

Peculiarities of border control procedures' simplification at highway border crossing points

Особливості спрощення процедур прикордонного контролю в пунктах пропуску для автомобільного сполучення

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Purpose: to reveal the peculiarities of simplification of border control procedures the Border Crossing Points (BCPs) for road traffic in the context of a sharp increase in passenger and traffic flows.

Method: analysis, synthesis, generalization, search, information, systematic, and subject analysis.

Findings: The introduction of simplifications in border control procedures involves a number of peculiarities: reducing the time for performing control procedures (this applies not only to border control but also to customs and other types of control); focusing the main efforts of border and customs control on risky categories of persons and vehicles; bringing the procedures of technological processes at border crossing points in line with the requirements of European legislation; ensuring comfortable border crossing for citizens and vehicles that comply with border and customs laws..

Paper type: theoretical.

Мета роботи: виявити особливості спрощення процедур прикордонного контролю на пункті перетину кордон для дорожнього руху в умовах різкого збільшення пасажиропотоку та транспортного потоку.

Метод дослідження: аналіз, синтез та узагальнення, пошуково-інформаційний метод, системний та предметний аналіз.

Результати дослідження: Запровадження спрощень у процедурах прикордонного контролю передбачає низку особливостей: скорочення часу на виконання контрольних процедур (це стосується не лише прикордонного, а й митного та інших видів контролю); зосередження основних зусиль прикордонного та митного контролю на ризикових категоріях осіб та транспортних засобів; приведення процедур технологічних процесів у пунктах пропуску через державний кордон у відповідність до вимог європейського законодавства; забезпечення комфортного перетину кордону громадянами та транспортними засобами, які відповідають прикордонному та митному законодавству.

Тип статті: теоретичний.

Key words: border, State Border Guard Service of Ukraine, simplification, peculiarities.

Ключові слова: кордон, Державна прикордонна служба України, спрощення, особливості.

1. Introduction

At the present stage, protection of the State border of Ukraine at checkpoints for road traffic requires continuous improvement of the forms and methods of border management. Ukraine is actively implementing measures to equip and reconstruct checkpoints on the western sections of the State border, to create an integrated system of its protection, and to ensure the passage of persons, vehicles and cargo across the State border.

Dramatic changes in passenger and traffic flow at the Border Crossing Points (BCPs), improvement of international customs documents on foreign economic activity, and harmonization of Ukrainian border and customs legislation with European requirements prompt constant changes

in the technological process of processing persons, vehicles and cargo to introduce simplifications in certain border and customs control procedures.

However, the introduction of simplified procedures does not always have a positive impact on border and customs control. Before making changes to the border crossing procedure or introducing new customs rules, it is necessary to assess their effectiveness. The introduction or change of even a small procedure entails inconsistency of actions, increased time of control operations, which leads to longer queues, potential conflicts and non-standard situations that can destabilize the work of the BCPs.

The relevance of the study is determined by the increasing number of border crossing operations in modern conditions, which is due to the socio-economic situation and development of Ukraine; the need to simplify formalities when crossing the state border, bringing them in line with European standards without reducing the effectiveness of border control of persons, vehicles and goods, etc.

2. Data and methods

Certain aspects of the use of information and telecommunication systems of the State Border Guard Service of Ukraine, which involves assessing the quality of the modernization process and choosing the most effective and affordable options to improve the efficiency of management decision-making in the protection of the borders of Ukraine, were studied by M. Strelbitskyi, V. Mazur, Y. Ivashkov, et al. (Strelbitskyi, M., ..., 2020). The features of the sea surface monitoring system in different conditions and the development of an analytical model of an integral indicator for assessing the effectiveness of this system are revealed in the work of V. Mazur, M. Strelbitsky, O. Meiko, et al. (Mazur, V., ..., A., 2020).

Study of scientific publications of various fields (educational, public administration, military and technical, etc: I. Bloshchynskyi – foreign experience of the U.S. Border Patrol units (Bloshchynskyi I., 2015; Bloshchynskyi I. H., 2017); O. Voitiuk - management activities and leadership qualities (Voitiuk, O., Boshchynskyi, I., 2022); O. Lazorenko et al. – the role of modern information technologies and the practical component (Bloshchynskyi, I. H., 2017; ¹Bloshchynskyi, I. H., 2017; Bloshchynskyi, I., 2022; Bloshchynskyi, I., ..., 2021; Lazorenko, O., ..., 2022 has shown that the above scientific works do not reveal the problem presented in the publication, as it is multifaceted.

3. Results and Discussion

At the present stage, protection of the State border of Ukraine at checkpoints for road traffic requires continuous improvement of the forms and methods of border management. Ukraine is actively implementing measures to equip and reconstruct the BCPs on the western sections of the State border, to create an integrated system of its protection, and to ensure the passage of persons, vehicles and cargo across the State border.

In the context of ensuring cross-border communication, the main ways to solve these problems are as follows (On the approval, 07/24/2019; Agreement between the Cabinet of Ministers of Ukraine, February 25, 2009; Agreement between the Cabinet of Ministers of Ukraine, November 8, 2007; Agreement between Ukraine and the Slovak Republic, August 6, 2008):

a) to ensure cooperation with the Western states bordering on Ukraine: conclusion of new international agreements, in particular on preliminary verification of legal grounds for entry into Ukraine of foreigners and stateless persons, ensuring exchange of information on goods and vehicles transported across the state border, introduction of joint border and customs control, amendments to agreements on border crossing points in order to optimize their network; coordination with the competent authorities

b) in the area of internal state procedures: arrangement of checkpoints across the state border, personnel, financial, material, technical, and information support for the subjects of integrated border management; improvement of the system of legal regulation in the area of integrated border management and adaptation of legislation on the state border to EU legislation, in particular, introduction of a mechanism for controlling the entry and stay of foreigners and stateless persons in Ukraine in line with European standards etc.

The introduction of border control simplification procedures will allow for a greater focus on “problematic” (risky) categories of persons and vehicles. In addition, the introduction of simplified procedures is relevant in case of a sharp increase in passenger and vehicle flows at the BCPs for road traffic. Border control at BCPs across the state border on international routes is regulated by legal documents, both at the legislative level and at the departmental and interagency levels. Today’s conditions are drawing more and more attention to the BCPs for road traffic, requiring simplification of border formalities and creation of comfortable crossing conditions for people traveling across the state border. The requirement to reduce the time of control operations at BCPs is also due to the fact that the passenger and transport flow is growing from year to year.

The main objectives of the simplified border crossing with a sharp increase in passenger and transport flows are to simplify border formalities (*primarily reducing the time for passing through border controls*), increase the reliability of border control, reduce the need for control service personnel, and achieve significant savings in material and technical resources and budgetary funds.

The introduction of simplifications in border control procedures involves a number of features: reducing the time for performing control procedures (this applies not only to border control, but also to customs and other types of control); focusing the main efforts of border and customs control on risky categories of persons and vehicles; bringing the procedures of technological processes at BCPs in line with the requirements of European legislation, ensuring comfortable border crossing for citizens and vehicles that comply with border and customs laws

Given the above, let us formulate a definition of the “*simplified border control*” process. Thus, *simplified border control* is a variant of border control carried out by the State Border Guard Service at checkpoints across the state border, the essence of which is to optimize, refuse or reduce the time for certain formalities, regulatory requirements that are carried out in relation to persons and vehicles crossing the state border of Ukraine.

It should be noted that the main purpose of introducing any simplifications in the BCP is to *reduce the time required for certain categories of persons and vehicles to pass border control, but the effectiveness of control should not be reduced*. In this regard, we can determine which objects may be subject to simplification. Simplifications are always aimed at objects (persons) or subjects (vehicles) of border control.

The objects of border control include the following categories of persons crossing the state border: residents of the border areas of Ukraine and a neighboring state, citizens of Ukraine, and foreign nationals who do not come from risk countries. Illegal migrants from countries of traditional migration risk come to Ukraine from China, India, Sri Lanka, Afghanistan, Pakistan, Turkey, Syria, Egypt, Palestine, Nigeria, Lebanon, Morocco, Kenya, and Bangladesh.

Thus, when citizens from countries of migration risk and citizens of EU member states are simultaneously being processed for entry into Ukraine, more attention will of course be paid to the former. In other words, one of the simplifications in the field of border control is a differentiated approach to the processing of Ukrainian citizens, foreigners from the EU and other countries. At the same time, citizens from countries of migration risk should be subjected to a detailed check of documents.

According to the statistics of detentions at *border control checkpoints* for smuggling and customs violations, it can be concluded that criminal elements use “large” vehicles for illegal activities, which can be used to equip hiding places. Thus, according to recent statistics, of all the

cases of attempts to illegally move goods across the state border, almost 95% were transported by trucks and cars with a carrying capacity of up to 3.5 tons (according to the BCP for road traffic). In addition, large consignments of contraband were seized at BCPs for maritime traffic.

Therefore, the time for control at BCPs for road traffic in relation to passenger vehicles can be reduced, but the use of simplifications in border control in relation to this type of vehicle should be applied carefully and with the obligatory use of risk analysis elements in relation to both drivers and passengers traveling in them, etc.

Control features may be implemented in the BCP in the *form of border control*:

a) Establishment of special (other) documents for the right to cross the state border of Ukraine. Returning to Ukraine's bilateral agreements, certain simplifications apply to citizens of Georgia and Turkey who can cross the border with documents for internal use (so-called ID cards). In addition, citizens residing in the border areas have certain preferences for staying abroad (for example, citizens of Ukraine and the Republic of Moldova residing in the border areas can cross the state border under a simplified procedure using internal passports or passports for traveling abroad. Thus, the aforementioned bilateral agreements establish special documents for the right to cross the state border for residents of border areas.

b) Establishing a limited list of regulatory actions when checking passport documents of a certain category of citizens. Thus, the *time for document verification will be reduced by refusing to perform certain actions, namely: verification of passport documents using technical means; verification of the document bearer against the list of persons who are duly banned from entering Ukraine; refusal to put the "Entry" and "Exit" stamps in the passport documents of Ukrainian citizens.*

c) Transfer of certain functions to a neighboring state. The essence of the innovative approach and reduction of border control time is to transfer some border control functions to the neighboring state. An example of border control is the clearance of vehicles crossing the state border in one direction. Thus, on the territory of Ukraine, border control is carried out only for those citizens and vehicles that are heading to enter Ukraine. Accordingly, control is not carried out on the territory of Ukraine for departure from Ukraine, but is carried out on the territory of a neighboring country for entry.

The use of these forms will reduce the time for border formalities by almost half due to: preparatory activities by the staff; elimination of duplication of functions of controlling authorities; control only once; minimization of formalities, especially at night; automation of document checks, which will reduce the time.

For the purpose of border control:

a) In order to reduce the time required for control operations at BCPs, the following should be taken into account: implementation of a differentiated approach to border control in relation to persons based on their citizenship and country of origin; reduction of regulatory actions carried out during the inspection depending on the category of citizens and directions of their movement; joint border control with the authorities of the neighboring state; transfer of the function of inspection of certain types of vehicles to other control services and service personnel of the trans

b) In order to reduce the number of personnel involved in border control, it is necessary to carry out joint border control and control in one direction, usually for entry. This is confirmed by the fact that the main efforts in this case will be focused on the direction of entry into the territory of Ukraine, and only the observation of persons and vehicles crossing the state border of Ukraine will be organized at the exit direction, which will reduce the number of personnel to be involved in border control.

c) To increase the capacity of the BCPs, there is an option that all border procedures will be carried out at the entrance to Ukraine, then all efforts will be focused on only one direction, the

number of personnel involved in border control in cases of increased passenger traffic can be increased at the expense of the same number that was involved in the other direction.

d) A differentiated approach to the border control of persons and vehicles provides for the timeframe of border control: permanent (the name of this type of simplification of border control formalities speaks for itself. That is, border control at the BCPs across the state border of Ukraine is carried out continuously. It is typical for those BCPs where only citizens residing in the border areas are processed. It is also used at BCPs where joint border control is carried out. However, it can also be applied in international BCPs if it applies to certain categories of citizens and vehicles); *temporary* (temporary simplification of border control formalities can be applied in different BCPs and does not depend on the type of traffic, BCP category and mode of operation. The reduction of border control time may be applied to a certain category of citizens and vehicles, and is not permanent, but temporary and is introduced for a certain period, for example, during the summer tourist season, when the passenger and transport flow increases several times); *short-term* (this type of border control to reduce time may be applied in cases when the state border of Ukraine is crossed by emergency rescue and emergency recovery units for localization and elimination of disasters. In certain cases, provided for by the legislator, this category of persons may be crossed outside the BCP with mandatory approval from the competent authorities of the neighboring state. And it is clear that border control will be applied for a short period of time, only during the period when emergency rescue and recovery units cross the state border of Ukraine).

The above classification of potential areas of innovative approaches is not exhaustive. The conditions and situation at the BCPs at the state border will influence the choice of the category of persons and vehicles for which it is advisable to apply simplification of border formalities in order to reduce the time of border control.

The authors of the study rightly argue that the main directions of ensuring the speed of border control are: joint control; unification of border and customs control procedures (the principle of "single window"), advance (preliminary) inspection; priority of passage of certain categories of citizens; delegation of certain inspection functions; unification of border control procedures; automation of passport verification; technicalization of border control; changes in the technological process of crossing the state border of the axis

All of these elements and activities can be considered essential in light of the reduction of border control time, which is characterized by the use of human, material, technical and organizational capabilities by the state border guard agencies and units. At the same time, such measures require significant financial and time costs: the use of contractual and coordination processes at both the international and interagency levels, procurement of relevant equipment and training of personnel to work with it, advanced technological actions, etc.

Based on the analysis of regulatory documents, scientific sources, and practice in the registration of persons, vehicles, and cargo in BCPs, the areas of innovative approaches were identified. Of course, it is impossible to implement all innovations at the same time. However, at the present stage, some innovations in the field of border control are already in place.

These include: joint border control, unified border and customs control procedures (the "single window" principle, simplified passage of certain categories of citizens).

Substantiation of conditions and factors that affect the process of simplification and time of border control of persons and vehicles at the stages of its implementation

For the effective organization and implementation of border control by the state border guard units at BCPs, it is necessary to identify the main factors that affect the implementation of border formalities, which will reduce the time for border control.

The analysis of scientific sources, regulatory documents and statistical data on the passage of persons across the state border, as well as the experience of the operational activities Border

Agency, lead to the conclusion that the organization and implementation of border formalities at BCPs across the state border will be influenced by factors that can be divided into external and internal. Let us provide a meaningful description of the factors.

External factors that affect the implementation of simplified tax procedures include:

1. The level of relations with neighboring countries.

Ukraine, as a sovereign and independent state, continues its course to develop political, economic, cultural and other ties with all countries, especially those with which it borders.

Bilateral agreements on cooperation in various sectors of the economy, culture, etc. are being concluded. It is the development of these ties that affects the efficiency of the BCP across the state border. After all, quantitative and qualitative indicators that affect the overall economic development of the state depend on the routes of international communication. It is the rhythmic and stable operation of BCPs across the state border that will determine the number of transportations. The more and better the simplification of border procedures and the reduction of clearance rates are applied, the more and faster the turnover of goods and the development of the tourism industry will be.

2. The presence in the border areas of a large number of people with family ties abroad. In explaining the content of this factor, it should be noted that in recent years, the leadership of our state has been working hard to create favorable conditions for crossing the state border by citizens living in the border areas. This is due to the fact that a large proportion of the population with family ties abroad lives in the border areas of Ukraine and neighboring countries. In this regard, the government adopts bilateral agreements on small-scale border traffic, etc.

3. The state of border and economic relations. Cross-border cooperation is a specific subsystem of international economic relations, which is a conglomerate of individual forms of international interaction, which are distinguished on the basis of a common approach to their implementation, the presence of a number of common elements of local governance and common target functions. In political and economic terms, cross-border economic cooperation is a specific manifestation of the international division of labor between geographically neighboring administrative regions of two or more countries, which is determined by the general nature of interstate relations, as well as by the economic, historical, social and national peculiarities of the interconnection of such regions. It should be noted that, in general, cross-border cooperation stimulates the development of a country's foreign trade relations.

To further enhance the role of border regions in Ukraine's foreign economic relations, scholars propose the implementation of a number of organizational and economic measures. These include simplification of the exchange of goods and services produced by local resources within the border regions and intended for consumption in their territories; introduction of a special procedure for border and customs clearance of subjects of foreign economic activity of the border regions; development of a system of benefits for border trade and joint venture activities; introduction of statistical reporting on cooperation between the border regions; identification of a group of persons, vehicles, goods and approval of their access to the border regions. Thus, this factor has a great impact on the simplification of control operations of foreign economic operators from the border regions.

4. Differentiated approach to citizens and vehicles crossing the state border. Of course, different categories of citizens and vehicles require different amounts of border control. These actions are taken based on the analysis of the results of border activities over a certain period of time. To some extent, the choice of the category of persons will also be influenced by the requirements of legislative and departmental regulations. For example, in accordance with the legislation on the legal status of foreigners and stateless persons, persons crossing the state border at the checkpoints may be subject to such a procedure as selective control of the availability of financial security for their stay in Ukraine. The differentiation lies in the fact that the list of countries

whose citizens are subject to this procedure is clearly defined by the Cabinet of Ministers of Ukraine resolution.

Border patrols constantly analyze and assess risks while performing their duties. This procedure is carried out at checkpoints across the state border of Ukraine when vehicles are moving in the "green corridor" lane. Differentiation in this case is that the vehicle may be taken out of the general flow and redirected from the "green corridor" lane to the "red corridor" lane or to a specially designated place for in-depth inspection. The application of border control facilitation to a particular category of vehicles and cargo will also depend on the results of the risk analysis and assessment [15].

The most significant external factor is the latter, which can significantly reduce the time required for border control of persons, vehicles and cargo by the state border guard units and agencies.

The internal factors that influence the simplification of border control procedures include:

1. *Mismatch of traffic intensity with the capacity of the BCP.* If we apply this definition to BCPs, it is the ratio of the number of people, vehicles and cargo crossing the state border at BCPs during a certain period of time, which is defined in BCP forms as a day. In today's conditions, when the passenger and transport flow is increasing from year to year, the existing capacity of the BCPs does not correspond to the intensity of traffic of people and vehicles on international routes, which in turn affects the organization and implementation of border control in general. Queues arise both to enter and leave Ukraine, the workload of the staff involved in border control increases, and the quality of border control decreases. A striking example of this is the protection of the state border on international routes during the summer tourist season, when passenger and vehicle traffic increases three to four times compared to the autumn and winter period.

Queues of passenger vehicles, usually for exit from Ukraine (no queues for entry). This is due to the fact that the number of employees of the Customs Service of the Republic of Poland (Poland) in a shift is less than the required 16-18 employees, while the need is 24-26, resulting in queues of cars leaving Ukraine, as well as 100% in-depth inspection by the Polish side of passenger vehicles entering Poland to identify goods and items prohibited for import in excess of the established norms, which differs according to the laws of Ukraine and Poland.

2. *Low efficiency of inspection of certain types of vehicles.* This is due, first of all, to the design features and sizes of different types of vehicles. Increasing the reliability of the inspection leads to an increase in the number of personnel involved and the time of the overall transport clearance. Another integral component of this factor is the professional training of personnel authorized to perform border control. After all, the lower the professional training, the lower the efficiency of inspection work. This applies to all BCPs without exception. For example, regardless of the type of traffic, if the inspector has not properly studied the design features of the vehicles, the efficiency of the inspection will be zero.

3. *Low probability of using certain types of vehicles for illegal activities.*

Based on the analysis, it should be noted that the number of cases of using certain types and brands of vehicles for illegal activities is very small. Therefore, this should be taken into account when organizing and implementing border control facilitation procedures.

4. *Fulfillment of Ukraine's international obligations to other states.*

This factor is closely related to one of the external factors, such as the level of relations with neighboring countries. By entering into bilateral agreements on cooperation in various sectors of the economy, Ukraine undertakes to fulfill them. There is a correlation between the number of agreements reached in various sectors of the economy and the intensity of passenger and transport flow at the BCPs. The more agreements are concluded, the faster the growth of cargo transportation across the border, which in turn affects the traffic intensity and the emergence of queues at the checkpoints.

5. *Mismatch between the number of personnel involved in border control and the increase in the volume of tasks performed at BCPs.*

This factor also depends on all of the above and is, let's say, consequential. After all, with the increase in the intensity of movement of people and vehicles across the state border at the checkpoints, the number of staff remains unchanged. The existing border control system needs constant improvement. Therefore, taking into account the requirements of today, the State Border Guard Service is taking a number of measures aimed at simplifying border formalities.

Thus, based on the above, it should be concluded that the above factors are closely interconnected and, in their totality, constitute a stable structure in which each factor, influencing the border control system, generates another, i.e. there is a clear cause-and-effect relationship between them.

4. Conclusion

Based on the analysis of the legal documents regulating the content of the main components of border control, it can be argued that there are enough direct and indirect provisions that indicate the need for a differentiated approach to border control, thereby reducing the time required for the clearance of persons and vehicles.

At the present stage, the State Border Guard Service is implementing many pilot projects to introduce innovative approaches to border control at BCPs for different types of traffic. The main simplifications recently introduced to the border control system at the BCPs for road traffic on the basis of regulatory documents were: the "one-stop shop" principle; joint border control at the checkpoints; recording of biometric data of foreigners; verification of Green Card vehicle insurance policies; separation of traffic flows into lanes depending on the categories and purpose of the vehicle's trip.

The purpose of the simplified procedures is to reduce the time required, make border and customs control clearer, and increase comfort for people crossing the border. An additional goal of simplifying border formalities is to reduce the need for control service personnel and achieve significant savings in material and technical resources and budgetary funds.

The widespread introduction of simplified border control procedures raises other important issues of the development of the border control system in Ukraine. Based on the realities of today, the introduction of simplifications and reduction of time for border control is difficult to apply in practice due to the peculiarity of state border protection at BCPs depending on their category, type, traffic flows and categories of citizens crossing the border. Based on this, the introduction of simplified procedures should be gradual, with economic justification, calculation of the prospective effectiveness of control of persons, vehicles and cargo.

Simplification and reduction of time indicators in the clearance of persons, vehicles and cargo, as the main goal of the implemented innovation, can be achieved by taking into account the peculiarities of border control of persons and vehicles in accordance with the classification: at border control facilities; by subjects of border control; by the form of border control; for the purpose of border control; by the time of border control.

Taking into account the factors developed will ensure the effective fulfillment of the tasks of preparing and implementing innovative forms and methods of border control at the BCP. At the same time, BCP officials should take into account: the level of relations with neighboring states (if the interaction is low, it is impossible to achieve a priori efficiency of innovation); the presence in the border areas of a large number of people with family ties abroad (in order to determine the simplifications of the relevant category); the state of border and economic relations (to develop simplifications for crossing the border by trucks); introduction of a differentiated approach to citizens and vehicles crossing the state.

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6. Competing interests

The authors declare that they have no competing interests.

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- Угода між Урядом України та Урядом Республіки Молдова про ППр через українсько – молдовський державний кордон і спрощений пропуск громадян, які проживають у прикордонних районах із змінами, внесеними Протоколом між Кабінетом Міністрів України і Урядом Республіки Молдова про внесення змін і доповнень до Угоди між Урядом України і Урядом Республіки Молдова про ППр через українсько-молдовський державний кордон і спрощений пропуск громадян, які проживають у прикордонних районах, затверджено Постановою Кабінету

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