard for data exchange. Using XML standard enables facilitate data exchange between Customs agencies, as well as customs and members of foreign economic activity. Using XML standard of UAIS, transit declarations data now is exchanging with customs of Afghanistan.

Programming language is Java that enable to incorporate with all versions of software. Database created on ORACLE basis.

“Oracle” systems are web-based applications, providing interfaces for external users using secure communication channels. The systems are integrated through direct links between databases. Its controls border crossing operations.

The “Oracle” system contains additional information, the processing of which is required by different domestic procedures. The system stores and processes personal data (drivers, passengers), means of transport, as well as detailed information on some particular types of cargo (e.g. detailed information on imported cars). The “Oracle” system also stores additional information necessary to process risk profiles, as well as interim data, obtained from different sources (e.g. submitted/provided through electronic services interfaces).

Customs exchanges all information using XML messages and SOAP/HTTP protocols. The structure, format and content of messages are established according to particular needs and agreements.

The “Oracle” system fully enables both publishing and consumption of web services. The system deals with the majority of the existing data exchange interfaces and provides sufficient capacity to send, receive and process data in real time.

8. Risk management and post-entry audit

In 2007, with a view to designate a focal point for risk management system development and implementation, the Post-entry Control and Audit Department was established within the Customs Service under the Government of Tajikistan, which

includes in its structure a Division for risk management organization work and its units in the regional customs administrations.

By its internal order of August 04, 2008, No. 126, the Customs Service approved the Concept of Risk Management System in the Customs Service of the Republic of Tajikistan, that defined main notions used in the risk management system, and identified main objectives, designs concept, management forms and components of risk management system, and the expected outcomes from the implementation of the risk management system.

Lists of risk indicators, and criteria of their identification and classification of goods, foreign trade transaction and persons into risk groups have been developed by the Custom Service and approved by the Customs Service Order No. 1DSP of May 27, 2008.

The List identifies 85 risk indicators, provides codification of risk indicators, and also designates organizational units of the Customs Service that are responsible for coordination of risk profiles drafting and consideration. Additionally, the Rules of Customs Officials Activity in Risk Profiles Drafting and Consideration, Risk Profiles Application in Customs Control, and their Updating and Cancellation have been approved by the Order of the Customs Service of January 5, 2009, No. 2-f.

The Rules consist of 9 sections and 17 annexes, which include:

- Procedure of Risk Profiles Drafting by Customs Officials;
- Procedure of Draft Risk Profile Consideration and Approval by the Customs Service;
- Activities of Customs Officials Exercising Customs Clearance and Customs Control Involving Risk Minimization Measures Consistently with Risk Profiles;
- Procedure of Risk Profiles Updating and Cancellation Based on Customs Service Departments and Regional Administrations Proposals;
- Procedure of Drafting, Approval and Distribution to Customs Bodies of Urgent Risk Profiles;
- Procedure of Drafting, Approval and Distribution to Customs Bodies of Intelligence Reports;
- Actions of Customs Bodies Officials upon Detection of Special Software Malfunction.

Along with these, information and technical support was provided to the risk management system, which is operated within the RISK MANAGEMENT SUBSYSTEM of the Uniform Automated Information System of the Customs Service.

The main purpose of this subsystem is to provide information support to efficient customs control following principles of selectivity and targeting, based on optimal

distribution of resources of the customs bodies among most important areas of prevention and interdiction of customs legislation violation.

Areas of subsystem application include:

- Customs clearance and control;
- Post-entry audit.

The subsystem fulfills the following functions:

- Risk assessment in customs processing;
- Risk assessment in post-entry audit;
- Supporting decision-making on customs control operations in customs clearance;
- Supporting decision-making on customs control operations in post-entry audits;
- Maintaining [records]
- of customs control operations results in customs clearance;
- Maintaining [records] of customs control operations results in in post entry audits;
- Management of risk assessment models in customs clearance;
- Management of risk assessment models in post-entry audit;
- Interaction with customs clearance subsystems;
- Users and access permissions (roles) administration;
- Configuring subsystem parameters;
- User activities logging.

9. Electronic message exchange experience and practice

Electronic Customs Data Exchange and Customs to Customs Cooperation recommended by the World Customs Organization WCO for member state as one of the best tools of Customs Control and Trade facilitation.

Considering the complexity of trade flow and a huge demand for smooth movement of goods and trader facilitation, Customs Administration will be able to ensure efficiency in its operations with implementation of EDE and other Customs to Customs cooperation elements.

Currently, Tajikistan's Custom committee has signed a Technical Protocol with Afghanistan Customs Department under the Ministry of finance, Islamic Republic of Afghanistan on electronic exchange of customs information on a pilot basis.

Under the said protocol, Electronic Customs Data Exchange started between two countries on real time basis for transit and bilateral trade.

The exchange of agreed data element on transit and bilateral trade will enable both Customs Administration to:

- To improve Customs operational efficiency
- Facilitation of trade flow
- Improve revenue collection
- Reduce cross border smuggling
- Fight corruption and illegal trade

According to the signed Protocol, exchange of information based on «ASYCUDA World (AW)» system of Afghanistan and UAIS system of Tajikistan.

Mechanism of electronic exchange include safe VPN channel, that allows all outgoing e-messages in two customs electronic systems and two permanent Gateways.

Duration of the pilot phase of electronic exchange is 90 days and includes agreed joint border crossing point between Tajikistan and Afghanistan.

On the results of pilot implementation of electronic exchange of customs data at agreed border crossing point, electronic data exchange will be realized in the other border crossing point.

10. Electronic digital signature

The Law on Electronic Signature has been implemented successfully since 2010 by the Center on Technical Protection of Information, Certification and Expertise. The Center provides services on testing and certification of technical equipment, protection of information, audit of information systems. Based on the Center's issued certificates e-Signatures applied in the banking sector and fiscal system including the Tax Committee. Data digitization in the Public Registry Office has been launched since 2014 as a pilot project in three Republican Subordinate Districts (Hisor, Rudaki, Shahrinav) and four districts of Dushanbe (Sino, Somoni, Firdawsi, Shohmansur).

While different simple forms for electronic signatures are widely used for authenticating electronic information, customs has limited experience using digital signatures that are based on an asymmetric cryptosystem utilizing private and public key pairs.

11. Analysis of conditions for electronic data exchange between Tajikistan and Kyrgyzstan

Comparative analysis in this report was made on the basis Gap analysis of Kyrgyz Republic on Current Legal and Technical Framework for Electronic Customs-to-Customs Exchange of Transit Information and similar data obtained in Tajikistan.

Legal basis on international road transportations, international treaties, national law for electronic documents and digital signature were studied. In addition, the existing information systems of customs administrations of Tajikistan and Kyrgyzstan as well as their compatibility was analyzed.

Legal basis for international road transportation

Analysis shows that Tajikistan and Kyrgyzstan have legal regime for international road transportation. However, legal framework of Tajikistan on bilateral agreements is wider and includes not only neighboring countries.

Tajikistan has 12 signed bilateral agreements on international road transportation and transit. Kyrgyzstan has eight signed bilateral agreements on international transportation and transit, including their neighboring countries.

In addition, Tajikistan and Kyrgyzstan have signed Cross-border and transit Agreement (CBTA) in 2010, which is not effective now.

Membership in International organization and Conventions

Tajikistan and Kyrgyzstan are the members of the regional and international organization like UNESCAP, UNECE, CAREC, ECO, IRU, SCO, TRACECA and others.

Also both countries are the members of the following international treaties:

- Customs Convention on International Transport of Goods under Cover of TIR Carnets, 14.11.1975;
- Customs Convention on the Temporary Importation of Vehicles for Commercial Purposes, 05.18.1956;
- International Convention on the Harmonization of Frontier Controls of Goods, 21.10.1982;
- Convention on the Contract for the International Carriage of Goods by Road (CMR), 19.05.1956;
- Customs Convention on Containers (1972),
- Agreement of 1970 of Carriage of Perishable Foodstuffs and the Special Equipment to be used for such Carriage (ATP);
- ECO Trade and Transit Framework Agreement (TTFA);
- UNESCAP Intergovernmental Agreement on Asian Highway network;
- SCO intergovernmental Agreement on facilitation of international road transportation.

Additionally Tajikistan became a member of Kyoto International convention on simplification and harmonization of customs procedures (1999) in 2010. Unfortunately mentioned Convention not reflected in GAP Analysis provided by Kyrgyzstan.

National law on electronic signature

Study shows that both Tajikistan and Kyrgyzstan adopted a similar state law on Electronic signature. Tajikistan has adopted the separate Law “On electronic documents” in 2001 and the Law “On electronic digital signature” in 2007. Kyrgyzstan in 2004 has adopted the law "On electronic document and electronic digital signature".

In Tajikistan, the Law on Electronic Signature has been implementing successfully since 2010 by the Center on Technical Protection of Information, Certification and Expertise. Based on the Center’s issued certificates e-Signatures applied in the banking sector and fiscal system including the Tax Committee. Simultaneously, the Government of Tajikistan established National Trade Facilitation Committee for introduction of electronic document flow. From the Gap analysis made by Kyrgyzstan, it is not clear where Kyrgyzstan apply electronic signature.

However, neither of the countries apply electronic digital signature in the customs and transportation system.

Single Window system

The Governments of Tajikistan and Kyrgyzstan adopted the Concept of the Single Window in order to facilitate export and import procedures in 2008 and 2009 accordingly.

ADB has provided the Kyrgyz Republic with initial investments in its single window facility as part of the Investment Climate Improvement Program. The European Union is funding initial investments in Tajikistan’s single window facility.

Either of countries have the similar Centers dealing with Single Window system operating under the Ministry of economy and trade of the Kyrgyz Republic and Custom service under the Government of the Republic of Tajikistan.

GIZ and USAID have been particularly active in supporting single window development.

In the Kyrgyz Republic, USAID has provided capacity building and funding of equipment and refurbishment at the State Enterprise Single Window Center. GIZ has supported an analysis of administrative barriers to trade and provided technical assistance to the single window-working group and the State Enterprise Single Window Center.

In coordination with the World Bank, GIZ also provided technical assistance to reduce technical barriers to export through an improved product accreditation and standardization system. In Tajikistan, USAID-funded training for the helpdesk team of the ADB-funded Customs Unified Automated Information System and participated

actively in the single window working group developing the single window concept, the single window development plan, and a limited analysis of existing legislation on the use of electronic digital signature and electronic document circulation. GIZ funded preparation of technical specifications of the proposed single window system software, and preliminary business process analysis and training.

Development of Uniform Automated Information System and technical platform for the electronic data exchange

With the financial assistance of ADB customs agencies in Tajikistan and Kyrgyzstan have launched Uniform Automated Information System. ADB has equipped customs agencies in the Kyrgyz Republic and Tajikistan with automated information systems.

The customs service under the Government of the Republic of Tajikistan has its Uniform automated information system. This system is a reliable, secure data network, and includes the common infrastructure between the regional structural units of the Customs and the Central Office of the Customs Service providing user with access to central resources, including a central database and software. For the processing of data in transit, it has a subsystem UAIS Customs clearance and control. A system provides basic automation of customs procedures, customs clearance and control of goods and vehicles, control of delivery of goods and vehicles transported under customs supervision through the territory of the Republic of Tajikistan.

Kyrgyzstan has the similar UAIS launched in December 2012. According to Kyrgyzstan Gap Analysis, the automated work stations to control the movement of goods and vehicles have been introduced at 6 customs offices: Bishkek Customs, Manas Airport Customs, Bishkek Free Economic Zone Customs, Naryn, Kara-Balta and Osh Customs and at 11 check points (including border crossing points (BCPs), customs clearance terminals (CCTs).

The differences between Tajikistan and Kyrgyzstan UAIS system is in database and programming language. While Kyrgyzstan using SQL database and C+ language, Tajikistan uses ORACLE database and Java language.

“Oracle” systems are web-based applications, providing interfaces for external users using secure communication channels. The systems integrated through direct links between databases. Its controls border crossing operations. The “Oracle” system fully enables both publishing and consumption of web services. The system deals with the majority of the existing data exchange interfaces and provides sufficient capacity to send, receive and process data in real time.

Based on provided technical standard information, Tajikistan and Kyrgyzstan have compatible technical platform for electronic data exchange between their customs agencies.

Electronic Message Exchange Practice

Kyrgyzstan gap analysis not clearly reflected whether Electronic Exchange of information is being done with other countries, although it has all arrangements for such cooperation with Kazakhstan.

As for Tajikistan as mentioned in the Report – there is a signed Protocol between Tajikistan and Afghanistan on Electronic Exchange of information between customs agencies in 2015.

Under the said protocol, Electronic Customs Data Exchange started between two countries on real time basis for transit and bilateral trade.

Application of TIR procedure and its automation (TIR EPD and SAFE TIR)

According to Kyrgyzstan Gap Analysis - the Agreement on the development of application software for TIR-EPD in Kyrgyzstan, between the Customs Service of the Kyrgyz Republic, LLC "Screen", the IRU and the Association of International Road Carriers of the Kyrgyz Republic AIRTO KR was signed on 25 April 2014. In September 2014, the training of the employees of the Customs Service of the Kyrgyz Republic from all regions of the Kyrgyz Republic on the use of TIR-EPD conducted.

As a part of the introduction of SafeTIR technology, the Customs Service has updated the Unified Automated Information System, and on 17 July 2013 the new version of the UAIS was launched with embedded block of the automatic transmission of the data on the processing of TIR Carnets from IRU (SafeTIR in real-time mode). The successful transmission of the data to the IRU database in Geneva confirmed.

Tajikistan signed the similar Protocol between Customs service, IRU and Association of International Road Carriers “ABBAT” in 2016. According to the signed Protocol, an Action Plan adopted in order to proceed to the implementation of new IRU electronic system TIR-EPD starting from March 2016.

Currently analyzing of the technical compatibility of UAIS to perform TIR-EPD is ongoing. Operation of TIR-EPD system in Customs service foreseen in April 2017. Real time Safe TIR system in Tajikistan intend to be implemented by the end of 2016. Currently UAIS uses to provide ABBAT via email data regarding TIR Carnets registered in customs agencies of Tajikistan.

Summary of findings

Tajikistan and Kyrgyzstan have similar national laws on Electronic documents, the same legal framework for international road transport and customs procedures as well.

Analysis shows that the either of countries have introduced the similar customs Uniform automated information systems. Customs information systems have evolved to use web-based platforms to store, retrieve, and use data. Accessing information from a web-based application eliminates the issue of compatibility and ensures real time exchange of information. Electronic data exchange (EDE) between Tajikistan and Kyrgyzstan can also avoid systems compatibility issues by exchanging information using their web-based customs systems, as these countries have up-to-date, functional ICT systems.

A good example is the EDE framework between the Customs systems of Tajikistan and Afghanistan. The information exchange is seamless through the web-based Extensible Markup Language (XML) messaging, although both countries use different information systems. Tajikistan uses UAIS and Afghanistan uses ASYCUDA.

These two systems are fully capable of exchanging information without any systems compatibility issues. Tajikistan Customs could implement EDE in a similar fashion with any of the customs systems once the data fields trigger events, frequency of messaging, and messaging content agreed upon between the respective administrations.

In this regard a draft Recommendations including steps, required actions has been developed and discussed during the Technical workshop held in Dushanbe on May 24, 2016.

Presentation of summary findings

In order to represent the Project “Strengthening the Capacities of Developing Countries and Countries with Economies in Transition to Facilitate Legitimate Border Crossing, Regional Cooperation and Integration”, as well as to discuss the draft Recommendations, the National Technical Workshop on Electronic Exchange of Data on International Transport between Customs Authorities has been held in Dushanbe on 24 May 2016 (Agenda and the list of participants are attached). The main purpose of the workshop was the presentation of Comparative analysis of regulatory and technical frameworks for Customs-to-Customs electronic data exchange in Tajikistan and Kyrgyzstan

During the Technical workshop, participants reviewed the UNESCAP activities on the introduction of IT solutions for Customs transport and logistics use. The workshop introduced the UN Development Account Project on Customs-to-Customs Electronic Data Exchange and overviewed of its implementation in Central Asia.

As the result of the Technical Workshop, the following proposed Roadmap for establishment of Customs-to-Customs electronic data exchange between Tajikistan and Kyrgyzstan was adopted by participants, namely by the representatives of the Customs Service under the Government of the Republic of Tajikistan.

**Proposed Roadmap for Establishment of Electronic Data Exchange
between the Customs authorities of Kyrgyzstan and Tajikistan**

Steps	Actions Required	Key Stakeholders
I. Analysis of ICT solutions developed by UNESCAP for facilitation of international transport	<ol style="list-style-type: none"> 1. Request ESCAP to organize a seminar for Tajikistan and Kyrgyzstan for informing on the developed ICT solutions 2. In case of interest in the introduction of ICT solutions expressed by supervisory authorities of both countries, request ESCAP to support in organization of bilateral meetings involving relevant supervisory authorities 	UNESCAP, national Customs administrations and other regulatory authorities
II. Consideration of the scope electronic data exchange (EDE)	Determine the type and volume of Customs-to-Customs exchange data	National Customs administrations
III. Establishment of a project team to consider matters related to Customs-to-Customs electronic information exchange	<ol style="list-style-type: none"> 1. Establish a team of Customs officials and ICT specialists 2. Elaborate working plan setting necessary objectives and timeframes for its implementation 3. Appoint focal points for each objective and its implementation 	National Customs administrations
IV. Making decision on electronic data exchange	<ol style="list-style-type: none"> 1. Decide on the type and technical specifications for EDE 2. Draft an interagency document on EDE 	National Customs administrations
V. Development of the Terms of Reference and its implementation	<ol style="list-style-type: none"> 1. Develop the terms of reference for the development of the software (as well as for possible establishment of the contact center) 2. Allocate funds for implementation of the ToR 	National Customs administrations
VI. Determination of the contractor	Determine the contractor for software development	Donor and national Customs administrations

VII. Software development for EDE	Develop and test the interface for related customs information systems	Contracted organization
VIII. Introduction and testing of the software product	Technical testing of the software for connection and information exchange	Contracted organization and national Customs administrations
IX. Establishment of the EDE technical contact center	Establishment of the EDE technical contact center on a permanent basis for resolving problems in electronic data exchange and ensuring thereby its smooth operation (subject to available funding)	National Customs administrations (subject to available funding)