

The customs security agreement and the authorised economic operator

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After the terrorist attacks of 11 September 2001, customs administrations worldwide introduced advance security declarations, under which goods must be notified electronically before they arrive or leave so that risk analysis can be carried out in time. The European Union made such declarations compulsory for goods entering or leaving its customs territory from 2009 onwards, with deadlines that for maritime cargo reached twenty-four hours before loading. For Switzerland, surrounded by the Union and dependent on transit through it, this would have meant an additional layer of formalities at every crossing. The solution was the Agreement between Switzerland and the European Community on the facilitation of controls and formalities in respect of the carriage of goods and on customs security measures, signed in 2009 and in force since July of that year.¹

Under this agreement, Switzerland and the European Union form a common security area for customs purposes. Goods moving between them are exempt from the advance security declarations that apply to trade with third countries, because each side applies equivalent security standards at its external borders. Switzerland adopted the corresponding rules in its own law, so that goods arriving at Swiss airports from outside Europe are subject to the same risk analysis as goods arriving in Frankfurt or Paris. The agreement also contains rules on the waiting times at the border and on the opening hours of customs offices, which matter greatly for the lorry traffic around Basel. In its effect, it is one of the less visible but most practically important bilateral agreements between Switzerland and the European Union.²

The same framework allowed Switzerland to introduce the status of authorised economic operator (AEO), which the World Customs Organization had developed in its SAFE Framework of Standards of 2005.

Swiss companies have been able to apply for AEO status since 2011. They must demonstrate a record of compliance, sound accounting and logistics, financial solvency and appropriate security standards for their premises, staff and business partners. In return, they benefit from fewer physical controls, priority treatment and recognition by other administrations. Switzerland and the European Union recognise each other's AEO status. Switzerland has also concluded further mutual recognition agreements with countries such as Japan, China, Norway and the United Kingdom.³

For the logistics companies and the large manufacturers of Basel, AEO status has become almost a condition of doing business at scale. A pharmaceutical group that ships temperature-sensitive products across the border several times a day cannot afford unpredictable inspections. Its forwarder needs the same status to benefit from the simplifications. The certification process also shapes internal organisation, since an AEO must maintain controls on its business partners that overlap substantially with sanctions and export control screening. In this way, a status designed to secure supply chains against terrorism has become one of the channels through which compliance standards spread across the logistics sector of the region.⁴

1 Notes

1. Agreement of 25 June 2009 between the Swiss Confederation and the European Community on the facilitation of checks and formalities in respect of the carriage of goods and on customs security measures (SR 0.631.242.05), in force since 1 July 2009. To be verified. ↩
2. On the content of the customs security agreement, including the exemption from advance security declarations in bilateral trade and the provisions on waiting times and opening hours of border offices, see the FOCBS information on the agreement and the Federal Council's dispatch on its approval. To be verified. ↩
3. World Customs Organization, SAFE Framework of Standards to Secure and Facilitate Global Trade (2005, as revised); on the Swiss AEO programme since 1 January 2011 and its mutual recognition with the European Union and other partners, see the FOCBS information on the authorised economic operator. List of partners to be verified. ↩

4. On the relevance of AEO status for logistics service providers and manufacturers and its overlap with sanctions and export control compliance, see the FOCBS guidance and the publications of the Swiss forwarding association SPEDLOGSWISS. To be verified. ↩

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