

IMPLEMENTATION OF THE PPP PROGRAMMES IN THE SPHERE OF THE FOREIGN ECONOMIC ACTIVITY IN THE UNITED KINGDOM

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Проанализированы промежуточные итоги проводимой в Великобритании в последнее десятилетие программы государственно-частного партнерства в сфере внешнеэкономической деятельности. Рассмотрены институциональные основы и организационно-правовые механизмы реализации партнерских отношений предпринимательского сообщества с Департаментом по торговле и инвестициям (UK Trade&Investments) и Королевской службой налогов, сборов и таможен. Особое внимание уделено «новой миссии» таможенной службы Соединенного королевства как катализатора повышения конкурентоспособности британской экономики на мировом рынке.

Interim results of the PPP programmes implementation in the sphere of foreign economic activity in the UK are analyzed within the article. Institutional framework as well as legal mechanisms of cooperation between business community and UK Trade&Investments, HMRC are covered. Special attention is paid to the “new mission” of the UK Customs Service and its role of accelerator of the UK economy competitiveness development on the international arena.

Ключевые слова: государственно-частное партнерство; внешнеэкономическая деятельность; «новая миссия» таможен; Великобритания; Европейский союз.

Keywords: public-private partnership; foreign economic activities; Customs Service “new mission”; the United Kingdom; the EU.

Public-private partnership (PPP) is a mutually beneficial cooperation between public institutions and business community aimed to complete significant tasks in both economic and social spheres. Great Britain is a pioneer and one of the world leaders in implementation of national projects, related to PPP in various economy sectors. The components of such partnership appeared in the 1960th. Foundation of Joint Customs Consultative Committee (JCCC) in 1969 followed by regular *HM Customs and Excise* consultations with business community, that were aimed at improvement of customs legislation and simplification of customs procedures, can be considered as an example of gradual establishing of such cooperation. [1, p. 4–5]

The United Kingdom started comprehensive and vigorous national implementation of PPP since the late 1980th. This practice was continued in the 1990th, and PPP programs were supported by both the centrists (The Labour Party) and moderate wing of the Conservatives (Tory Party). Cooperation between government and private sector in customs regulation of foreign trade and external economic activity is still a priority in British governmental policy.

Nowadays PPP in customs affairs and external economic activity is a relatively new area for Republic of Belarus and its Eurasian Economic Union (EAEU) partners. Elements of PPP in customs regulation system (work of Public Advisory Councils, functioning of Authorised Economic Operator institution, etc.) were put into practice by Belarusian customs authorities no longer as 10 years ago.

A key challenge for EU customs is a long-lasting aim to create better conditions for business development and operating, as well as export promoting, while Belarusian customs' priority is still focused on reinforcing the budget and ensuring

economic security of the state. PPP is not aimed to decline all the aforementioned tasks, but to perceive cooperation and partnership with business community as an integral component and indicator of the performance of Customs Service.

In our opinion, we should review thoroughly initial parameters of existing PPP concepts and their results with a view to aligning them with our realities to avoid institutional and managerial errors and find the most efficient forms of shaping partnership between government and business community.

We would like to note the lack of researches on this problem in the post soviet academic literature. While preparing this article, its authors used data from official documents and analytical materials dedicated to customs regulation and of external economic activity performance in the United Kingdom. Recommendations on cooperation between Customs Service and economic entities prepared within implemented national initiatives on PPP were viewed and researched. This includes multiple manuals and instructions published on the UK government official web-site. Info-statistical online-platform UKTradeInfo was also used, as well as directive documents and recommendations of the European Commission and other supranational institutions of the EU related to the implementation of PPP (the Modernized Community Customs Code, descriptive concept of Single European Authorisation, Regulatory Impact Assessments etc.). Besides aforementioned documents, legal acts, official recommendations and other official documents of World Customs Organization (WCO) and other international organizations with Great Britain as a member were used. We note the uniqueness of PPP system in this country, where governing legislation restricting fulfillment of PPP programs in a particular field is actually absent.

In the UK decentralized and multilevel system of foreign trade regulation was formed. PPP issues are assigned to the competence of *ministerial* and *non-ministerial departments*. The first ones are dealing with issues that require direct political control from the ruling government's office. The second ones have a significant degree of autonomy from the government. They report directly to The Parliament and responsible for industry regulation and audit.

In the PPP system of the state regulation of foreign trade *the Home Office*, UK Trade&Investments and *Her Majesty's Revenue & Customs* are represented.

The Home Office is a ministerial department that cooperates with its subordinate executing agencies *Border Control* and *UK Visas and Immigration* while dealing with immigration and passports, drugs policy, crime, counter-terrorism and police [2].

UK Trade&Investments is a non-ministerial department founded particularly for financial support of British foreign trade. It works directly with business representatives, being aimed at exporting companies' competitiveness encouragement, as well attraction of foreign investments into the country.

Practical recommendations, consultations and assistance to the exporting companies are some of the main Department's activities.

Her Majesty's Revenue & Customs (HMRC) is a non-ministerial department responsible for the administration of the tax system including customs taxes and duties. It was established by the Act of Parliament in 2005 to replace Customs and Excise and the Inland Revenue. The department is functioning according to the Commissioners for Revenue and Customs Act 2005. It also controls compliance with tax (and Customs) legislation, correct calculation and full payment of taxes, duties and other obligatory payments into the corresponding budget, as well as compliance with currency legislation [3].

Nowadays these governmental structures are functioning and developing in compliance with UK legislation, as well as EU legislation, taking into account recommendations and standards of World Customs Organization and other international economic organizations. A key element in the work of Customs Service of the UK is encouragement and enhancing of cooperation between business and customs.

A registration and identification of an economic entity by customs authorities can be seen as a basic element of the interaction. In the EU such scheme is called Economic Operators' Registration and Identification (EORI). It came into force in 01.07.2009, and nowadays it's one of the components of digital environment development of customs affairs in the EU [4].

Before implementation of the EORI scheme the Trader Unique Reference Number (TURN) system was used. The replacement of TURN by EORI hasn't changed the essence of the procedure: 98 % of existing TURN holders were given an EORI number without any additional formalities. UK EORI numbers start

with the letters GB and followed by a 12 digit number based on the 9 digit VAT number and ends in most case by 000 [5].

We should also mention Single European Authorisation (SEA) as a next form of cooperation between business and customs. SEA may be granted to participants of foreign economic activity by two or more Customs Services of Member States in terms of a customs procedure with economic impact fulfillment, such as customs warehousing, inward/outward processing, processing under customs control and temporary importation. The Union Customs Code (that is prepared for the entry into force) contains basic provisions granting SEA for customs end-use procedure i.e. goods are entered for free circulation and given favourable tariff treatment at a reduced or zero rate of duty on condition they are put to a prescribed use [6]. So, if a company is going to process goods within, for example, three member states of the EU according to inward processing procedure, then following release can be carried out within all these three states under one resolution [7].

Status of Authorised Economic Operator (AEO) is still a significant requirement for using this mechanism. Nowadays AEO institution is the most successful and effective form of cooperation between business and customs, established in WCO Framework of Standards [8]. The AEO concept was gained a strong legal basis after adoption of Regulation (EC) No 648/2005, Regulation (EC) No 1875/2006, the Modernized Community Customs Code, as well as Authorised Economic Operators guidelines (11.03.2016 new edition) [9; 10].

Within the UK customs system extensive information Notice 117 was prepared in April 2009 to clarify all the details and principles of AEO institution. Its updated variant is used since 11.02.2010. [11]

After starting its activity aimed at rapprochement with business representatives, the UK Customs Service represented by HMRC carried out research by means of which main priorities and interests of private business representatives in their relations with customs were defined. These materials were put into basis of *Review of Links with Large Business, 2006* where priority PPP concepts were set out, such as certainty, simplified scheme of paying customs payments based on risk management, speedy resolution of issues and transparency in cooperation between customs and business through mutual consultations and agreements. On the basis of the obtained findings *Large Business Strategy (LBS)* based on understanding of its special needs and reactions was developed and published [12].

In the framework of LBS an effective work with major customers of Customs Service, also known as *Large Business Service, or Large Businesses*, was developed. *LBS* also contained a Customer Relationship Management Model. More than 2 thousand of registered companies with 30 million pounds turnover and above and paying nearly half of

all the British taxes and customs duties are meant by customers in the framework of LBS [13].

A customer relationship management model is based on mutual reliance, transparency in decision-making and prompt feedback. Taking into account amounts of money in turnover of companies mentioned above, speed and simplicity of customs operations are some of the main tasks in the framework of the Model. This Model includes Customer Relationship Managers (CRMs) responsible for maintenance of legitimate and minimally expensive cooperation between customs and large business. Area of its competence includes ensuring correct and timely payments of taxes and duties provided by legislation from large business representatives. There are also:

- analysis of risk of tax and customs legislation violations for each individual customer;
- coordination of the interaction between customs and business representatives on evaluation of the identified risk, as well as planning for its future prevention;
- inspections (control and audit) aimed at detection of possible cases or threats of legislation violation on request of business customers;
- ensuring sufficient use of HMRC resources during inspections and in the frames of interaction;
- elimination of cases when legislation has been breached, as well as prevention of such threats;
- keeping the business informed about changes and innovations that can influence on their activity [13].

In May 2014 HMRC carried out Large Business Panel Survey to evaluate effectiveness and success of aforementioned model functioning, and 1824 interviews with customers working in the frames of Large Business Service were held within this Survey. At that time there was a HMRC support service named *Local Compliance – Large&Complex* and being responsible for interaction with representatives of small and medium-sized businesses on collection of taxes and duties and improvement of customs procedures. Today this Service as an independent unit is abolished and interaction with representatives of small and medium-sized businesses continues in the framework of Large Businesses.

The survey divided its participants into three groups:

- 1) companies working with Customer Relationship Managers (CRM) in the framework of LBS;
- 2) companies working with Customer Relationship Managers (CRM) in the framework of L&C;
- 3) companies working without Customer Relationship Managers.

At the beginning of the evaluation period in 2010 British customs performance was evaluated as follows: 86 % of representatives of the first group, 75 % of the second and 68 % of the third ones estimated work of customs authorities as good or satisfactory.

The results of 2013 have changed as follows: 93 % of representatives of the first group evaluate their relations with customs as positive while the indicators of the second and third groups were almost unchanged [12; 14].

It can be noted that presence of a mediator in relations between customs authorities and large business entities has a positive impact on their work and promotes improvement and further development of such partnership.

But it should not be forgotten that presence of such mediators is not the only way for maintaining and development of such partnership. There are also direct consultations between participants of foreign economic activity and HMRC that are held permanently and let business representatives participate in decision making process, if such decisions are of direct relevance to external trade business.

There are several platforms of that kind informing and consulting business representatives in the frames of HMRC:

Business Tax Forum (BTF) where questions of tax system improvement and prompt implementation of adopted agreements into practice to create enabling “commercial environment” for business are considered. *BTF* is held on a quarterly basis. Nowadays large business sector is represented by following companies: General Electric, Astrazeneca, Vodafone, Marks and Spencer, Reed Elsevier, Unilever, HSBC, Aviva, BP, Diageo [15; 16].

Large Corporates Forum is another platform for interaction between customs authorities and business, but there is a specific focus. Among the objectives of this consultation institution we can mention:

- finding a compromise with a customer’s standpoint (this is about interaction with large business (LBS));
 - better understanding of customer’s needs;
- Opportunities for communication, discussions on draft legislation, as well as elaboration of amendments and supplements i.e. granting representatives of large business the right to participate in discussions and amend draft customs legislation.

Additionally there are other information platforms established with HMRC support HMRC such as Big 4 Heads of Tax, a discussion club for business representatives and tax agents which is aimed to clarify difficulties in enforcement of tax legislation. There are also Mid-Tier Agents Forum, Large Law Firms Forum and some others [15].

Developing and encouraging such projects, the UK Customs Service shows its strong interest in partnership with business. Aforementioned forums mainly cover customs payments.

Above-mentioned Joint Customs Consultative Committee (JCCC) still plays an important role in development of partnership. JCCC is attached to HMRC and aimed at opinion exchange and discussion of assumed changes in legislation related to the movement of goods through the customs

border and its customs clearance. Nowadays members of Joint Customs Consultative Committee are represented by more than 20 non-governmental organizations protecting the interests of entrepreneurs and participants of foreign economic activity, among them Association of Freight Software Suppliers (AFSS), Association of International Courier and Express (AICES); Automated Customs and International Trade Association (ACITA), British Chambers of Commerce (BCC), British International Freight Association (BIFA), Chartered Institute of Logistics & Transport (CILT), Customs Air Transport Industry Consultative Group (CATICG), Customs Practitioners Group (CPG), Freight Transport Association (FTA), Road Haulage Association (RHA), UK Aerospace Industry Customs Group (UKAICG), UK Warehousing Association (UKWA) and others. This public forum is the main platform for consultations between the responsible British customs officials and representatives of business community, discussions and making operational decisions on changing customs policy, customs procedures and current business models.

There is International Trade Operating Systems Working Group (ITOSWG) among the groups mentioned above, that is a subject of special interest. It was established in November 2003 to discuss and regulate the questions that appeared in the framework of Customs Handling of Import and Export Freight (CHIEF) [17].

CHIEF records Customs declarations of goods moving across the Customs border of the UK/EU. It has direct connection with five Community System Providers (CSPs) serving customs carriers and others within the international transportation sphere. CSP centers monitor and capture the information regarding movement of goods within ports and airports, enabling them to react to any kind of incidents better and faster. CHIEF system is a part of HMRC risk assessment process. This system is both an information repository and information analyser, operating on transportation of goods across the Customs border. It identifies which cargoes and goods will need to be physically examined. This gives low-level risk economic operators faster passage through customs formalities when they are importing or exporting goods to/from non-EU countries.

Today CHIEF system is one of the best information resources aimed to receive and process the customs information. Other possibilities in customs declaration submission are the following:

- Excise Movement Control Business (EMCS), a service used to interact with economic entities exporting/importing excisable goods.
- Import Control System (ICS), this one is used to serve companies importing goods to EU countries that require check on ecological and radiation risks to provide national security.
- New Community Transit System (NCTS), a basic, free to use service suitable for low volume users.

- National Export System (NES), a service used to submit export declarations.

Within the competence of the UK Customs Service there is an ability, based on HMRC contest and conditions, to submit hard copy documents to National Clearance Hub [18].

Despite the fact that CHIEF system has already operated for a long time, many of its clauses will contradict new legislation because of the adoption of The Union Customs Code in 01.05.2016. That's why the period until 2020 is considered to be a term when the new information platform aimed at CHIEF replacing will be developing.

Today new Customs Declaration Services programme (CDS) is being developed in the frames of HMRC. The amendments in The Union Customs Code and innovations included in EU Multi Annual Strategic Plan (MASP) will be the part of this program. The scale of operations within this system will be considerably increased. For example, international mail, and in particular its document processing will be also included in CDS system. The new system hasn't been tested yet, but customers and main users of the previous information platform for British document processing are now being attracted to maximize quality and usability of the information product [19].

The UK Customs Service pays significant attention to creation of the new information products aimed to optimize the performance of the customs authorities. Regarding this, online-platform HMRC — UK TradeInfo can be mentioned. It is an information platform administrated by HMRC customs statistics department. The following purposes of this online-platform can be mentioned:

- collecting, sorting, checking and publishing of statistics of British economic entities' foreign trade;
- compliance with the EU standards on collecting, analysis and publishing of trade statistics;
- collecting, analysis and publishing of trade statistics in compliance with the UK domestic law (Code of Practice for Official Statistics).

UK TradeInfo not only stores lots of available statistic information, but also includes necessary tools for interaction between economic entities and Customs Service.

They include:

- ICN-Online, an automated searchable web-tool for establishing appropriate commodity codes according to the EU Combined Nomenclature.
- Exchange rates, a monthly updated exchange rates database. There is also a tool that updates exchanged rates in the framework of HMRC weekly.
- Importers details, a database of companies importing goods to the UK/EU. In the framework of this tool it is possible to collect and publish information on more than 130 thousand importing entities registered in the UK. This database performs the following tasks:
 - providing greater visibility of importers to potential customers;

- enabling those who are part of the import supply chain, such as logistics or transportation companies, to identify potential customers,
- improving the effectiveness of market research and product development in Great Britain. The information on imports of various products, as well as the importing companies encourages the private sector to use such data for the product substitution development.

- Build your own tables, a tool that lets you create and analyze data solely of the needed sector. This online catalog allows you to develop statistical table filtered by region, country, the EU Combined Nomenclature code, the Standard International Trade Classification code, etc. [20].

There is also the national export support program “Exporting is GREAT”, implemented on an ongoing basis as part of the UK Trade & Investments. It is aimed to facilitate foundation of more than 100 thousand new exporting companies by 2020, and to support them. The main goal of this program is to attract the attention of domestic producers to the existing export opportunities. The list of the opportunities is being updated daily. It means that the company which has already found there the appropriate opportunity can be sure that such need is still required [21].

UK Trade & Investments also provides information and practical support on all the stages of formation and development of the UK companies’ export potential. But it’s clear that the list of opportunities is insufficient to start the export business. That’s why the step-by-step guide for potential exporting companies was developed in the framework of the national program “Exporting is GREAT”:

- Online Academy “ExportSavvy”, which contains a number of practical courses and training modules on multiple issues related to export activities (development of a business plan, identification of primary and secondary goals in business management, analysis of the other companies’ experience in solving practical problems, expert advice, other countries’ market research etc.).

- Practice Guidelines “Open to export”.

- The list of significant elements necessary for the actual start of the export business.

- Recommendations on e-commerce.

- Reporting on the financial component of export (for example, information on the customers’ paying capacity etc) [21].

UK Trade&Investments not only promotes the development of the British companies’ export potential, but also attracts foreign investments to the United Kingdom. The UK is the absolute leader in terms of the volume of foreign capital invested in the economy during the reporting period due to the number of advantages provided by Great Britain as a beneficiary country. The UK also has one of the most comfortable business environments in Europe. It

takes on average 13 days for the creation of a company in this country, and 48 hours for its documenting. Great Britain is the second largest labor market in the EU which includes more than 30 million available specialists in different areas. Experts estimate that the UK has the least amount of administrative barriers for entrepreneurs in the world, and ranks 8th in national economies’ competitiveness. Favorable conditions for doing business in the UK are confirmed by the following data: more than 500 thousand new companies were registered here in 2013, and the country ranks second among the G-20 on the ease of foundation of the companies with prevailing foreign capital [22].

Favorable conditions for doing business in the UK are confirmed by regular international ratings, although they can have serious methodological errors which significantly eliminate the objectivity of the ranking. According to “Doing Business” (DB) organized on the World Bank and the International Finance Corporation methodology (which was based on evaluation of 10 indicators including ease of business registration; the level of investor protection; transparency of taxation; ease of international trade, etc.), Great Britain ranks 10th out of 189 states in 2014 and 6th in 2016 [22].

According to “The Logistics Performance Index and Its Indicators” (LPI) that is held by the World Bank together with the University of Turku (Finland) once every two years and based on 6 indicators in the field of trade (including customs administration efficiency, infrastructure quality and timely shipment of goods), Great Britain ranks 4th out of 160 countries in 2014 (and 5th according to the LPI indicator in “customs administration efficiency”) [23].

It can be stated that modern British system of state regulation and external trade promotion is one of the most efficient and flexible ones in the world, and this is confirmed by its high ranking in various international ratings. *Her Majesty’s Revenue & Customs* plays an important role in PPP implementation in customs regulations of foreign trade, as well as supporting the competitiveness of domestic producers. Nowadays the implementation of a new national program “Customs Vision 2020” aimed at further PPP expansion and deepening between Customs Service and business community of the UK is on the agenda. The British PPP program in the field of foreign trade activities shows that main innovation in this area are shifting to the economic-technological and information sphere.

The next conclusion will be quite disappointing for Belarusian situation. Even the most updated system of technical regulation of foreign trade using modern information technologies and maximizing the liberalization of customs procedures will be useless until the business community stops considering the internal regulatory system under strict governmental supervision nothing else but state racketeering.

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