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Best Practices Guidelines on Customs Control for COVID-19 Related Goods

Purpose: Information
Submitted by: SCCP Convenor



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Best Practices Guidelines on Customs Control for COVID-19 Related Goods

Since the outbreak of the novel coronavirus (COVID-19) pandemic, the demand of COVID-19 related goods¹ has steadily been on the rise. This has led to an increase in illicit COVID-19 goods² which can harm the public.

As the primary border law enforcement agency for regulating imports and exports, Customs authorities play an important role in protecting the public from illicit goods. To be more specific, to minimize risk these illicit goods should be stopped by Customs authorities at the border before they enter into their domestic markets.

The Best Practices Guidelines on Customs Control for COVID-19 Related Goods are developed as a reference administrative tool for APEC member economies to be used when drafting Customs control policy. The Guidelines comprise of components which APEC Customs authorities should have in implementing effective border enforcement measures against illicit COVID-19 related goods.

These Guidelines will assist APEC member economies to alleviate concerns towards illicit COVID-19 related goods, and also to confirm the APEC engagement and contribution in protecting global community from substandard and hazardous COVID-19 related goods.

Preamble

1. **Recognising the Importance of Border Protection:** As illicit COVID-19 related goods are potentially causing harm to the public. Economies should consider their borders as a key component in the defense for detecting and deterring illicit goods.
2. **International Legal Framework:** Economies are advised that these Guidelines are developed in accordance with international instruments relevant to border control of illicit trade, including the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights, the World Trade Organization Trade Facilitation Agreement, the World Customs Organization Customs Risk Management Compendium, and the Best Practice Guidelines for APEC Customs Administrations to Facilitate the Distribution of COVID-19 Vaccines and Related Goods.

Customs Control Principles

3. **Utilisation of Technology and Innovation:** Customs authorities are encouraged to employ advanced technologies and innovations to improve border control efficiency whilst the movement of legitimate trade is being maintained, especially during emergency situations.

¹ World Customs Organization: HS classification reference for vaccines and related supplies and equipment

² Illicit COVID-19 related goods include, but not limit to, substandard, counterfeit goods and goods unauthorised by authorities.

4. Authorities and Sanctions: Economies should ensure that their Customs authorities are vested with adequate power to implement appropriate border control policy and exercise necessary border enforcement measures against shipments containing illicit COVID-19 related goods.

Risk Management and Trade Facilitation

5. Managing Risk: To balance between trade facilitation and control, Customs authorities are strongly recommended to observe techniques, tools, practices, and other elements provided in the WCO Risk Management Compendium. The authorities are advised to utilise risk-based targeting to select high-risk shipments for inspection.
6. Release Profiles³: Customs authorities, where appropriate, may consider creating release profiles for known traders and low-risk shipments to facilitate the movement of legitimate COVID-19 related goods.
7. Post Clearance Audit: Customs authorities should conduct post clearance audit, as a means of control to detect and prevent fraud, to identify illegal activity, to improve compliance of traders, and to use the results of post-clearance audits in future risk assessment strategies.

Cooperation and Awareness Raising

8. Customs Cooperation: Customs authorities are upon request, encouraged to exchange information for the purpose of detecting and deterring illicit COVID-19 related goods in a trustworthy manner. Customs are recommended to exchange with other Customs authorities and international organisations, such as the WCO, their best practices and case studies via, where available, international intelligence exchange electronic platforms.
9. Cooperation among Government Agencies: Economies should ensure that their Customs authorities, other competent authorities and licensing agencies cooperate with one another especially in exchanging necessary information on illicit COVID-19 related goods.
10. Working with Right Holders: Customs authorities are encouraged to work closely with right holders, in identifying counterfeit goods and unauthorised traders. APEC Members are encouraged to provide customs authorities with *ex officio* authority to suspend the release of goods suspected to be counterfeit or pirated at the border during import, export, or in-transit movement, without the need for a formal complaint from a right holder. APEC Members are also encouraged to create and implement modern trademark and copyright recordation systems.
11. Public Awareness: Economies are encouraged to educate the public about harmful consequences from illicit COVID-19 related goods. Information regarding how the public

³ Release Profiles are combinations of indicators associated with low-risk shipments including shipments related compliant traders, regular, routine, repeated shipments, and Authorised Economic Operators.

access genuine COVID-19 related goods and how to refrain from acquiring illicit goods should be made available.

Implementation

12. Non-Binding: These Guidelines, a non-binding instrument, aim to provide the basic elements that are recommended for Economies to employ in fighting against illicit COVID-19 related goods. The Economies may opt to implement only measures which they deem appropriate to their domestic priorities and policy settings.