

Guatemala

ARTICLE 8: BORDER AGENCY COOPERATION

(Essay on the experience of coordinated management)

Some years ago, the Guatemala Customs Administration, Authorities and Organisms used to carry out inspection procedures related to their competence on an individual basis, i.e., each one in the schedule that seemed convenient to them, causing unnecessary delays, cost for the external user in the movement of its container to the platform, among others; For this reason, Guatemala Customs Administration as a decentralized entity and as part of its objectives, in 2016, led the subscription and signing of an Inter-institutional Coordination Agreement to exercise coordinated controls on the entry and exit of persons, goods and means of transport at border crossings, seaports and airports in the Republic of Guatemala, which contains the legal basis, purpose and commitments, for the purpose of the Agreement is that the Authorities (police, agriculture, among others), which exercise coordinated controls on the entry and exit of persons, goods and means of transport at border crossings, seaports and airports in the Republic of Guatemala, which contains the legal basis, purpose and commitments, For this purpose, in coordination with the Customs Service, the implementation of controls was instituted through inter-institutional procedures that contain in its order the actions of each Authority, using for this purpose the technology, transfer of capabilities, information and the use of the available system, thus developing the principles of speed and trade facilitation. In the mentioned Agreement, commitments acquired by the signatories are indicated, such as the implementation of a joint inter-institutional procedure in border posts, maritime ports and airports of the Republic of Guatemala, as well as the homologation of coordinated schedules to jointly exercise the corresponding controls, technology transfer and best practices, resulting in the PROTOCOL OF INTERINSTITUTIONAL ACTION FOR JOINT INSPECTIONS IN MARITIME PORTS OF THE COUNTRY.

With the above, the INTERINSTITUTIONAL ACTION PROTOCOL FOR JOINT INSPECTIONS AT THE COUNTRY'S MARITIME PORTS contains the regulations, responsibilities and order of action of the Customs Authorities and the Customs Service in the Customs Offices that operate maritime revenue, beginning when the goods are detained by the Competent Authorities and ending, they are liberated to continue the Customs release process.

The regulations of the Protocol state that the actions for the control of goods must be coordinated with the Customs Service, for which the Customs Service has a computer application available for Customs, Authorities, so that they can enter and select the electronic cargo manifest number, the transport document and, if applicable, the number of equipment (container) to be retained, they must indicate the reason for which it is being retained.

In order to carry out the joint inspection actions, 3 moments must be considered.

1	Manifest level	It consists of the inspection of the goods when its legal reception has been concluded and it is in the established term of Temporary Deposit under guard and custody of the Temporary Customs
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		Depository awaiting the destination to a Customs regime. Article 283 RECAUCA
2	Level Green Customs Declaration	It consists of the inspection of the goods which the consignee submitted to a Customs regime (definitive, temporary, or suspensive or releasing) through a declaration of goods and the risk analysis process of the SAT system determined not to perform "immediate verification of the declared goods", selective Green. Articles 317,334 and 335 RECAUCA
3	Level Customs Declaration Red	It represents the same case described in level 2 above, with the variant that the risk analysis process of the SAT system determined to carry out "immediate verification of the declared" selective RED. Article 317, 334 to 355 RECAUCA
Source: Own elaboration, for illustrative purposes.		

In order for any of the levels quoted in the previous figure to be carried out, the time, the place where it will be carried out must be considered and it must be coordinated that all the Authorities are present at the agreed time to exercise the corresponding verification in their order.

After that, if no incidents are found, the Authority proceeds to “release” the retained container in the computer system.

COORDINATED MANAGEMENT CONTEXT

Guatemala as a member of the World Trade Organization, ratified on February 10th, 2017 the Protocol of Amendment to the Marrakesh Agreement containing the Trade Facilitation Agreement -TFA-, in its Annex 1A. The instrument of ratification was notified to the WTO on March 8, 2017 and the agreement entered into force on February 22, 2018, this instrument was approved by Decree number 1-2017 of the Congress of the Republic of Guatemala, which ratifies its commitment regarding the implementation to adopt the measures deemed necessary to simplify, streamline and harmonize all procedures concerning the import, export and transit regimes. This document responds to the need to modernize the Guatemalan tax system.

It contains a set of provisions that guide actions aimed at streamlining the movement, release and Customs clearance of goods, orients actions to combat corruption, smuggling and tax fraud, issues that today in our country are very sensitive and deserve special attention, especially in the implementation of measures that tend to simplify Customs management of import, export that these are transparent, reduce the use of paper and the costs associated with foreign trade as well as the establishment of joint controls.

For this as a Customs Service prior to ratifying the Trade Facilitation Agreement was already aimed at the context of coordinated management and since then has been working and supporting the Authorities for this in 2018 managed a Study prepared by the World Bank of Integrated Risk Management which aims to use disruptive technologies to have a single

retention, review and release of be account replacing applications the use of paper, among others all with the simplification of the processes of a digital Customs.

The result of the World Bank in general terms reflects that each Authority must create a specific area in charge of parameterization and risk profiling, different from the operational area, it is worth noting that the Agriculture Authority (MAGA in spanish) has a specific area in charge of parameterization and risk profiling, however it does not receive adequate feedback from its operational area, while the Police (MINGOB in spanish) does not have a specific area for risk profiling, everything is done by the operational team.

Finally, the Customs Service, in addition to the computer applications, has made available on its portal a public consultation of retentions/releases that allows the user to be informed of the current status of the container retained by the Competent Authority.

<https://portal.sat.gob.gt/portal/consulta-publica-retencion-liberacion/>

This software tool constitutes an additional mechanism to determine the status of the retention/release, facilitating the obtaining of the information, even in real time.

Conclusion:

The Customs Service by signing the Agreement and the Joint Action Protocol, is complying with the provisions of Article 8 subparagraph 8.2.(d) of the Trade Facilitation Agreement, and is also focusing its efforts on modernizing and digitally transforming computer applications to facilitate inspection work.

By creating a more robust computer application, there will be an inter-institutional platform for the Authorities to have central offices where they perform risk profiling, which will allow them not only to profile, supervise operations, have matrices, access to sources of information, but also to have independent roles, for example, a withholding user who is in charge of profiling and withholding in the computer system, another user who is in the operation and who, based on the results of the inspection, proceeds to release the information.

In addition, it is necessary to train experts in risk profiling and to provide technological equipment to those who participate in joint inspections.