**IMPLEMENTATION OF THE TRADE FACILITATION AGREEMENT IN THE REPUBLIC OF MACEDONIA**

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**Abstract**

*In this paper, we analyze the effects of the implementation of certain trade facilitation measures in the Republic of Macedonia. According to its commitments to abide by the recommendations of the World Customs Organization and the World Trade Organization, the Republic of Macedonia has implemented most of the trade facilitation measures mentioned in the provisions of the WTO Trade Facilitation Agreement. As of February 2017, the Trade Facilitation Agreement came into force after two-thirds of the WTO Member Countries have ratified it. This is why we think it is important to make an analysis and revision of the already implemented measures and provide some insight on their influence over foreign trade operations in Macedonia.*

*Measures that we plan to elaborate in the paper refer to the single-window system, simplified customs procedures, risk management practices, and application of the EU’s New Computerized Transit System. The goal of this paper is to point out to the inefficiencies and possible future improvements of the related measures, by providing insight of their functioning.*

JEL classification: F10, F14, F15

Key words: Trade Facilitation Agreement, Republic of Macedonia, EXIM, simplified customs procedures, risk management techniques.

**Introduction**

All countries agree that undertaking measures in this field can be beneficial for increasing their trade and the trade of their partners. The concept of trade facilitation under the auspices of the WTO refers to “…measures for expediting the movement, release and clearance of goods, including goods in transit…” (WTO, 2014). The growing importance of trade facilitation is acknowledged with the signing of the new Agreement on Trade Facilitation at the WTO Ministerial Conference held in Bali in December 2013. In November 2014, the WTO members adopted a Protocol of Amendment to insert the new agreement in Annex 1A to the WTO Agreement. According the rules of the organization, this Agreement was supposed to enter into force when two-thirds of the members complete their domestic ratification process. That happened in February 2017.

With the ratification by two thirds of the WTO members, the Trade Facilitation Agreement came into force. This means that the Trade Facilitation Agreement became part of Annex 1A to the Agreement on the World Trade Organization and its rules are obligatory for all Member Countries. The developed countries are expected to implement all provisions from the Agreement following its entry into force. The countries in development and the Least Developed Countries should implement the provisions that they have notified into Category A commitments. The provisions that these countries can implement after a certain transitional period should be notified into Category B commitments, and the provisions from the agreement that could be implemented after a certain transitional period and imply additional technical capacity building assistance should be notified into Category C.

The Republic of Macedonia has ratified the Trade Facilitation Agreement on the 5th of October 2015. Previously, in February 2015, the country has notified its Category A commitments to the Preparatory Committee on Trade Facilitation. From the Notification of the Republic of Macedonia, it is visible that the country has designated almost all provisions of the Agreement under Category A, which will be implemented upon entry into force of the Agreement. Provisions that the country did not designate into Category A refer to article 1.3. for Enquiry Points and article 7.1. for Pre-arrival Processing. The country also did not refer that it is ready to establish its National Committee on Trade Facilitation, which is an institutional provision under article 23.2.

**Research Methodology**

 In the paper, we first explain the situation in the Republic of Macedonia in the field of trade facilitation. Then, we explain some of the most important measures that the Customs Administration of the Republic of Macedonia has implemented in the field of trade facilitation. We explain the single-window system, known as EXIM, and then the simplified customs procedures, the authorized economic operator program, the risk management techniques, and the New Computerized Transit System. We think that these measures are most important, as with some of them Macedonia has been the pioneer in the field of customs and trade facilitation. Now, with the entering into force of the Trade Facilitation Agreement and the obligation that its provisions are obligatory for all WTO members, we think it is of utmost importance to revise these measures and refer to some of its malfunctions, in order to make them more appropriate for serving their goal - trade facilitation.

**Trade Facilitation in the Republic of Macedonia**

The Republic of Macedonia, as a small, open, and import-dependent country, needs trade facilitation and efficiency in order to attract foreign investments, to obtain higher rates of economic growth, and to earn international recognition. The Customs Administration of the Republic of Macedonia (CARM) is the institution responsible for implementing trade facilitation measures and - being a member of the World Customs Organization (WCO) - the country has accepted its Framework of Standards to secure and facilitate global trade. Today, CARM, as suggested by the WCO, represents the main state agency that ensures trade security. Consequently, the Republic of Macedonia is obliged to adapt its home legislation by harmonizing it with the WTO rules and standards (Tosevska-Trpcevska, K., 2015, p.229).

In order to better understand the current situation in the country, the following section will outline the overall compliance level of the considered measures in the Republic of Macedonia with respect to the TFA. Towards determining the overall compliance level with the Trade Facilitation Agreement in the Republic of Macedonia and understanding where the implementation may pose challenges and require greater attention and resources, we will present the self-assessment overview of the country. Table 1 is showing the compliance level of the considered measures with respect to the TFA in the Republic of Macedonia.

*Table 1: Compliance level with the TFA in the self-assessment of the Republic of Macedonia*

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| --- | --- | --- |
| **Compliance** | **Number of measures** | **Percent** |
| Fully | 38 | 93% |
| Substantially | 1 | 2% |
| Partially | 0 | 0% |
| No | 2 | 5% |
| Not applicable | 0 | 0% |

Source: Adjioski Dimche, Power Point Presentation on: *WTO Trade Facilitation Self Assessment of Needs – Macedonia,* Customs Administration of the Republic of Macedonia, November, 2014

Table 1 is showing that a total of 41 measures were considered for the assessment in the Republic of Macedonia. The compliance with the TFA is full for 38 measures, substantial for 1 measure, and there is no compliance for only 2 measures (Adjioski D., 2014). The 38 measures that fully comply include the following: publication, information available through Internet, notification, opportunity to comment and information before entry into force, consultations, advance rulings, right to appeal or review, notifications for enhancing controls or inspections, detention, test procedures, general and special disciplines on fees and charges imposed on or in connection with importation and exportation, penalty disciplines, electronic payment, separation of release from final determination of customs duties, taxes, fees and charges, risk management, post-clearance audit, establishment and publication of average release times, trade facilitation measures for authorized operators, expedited shipments, perishable goods, border agency cooperation, movement of goods under customs control intended for import, formalities and documentation requirements, and acceptance of copies. The measure referring to pre-arrival processing for imports is treated as substantially complying and measures assessed as not complying with the TFA in the Republic of Macedonia are the enquiry points and the National Committee for Trade Facilitation. These three measures are the ones that the country has not notified to the WTO under Category A commitments.

Substantial compliance was indicated for the measure on pre-arrival processing for import that should start to apply upon the launch of the fully automated Customs Declarations Processing System. There is an urgent need in the country to implement the new system for overall electronic processing of the customs declarations and of all needed documents for all customs procedures. With qualitative and proper IT support, the new customs declarations processing system can speed up, simplify, and make cheaper the whole customs procedure.

The measures that are still not complied with refer to the non-existence of Trade Facilitation Enquiry Point and a National Trade Facilitation Committee. The National Trade Facilitation Committee has been identified as the main institutional vehicle for shifting from a customs-centric approach to an inclusive implementation process that will engage all government agencies relevant for trade facilitation and the private sector. At the moment, the Government has adopted a decision to establish the National Committee under the delegation of the Vice-Prime Minister for Economic Affairs, but as the country has been in intensive political turmoil in the last two years, it is still early to comment anything on this issue. Related to the enquiry points implementation, there is a decision that they be established under the auspices of the International Trade Chamber in Macedonia, but it is also too early to comment anything.

**Trade Facilitation Measures Implemented in the Republic of Macedonia**

Among the most important measures implemented by CARM to facilitate trade are: the Electronic Single Window for Issuing Import, Export, and Transit Licenses and Licenses for Quota Allocation known as EXIM, the simplified customs procedures, the Risk management system, and the New Computerized Transit System (NCTS). Apart from these, the concept of Authorized Economic Operator (AEO) is legally established in the Republic of Macedonia, but as currently only one firm with foreign capital has been declared as AEO, this measure cannot be elaborated further. The other measures will be elaborated separately in the paper.

**Establishment and Operation of the EXIM in the Republic of Macedonia**

The Single Window System for Issuing Import, Export, and Transit Licenses and the Licenses for Tariff Quota Allocation, commonly referred to as EXIM, is managed by the CARM in coordination with 16 other government agencies in the Republic of Macedonia that are mutually interconnected. The project to develop a single-window system in the Republic of Macedonia was introduced in 2007 and became operational in 2009 for all users of import, export, and transit licenses, as well as of tariff quotas. EXIM is a web-based system that enables to obtain all the documents (licenses, approvals, and tariff quotas) needed to perform customs procedures for import, export, and transit to and from Macedonia in a simple electronic application with complete security and transparency. More precisely, 60 different licenses can be obtained for import, export, and transit (CARM, 2016, p.26). With the implementation of this new system, the economic operators can benefit from: time and cost savings through an electronic application, service availability 24 hours a day seven days a week, faster clearance and release of goods, increased efficiency and legal security in the process of license approval, easier exchange of information with the use of standardized and harmonized data, reduced administrative burden, automated management of license usage, and an improved and transparent tariff quota allocation. EXIM is becoming more and more sophisticated with time and efficiently contributes to the acceleration of the customs procedures. Since its implementation until today, it is massively used by the economic operators, who identified the benefits from its implementation as following: it represents a simple search mechanism, a straightforward procedure for obtaining a license, a solution for resource savings (time, costs, and human resources) and a way towards improving the communication and resolution of problems with CARM (Tosevska-Trpcevska K., 2014, p.52).Table 2 points to the increased number of registered users and issued licenses in the period between 2013 and 2016.

*Table 2: Number of users and issued licenses by EXIM in the period from 2013 to 2016*

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| --- | --- | --- |
| EXIM related numbers | Number of economicoperators users of the EXIM | Number of issued licenses for import, export and transit |
| 2013 | 4,563 | 74,491 |
| 2014 | 5,275 | 79,018 |
| 2015 | 5,893 | 84,637 |
| 2016 | 6,391 | 88,751 |

Source: Customs Administration of the Republic of Macedonia, *Annual report of the Customs Administration in 2014*, Skopje, 2015, p. 25; Customs Administration of the Republic of Macedonia, *Annual report of the Customs Administration in 2015*, Skopje, 2016, p. 25 and Customs Administration of the Republic of Macedonia, *Annual report of the Customs Administration in 2016*, Skopje, 2017, p. 16

In 2016, a Time Release Comparative Study was done in Macedonia and it indicated certain incompletion in the implementation of the single-window system for obtaining import and transit licenses in the country. Although the vision of EXIM was to enhance the process of import, export, and transit, its latest application pointed out that there are certain state authorities that insisted on having documents in paper form for all procedures, thus duplicating the whole process. Those customs agents that were preparing documents for goods under the license regime needed significantly more time than those that were preparing documents for customs clearance for goods that were not subdued to inspection oversight or control. This study showed that all state authorities that were included in the EXIM system should analyze its legal acts and bylaws in order to eliminate the need of simultaneously asking the operators for documents in paper form, in order to facilitate and speed up the process of obtaining licenses in EXIM (Kikerkova et al., 2016, p.13).

**Simplified customs procedures in the Republic of Macedonia**

One of the main objectives CARM is striving for is the use of simplified customs procedures to the largest possible extent. Simplified customs procedures are especially important measures for speeding up the movement of goods and facilitating trade. They were implemented for the first time with the Customs Law in 2006. Later, upon the entry into force of the new revised Customs Law on the 1st of January 2015, the simplified customs procedures were preserved and defined as follows: simplified procedures for local clearance for import and export, and simplified procedures for declaring import and export and the status of authorized sender and receiver in transit. In order to use one of these simplified customs procedures, the economic operator must firstly get an authorization. The Customs Administration, in coordination with other agencies, is providing the authorization after a careful check procedure in order to obtain all the information needed for the applicant. The economic operator must be financially stable, demonstrate full conformity with customs and tax laws in the past three years, and have been engaged for at least two years in the activity for which simplification is being needed. In addition to this, the user must pledge an instrument for guaranteeing custom duties (Tosevska-Trpcevska K., 2015, pp.230-231).

The simplified customs procedures are applied more for export than for import. To confirm this statement, we will present the data given by CARM in the annual reports of the customs work and activities in 2010, 2015, and 2016.

*Table 3: Use of simplified customs procedures in numbers in 2010, 2015, and 2016*

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| --- | --- | --- | --- | --- |
| Use of simplified customs procedures in numbers | Number of approved certificates for simplified procedures | Percentage of processed declarations using the simplified procedures | Percentage relating to IMPORT declarations | Percentage relating to EXPORT declarations |
| 2010 | 164 | 21% | 15% | 33.7% |
| 2015 | 228 | 30% | 25% | 41% |
| 2016 | 215 | 27.17% | 19.92% | 42.86% |

Source : Katerina Tosevska-Trpcevska,*“*Effects of the implementation of single window and simplified customs procedures in the Republic of Macedonia”, *World Customs Journal,* Volume 8, Number 1, International Network of Customs Universities, Canberra, 2014 p. 54, <http://www.customs.gov.mk/en/DesktopDefault.aspx?tabindex=0&tabid=47&search=annual%20report%202015>; Customs Administration of the Republic of Macedonia*, Annual report of the Customs Administration in 2015*, Skopje, 2016, p. 21 and Customs Administration of the Republic of Macedonia, *Annual report of the Customs Administration in 2016*, Skopje, 2017, p. 18

The data in Table 3 show the increment of the usage of simplified customs procedures in the Republic of Macedonia from 2010 to 2015 and a small stagnation in 2016. The Time Release Study confirmed that the economic operators were not showing a significant endeavor in significant increment of the usage of simplified customs procedures. For comparison, in Slovenia, the participation of simplified customs procedures in the total export is 90% and almost 80% in the total import (CARM, 2015, p.18). The Customs Administration should promote more intensely the application of simplified customs procedures and significantly increase the number of users of such procedures. The application of simplified customs procedures is the easiest way to enhance the customs formalities and reduce most of the costs at customs terminals.

Generally, it is agreed that the Macedonian economic operators accept the application of the simplified customs procedures because they expect greater efficiency through timesavings and a reduction in costs. A study asking users to evaluate the simplified customs procedures conducted in 2015 showed that the users are mainly satisfied with the facilitation of the customs operations and are ready to give high grades, even if some restrictive factors and insufficient promotion by CARM has limited their application in the Republic of Macedonia. In this context, their usage is still insufficient in the country and future activities should be conducted in order to increase their adoption among the Macedonian economic operators to a larger extent (CARM, 2016, p.23).

**The Risk Management System in the Republic of Macedonia**

The Risk Management System represents a great change in the traditional approach of import and export customs clearance procedures. The traditional approach implied that every shipment should be physically inspected. This process was intrusive and time consuming, which often led traders to pay substantial facilitation money to speed up the process or to obtain services that are more favorable from the customs officials in charge. Today, with the present dynamics of the international exchange of goods, it is almost unthinkable to control each document and examine every consignment. For that reason, a new reformed system of customs control and inspection was created. The sophisticated module verifies each declaration against preselected risk assessment criteria and assigns the shipments to either the green, yellow, red, or blue channels. The green channel implies that the shipment is secure and that it can cross the borders without a physical or documentation control by the customs authorities. The yellow channel is where only documentation control is performed and, if the customs authorities still have doubts about the shipment after that, it can be sent through the red channel that requires a full physical inspection of the shipment. As for the blue channel, it signifies that a post-clearance control will be effectuated on the shipment (de Wulf L. and Sokol J., 2004, p.110).

In general, a strong Risk Management System implies that the customs authorities have good knowledge of traders through daily interactions and to achieve this, investigation and dialog are very important as is a complete Risk Management Database (Kikerkova and Veterovski, 2014, p.145). The Republic of Macedonia is using a modern system with four channels and CARM has succeeded to upgrade the system of selective controls based on risk analyses. Their main goal was to decrease the physical examination (red channel) and documentary controls (yellow channel), while keeping the security at the highest possible level. The following Graph 1 presents the reduced percentage of physical and documentary customs controls in the period from 2014 to 2016 in the Republic of Macedonia.

*Graph 1: Percentage of performed physical and documentary customs controls in 2014, 2015 and 2016*

Source: Customs Administration of the Republic of Macedonia, *Annual report of the Customs Administration in 2015*, Skopje, 2016, p. 24 and Customs Administration of the Republic of Macedonia, *Annual report of the Customs Administration in 2016*, Skopje, 2017, p. 15

Graph 1 shows that, by the end of 2016, the physical examinations were reduced to 8.8%, and the documentary controls to 16.5% in comparison to 2014, thanks to the appropriate focus of customs controls (CARM, 2017, p.15). The achieved results, together with the decreased intensity of the conducted customs controls, led to accelerated customs procedures for the economic operators that comply with the customs regulations on one hand, and better efficiency and effectiveness in the controls, on the other (CARM, 2016, pp.24-25).

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| **New Computerized Transit System (NCTS) in the Republic of Macedonia** |  | http://customs.gov.mk/en/images/1x1.gif |

As the trade between the Republic of Macedonia and the European Union is increasing greatly in the last 10 years, it is important to maintain good communication between the different customs houses and to have the possibility to exchange fast and clear information in order to prevent illegal activities. The answer is found in the New Computerized Transit System (NCTS), which is a system based on the use of advanced computer technology and electronic data processing. NCTS is the basis for the implementation of the transit procedure by exchanging electronic messages between agents in the customs procedure and customs offices, as well as among customs offices. It serves as a tool for management and control of the transit operations and provides modern and efficient management from the system that was previously based on paper. Each person working on submission of the transit declarations must possess a certificate in order to sign into NCTS and it is important to mention that the certificates used for signing in EXIM can also be used for signing in NCTS.

The reason for the special attention on transit operations is the fact that customs transit is considered to be the key element of the European integration and is of vital interest to European businesses. It enables easier and cheaper movement of goods, as well as simpler and quicker customs formalities. To ensure its uninterrupted implementation, the European Economic Community and the EFTA countries concluded two conventions in 1987, the Convention on Common Transit Procedure and the Convention on the Simplification of Formalities in Trade in Goods that introduced the Single Administrative Document (SAD). Macedonia is a full party of these two Conventions as from the 1st of July 2015, together with the EU Member States, EFTA, and Turkey. The accession to the Conventions enables easier and faster movement of goods due to the realization of the transit procedure by submitting a single transit declaration in electronic form at the place of departure, which is valid for the entire journey until the place of destination within the contracting parties of the Convention. The transit declaration is simultaneously used as a so-called entry summary declaration, which should be submitted for goods entering any EU Member State. Although the time period from the application within the NCTS is relatively short and one may argue on the relevance of the conclusions, it is more than evident that this transit system can reduce the average time needed and thus facilitate the whole procedure (Kikerkova et al., 2016, p.11).

**Conclusion**

It is agreed that all WTO Member Countries will benefit from the Trade Facilitation Agreement. The reason why supporters of TFA are expecting great results in the future from its implementation is because it is anticipated that the benefits from improving the flow of goods across borders are likely to be far more important than the costs of implementing the Agreement. TFA is expected to reduce the total trade costs by more than 14% for low-income countries, by more than 15% for low-middle-income countries, and by more than 13% for upper middle-income countries (WTO, 2015, p.8).

In the case of the Republic of Macedonia, even before TFA was defined, many potentially innovative solutions were difficult to implement. The country was facing trade-related issues and it was of a great necessity for the Customs Administration as well as for the economic operators to overcome and solve the problems immediately (Kikerkova and Veterovski, 2014, p.153). Now that the Republic of Macedonia has ratified the TFA and met the required preconditions, it has also established a safe ground for adoption of the concept of trade facilitation proposed by the WTO. With the implementation of the measures that are ensuring an improved flow of goods across borders, such as the simplified customs procedures and the single window, known as EXIM, the country is expected to achieve better results in its economic and international trade position. However, it is very important that CARM continues to improve the EXIM and keeps the users satisfied with the system, as well as with the promotion of the simplified customs procedures, which are still not sufficiently used among the Macedonian economic operators. Improving these two measures will consequently lead in the future to an improved Risk Management System in the country and increased security of the trade. Furthermore, the Macedonian Customs System gained an additional value in its activities by joining the New Computerized Transit System implemented by EU, which significantly improves the connection and dialog with the EU Customs Offices. This system is of a great importance for the Macedonian trade exchange, since the trade with EU is growing intensively.

The self-assessment of the Republic of Macedonia conducted in 2014 for the overall compliance level with TFA showed good results, although it is important to focus in the future on the implementation of the measures that are not complying or do so only substantially. With this, the Republic of Macedonia is proving its capacity to achieve significant results, its readiness to accept changes, and its devotion to respond to the demands of the international trade dynamics.

The fact that it is the first country in the region that has implemented some of the new trade facilitation measures gives hope for establishing a better cooperation with the neighboring countries in the future, which will follow the example and improve their own trade facilitation process. If the trade facilitation concept of harmonization, simplification, transparency, partnership, and cooperation finds its way of functioning in the whole region, it will certainly be a win-win situation for every party (governments, economic operators, and customs authorities) involved in the process.

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**СПРОВЕДУВАЊЕ НА СПОГОДБАТА ЗА ОЛЕСНУВАЊЕ НА ТРГОВИЈАТА ВО РЕПУБЛИКА МАКЕДОНИЈА**

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**Апстракт**

*Во овој труд ги анализираме ефектите од некои воведени мерки за олеснување на трговијата во Република Македонија. Согласно со заложбите на Република Македонија да ги почитува препораките на Светската царинска организација и на Светската трговска организација, земјата досега ги спровела речиси сите мерки за олеснување на трговијата споменати во новата Спогодба за олеснување на трговијата. Со оглед на тоа дека во февруари 2017 година две-третини од членките на СТО ја прифатија Спогодбата за олеснување на трговијата, таа стапи на сила. Затоа, ние сметаме дека е важно да се анализираат и прегледаат веќе воведените мерки за олеснување на трговијата и да се согледа нивното влијание врз надворешнотрговските операции на земјата.*

*Мерки што планираме да ги анализираме се: едношалтерскиот систем, поедноставените царински постапки, системот за анализа на ризици и примената на Новиот компјутеризиран транзитен систем на Европската Унија. Целта на овој труд е преку анализа на функционирањето на наведените мерки да се укаже на некои од проблемите во нивното функционирање и можните подобрувања во иднина.*

ЈЕЛ класификација: Ф10, Ф14, Ф15

Клучни зборови: Спогодба за олеснување на трговијата, Република Македонија, ЕКСИМ, поедноставени царински постапки, систем за управување со ризиците.