



## WCO Secretariat Note

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## Expanding the Concept of Authorized Economic Operator (AEO) to Cross-Border E-Commerce

### I. Introduction

The growing trade in cross-border e-commerce has generated enormous opportunities for the global economy, providing new growth engines, developing new trade modes, and driving new consumption trends. Furthermore, e-commerce has helped to keep the economy going by enabling the trade and transactions to continue during the COVID-19 pandemic. It is expected that customers might get used to online deliveries, contributing to a significant increase in e-commerce even after COVID-19.

This fast-evolving trading environment requires comprehensive and well-considered solutions from all stakeholders, including Customs, in order to manage the unprecedented growth in volumes, and to address associated border risks.

In particular, the e-commerce supply chain is characterized by the introduction of new traders and operators. It is imperative that Customs and these new actors ensure that the potential benefits are realized by working in partnership to ensure the facilitation of legitimate cross-border e-commerce trade, fair and efficient revenue collection, and community protection.

The Authorized Economic Operator (AEO) concept is a means of securing and facilitating global trade, while providing incentives which benefit both Customs and traders that have decided to work in partnership. The Framework of Standards on Cross Border E-commerce (“E-commerce FoS”) urges Customs to apply the AEO concept to new and key e-commerce stakeholders, which is a key element in ensuring the effective and efficient management of cross border e-commerce.

The WCO SAFE Framework of Standards to Secure and Facilitate Global Trade (SAFE) is a document that provides overall guidance for this purpose. Such SAFE provisions governing the management of AEO programme should be robustly implemented in expanding the AEO concept to e-commerce stakeholders, while it is necessary to carefully consider the latter’s unique characteristic and new business models. This will enable e-

commerce stakeholders to enjoy tangible AEO benefits for their shipments, and ensure security and compliance in a sustainable manner.

The aim of this document is to provide information to help Customs administrations in their efforts to apply the AEO concept to e-commerce stakeholders, in particular to new partners such as vendor, e-commerce-platform/marketplace, fulfilment houses/centres (hereafter “fulfilment centres”) and postal operators who are leading the expansion of e-commerce trade based on the E-Commerce FoS, taking into consideration their roles, characteristics and business types.

## II. Expanding the AEO and Strengthening Partnerships

### **Standard 6: Expanding the Concept of Authorized Economic Operator (AEO) to Cross-Border E-Commerce**

*Customs administrations should explore the possibilities of applying AEO Programmes and Mutual Recognition Arrangements/Agreements in the context of cross-border E-Commerce, including leveraging the role of intermediaries, to enable Micro, Small and Medium-sized Enterprises (MSMEs) and individuals to fully benefit from the opportunities of cross-border E-Commerce.*

### **Standard 11: Public-Private Partnerships**

*Customs administrations should establish and strengthen cooperation partnerships with E-Commerce stakeholders to develop and enhance communication, coordination and collaboration, with an aim to optimize compliance and facilitation.*

Standard 6 of the E-Commerce FoS suggests expanding the AEO concept to cross border e-commerce. The Technical Specifications for Standard 6 further provide that Customs should strengthen partnerships with the private sector, especially with vendors, e-commerce platforms/ marketplaces and intermediaries<sup>1</sup> (including express carriers, postal operators, Customs brokers and freight forwarders/logistics service providers), by exploring the possibilities to include them in their AEO programme.

Furthermore, Standard 11 of the Framework underlines the importance of establishing cooperation partnership with e-commerce stakeholders. The Technical Specifications for this Standard explains that such public-private partnership includes AEO programmes with well-defined roles, responsibilities and benefits, and also explain that Customs should encourage incentives for the voluntary submission of additional data.

## III. AEO status for e-commerce stakeholders

At present, AEOs are mainly comprised of manufacturers, importers, exporters, Customs brokers, carriers, consolidators, intermediaries, seaports, airports, terminal operators,

<sup>1</sup> “Annex on E-Commerce Stakeholders: Roles and Responsibilities”, part of the WCO E-Commerce Package, lists the key stakeholders in the cross-border E-Commerce supply chain, their main roles and responsibilities, and potential opportunities for data exchange. It can be found at: [http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/activities-and-programmes/ecommerce/e-commerce-stakeholders\\_en.pdf?db=web](http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/activities-and-programmes/ecommerce/e-commerce-stakeholders_en.pdf?db=web)



warehouses, distributors and freight forwarders. Per the WCO's *Compendium of Authorized Economic Operator Programmes*, which provides a concise and structured overview of existing AEO programmes around the world, only a few Customs administrations have established an AEO partnership with vendors, e-commerce platforms/marketplaces, fulfilment centres or postal operators.

Thus, the challenge of implementing the E-Commerce FoS Standard 6 is how to establish new partnerships in particular with vendors, e-commerce platforms/marketplaces, fulfilment centres and postal operators, given their substantial roles in the e-commerce supply chain.

This note therefore focuses on these stakeholders - new and key supply chain actors unique to cross border e-commerce - and on their roles and specific business models<sup>2</sup>, in order to establish a well-defined AEO cooperation framework between them and Customs which benefits for both.

## **IV. Expanding AEO concept to vendors, e-commerce platforms/marketplaces and fulfilment centres**

### **i. Roles and business models**

In general, the e-commerce online sales can be conducted using one of the models as illustrated in Chart 1.

In both Models 1 (Self-run model) and 2 (Half-run model), vendors typically possess sets of key data on the sale and delivery process, which may be required to complete Customs obligations. A vendor should ensure that goods meet the regulatory requirements of the importing country, and bears responsibility for the transmission of complete and accurate information to other stakeholders, such as e-commerce platforms/marketplaces and logistic service providers.

In Model 3 (E-commerce-platform/marketplace model), an e-commerce platform/marketplace provides intermediary services that often include import and export, logistics, promotion, insurance and consumer protection. An e-commerce platform/marketplace may play a role in assuming responsibility for meeting the regulatory requirements, and may bear responsibility for authenticating vendors who utilize its e-commerce-platform/marketplace, consumer transactions, transaction validity and consumer safety and protection interests.

In Model 4 (Fulfilment centre model), an e-commerce-platform/marketplace with fulfilment centres not only provides information on products to match customers to vendors but also supports the entire logistics process. Thus, in this model, e-commerce

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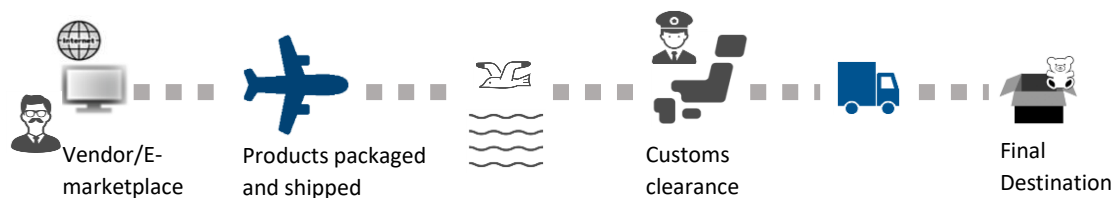
<sup>2</sup> Similarly, "Annex on E-Commerce Business Models" identifies three business models: the self-run model, the E-commerce-platform/marketplace model and the hybrid model. It can be found at:[http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/activities-and-programmes/ecommerce/3\\_e-commerce-business-models\\_en.pdf?db=web](http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/activities-and-programmes/ecommerce/3_e-commerce-business-models_en.pdf?db=web)

platforms/marketplaces with fulfillment centre may be better able to ensure the security and safety of the supply chain and to meet the regulatory requirements of the importing country.

[Chart 1]

**Model 1** (“Self-run model”): Online sales are conducted through the vendor’s own website.

**Model 2** (“Half-run model”): Online sales are conducted through a “transparent” third-party e-commerce platform/marketplace, where the product is presented to the consumer/buyer but the contract is still concluded between the vendor and the consumer.



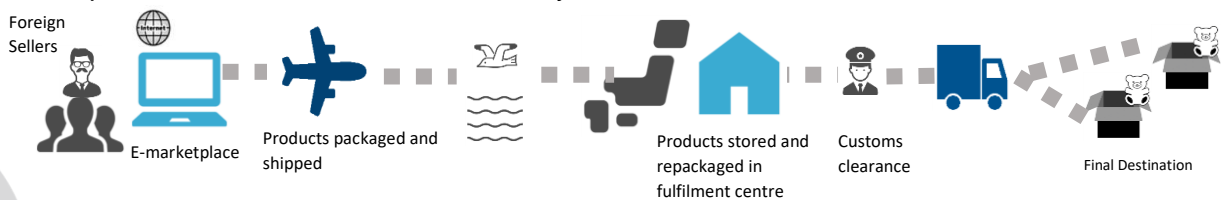
**Model 3** (“E-commerce platform/marketplace model”): Online sales are conducted using a third-party e- platform/marketplace, where the consumer concludes a transaction with the e-commerce-platform/marketplace itself and the vendor of the goods is not identified to the consumer.

**Model 4** (“Fulfilment centre model”) : An e-commerce platform/marketplace with fulfilment centres not only provides information on products to match customers to vendors but also supports the entire logistics process including storage, unpacking, sorting, repacking and dispatching goods out directly to customers.

There are several types of fulfilment centres related to e-commerce, including:

**4-1 Offshore Fulfilment Centre:** This model services both domestic and international sales.

**4-2 Free Zone (FZ)/Bonded Warehouse Fulfilment Centre:** International shipments move in-bond to an FZ/bonded warehouse, where goods are stored until they are sold. When the goods are sold, Customs formalities take place to remove the goods from the FZ/bonded warehouse for export or for Customs clearance /delivery to the customer.



**4-3 Domestic Fulfilment Centre:** International shipments are cleared by Customs prior to going into the fulfilment centre where goods are stored until they are sold. When the online sale takes place, it is a domestic sale. The company that operates the fulfilment centre may/may not be the purchaser of the goods or the importer from a Customs perspective.





## ii. Partnership with vendors, e-commerce platform/ marketplaces and fulfilment centres

As explained in the business models above, vendor, e-commerce platform/e-marketplace and fulfilment centres are recognized as a source of data necessary for Customs procedures and controls depending on the business models. In turn, AEO benefits, such as simplification and facilitation of Customs procedures, and minimum cargo security inspections could support their ongoing business development. These players could also benefit from additional trade facilitation in Mutual Recognition Agreement (MRA) partner countries. Customs should explore opportunities for engaging with them to establish AEO partnerships and to explore possible data exchange mechanisms.

However, identifying vendors in global online sales transactions may not always be straightforward; they could be Micro, Small and Medium-sized Enterprises (MSMEs) and unknown to Customs. Furthermore, it would be a new challenge for Customs and existing AEO programmes to establish partnerships with vendor, e- platforms/marketplace who are located in third countries without legal representatives in import countries, for the purposes of conducting AEO authorization and validation.

Alternatively, the following options can be considered for expanding the AEO concept to e-commerce stakeholders:

- **Option 1 (Expand AEO partnership through fulfilment centres):** Fulfilment centres that are located in import countries can act as local representatives of e-commerce platforms/marketplaces and also middle person to vendors who are their customers. Since many Customs have reported that they have AEO programmes with warehouse operators and free zone operators<sup>3</sup>, establishing cooperation with fulfilment centres would be a practical option to start with. Such direct partnership with the domestic fulfilment centres could also enable MSME vendors to enjoy AEO benefits while securing trade. The fulfilment centres could apply to be an AEO with a Customs as the representative of e-commerce platform/marketplaces and register foreign vendors as their supply chain partners.
- **Option 2 (Use of Customs Mutual Administrative Assistance Agreements (CMAA) and AEO's Mutual Recognition Agreements/Arrangements (MRA)):** CMAAs and MRAs could be used to extend the partnerships with foreign vendors, e-commerce platforms/marketplaces for a both importing and exporting Customs administrations who are MRA partners. In fact, some countries have AEO partners (manufacture companies) in foreign countries based on multilateral agreements<sup>4</sup>.
- **Option 3 (Registration system):** Utilizing a registration system of foreign vendors and e-commerce platforms/ marketplaces as seen in "Seller/vendor collection

<sup>3</sup> WCO Compendium of Authorized Economic Operator Programmes <http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/aeo-compendium.pdf?la=en>

<sup>4</sup> Ibid.

approach” could be one option. In the Seller/Vendor based collection approach, the non-resident vendor would be required to assess, collect and remit duty and taxes on imports to the destination Customs or Tax administrations. This approach typically involves a registration process with either Customs or Tax administrations, for non-resident sellers/vendors. In this option, conducting authorization and validation by the Customs administration in the importing country beyond the border could be challenging. Combining this option with Option 2 to gain the administrative support from the Customs administration in export country could be a solution.

## V. Expanding AEO concept to postal operators

### i. Roles and business models of postal operators

Postal operators play an important role to facilitate the exchange of e-commerce through the international postal network. Designated postal operators comprise any governmental or non-governmental entity officially designated by one of the Universal Postal Union (UPU) member countries to operate international postal services and to fulfil the related obligations arising out of the UPU Acts on its territory. According to the UPU Acts, postal operators shall comply with the requirements for providing electronic advanced data on all e-commerce items.

### ii. Partnership with postal operators

Postal operators are one of the key logistics players in the e-commerce supply chain and play a significant role in meeting importation and exportation regulatory requirements. Establishing partnerships based on AEO programmes with both postal operators and express carriers, alongside partnerships with vendors, e-commerce platforms/marketplaces and fulfillment centres, is therefore vital in building secure and safe e-commerce supply chains.

However, it is observed that fewer Customs administrations have postal operators as AEO partners compared to express carriers<sup>5</sup>, while some postal operators such as in India, the Netherlands, Slovenia, Czech Republic, Hungary and Romania have already received AEO status from their respective Customs administrations.

Supported by current initiatives on Electronic Advance Data exchanges and use of modern technologies to inspect cargoes, postal operators who obtain AEO accreditation will benefit from enhanced facilitation measures, such as expedited processing and release of cargo, minimum cargo security inspections, improved postal chain security, priority services, an enhanced international reputation, and additional trade facilitation in MRA partner Customs administrations.

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<sup>5</sup> Ibid.





Customs administrations and postal operators may jointly look into specific circumstances and find the best way to meet the security requirements in the application of security criteria, based on the postal operator's business model.

In this regard, the WCO UPU Customs Postal Guide points to the use of UPU security standards S58 and S59<sup>6</sup> for the purpose of meeting AEO security requirements and for expanding AEO. Vice versa, Standard 2.1 Pillar 3 of the SAFE FoS also confirms that the UPU security standards S58 and S59 are consistent with the SAFE Framework of Standards. Therefore, it is advisable that Customs and postal operators could take a look at these standards in order to enable more postal operators who meet the UPU security standards to become AEOs.

## VI. Establishing conditions and criteria for e-commerce AEOs

In order to ensure the integrity of the AEO programme, the general conditions and criteria regarding compliance and security should be met by the AEO partners. However, the SAFE Framework recognizes the complexity of international supply chains and allows for flexibility and the customization of security plans based on an AEO's "business model".

As such, it is recommended that Customs consider the specific features of e-commerce such as high volumes of small-value transactions, the large number and range of business partners including MSMEs, the importance of quick delivery, the frequent needs for returns and refunds, the highly digitalized environment, and widespread use of advance technologies, when developing detailed conditions and criteria for each standard, along with possible advance data exchange mechanisms based on E-Commerce FoS, etc.

The Safe FoS provides 13 broad categories of criteria in its Annex IV<sup>7</sup>. Customs and potential partners could discuss and find a way to adapt the AEO requirements accordingly to meet the objective of ensuring security criteria. In this regard, the "AEO Implementation and Validation Guidance" provide details of those criteria.

### Customs-identified security standards and best practices identified by SAFE

- A. Demonstrated Compliance with Customs Requirements
- B. Satisfactory System for Management of Commercial Records
- C. Financial Viability
- D. Consultation, Co-operation and Communication
- E. Education, Training and Awareness
- F. Information Exchange, Access and Confidentiality
- G. Cargo Security

<sup>6</sup> The UPU security Standard 58 (Postal security standards – General security measures) defines the minimum physical and process security requirements applicable to critical facilities within the postal network, and Standard 59 (Postal security standards – Office of exchange and international airmail security) which defines minimum requirements for securing operations relating to the transport of international mail.

<sup>7</sup> The details of Customs-identified best security standards and best practices can be found on page.3 to 14 of Annex IV to the SAFE Framework, at <http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/safe-framework-of-standards.PDF?la=en>

- H. Conveyance Security
- I. Premises Security
- J. Personnel Security
- K. Trading Partner Security
- L. Crisis Management and Incident Recovery
- M. Measurement, Analyses and Improvement

## VII. Benefits for e-commerce AEOs

The success of an AEO programme is based on several elements, including facilitation benefits being provided to AEOs. The benefits should be tangible, meaningful, transparent and measurable. Each Customs administration should cooperate with e-commerce stakeholders to understand their roles and business models as well as to determine the joint benefits to be gained from collective participation in the secure supply chain.

Annex IV to the SAFE Framework provides a non-exhaustive list of benefits in two broad categories: general benefits and operator-specific benefits<sup>8</sup>. Currently operator-specific benefits are listed for importers, exporters, warehouse operators, Customs brokers, port operators, carriers, and logistics operators.

In view of the characteristics of e-commerce and the possible advance data exchange mechanisms based on E-Commerce FoS, this Note identifies some possible operator-specific benefits for e-commerce stakeholders (see below). These benefits could, together with the general benefits in SAFE, provide guidance to Customs administrations in developing their own list of benefits in close consultation with relevant stakeholders.

### Operator-Specific Benefits for E-Commerce Stakeholders

- A. Facilitation of return procedures including an electronic drawback/refund system based on consistent data requirements and efficient reconciliation between the imported and the returned goods
- B. Availability of an e-payment option for collection of duties and taxes
- C. Electronic application for authorization process and electronic validation procedures
- D. Paperless declarations with no supporting documents supported by submitting of Advance Electronic Data
- E. Free to lodge export/import declaration with any Customs office
- F. Deferred payment of duties, taxes, fees, and charges or periodic payment of duties/taxes
- G. Tax privileges to be granted by speedier processing of tax refunds, drawback, and other permissions/authorizations

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<sup>8</sup> A non-exhaustive list of AEO benefits can be consulted in p.14 to p.21 of Annex IV to the SAFE via <http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/safe-framework-of-standards.PDF?la=en>





- H. Assigning dedicated account managers to help e-commerce stakeholders coordinate and resolve Customs issues and related matters
- I. Extended Customs services beyond normal working hours
- J. Priority response to online request for advance rulings on Customs Valuation, HS and Rules of Origin
- K. Potential reduction in or exemption from warehousing and licensing fees and charges
- L. Involvement in the development of new policies and programmes related to cross border e-commerce
- M. Priority involvement in new trade facilitation initiatives/pilots on cross border e-commerce

### VIII. Authorization and Validation Procedures

Customs administrations should design and implement authorization and validation procedures that conform to the standards described in the SAFE Framework, taking into account the good practices established in existing national Customs/Business supply chain security management programmes.

Once an AEO, and in between AEO validations, Customs should monitor the AEO e-commerce company as it would any other AEO member. This monitoring process may consist of periodical self-assessments and, where appropriate, random spot checks by Customs to verify the accuracy of the data and the legitimacy of the product being shipped. The AEO will also maintain, and have available for inspection, necessary data and documentation as set out in the national AEO authorization requirements. Any information obtained within the scope of the AEO authorization/validation is confidential between the Customs administration and the individual AEO and may be used solely for the purpose for which it was provided.

#### Online authorization and validation procedures

Online authorization and validation procedures could be essential in extending the AEO concept to e-commerce stakeholders, since the latter may be located outside importing countries. It should also be noted that cross-border e-commerce is supported by a data-rich and technology-driven environment which could realize touchless procedures relevant to COVID-19 pandemic as well. AEO authorization and validation procedures should therefore take advantage of these characteristics as well as the future agenda

#### Third-party validators

The SAFE Framework suggests the use of designated third-party validators to assess an AEO applicant's compliance with the security standards and/or for validating such compliance. Nonetheless, the AEO should still have the option of requesting that validation to be performed directly by the Customs administration and Customs administrations shall retain ultimate authority for accrediting an AEO and for suspending or revoking such authorization.

Third party validators could be very relevant in the context of e-commerce since e-commerce stakeholders, such as e-commerce platforms/marketplaces or vendors, are normally located in foreign countries. Furthermore, the international assistance from Customs administrations based on CMAAs could be considered to conduct authorizations and validations for vendors and e-commerce platforms/marketplaces beyond the border.

## IX. Conclusion

Customs should explore opportunities for engaging new and key e-commerce stakeholders such as vendors, e-commerce platforms/marketplaces and fulfilment centres as well as postal operators to establish AEO partnerships and to explore possible data exchange mechanisms as stipulated in the E-Commerce FoS.

For this purpose, each Customs administration should cooperate with e-commerce stakeholders to understand their roles in the e-commerce supply chain and the different business models that they operate. This cooperation should be extended to the development of the AEO security standards as well as to the benefits that e-commerce entities would be afforded by participating in the AEO program. Providing the option of online authorization and validation procedures, third-party validation and the use of CMAAs could support such expansion of AEO concept to e-commerce stakeholders.

It should be noted that the AEO status requires continuous and effective cooperation among e-commerce supply chain parties – specifically, this involves taking into account their role in the international supply chain and their specific business models.

Customs administrations should be receptive to the concerns of AEOs and determine, in consultation with them, a formalized method of communication, which ensures that issues are properly received, addressed and resolved for the benefit of both. Identifying benefits, and assigning dedicated account managers who are specialized in e-commerce and can help e-commerce stakeholders coordinate and resolve Customs related issues could be valuable in establishing mutual trust, based on an understanding of business model and of mutual responsibilities.

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## **Annex: List of WCO Instruments and Tools related to AEO on E-commerce**

The Framework of Standards on Cross Border E-commerce

<http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/frameworks-of-standards/ecommerce.aspx>

Annex on E-Commerce Stakeholders: Roles and Responsibilities

[http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/activities-and-programmes/ecommerce/e-commerce-stakeholders\\_en.pdf?db=web](http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/activities-and-programmes/ecommerce/e-commerce-stakeholders_en.pdf?db=web)

Annex on E-Commerce Business Models

[http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/activities-and-programmes/ecommerce/3\\_e-commerce-business-models\\_en.pdf?db=web](http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/activities-and-programmes/ecommerce/3_e-commerce-business-models_en.pdf?db=web)

The WCO SAFE Framework of Standards to Secure and Facilitate Global Trade (SAFE)

[http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/frameworks-of-standards/safe\\_package.aspx](http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/frameworks-of-standards/safe_package.aspx)

AEO Implementation Guidance

<http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/aeo-implementation-guidance.pdf?la=en>

WCO Compendium of Authorized Economic Operator Programmes

<http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/aeo-compendium.pdf?la=en>

WCO AEO Validator Guide

<http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/aeo-validator-guide.pdf?la=en>

WCO UPU Customs Postal Guidance

[http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/upu/wco\\_upu-postal-customs-guide.pdf?db=web](http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/upu/wco_upu-postal-customs-guide.pdf?db=web)