



**Asia-Pacific
Economic Cooperation**

Final Report

Project: CTI 28/2008T

2008 APEC CUSTOMS - BUSINESS DIALOGUE

Callao, Peru

12 August 2008

**APEC Sub-Committee on Customs Procedures
APEC Committee on Trade and Investment**

September 2008

APEC Project No. CTI 28/2008T

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APEC#208-CT-01.9

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Project Background

The foreign trade dynamism has facilitated the constant search of a better competitive position from the different foreign trade operators, where the customs administration performance has an important role within the whole logistics process. Within this context, foreign trade operators require a greater speed in their goods clearance, so it is necessary that customs has mechanisms to facilitate this process.

Customs administrations currently are seeking a balance between trade facilitation and control within a context of international trade globalization and integration processes in which it is important the business sector cooperation to promote a more secure and expedited international trade.

The 2008 APEC Customs – Business Dialogue (ACBD) ‘Towards an effective trade facilitation and protection of Intellectual Property Rights’ aimed to let Customs Administrations learn about the initiatives and point of views from the business sector regarding those subjects that were addressed in the two programmed sessions:

- An approach for strategies and data exchange as mechanisms to reinforce Intellectual Property Rights protection and also methods to identify counterfeit and pirated goods.
- Ways to reinforce security in the supply chain as a mechanism to allow greater international trade facilitation through active business participation.

The development of the event has shown again that ACBD is an effective method implemented by Sub Committee on Customs Procedures (SCCP) for promoting the understanding between Customs authorities and business sectors within the APEC region in order to improve the commercial environment.

Event Information

On 12 August 2008 in the Real Felipe Fortress in Callao, Peru delegates representing both Customs Administrations and Business Sector from APEC Economies attended APEC Customs-Business Dialogue 'Towards and effective trade facilitation and protection of Intellectual property Rights'. The Dialogue was chaired by the Acting Peruvian Customs National Director, Ms. Maria Ysabel Frassinetti, and was divided into two sessions: *Promoting Mechanisms of Intellectual Property Rights Border Protection and Security in the Supply Chain and Trade Facilitation*.

The Dialogue was organized and chaired by the Customs Director-General (SUNAT), Sub-Committee on Customs Procedures Chair. A total of 230 Customs administrations' representatives, public and private sector from the following APEC member economies attended the workshop: Australia; Canada; Chile; People's Republic of China (China); Hong Kong, China; Indonesia; Japan; Republic of Korea (Korea); Malaysia; Mexico; New Zealand; Peru; Republic of the Philippines (Philippines); Singapore; Chinese Taipei; The United States; and Viet Nam. A representative from the WCO and officials from the Peruvian Ministry of Foreign Affairs, Ministry of Foreign Trade and the National Institute for the Defense of Competition and Protection of Intellectual Property also attended the event.

Expert representatives from Japan and Peruvian Customs, the public sector such as the Peruvian National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI), the business sector such as IBM CHQ, Conference of Latin American and Caribbean Express Companies (CLADEC), Matsushita Electric Industrial Co. and the Santiago Chamber of Commerce, and the World Customs Organization made presentations in the event.

In this event participants were able to learn how different experienced economies have developed and applied their strategies against counterfeiting and piracy, the importance of information exchange among Customs administrations, private and related public sector as a support tool in intellectual property rights' border protection, and the importance of participation and measures to facilitate business participation.

The Dialogue also enable to learn in detail progress on the study to identify Best Practices from Transportation Arrival to the Presentation of Goods Declaration, business responsibility in facilitation and security in the supply chain, prevention and risk control as a tool in trade facilitation, and benefits from the ATA Carnet for Customs authorities and business sector.

In the table below we can appreciate the number of attendees participating in the meeting classified by economies. Such information also includes speakers.

Nº	APEC MEMBER ECONOMIES / GUESTS	NUMBER OF PARTICIPANTS
1	Australia	2
2	Canada	1
3	Chile	1
4	People's Republic of China	1
5	Hong Kong, China	3
6	Indonesia	1
7	Japan	4
8	Republic of Korea	1
9	Malaysia	2
10	New Zealand	2
11	Peru	52
12	The Philippines	1
13	Singapore	3
14	Chinese Taipei	1
15	The United States	3
16	Viet Nam	2
17	Private Sector	122
18	Public Sector	18
19	Academia	6
20	WCO	1
23	CLADEC	2
24	Santiago Chamber Of Commerce	1
Total Participants		230

2008 APEC CUSTOMS – BUSINESS DIALOGUE AGENDA

'TOWARDS AN EFFECTIVE TRADE FACILITATION AND PROTECTION OF INTELLECTUAL PROPERTY RIGHTS'

12 August 2008
8:00 a.m. – 17.30 p.m.

- 08:00 - 09:00 Registration
- 09:00 - 09:20 Opening Comments
- 09:20 - 09:40 Coffee Break
- SESSION 1: *Promoting Mechanisms of Intellectual Property Rights Border Protection*
- Moderator: Mr Alberto Gonzales
APEC Division
Ministry of Foreign Affairs of Peru
- 09:40 - 10:00 Current Global Strategies and Priorities in the Fight against Counterfeiting and Piracy
Mr Christophe Zimmerman.
Coordinator for the Fight against Counterfeiting and Piracy
World Customs Organization (WCO)
- 10:00 - 10:20 Identifying counterfeited and pirated goods.
Mr Martin Moscoso.
Head of Copyrights Office
National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPi)
PERU
- 10:20 - 10.40 Coffee break
- 10:40 - 11:00 Data Exchange as an Assistance Tool in the Intellectual Property Rights Border Protection from a Customs perspective.
Ms Saori Nojima
IPR Specialist
IPR National Center, Japan Customs
- 11:00 - 11:20 Data Exchange as an Assistance Tool in the Intellectual Property Rights Border Protection from a Business perspective.
Mr Yoshihito Ishikawa
Councilor, Legal Planning Group, Corporate Legal Affairs Division, Matsushita Electric Industrial Co., Ltd
ABAC Japan
- 11:20 - 12:10 Panelists' comments.

12:10 - 14:00

Lunch

SESSION 2: *Security in the Supply Chain and Trade Facilitation*

Moderator:

Mr Alberto Gonzales
APEC Division
Ministry of Foreign Affairs of Peru

14:00 - 14:20

Progress on the Study of Best Practices from Transportation
Arrival to the Presentation of Goods Declaration
Mr Rafael Reaño
Manager of International Agreements and Valuation
National Superintendency of Tax Administration (SUNAT)
PERU

14:20 – 14:40

Business responsibility in Supply Chain Security.
Mr Andrew Jackson
Executive Program Manager, Growth markets Import
Compliance Office, IBM CHQ

14:40 - 15:00

Coffee Break .

15:00 - 15:20

Prevention and Risk Control as a tool for Trade Facilitation
Mr Adrian Correa Sobrado
Customs Committee Chair
Conference of Latin American and Caribbean Express
Companies (CLADEC)

15:20 – 15:40

Benefits on ATA Carnet System to APEC Customs Authorities
and to Business community.
Ms Carmen Fuentealba
Manager for International Business Santiago Chamber of
Commerce
International Chamber of Commerce (ICC)

15:40 - 16:30

Panelists' comments.

16:30 - 16:50

Coffee Break

16:50 - 17:30

Chair's Closing Remarks.

WELCOMING AND OPENING REMARKS

SCCP CHAIR'S OPENING REMARKS

MARIA YSABEL FRASSINETTI

ACTING PERUVIAN CUSTOMS NATIONAL DIRECTOR

12 AUGUST 2008

CALLAO – PERU

Distinguished Delegates
Distinguished Representative of the APEC Secretariat
Distinguished Speakers and Panelists
Ladies and Gentlemen

As Chair of the Sub Committee on Customs Procedures (SCCP) and host of the APEC Customs Business Dialogue (ACBD) meeting namely 'Towards an Effective Trade Facilitation and Protection of Intellectual Property Rights', I welcome you to the great Real Felipe Fortress here in Callao, which is Peru's main port. The Real Felipe Fortress is also known as Callao Castles and was built in 1747. It is one of the few military architectural works and the biggest one built by the Spaniards in America. Its original purpose was Callao's defense from pirates and privateers.

As we all know, a modern Customs' role within a global trade context and integration processes is based in the balance between trade facilitation and control. But a modern Customs is not only concerned about controlling smuggling or trade fraud but in increasingly helping to protect consumers and to secure goods.

However, in order to have an efficient and effective facilitation and control, promptness required for trade transactions due to technology progress requires Customs tasks to be based on timely data exchange, establishment of communication systems and users' reliance in data.

In this sense, it is necessary to recognize importance of the business sector cooperation to promote a more secure international trade, which enables, for example, to reduce costs; avoid delays in goods clearance and develop a risk management system focusing in high-risk operations, integrating economic operators and Customs and helping each other for an expedite and secure goods' movement.

The Ministers' Declaration of Sydney in 2007 reaffirms the need for further efforts to strengthen protection and compliance of intellectual property rights in the region. Therefore we consider important that the first session of this meeting named 'Promoting Mechanisms of Intellectual Property Rights Border Protection' approaches strategies and data exchange as mechanisms to reinforce intellectual property rights protection, and also methods to identify counterfeit and pirated goods.

In the second session on 'Security in the Supply Chain and Trade Facilitation', we will approach ways to reinforce security in the supply chain, through business active participation, as a mechanism to allow a greater international trade facilitation and avoiding to contribute to distorting facts as false declarations, trade illegitimacy, inadequate valuation, drug trafficking, counterfeit and others.

Moreover, we will have a presentation on benefits for Customs and Business community on ATA Carnet system for goods' temporary admission, and a presentation on the progress of the Peruvian Customs project called 'Study to Identify Best Practices in Processes from Transportation Arrival to Presentation of Goods Declaration'.

Finally, I would like to encourage you to provide all your efforts to ensure a successful and proactive meeting that contributes to achieve the established goals, and I also invite you to enjoy the facilities and wish you a very nice stay here in Callao.

Thank you very much.

List of Speakers

Name: Mr Christophe Zimmerman
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Name: Mr Adrian Correa Sobrado
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SPEAKERS' PROFESSIONAL PROFILE

1. Christophe Zimmerman

Coordinator for the Fight against Counterfeiting and Piracy
World Customs Organization (WCO)



Mr Zimmerman is currently the coordinator for the fight against counterfeiting and piracy in World Customs Organization.

Christophe Zimmermann joined the World Customs Organization (WCO) in April 2006 to co-ordinate the WCO's initiatives to protect intellectual property rights with a special emphasis on strengthening the fight against counterfeiting and piracy. During his career, he served as a customs officer within French Customs for 15 years where he was head of an operational unit responsible for specialized enforcement at Paris airports. From March 2000 to March 2004 he was seconded to the European Commission where he performed as expert in National Customs responsible of customs legislation related to intellectual property operational control. In WCO Mr. Zimmermann is responsible for counterfeiting and piracy.

2. Martin Moscoso

National Institute for the Defense of Competition and Protection of Intellectual Property - INDECOPi



Head of the Copyright Office, National Institute for the Defense of Competition and Intellectual Property Protection, INDECOPi, Peru.

Mr Moscoso holds a Master's degree in Law of Queen Mary University and Westfield College, London University. He took part of the negotiations of International agreements related to copyrights issues as a member of the Peruvian copyright team. He also performed as Technical Secretary in the Peruvian Consumer Protection Commission of INDECOPi.

3. **Saori Nojima**
IPR Specialist, IPR National Center
Japan Customs



Ms Nojima joined Tokyo Customs in 1998. She currently is an IPR specialist in the IPR National Center. Previously, she was an IPR specialist in customs sub-branch in Tokyo international post office. She has been responsible for a survey to implement uniform procedures on IPR in customs, consultation with IP right holders to seek better measures for enforcement and technical cooperation with customs in other economies.

4. **Yoshihito Ishikawa**
Legal Division of MEI Corp.
Tokyo office



Councilor, Legal planning Group, Corporate Legal Affairs Division, Matsushita Electric Industrial Co., Ltd since July 2006. He was assigned to MEI Corp. Legal Div., Tokyo office. Until September 2003 he was assigned to Matsushita (Panasonic) Europe, Brussels Office. In April 1984 he joined Matsushita Electric Industrial Co., Ltd. (MEI) and in March 1984 he graduated from the University of Tokyo, Faculty of Law (LLB)

5. **Rafael Reaño**
Manager of International Agreements and Valuation
National Superintendency of Tax Administration – SUNAT PERU



Mr Rafael Reaño holds a Law Degree from the Universidad de Lima and he also holds a LLM Degree in International and Comparative Law with mention in Foreign Trade from The George Washington University of the United States.

Until May 2008 Mr Reaño was the Manager of Customs Procedures, Harmonized System and Trade Operators of SUNAT's Intendancy of Customs Technical Operations, where he was in charge of evaluating permanently Customs regimes, Tariff Nomenclature application, and authorizing the activities of foreign trade operators.

Currently Mr Reaño is the Manager of International Agreements and Valuation of the above mentioned Intendancy and he is in charge of evaluating permanently the regulation on application of International Agreements undersigned by Peru in Customs matters and the valuation system, as well as the activities related to institutional and international technical cooperation.

Mr Reaño was also professor on Customs Taxation in the Master Program on Taxation and Fiscal Policy of the Universidad de Lima.

6. Andrew Peter Jackson

Executive Program Manager – Growth Markets
Import Compliance Office
IBM



In January 2007 Mr Jackson commenced as the Executive Program Manager, IBM Import Compliance Office, focusing on customs regulatory and supply chain security issues in the Asia Pacific region and in 2008 moved to a new global role focusing on growth markets worldwide. Mr. Jackson has previously engaged in high level dialogues in key AP economic forums such as ASEAN and APEC and was appointed Chairman of the US-ASEAN Business Council's Customs Working Group in early 2006.

In January 2004 Mr Jackson joined IBM Australia as a Government Relations Executive where his primary role was to influence the regulatory environment to the advantage of IBM as a business entity and a corporate citizen. This involved developing and maintaining strong external relationships with key government decisions makers (e.g. Ministers and Parliamentarians) and senior portfolio officials across Federal and State Governments in Australia and the Asia Pacific.

In 2002 Mr Jackson was appointed Executive Director of Science Industry Australia a lobbying body for the scientific industry in Australia and later returned to work as an Adviser to Minister Alston on IT Industry issues.

He was appointed to the Office of the Minister for Communications, Information Technology and the Arts, The Hon Senator Richard Alston working on Telecommunications and Postal Industry issues.

Mr Jackson was educated at the University of Canberra (Australia) where he received a Bachelor of Arts in Communications in 1990.

7. Adrian Correa Sobrado

Chair

Customs Committee

Conference of Express Companies of Latin America and the Caribbean (CLADEC)



Mr Correa Sobrado is a legal counsel with over sixteen years of experience in international trade, customs and corporate matters. Formerly with the Mexican Ministry of Finance, he negotiated the Customs Procedures chapters of several free trade agreements entered by Mexico with the European Union, Israel, Guatemala, Honduras and El Salvador, and sat in the NAFTA Customs Subgroup. He was also a trainer in customs procedures in the Mexican state-run capacity-building institute on fiscal, customs and tax matters. Currently, he is a Senior Customs and Regulatory Advisor for the Latin America and Caribbean Division of FedEx.

Since 2004, Mr Correa Sobrado has chaired the Customs Committee of the Conference of Express Companies of Latin America and the Caribbean (CLADEC). CLADEC, a member of the Global Express Association, is integrated by the world's top five express delivery companies (DHL, FedEx, UPS, TNT and World Courier), plus 21 national associations of express delivery companies in Latin America and the Caribbean – amongst which there are three APEC Economies, namely Peru, Mexico and Chile. The CLADEC Customs Committee works with the general secretariat of the Multilateral Agreement of Cooperation and Mutual Assistance between the Customs National Administrations of Latin America, Spain and Portugal (COMALEP – whose members are the heads of the national customs services of those 20 Hispanic countries), to work together in behalf of the implementation of the World Customs Organization's best practices contained in the "Revised Kyoto Convention", the "Immediate Release Guidelines", and the "SAFE Framework of Standards to secure and facilitate global trade".

8. Carmen Gloria Fuentealba

Manager for International Business, Santiago Chamber of Commerce.



Since 1998, Ms Fuentealba has been leading the International Area of the SCC. In this position, she is in charge of giving professional advisory to foreign companies willing to do business in Chile (trade and investment) and providing different services such as matchmaking to trade missions, market researches, organization of outbound trade missions, organization of trade fairs and seminars, etc. In parallel, she is the Director of the Eurocentro SCC for AI Invest EU Cooperation Program and is in charge of the ATA Carnet unit. She has worked in different positions in marketing and sales in telecom and consumer goods companies.

She is graduated in Business Administration - University of Concepción – Chile. She also has a Postgraduate Studies in Strategic Marketing (University of Berkeley, USA – Seminarium) and in Contemporary and Modern History and Culture (Universidad Catolica de Chile).

DEVELOPMENT OF THE EVENT

SESSION 1: PROMOTING MECHANISMS OF INTELLECTUAL PROPERTY RIGHTS BORDER PROTECTION

1. Mr Christophe Zimmermann, Coordinator for the Fight against Counterfeiting and Piracy from the World Customs Organization (WCO).

Current Global Strategies and Priorities in the Fight against Counterfeiting and Piracy

This fight is a worldwide problem we face. The WCO SECURE Program is a non-binding program collecting all best practices in legislation, risk analysis, profile targeting and selection, thus creating a secure Customs chain.

There must be a legislation improvement as well as more cooperation with right-holders, a specialized risk analysis, information exchange among all stakeholders, and capacity-building.

2. Mr Martin Moscoso, Head of the Copyrights Office from the Peruvian National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI)

Identifying Counterfeit and Pirated Goods

The fight against counterfeiting and piracy is a work for everyone, including national police and customs, legal, and health authorities. Since there are scarcely staff resources, we need to cooperate with the private sector and other government agencies in order to carry out permanent actions to identify counterfeit and pirated goods, and to produce a risk management system with information provided by right-holders.

We need to sign agreements with the private sector in order to constantly exchange information and getting cooperation for identifying suspected goods infringing Intellectual Property Rights (IPR) and, to provide capacity building in identification and thus succeed in the fight against counterfeiting and piracy.

3. Ms Saori Nojima, IPR Specialist from Japan Customs' IPR National Center.

Data Exchange as an Assistance Tool in the IPR Border Protection from a Customs perspective

Certain information is disseminated on the website in order to raise awareness in the public. The information exchange with right-holders is an indispensable tool to detain suspected goods effectively, determine if suspected goods infringe IPR or not, cooperate in capacity building to cope with complicated cases and establish a risk management with information provided by holders.

4. Mr Yoshihito Ishikawa, Councilor for Matsushita Electric Industrial Co. - ABAC Japan.

Participation of Business in IPR Border Protection

Sharing information among involved Economies shall prevent and avoid future infringements. It is very useful to collect data among private sector, public sector and other agencies, allow private sector to participate, and share information worldwide.

This data exchange helps to improve a legal framework for a more efficient compliance, describing as an example the Japanese public-private partnership model and mentioning best practices in this partnership for example: information exchange meetings between Customs and Private Sector, public awareness campaign, which is one of the important activates that the private and the public sector should cooperate to organize as such called in APEC anti counterfeiting and piracy indicatives and, the establishment of an international information sharing framework that will enable swift exchange and an information sharing among the concerned economies. This, in turn, leads to the prevention and swift crack-down on further infringements.

SESSION 2: SECURITY IN SUPPLY CHAIN AND TRADE FACILITATION

1. Mr Rafael Reaño, Manager of International Agreements and Valuation from Peruvian Customs

Progress of the Study to Identify Best Practices in the Processes from Transportation Arrival to the Presentation of Goods Declaration

A questionnaire with 55 questions on international transit times was elaborated in order to identify the main aspects of delay for transport and idle times, which affect both transport and cargo. The questionnaire was distributed into three categories:

- factors attributable to interface facilities
- factors attributable to other stakeholders
- use of data/information technology standards

The responses to the questionnaire showed interesting findings. Regarding the first category, the results of the questionnaire showed that cargo handling capabilities are affected by the availability of suitable equipment and their adequate maintenance, by labor productivity and regulatory restrictions on operations, and that the use of Information and Communication Technology (ICT) is an essential element in the management of organizations in terms of resources, internal operations and exchange of information with authorities, administrations and other key stakeholders. Regarding the second category, cargo evacuation constraints may reflect the operational policies of a port and that vessel and cargo documentation is not provided soon enough prior to the arrival of the means of transportation.

Finally, responses to the third category showed that half of the responding economies do use international standards for ICT. The other economies have taken initiatives towards using the same standards.

2. Mr Andrew Jackson, Executive Program Manager of IBM Corporation Australia, Growth Markets, IBM Australia

Supply Chain security and Trade Facilitation

Global economic integration is important for making business in order to be more competitive. The adoption of the international guidelines for Authorized Economic Operator (AEO) status, recommended both industry and Government to work together in order to secure the implementation of consultant groups between them, promote AEO aspects, and begin a pilot program with industry partner.

The main benefit for a company qualified as AEO is to be partner with Customs, once criteria specified by Customs are met, and to benefit from simplified and fast release procedures providing a minimum information where business interests are taken care of, since AEO will incorporate security best practices in their business procedures and supply chain security, hence protecting intellectual property rights and supporting Customs in preventing illegal entrance of goods detecting irregularities in the supply chain security. All these can be achieved by working together, defining a program and having common goals worldwide, and so we will greatly improve benefiting citizens and business.

The AEO focus is the compliance with trade facilitation so if Customs expend more time focusing on it, companies can get benefits to demonstrate a high level of compliance and Customs can concentrate in high-risk areas.

3. Mr Adrian Correa, Chairman of the Conference of Express Companies of Latin America and the Caribbean.

Prevention and Risk Control as a tool for Trade Facilitation

The express delivery service worldwide is really important. The key message is that trade facilitation and reduction of transaction costs should be achieved through implementation of security measures and risk management in the supply chain according to the established in the Revised Kyoto Convention, Guidelines for Immediate Release and WCO SAFE Framework of Standards. Once best practices, recommendations and WCO Framework of Standards are applied international trade seems to become simpler, and its costs more reasonable for participants.

4. Ms Carmen Fuentealba, Manager for International Business of the Santiago Chamber of Commerce.

The Benefits on Temporary Admission (ATA) Carnet System to APEC Customs Authorities and to Business Community

The ATA Carnet system is an international Customs document created to facilitate the temporary admission of goods of three main categories: samples, professional material and products to fairs and exhibitions; and that this system is also an international guarantee to Customs authorities worldwide that customs duties and taxes will be paid.

The advantage has been the facilitation of a temporary admission of a different kind of goods and it is a strong support to exporters who need, for example, to transport their samples to the international trade fairs or their professional material in order to develop professionals activities, and it can be done by means of an ATA system which is a mechanism very expedite and cheaper at the end, with important cost-saving versus traditional methods of temporary importation.

Part III.
PRESENTATIONS

SPEAKERS	DELEGATION	SUBJECT
Mr Christophe Zimmerman	WCO	Current Global Strategies and Priorities in the Fight against Counterfeiting and Piracy
Mr Martin Moscoso	INDECOPI-PERU	Identifying counterfeited and pirated goods
Ms Saori Nojima	IPR-JAPAN	Data Exchange as an Assistance Tool in the Intellectual Property Rights Border Protection from a Customs perspective
Mr Yoshihito Ishikawa	ABAC-JAPAN	Data Exchange as an Assistance Tool in the Intellectual Property Rights Border Protection from a Business perspective.
Mr Rafael Reaño	SUNAT-PERU	Progress on the Study of Best Practices from Transportation Arrival to the Presentation of Goods Declaration
Mr Andrew Jackson	IBM	Business responsibility in Supply Chain Security
Mr Adrian Correa-Sobrado	CLADEC	Prevention and Risk Control as a tool for Trade Facilitation
Ms Carmen Fuentealba	SCC-CHILE	Benefits on ATA Carnet System to APEC Customs Authorities and to Business community.

Contrefaçon et Piraterie d'hier à aujourd'hui ce qui a changé !

2008 APEC CUSTOMS – BUSINESS
DIALOGUE

**LA LIGUA DE QUITO....
CAMPEON DE
CAMPEONES
BRAVISSIMO!!!!!!**



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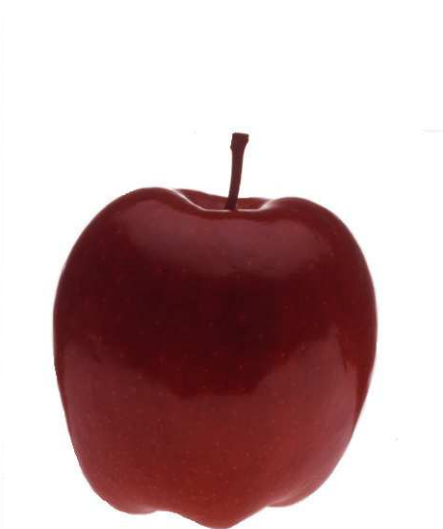
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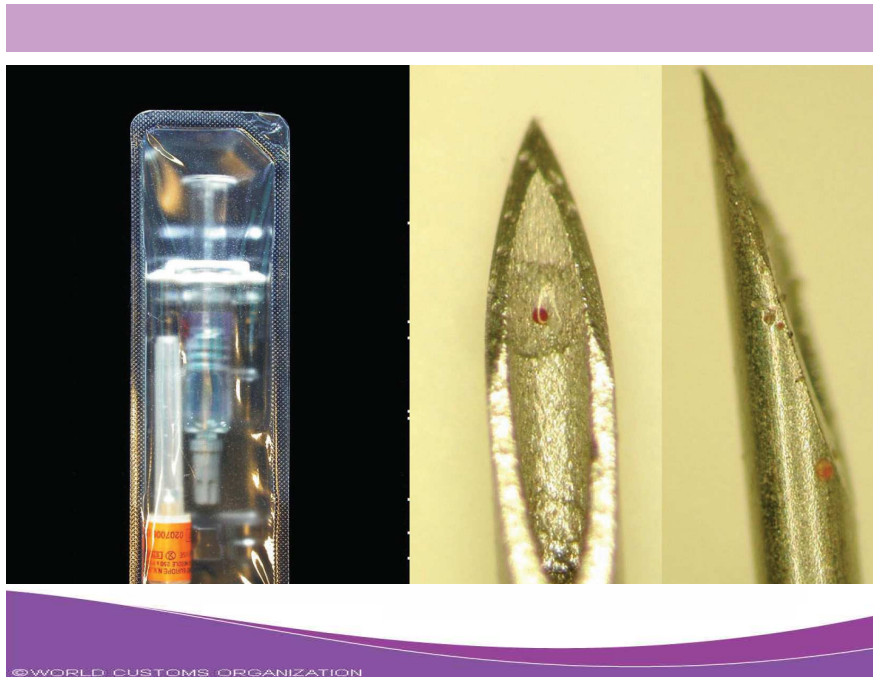
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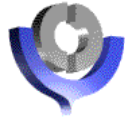
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**La lutte contre la piraterie
et la contrefaçon, c'est**

? Important ?

? Prioritaire ?



**NOTHING IS GENUINE
ANYMORE ...
EXECPTED ...**

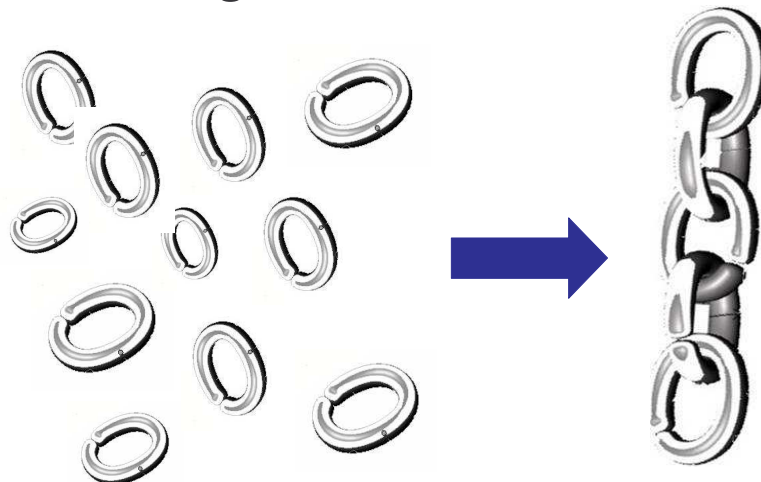


WCO SECURE PROGRAMME

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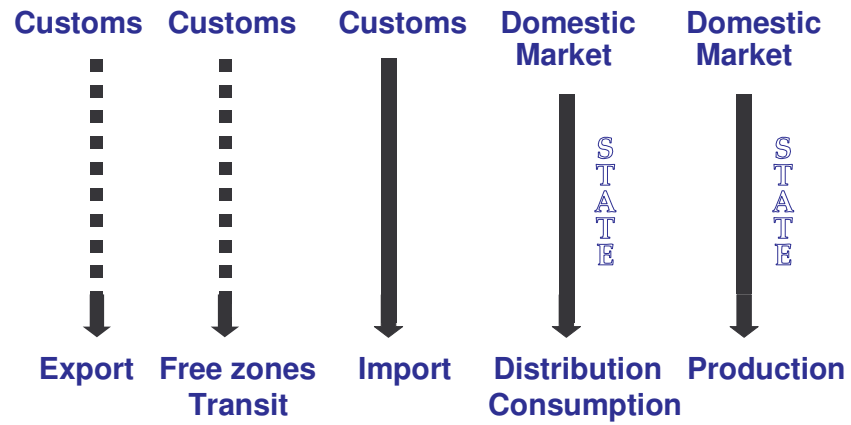
**SECURE will join up the links:
creating a secure Customs chain**



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Lines of defence against piracy




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Merci

2008 APEC CUSTOMS – BUSINESS DIALOGUE



Identifying counterfeited
and pirated
goods

**Martín Moscoso, LLM Head
of Copyright Office - INDECOPI**

INDECOPI suma esfuerzos al servicio del mercado

Genuine Products Manufactured by Nakajima USA (Sanrio Inc.'s
(Sanrio USA) Main Licensee)



- CE Mark, Sanrio GmbH's company information
- Bar Code: 8 81780 --- Nakajima USA, 024871 --- Product Number (last figure "1" is check digit)
- Sanrio License Logo
- 650 --- Suggested Retail Price in Japan, 02487-2 --- Product Number and Check Digit
- 4.95 --- Suggested Retail Price (US Dollar)
- Copyright Notice
- Nakajima USA's Company Information
- Country of Origin

Genuine Tag for the Products Manufactured by Sanrio Inc. (Sanrio USA)



CE Mark
Sanrio GmbH's
Company information

Bar Code 0 39937...Sanrio
Inc., 306763...Product Number
(last figure "3" is check digit)

Copyright Notice
Sanrio Inc.'s Company Information
Japanese Words for sale in Japan
Website address of Sanrio Inc.
Country of origin

PRODUCT QUALITY



Packing quality

PIRATE

ORIGINAL



SUPERMAN



Use of different trademarks



Use of characters



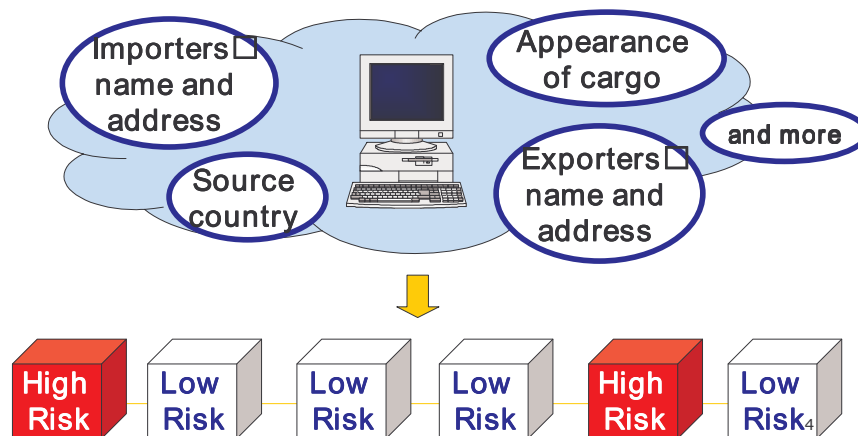
Data Exchange as an Assistance Tool in the Intellectual Property Rights Border Protection



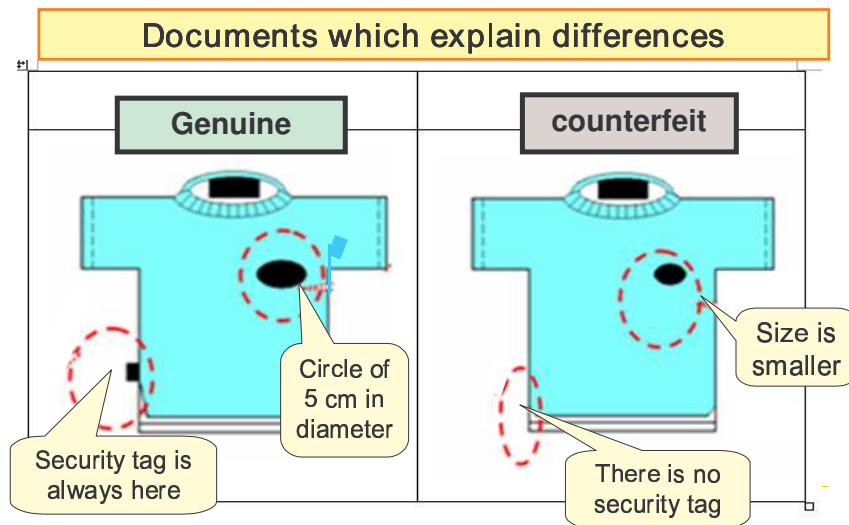
APEC Customs-Business Dialogue 12 Aug 2008
Saori NOJIMA,
IPR Specialist, IPR National Center, Japan Customs

Suspension application from right holders

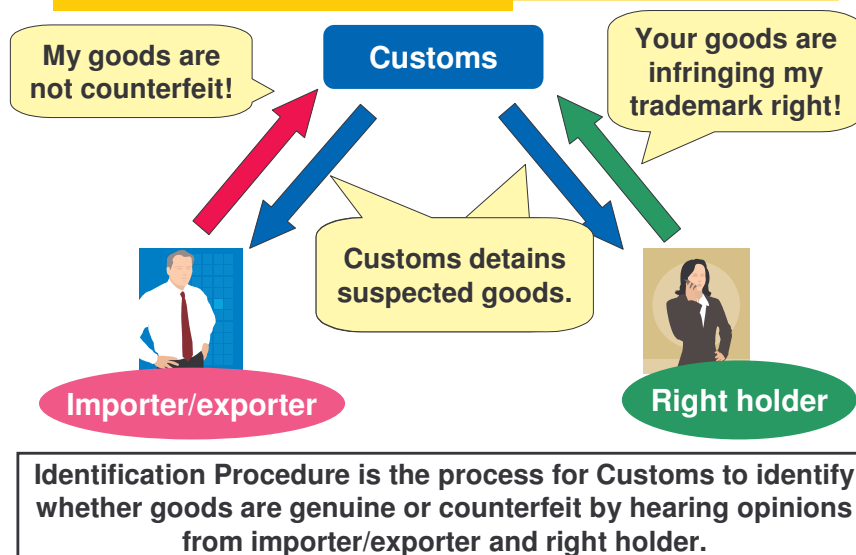
Risk assessment with information from right holders



Suspension application from right holders



Identification procedure



Cost

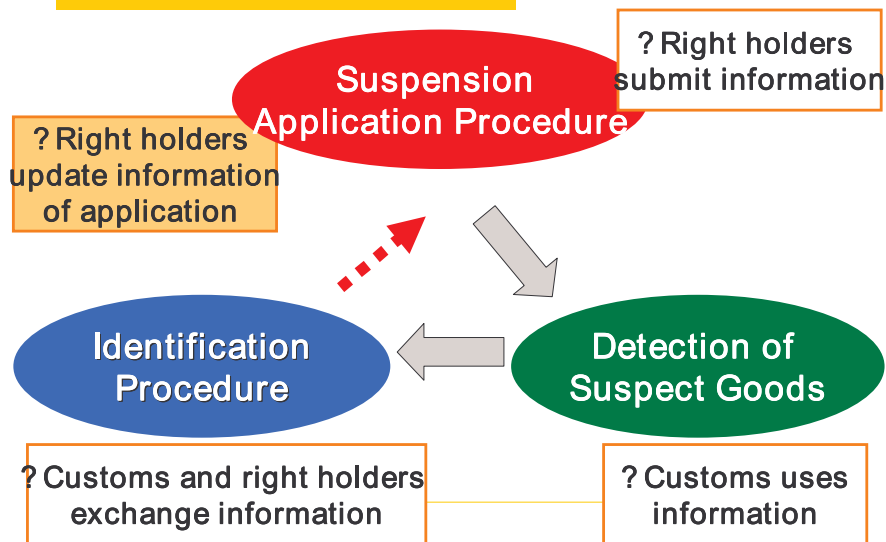
Free of charge for Right Holders

- Application for Import/Export Suspension
- Detention of suspicious goods
- Identification Procedure
- Storage
- Seizure & Destruction



7

Good circulation for effective enforcement



Advantages and attractions for lodging applications

- **No fee** for lodging applications and identification procedure (Trigger for cooperation)
 - Simplified identification procedure is taken for the goods covered by suspension applications (**Reduced burden**)
 - Some information such as right holder's name, their registered rights etc. in accepted application is disclosed on the web (**Public awareness**)
-

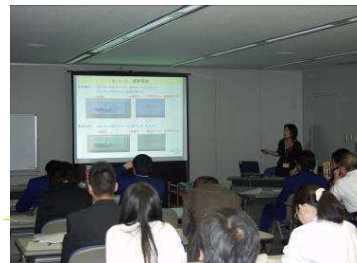
9

Cooperation with Right Holders

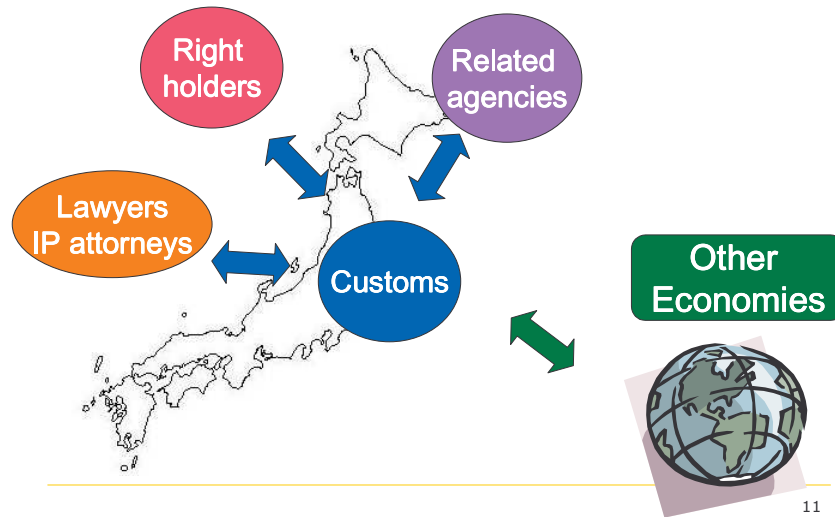
Training for Customs Officers



- Over 140 seminars
- A total of 3,600 participants (in 2007)



Cooperation for effective enforcement



International Cooperation

- Framework of international organization
- Agreements regarding mutual assistance and cooperation in customs matters
- Tripartite Working Group on IPR (Japan China Korea)

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Thank you for your attention



For more information (Japan Customs HP)
<http://www.customs.go.jp/english/index.htm>

chiteki@tokyo-customs.go.jp

1

Participation of Business in IPR Border Protection

August 12, 2008 - Callao, Peru
Yoshihito ISHIKAWA
Matsushita Electric Industrial Co., Ltd.
(Panasonic)

CONTENTS

I. Introduction of Activities by Japanese Business

II. Encourage Business to Participate

III. How to Facilitate Participation of Business

IV. International Information Sharing

2

I. Introduction of Activities by Japanese Business

3

Problems Japanese Industries Are Facing with



Counterfeit motorcycle



Pirate copies of "Manga" DVDs

source: CODA <http://www.coda-cj.jp/>

Copied toy

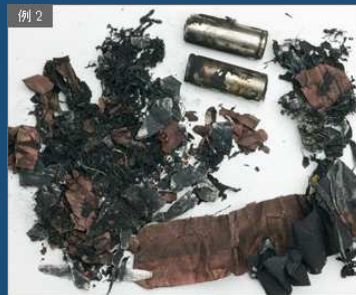


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Problems Japanese Industries Are Facing with

Counterfeit Products
Poor Quality = Hazardous Products

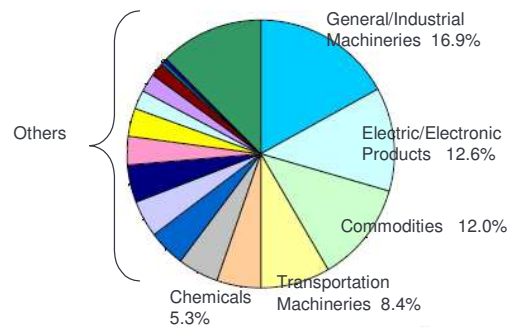
Counterfeit batteries may explode or burn!



5

Problems Japanese Industries Are Facing with

Composition of Industry Segments Suffering Infringements 【N=856】



(based on number of Japanese companies which acknowledged damage caused by infringement)

6

Problems Japanese Industries Are Facing with

Implication of Counterfeit/Pirate Products to Business

Loss of sales/profits

Discourage investment, R&D and creation

Damage to market's reliance to brand

7

Formation of IIPPF



- ◆ Name: International Intellectual Property Protection Forum "IIPPF"
- ◆ Established: April 16, 2002
- ◆ Members:
84 associations and 97 companies

◆ A Forum :

- having strong incentive to solve counterfeit/pirated copy problems
- organize opinions in the industry world
- take concerted actions towards domestic and foreign governmental agencies
- reinforcing cooperation with government of Japan

8

II. Encourage Business to Participate --- And Difficulties Preventing Business

9

Why Participation of Business Desired?

- ✓ complicated
- ✓ internationalized
- ✓ sophisticated

Recent Infringement

requires



obtainable from companies suffering

Information More

- comprehensive
- detailed
- up-to-date

Participation of and sharing information with business



- 👍 effective
- 👍 efficient
- 👍 timely

Enforcement

10

Best Practices of Public/Private Cooperation (1)

1. Cooperation with Enforcement Body Including Customs Offices



Information exchange meeting between customs office and business

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Best Practices of Public/Private Cooperation (2)

2. Public Awareness

IPR Seminars

Industries learning best practices of leading companies



Activities for Children
Educational program fostering understanding of importance of IPR

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Difficulties Private Sector Is Facing with

1. Lack of Resources

- staff
- budget



More serious for SMEs

2. Appreciation by Management

Management must be convinced its anti-counterfeit/piracy activities bring benefits that meet costs

benefits for business: sales/profits, brand value, risk management etc.

3. Visible Results

Prevention or reduction of infringement *as a result of* anti-counterfeit/piracy activities must be recognized

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III. How to Facilitate Participation of Business --- Assist to Remove or Reduce Difficulties

14

Facilitation Means by Public Sector (1)

A. Reduce cost to participate

Monetary

1. Expenses of storage and disposal
2. Deposit

Tasks

1. Screening
2. Sensitive Information

15

Facilitation Means by Public Sector (2)

B. Increase benefit to participate

Transparency

1. Disclosure of progress
2. No resale or reuse of seized goods

Effectiveness

1. No repetition of illegal acts
2. No circumvention

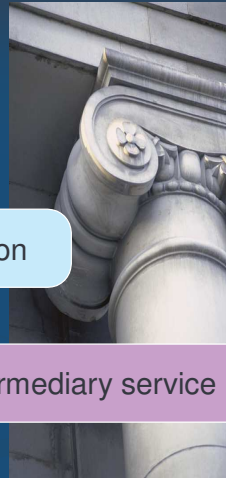
16

Additional Assistance for SMEs

1. Capacity building

2. Subsidy/Tax exemption

3. Intermediary service



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IV. International Information Sharing --- For More Efficient and Effective Protection

18

Domestic and International Cooperation

Business welcomes cooperation among those who share common interests against counterfeit/pirate products.

1) Authorities within each economy

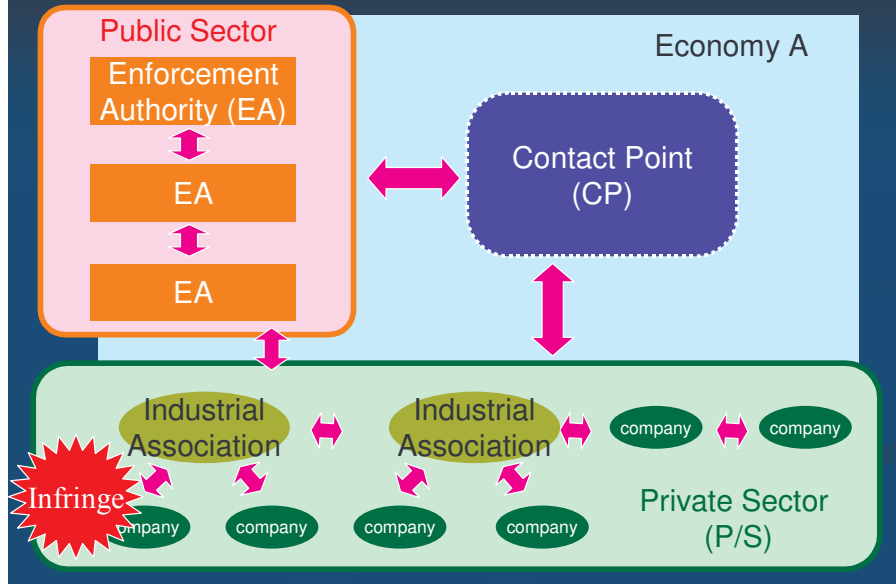
- Customs
- Police
- Administration for auto-motives, food, drug, etc
- Patent and Trademark Office
- Court of law and so on

2) Economies

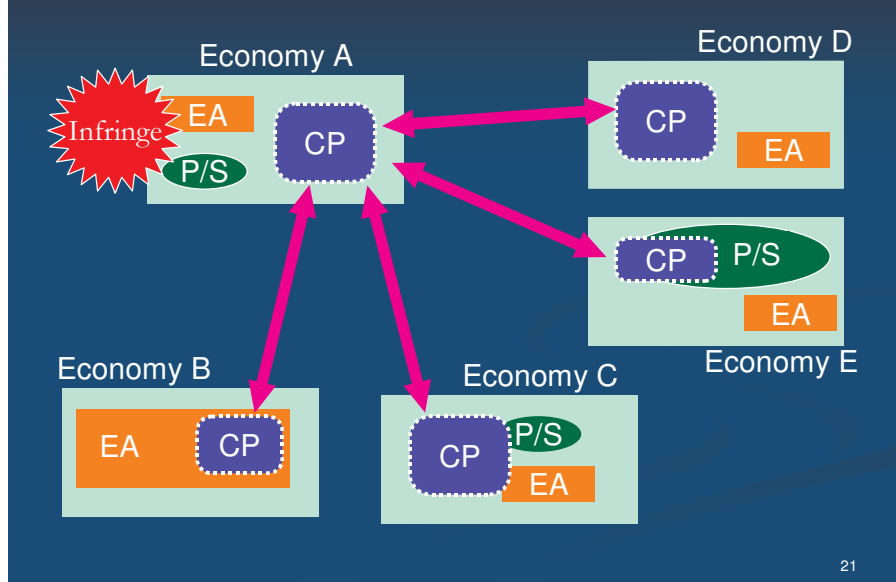
- Victims of common counterfeit/pirate products
- Exporter and Importer relationship

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Information Sharing Platform in Each Economy




International Information Sharing Framework



Thank you


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**Asia-Pacific
Economic Cooperation**

**STUDY TO IDENTIFY BEST PRACTICES IN
PROCESSES
FROM TRANSPORTATION ARRIVAL
TO THE PRESENTATION OF GOODS
DECLARATION**

Mr. Rafael Reaño



**Callao - PERU
12 August, 2008**

1



CONTENTS

1. Background
2. The Project
 - 2.1 Project information
 - 2.2 Purposes and framework of the Project
3. Questionnaire
4. Some interesting findings



1. BACKGROUND



BACKGROUND

Joint Ministerial Statement in Hanoi:

- ✓ Importance on trade facilitation to achieve Bogor Goals
- ✓ Strengthening of capacity building and business participation
- ✓ Further work on transaction cost reduction
- ✓ Importance on strengthen public-private partnership in trade facilitation initiatives proposal



BACKGROUND

14th APEC Economic Leaders Meeting– Hanoi Declaration:

- ✓ Stressed the importance of a 5% trade transaction cost reduction in the region by 2010
- ✓ Creation of more secure and positive business environment
- ✓ Importance on trade facilitation in order to achieve Bogor goals



BACKGROUND

Reduction of trade transaction costs:

- ✓ Customs Administrations: From presentation of goods declaration to goods release. Major role.
- ✓ Trade Community: From transportation arrival to presentation of goods declaration. Major role.
- ✓ The project: Aims to establish a general framework to optimize processes in the segment of the international transport chain where trade community performs a major role.



2. THE PROJECT

2.1 Project Information



PROJECT DATA

- **Title:** Study to identify best practices in processes from transportation arrival to the presentation of goods declaration
- **APEC number:** CTI 16/2008T
- **Modality :** Analysis and research. Consultant services
- **Budget:** APEC TILF Special Account and SUNAT self-funding
- **Co-sponsoring Economies:** The Philippines and Singapore.
- **Term:** January to November, 2008



PROJECT OBJECTIVES

- ✓ Analyze and disseminate the results obtained from the questionnaire
- ✓ Identify best practices
- ✓ Develop a report (study)



PROJECT DISSEMINATION

Printed format and magnetic support.

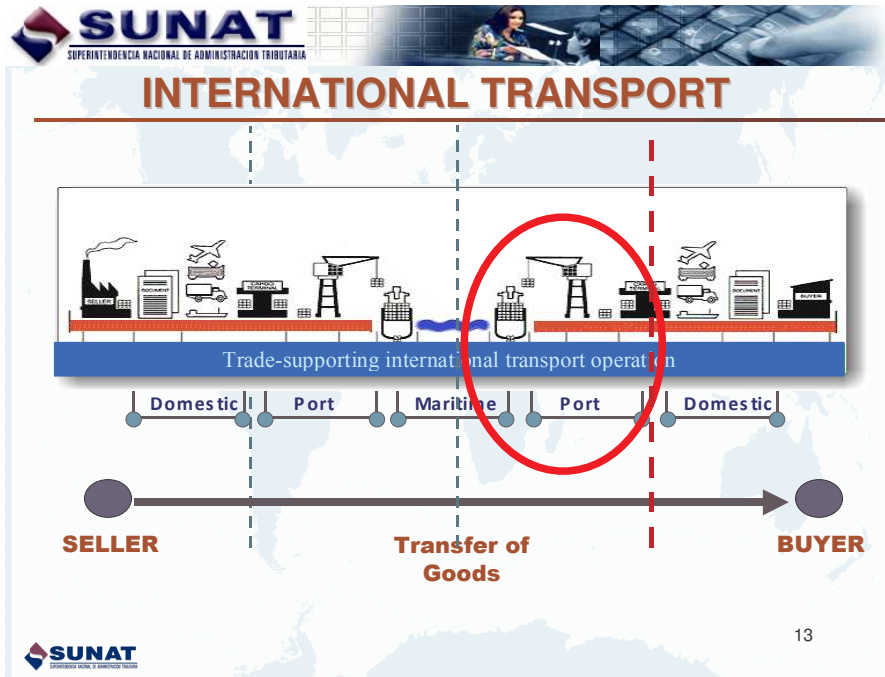
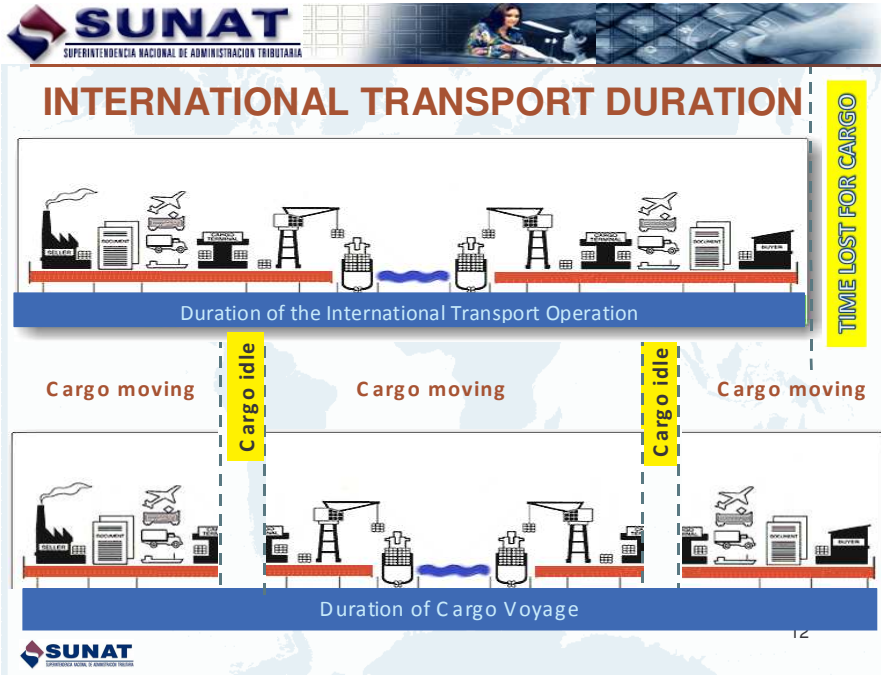
Distribution to APEC Member Economies,
foreign trade operators and related trade
international organizations.

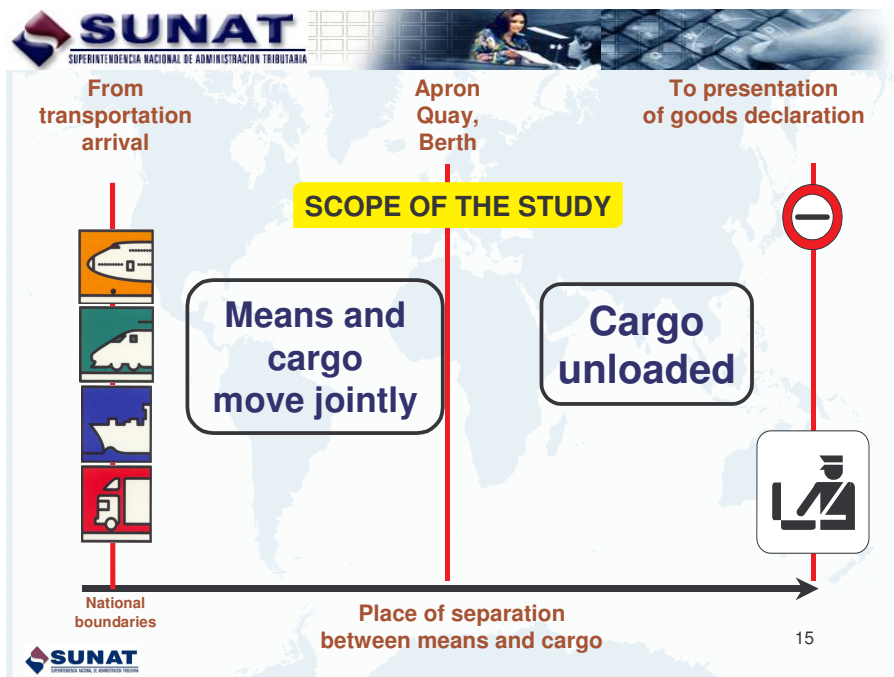
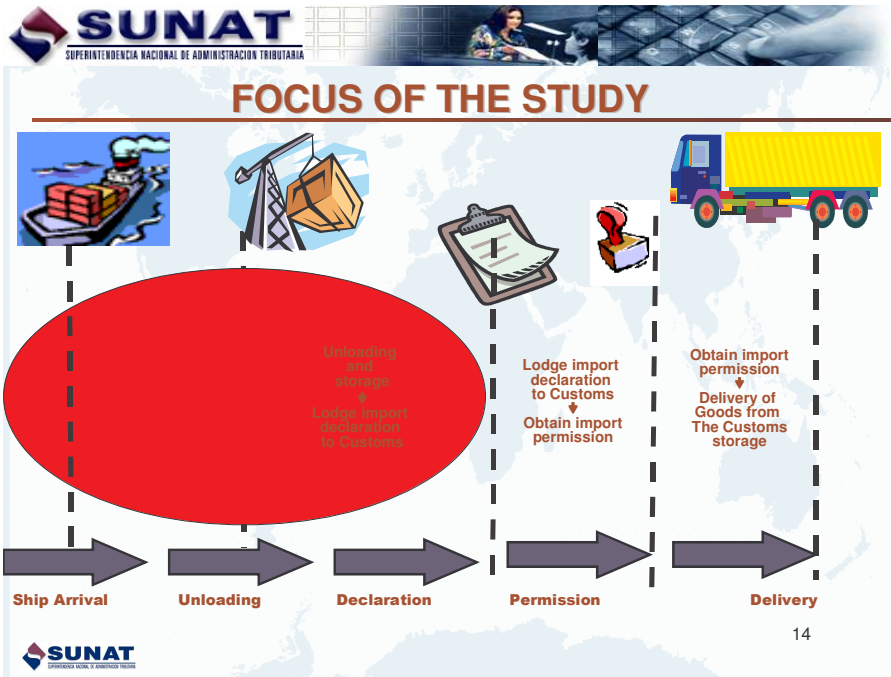
Dissemination on APEC website.

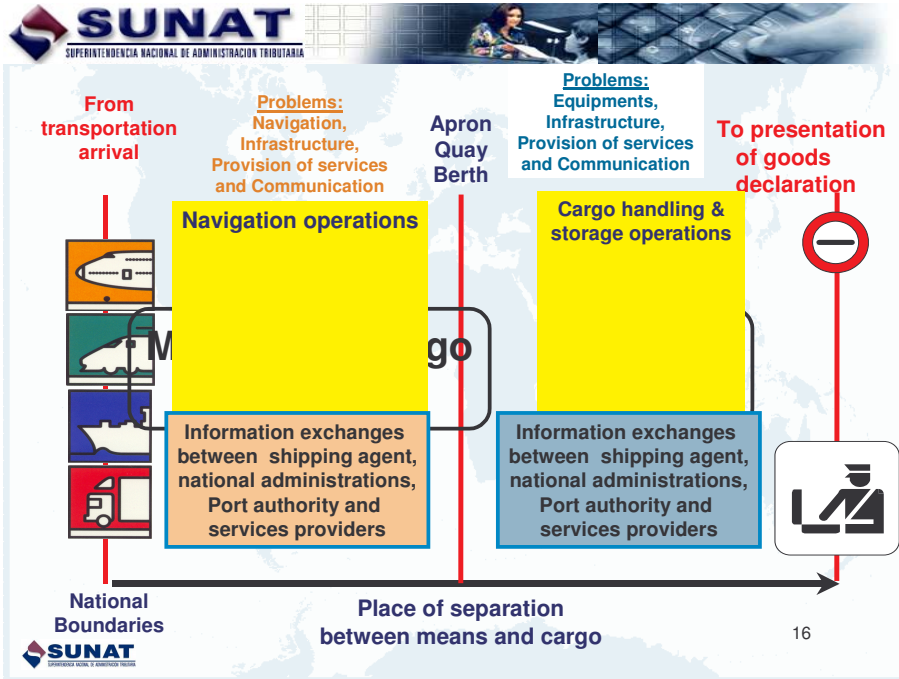


2. THE PROJECT

2.2 Purposes and Framework







SUNAT
SUPERINTENDENCIA NACIONAL DE ADMINISTRACION TRIBUTARIA

3. QUESTIONNAIRE

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QUESTIONNAIRE

Addressed to:

- Customs administrations
- Cargo interests (e.g. importers)
- Transport and cargo service providers

Made of 55 questions addressing potential factors for delay;

Distributed into 3 categories:

1. Factors attributable to interface facilities;
2. Factors attributable to other stakeholders; and
3. Use of data/information technology standards.



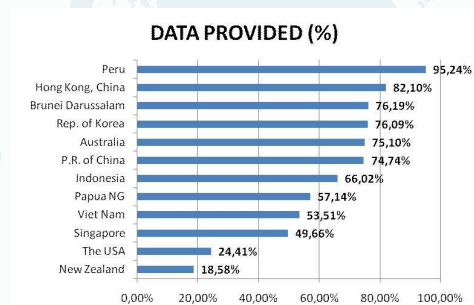
INFORMATION RECEIVED

Economies that responded to the Questionnaire

Developed Economies	
Australia	
Hong Kong, China	
Republic of Korea	
New Zealand	
Singapore	
The USA	

Developing Economies	
Brunei Darussalam	
People's Republic of China	
Indonesia	
Papua New Guinea	
Peru	
Viet Nam	

Level of information submitted as a percentage of answers to questions





4. SOME INTERESTING FINDINGS



FACTORS ATTRIBUTABLE TO FACILITIES

Infraestructure constraints

- > Inadequate capacity of facilities
- > Inadequate navigation aids and facilities
- > Bunching of transport means
- > Poor road network within facilities



FACTORS ATTRIBUTABLE TO FACILITIES

Low cargo handling capabilities

- Inadequate cargo handling equipments / machinery
- High down (breakdowns) time of equipments
- Low labor productivity
- Regulatory restrictions on working hours



FACTORS ATTRIBUTABLE TO FACILITIES

General information related to the use of Information and Communication Technology (ICT)

- Insufficient ICT implementation in facility operations
- Limited time for payment and documentation



FACTORS ATTRIBUTABLE TO OTHER STAKEHOLDERS

Cargo Evacuation Constraints

- Slow evacuation of cargoes from the areas leased/licensed to user
- Document readiness
- Mismatch at transfer points



FACTORS ATTRIBUTABLE TO OTHER STAKEHOLDERS

Statutory inspection and procedures

- Procedural formalities of regulatory authorities
- Limited working hours by Customs and other Government Agencies
- Lack of inspection/testing facilities for edible/plant/drugs at the port



FACTORS ATTRIBUTABLE TO OTHER STAKEHOLDERS

Participation of services providers

- Competition among services providers
- Deployment of private cargo handling equipments and systems
- Delay in mobilization of cargo handling equipments by stevedores
- Inadequate IT implementation
- Onboard stowage of cargo



DATA/INFORMATION TECHNOLOGY STANDARDS

- ✓ Use of international standards in Port Community System/Single Window
- ✓ Incorporation of the Unique Consignment Reference (UCR)
- ✓ Business services and processes operating in Port Community System / Single Window



IN SUMMARY

Results reflect:

- Idle time between arrival and berthing/apron and between the latter and filing of goods declaration.
- Similar problems for means of transportation and cargo attention.
- The diversity between Developed and Developing Economies.
- In general, more constraints related to other factors than port, airport or landport facilities.



**THANK YOU
FOR YOUR ATTENTION**



APEC Symposium on Total Supply Chain Security

Supply Chain Security and Trade Facilitation:
A Perspective on Business Responsibility

Andrew Jackson
Executive Program Manager – Growth Markets
IBM Corporation



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2008 APEC Customs – Business Dialogue

A day in the life of IBM:

- Global Enterprise (170+ Countries)
- 63% of 2007 revenue from non-US operation
- 69% of employees are in non-US operations
- We operate a large complex global supply chain
– \$38B in spend annually with many suppliers
- We must remain *Compliant, Secure & Efficient to compete*
- We are focused on growth markets

2 Andrew Jackson © 2008 IBM Corporation

Why is the WCO important to IBM? continued

- Our annual Scope

- 170 countries
- 500k+ Customs Declarations
- \$25B moving cross border

1B+ pounds shipped
5M Part Numbers
Controlled technology



Common requirements & efficient processes increase the ability to comply

Global Economic Integration:

- Technology innovation is enabling businesses to expand their operations internationally, fueling the global economy
- Globally integrated enterprises locate their operations and functions anywhere in the world based on:
 - the right cost
 - the right skills, and
 - the right business environment
- Countries that align their strategies can grow their economies
 - Develop skills
 - Provide a secure environment
 - Create efficiencies / opportunities for business to lower costs
- Global economic integration is fundamentally changing business
 - Business, governments, and institutions need to adapt to the changing environment

Countries with efficient governance encourage industry investment

What legitimate traders expect from Customs

- Predictability
- Common processes (adherence to global standards)
 - Data
 - Process
- Rapid clearance times
- Low cost processing
- Mutual recognition
- Voluntary partnership programs with collateral benefits
- Asset & Brand protection
- Clarity of rules
- Consistency of treatment

Customs capabilities are key supply chain considerations

World Customs Organization (WCO) SAFE Framework

Represents the common, global supply chain security standard.

- On June 24, 2005, the 166 WCO member countries (representing 99% of global trade) unanimously adopted the WCO Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework)
- 150 WCO Members have indicated their intent to implement the SAFE Framework
- WCO Framework core elements:
 - common advance electronic cargo information requirements on inbound, outbound, and transit shipments;
 - consistent risk management approach to address security threats;
 - non-intrusive outbound inspection of high-risk containers; and
 - customs will provide benefits to businesses that meet minimal supply chain security standards and best practices.



Authorized Economic Operator (AEO) Guidelines

Supply chain security requirements under the SAFE Framework.

- In June 2006, the WCO member countries adopted the international guidelines for Authorized Economic Operator (AEO) status.
- AEOs are parties involved in international trade (e.g., importers, carriers) that have implemented required security standards and best practices.
- In return for their security investments, AEOs will receive benefits such as reduced risk-targeting assessments and inspections and expedited processing of their goods by Customs.



WORLD CUSTOMS ORGANIZATION

Government Initiatives

Common global standards will drive supply chain efficiencies

- **Customs Relationship Management**
 - Establish relationships with 20 Customs organizations that are considered most critical to IBM's asset based supply chain
 - Promote partnerships between Customs and industry on supply chain security
 - Discuss support needed for common standards – e.g., WCO Framework
 - Expedite implementation of programs as outlined in the WCO Framework
- **World Customs Organization (WCO)**
 - Member of the Private Sector Consultative Group (PSCG)
 - Provide input regarding SAFE Framework of Standards to Secure and Facilitate Global Trade and Authorized Economic Operator (AEO) program
 - Benefits for industry participation
 - Mutual Recognition
 - Participation by Small and Medium Enterprises
 - Adoption of harmonized partnership programs will prevent conflicting requirements and unnecessary inefficiencies in a global supply chain

Country	Meeting Date
United States	Ongoing
Mexico	24Apr2004
EC HQ	07Mar2005
Germany	08Mar2005
United Kingdom	10Mar2005
Ireland	11Mar2005
Australia	17Mar2005
Canada	29Mar2005
Japan	24May2005
Taiwan	27May2005
Singapore	15Jun2005
Malaysia	16Jun2005
Thailand	17Jun2005
China	20Oct2005
Brazil	07Mar2006
France	28Mar2006
Hungary	07Jun2006
Korea	09Nov2006
India	25Apr2007
Russia	02Oct2007

AEO Programs have been implemented more than 30 countries

...



Partners in Protection (PIP) Canada



Singapore Secure Trade Partnership (STP)



Japan AEO



Customs-Trade Partnership Against Terrorism - US



Australia (Pilot)



Free and Secure Trade (FAST) Program
US/Canada US/Mexico



European Union AEO



Sweden STAIR Sec



New Zealand Secure Export Scheme

IBM was an early adopter of AEO requirements and has participated in numerous AEO pilots, ...



Singapore S



Australia AEO (Pilot)



Partners in Protection (PIP) Canada



Hungary AEO (Pilot)

... encourages AEO participation by other companies ...

- IBM-sponsored SCS white papers and research
- Trade articles
- Numerous Customs-trade committees and
- Industry associations

... and implementation by Customs in other countries.

- WCO Private Sector Consultative Group (PSCG) member
 - Comprised of 30 representatives of supply chain business entities
 - Advises the WCO regarding matters related to the SAFE Framework, such as amendment and appeals processes
- Industry representative to the WCO Columbus Program
- Input to Customs in many countries as they prepare to implement AEO programs

Don't forget Trade Facilitation.....

- IBM has been an active participant in Trade Facilitation Programs in many countries.
- These programs come in various guises [Importer Self Assessment (ISA), AEO, Golden Client, Green Lane, Accredited Client, Empresa Certificada and Customs Self Assessment]
 - Essentially these are defined, identifiable trade facilitation programs with an application and accreditation process that offer successful applicants benefits (eg reduced inspection, expedited clearance, removal from audit pool, periodic declaration, duty deferral) for demonstrating a superior level of compliance with customs' requirements.
- As many customs authorities rebalance from a revenue collection/law enforcement focus towards a risk based compliance and trade facilitation approach these programs

IBM Participation in Trade Facilitation Programs:

- Canada (*Customs Self Assessment*)
- China (*Accredited Client*)
- France (*Trusted Partner Status*)
- India (*Accredited Client*)
- Korea (*Accredited Client*)
- Mexico (*Empresa Certificada*)
- Philippines (*Super Green Lane*)
- Taiwan (*Accredited Client*)
- Thailand (*Gold Card**)
- US (*Importer Self Assessment*)

IBM's recommendations

Industry – this is your supply chain ...

- Pursue common standards and processes
 - Streamline processes to keep cost down
- Track and promote benefits of investing in supply chain security
 - ROI/Collateral benefits
 - Efficiency and productivity
- Be industry leaders
 - Be outspoken
 - Be a part of the process

Governments – this is an opportunity for valuable partnerships ...

- Be an influence
- Accelerate implementation of common WCO SAFE Framework
- Establish Government – Industry consultation groups to drive Authorized Economic Operator (AEO) aspects of framework
- Begin pilot programs with trusted industry partners and major trading countries



ajackson@au1.ibm.com



CLADEC - Conference of Latin American and Caribbean Express Companies

Customs Committee
Adrián Correa-Sobrado
Chairman

The Importance of the Express Delivery Services

The Express Delivery Industry, worldwide:

- Is an accelerator of capital reinvestment cycles.
- Integrates 230 countries with door-to-door expedite delivery services (24 to 48 hours).
- It carries 32 million shipments per day.
- Its combined task force comprises more than 1,700 dedicated airplanes; 200,000 vehicles, and 1.25 Million employees.
- Its combined revenue is US\$130 Billions / year.
- **It carries 40% of the value of all commodities transported by air.**
- **It generates collection of US\$115 Billions in Duties and Taxes.**
- CLADEC comprises 21 national express companies' associations, including those of Peru, Mexico and Chile.

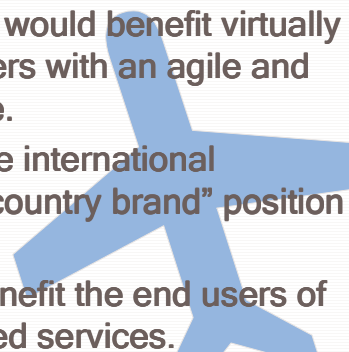


Our Key Message:

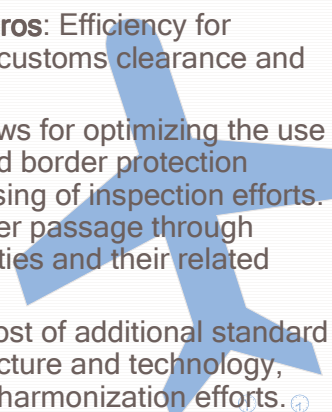
Trade facilitation and reduction of transaction costs should be achieved through implementation of security measures and risk management in the supply chain, as set forth in the WCO's *Revised Kyoto Convention*, the *Immediate Release Guidelines*, and the *SAFE Framework of Standards*.



(1) The Goal: To achieve trade facilitation and reduction of transaction costs

- These “overarching goals” would benefit virtually all international trade players with an agile and cheaper international trade.
 - They would also benefit the international competitiveness and the “country brand” position of the different economies.
 - Finally, they would also benefit the end users of the commodities and related services.
- 

(2) The Ways and Means: Security and Risk Management.

- **Security in the Supply Chain. Pros:** Efficiency for expeditious logistics, carriage, customs clearance and distribution.
 - **Risk Management. Pros:** It allows for optimizing the use of the resources of customs and border protection agencies through a better focusing of inspection efforts. This entails a faster and cheaper passage through customs for “reliable” commodities and their related international trade players.
 - **Cons. (for both):** the inherent cost of additional standard operating procedures, infrastructure and technology, plus cumbersome training and harmonization efforts.
- 

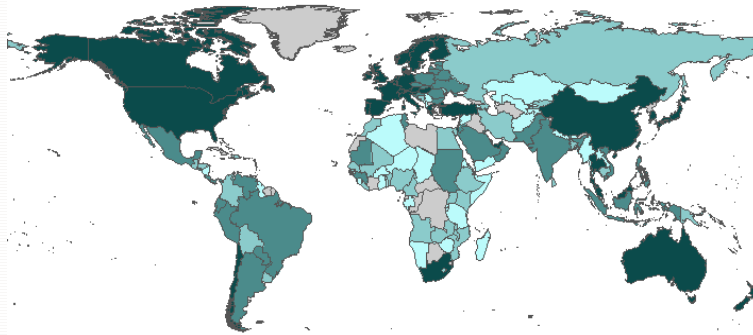
(3) The strategy: the WCO instruments.

- **Revised Kyoto Convention** - Substantive best practices.
- **Immediate Release Guidelines** - Adjective best practices.
- **SAFE Framework of Standards** - Security guidelines for customs and border protection agencies and private players. *The Authorized Economic Operator (AEO) is one of its key elements.*



The World's Bank *Logistics Performance Index 2007*

- The darker-shaded economies (more observant of the WCO instruments) ranked better in the World Bank's *Logistics Performance Index 2007*



(4) Conclusions

- Once the WCO best practices, recommendations, and framework of standards are applied, international trade has shown to become simpler, and its costs, more reasonable for the compliant players.
- Those players who do not comply or are not trustworthy are finding that carriage across borders and distribution through undesirable methods, or of undesirable commodities, becomes every time more difficult and expensive.
- This shall contribute to place them in unfavourable market positions, and to force them into clandestineness, and, eventually, termination of their activities.

*Conference of Express Companies of
Latin America and the Caribbean*

Thank you



“Benefits on ATA Carnet System to APEC Customs Authorities and to Business community ”

The 45 year ATA experiment

by Carmen Fuentealba
APEC Customs Business Dialogue
Lima, Peru, August 12, 2008

“The ATA Carnet System is perhaps the most successful example of international cooperation between governments and the private sector.”

ATA Carnet

- ⊕ A 45 year old expression of cooperation and trust between and among:
 - public sector (e.g., customs—national and foreign)
 - private sector (e.g., business associations and exporters)
 - intergovernmental bodies (i.e.,WCO)

- ⊕ ATA Carnet system dates to 1963

ATA Carnet

The ATA Carnet is:

- ⊕ An international Customs document created to facilitate the temporary admission - duty-free and tax-free - of three main categories of goods in foreign countries:
 - Commercial samples
 - Professional equipment
 - Goods intended for fairs and exhibitions.

- ⊕ An international "Guarantee" to Customs authorities worldwide that duties and taxes payable will be paid.

- ⊕ The ATA Carnet is currently operating in more than 65 countries throughout the world.

APEC economies participating in the ATA Carnet System

14 APEC economies have joined the ATA Carnet System

AUSTRALIA	JAPAN	SINGAPORE
CANADA	KOREA	TAIPEI
CHILE	MALAYSIA	THAILAND
CHINA	NEW ZEALAND	USA
HONG KONG	RUSSIAN FEDERATION	

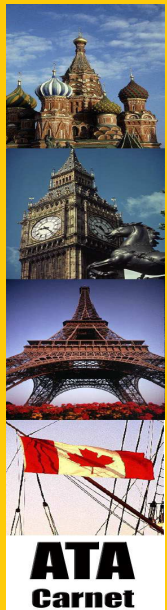
ATA Carnet

is the
Merchandise Passport,
the **Passport for Goods**



Passport for the ordinary ...

- ⌚ wearing apparel and accessories
- ⌚ computer components and systems
- ⌚ Munich Symphony and Bolshoi Ballet
- ⌚ BBC and CNN camera equipment
- ⌚ gems and jewelry
- ⌚ pottery, ceramics, glassware
- ⌚ furniture and household goods
- ⌚ electronics



Passport ... and the extraordinary

- ⌚ horses, yachts, and other sporting equipment for Athens Olympics
- ⌚ tools to repair airport radar systems
- ⌚ camera, sound and lighting equipment for "Lord of the Rings"
- ⌚ Harley Davidson motorcycles
- ⌚ McLaren grand prix cars
- ⌚ Cirque du Soleil
- ⌚ New York Philharmonic
- ⌚ human skulls

Problem...Solution

Problem:

- ⊕ to treat equitably all goods clearing customs

Solution:

- ⊕ Varying national laws on temporary importation

Problem...Global, Collaborative Solution

Problem:

- ⊕ Varying national customs systems

Solution:

- ⊕ ATA Carnet, a global customs system for temporary importation

Private/Public Cooperation

- ⊕ ICC/WATAC worked in tandem with WCO during the drafting (1956-1961) of the original ATA conventions
- ⊕ ICC/WATAC and WCO: co-administrators of the ATA system
- ⊕ ICC/WATAC initiated subsequent ATA reforms
- ⊕ ICC/WATAC continues to participate as a formal “observer” at WCO Permanent Technical Committee

Private/Public Cooperation

- ⊕ Control and release
 - goods enter and are discharged without the deposit of duties and taxes at the port
 - because worldwide, all Carnets are guaranteed by a security deposit (in the U.S., we take 40% of the value)
- ⊕ Customs validate the Carnet and release the goods without delay
- ⊕ If duties become due, customs contacts the local ATA Carnet managing institution (NGA) to recover monies due on foreign Carnets, according to usual timelines



Benefits of the ATA Carnet System

Benefits to Business

- ⊕ Simple “common” document
- ⊕ Completed in country of export
 - prior to departure
 - predetermined costs
 - local language
 - paid in local currency (e.g., dollars, yen)
- ⊕ Fewer delays at time of entry
- ⊕ Minimize language problems

Benefits to Business

- ⊕ Eliminates posting financial guarantee in foreign country
 - no temporary importation bond
 - no cash deposit of duties/taxes
 - no capital in foreign customs custody
 - reduces risk associated with carrying large sums of foreign currencies
- ⊕ Acts as registration in the country of departure
- ⊕ Fulfills obligation to post security at time of import

Benefits to Business

- ⊕ Travel to any/all 65 countries
- ⊕ More flexible than Temporary Import under Bond (TIB)
- ⊕ Easier, faster and less expensive than duty drawback
- ⊕ Simplifies situations where exit and entry are different

Benefits to Business

- ⊕ Saves time and money
- ⊕ Partial and split shipments are possible
- ⊕ Easy to obtain
- ⊕ Competitively priced



ATA Carnets increase business for

- professionals: e.g., film and TV crews, entertainers, theatrical troupes, musical groups, athletic equipment, technicians
- business travelers with samples
- exhibitors at trade fairs

Benefits to the Economy

- ⊕ ATA Carnets help local business, exporters, etc. to compete with foreign traders on equal terms on the world market.
- ⊕ ATA Carnets facilitate the conduct of business overseas and stimulate trade (foreign and domestic).
- ⊕ ATA Carnets contribute to encourage and stimulate technical progress
- ⊕ ATA Carnets contribute to promote economic expansion:
 - To create jobs
 - To increase tourism
 - To stimulate investments

Benefits to the Economy

- ⊕ ATA Carnets contribute to:
 - Promote in-flows of foreign currencies from business travellers
 - Reduce transfer of national currency abroad.
- ⊕ ATA Carnets are powerful instruments in promoting countries:
 - As convenient investment and business centers
 - As attractive destinations for international trade fairs and similar business events.



For more **info:**

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Part IV.
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Canada	Ms	Pauline Dimillo	Canada Border Services Agency
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Chinese Taipei	Mr	Chang-Ken Chen	Department Of Customs Administration, MOF
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Outcomes of the Dialogue

The APEC Customs – Business Dialogue was held at Real Felipe Fortress in the Constitutional Province of Callao, Lima – Peru on 12 August 2008. The main theme of this forum was *Towards an Effective Trade Facilitation and Protection of Intellectual Property Rights* and it was divided into two sessions that were in charge of eight speakers and two panelists representing Customs, business and public sector, and international organizations and whose presentations enabled the experience exchange on two issues considered important in the Leaders and Ministers' Declaration in Sidney-Australia in 2007. These two main themes were: '*Promoting Mechanisms of Intellectual Property Rights Border Protection*' and '*Security in the Supply Chain and Trade Facilitation*'.

A total of 230 representatives from Customs and participants in foreign trade within APEC, such as customs brokers, exporters, importers, trade associations, Customs warehouses, chambers of commerce, and representatives from academia, public sector and delegates from international organizations such as the World Customs Organization and the International Chamber of Commerce attended the event.

From the session on Intellectual Property Rights Border Protection, the outcomes are the following:

- The fight against counterfeiting and piracy is a global problem that we all face;
- The information exchange permanently updated by right-holders is an essential tool in law enforcement to effectively detain suspected goods at the border, determine if suspected goods infringe IPR (a more effective information exchange if in advance), and establish simple, secure and effective communication channels;
- Information exchange agreements with right-holders and cooperation in capacity building for Customs administrations' staff are necessary in order to accurately recognize and identify goods to be genuine or counterfeit to deal with complicated cases;
- Legislation should be improved including drastic sanctions as effective incarceration and seizure of infringing goods, and cooperation with right-holders should also be enhanced in order to improve the development of a specialized analysis and risk management system with information provided by right-holders and thus, guide efforts of Customs administrations towards high-risk clearance; and,
- International agreements on mutual assistance and cooperation should be established considering an appropriate treatment of information confidentiality.

From the session on Security in the Supply Chain and Trade Facilitation, the outcomes obtained are as follows:

- Trade facilitation is promoted by transaction time and cost reduction through the implementation of security measures, risk management in the supply chain using international standards in Information and Communication Technology, compliance of provisions established in the Revised Kyoto Convention, Immediate Release Guidelines and WCO SAFE Framework of Standards;
- In order to secure compliance of minimum-security standards in the supply chain, the WCO Framework of Standards should be adopted as a key element and the Authorized Economic Operator shall be promoted. Thus, business and government shall work together to ensure the implementation of advisory groups and a pilot program with government and business participation; and,
- Once best practices, recommendations and WCO Framework of Standards are applied, international trade shall be simpler and its costs shall be more reasonable for participants through private sector active participation.

There are several outcomes obtained during the ACBD and further work should still be permanently done to identify best practices for implementation in APEC Member Economies.

BENEFITS OF THE APEC CUSTOMS – BUSINESS DIALOGUE

Benefits of the APEC Customs – Business Dialogue

It is evident that the globalizing economy is changing the way of doing business and this change happens on a daily basis and will continue to happen. Thus, considering current data presented in the presentation, a Customs system shall be flexible and consider that the information from integrated companies worldwide is based on appropriate costs, skills and business environment. For these reasons business, government and Customs administration need to adapt to the changing environment in which Customs should seek a balance between trade facilitation and goods control.

How to use the successful experiences from other APEC Economies, identifying best practices and those which are not best practices, in order to implement best practices in our economies through a Customs-business partnership and also requesting international organizations' cooperation such as the World Customs Organization.

The dialogue among several parties contributed to the enhancement of knowledge on experiences in intellectual property rights border protection enforcement and in the supply chain security and trade facilitation. Business sector expressed an opinion regarding how to facilitate business participation, providing the implemented best practices and enabling Customs to feedback for improvement. Therefore, the development of this event in Peru showed again that the ACBD is an effective method implemented by SCCP for promoting understanding between Customs authorities and business in the APEC region in order to improve the trade environment.

Conclusions

The project reached the proposed following objectives such as:

- APEC Member Economies' representatives who attended the ACBD learnt information on legal, logistics and operative aspects, progress and current practices regarding issues addressed in the meeting from Customs administrations, public and private sectors, and the WCO perspective.
- Private sectors expressed their opinions and suggestions on proposed issues and provided information on their policies and best practices currently developed in both trade facilitation and intellectual property rights protection.
- This significant event has been a great opportunity for information and experiences exchange for involved sectors to contact and approach each other, which will enable to efficiently best apply current systems of intellectual property rights' border protection and supply chain security and trade facilitation, and to start working on identifying best practices in APEC Member Economies.
- Delegates from Member Economies who attended the event can begin research tasks with a view to implementation considering experiences presented from other Member Economies and opinions exchanged during the event.
- With this dialogue we were able to prove that events sponsored by APEC represent a great opportunity for experience exchange among member economies.