

Customs, Export Control and Sanctions at the Border — overview and summary

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Every chapter of this book has passed, at some point, through a customs office. The *Kaufhaus* of the medieval city collected tolls on the goods that crossed the Rhine bridge. The ribbon merchants of the eighteenth century traded across a French border watched by armed customs officers, while the federal customs administration that took over in 1848 made Basel the most important customs station of the young federal state. Part D traced that history to the threshold of the twentieth century and promised that Part H would examine the modern law in its trinational setting. This chapter keeps that promise. Its subject is the border itself: the institutions that control it, the procedures by which goods, cash and cultural property cross it, and the practice of the lawyers, forwarders and officials who work at the point where three legal orders meet.¹

The substantive law of Swiss export control and sanctions has already been set out in Part G, which described the Embargo Act, the Goods Control Act, the role of the State Secretariat for Economic Affairs (SECO), the adoption of the European Union's Russia sanctions in 2022 and the chemical and biological weapons conventions. The present chapter does not repeat that account. It asks a different question: what happens when a consignment, a traveller or a suitcase of banknotes actually arrives at the border between Basel, Weil am Rhein and Saint-Louis? The answer involves three customs administrations, at least two sanctions regimes, a set of bilateral treaties older than the European Union and a digital infrastructure that Switzerland has been rebuilding since 2018.²

1 Conclusion

The border around Basel has always been a place where political decisions take physical form. The French customs officers of 1810 enforced Napoleon's blockade against British goods. The supervisory bodies of the

First World War certified that imports would not reach the enemy. Today the customs services of Switzerland, Germany and France enforce export controls and sanctions against Russia and other states. The instruments have changed beyond recognition: digital declarations, risk analysis software, tariff-coded high priority item lists and shared intelligence have replaced the musket and the warehouse ledger. The underlying problem has remained the same. Wherever political decisions create price differences across a border, circumvention becomes profitable, which places a border city like Basel at the centre of enforcement.

This chapter has shown how the legal and institutional structure of the border works in practice. It rests on the separate customs territory of Switzerland, the Schengen framework, a dense web of bilateral treaties and the international standards of the World Customs Organization. It also depends on the cooperation of three customs administrations whose legal traditions differ considerably. Among the procedures that make this border workable, temporary admission for fairs and exhibitions has a special importance for Basel, whose economy has drawn on fairs since the privilege of 1471. The next chapter turns to these fairs, from the Mustermesse to Art Basel.³

2 Notes

1. On the cantonal customs and the Kaufhaus, see Part A; on smuggling and the French customs during the Continental System, see Part C, chapter I; on the federal customs after 1848, see Part D, chapter I. To be verified. ↩
2. On the substantive Swiss law of export control and sanctions, see Part G, chapter V, in particular the sections on the Embargo Act, export control and the Russia sanctions. To be verified. ↩
3. On the fairs privilege of 1471, see Part A; on fairs in Basel, see chapter IV of this Part. To be verified. ↩

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