

TERM DEFINITIONS AND THEIR IMPACT ON ACCURATE COMMUNICATION WITHIN INTERNATIONAL CUSTOMS PRACTICES

DEFINICIONES DE TÉRMINOS Y SU IMPACTO EN LA PRECISIÓN DE LAS COMUNICACIONES EN EL ÁMBITO DE LAS PRÁCTICAS ADUANERAS INTERNACIONALES

DÉFINITIONS DES TERMES ET LEUR IMPACT SUR LA PRÉCISION DES COMMUNICATIONS DANS LES PRATIQUES DOUANIÈRES INTERNATIONALES

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ABSTRACT

This paper intends to perform a terminological analysis of the definitions set in the Decree 390, 2016 —Colombia's customs regulations in force. These regulations were enacted by the Colombian government aiming at aligning with international conventions, including those referring to the simplification and harmonization of customs procedures at international trade. This terminological analysis is grounded upon theoretical bases for terminology management regarding concepts, terms and definitions. Meanwhile, the theoretical framework provides basic parameters in making definitions, which are used to assess the terms selected. Since customs procedures necessitate an accurate use of language in order to facilitate trade, the definitions appearing in regulatory documents should be developed with care. Thus, this terminological analysis highlights how terminology principles can help improve communications in highly specialized contexts and reduce ambiguity when interpreting regulatory documents. The analysis also aims to establish the extent to which the Colombian government's efforts to modernize its customs procedures comply with international conventions. As a result of this analysis it is possible to identify some ambiguous definitions in Decree 390 that may lead to misinterpretations with the opposite effect of facilitating trade. It casts light also on the issue of the ever-changing technological advance and how the global language of technology should be also included in this new set of regulations for Colombian international trade practices.

Keywords: customs regulations; global language; international trade; terminology; trade facilitation.

RESUMEN

Este artículo se propone hacer un análisis terminológico de las definiciones establecidas en el decreto 30 de 2016, estatuto aduanero vigente en Colombia. El estatuto fue presentado por el gobierno colombiano como un documento en concordancia con las convenciones internacionales en torno a la simplificación y armonización de los procedimientos aduaneros para el comercio exterior. El análisis terminológico se fundamenta en bases teóricas de la gestión terminológica en lo concerniente a conceptos, términos y definiciones. Al mismo tiempo, el

637

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marco teórico establece parámetros básicos para la creación de definiciones, que se usan para evaluar los términos seleccionados. Dado que los procedimientos aduaneros requieren un uso preciso de la lengua para facilitar el comercio, las definiciones contenidas en este tipo de documentos regulatorios deben elaborarse cuidadosamente. Por tanto, este análisis terminológico expone cómo los principios terminológicos pueden ayudar a mejorar las comunicaciones en esferas de alta especialización y así reducir la ambigüedad a la hora de interpretar documentos normativos. El análisis también pretende determinar en qué medida las iniciativas del gobierno colombiano por modernizar los procedimientos aduaneros se ajustan a las convenciones internacionales. Como resultado de este análisis, es posible identificar algunas definiciones ambiguas en el decreto 390 que pueden llegar a ser mal interpretadas, lo que frustrará el objetivo de facilitar el comercio. También aclara el problema del avance tecnológico en continuo cambio y cómo el lenguaje global de la tecnología debe ser considerado en las nuevas regulaciones para las prácticas de comercio exterior en Colombia.

Palabras claves: comercio exterior; facilitación del comercio; lenguaje global; regulaciones aduaneras; terminología.

RÉSUMÉ

Cet article envisage de faire une analyse terminologique des définitions établies dans le décret 390 (nouveau régime douanier). Ce nouveau règlement a été présenté comme un document qui est conforme aux conventions internationales à propos de la simplification et l'harmonisation des procédés douaniers dans le cadre du commerce international. Cette analyse terminologique est effectuée sur des bases théoriques de la gestion terminologique par rapport aux concepts, termes et définitions. En même temps, ce cadre théorique établit les paramètres basiques pour l'élaboration des définitions et pour l'évaluation des termes choisis dans cet article. Les procédés douaniers nécessitent un usage précis du langage qui rend le commerce plus facile, donc c'est pour cela que les définitions contenues dans ce genre de documents réglementaires méritent une construction soignée. Par conséquent, cette analyse terminologique expose comment les principes terminologiques aident à améliorer la communication dans les milieux d'haute spécialisation et réduire ainsi l'ambiguïté au moment de comprendre des documents réglementaires. Cette analyse vise aussi à déterminer la mesure dans laquelle les efforts du gouvernement colombien pour moderniser les procédés douaniers sont alignés sur les conventions internationales. Grâce à cette étude il est possible de remarquer quelques définitions ambiguës dans le décret 390 qui par sa mauvaise interprétation aboutissent à atteindre l'effet inverse de celui qui est recherché, à savoir la facilitation du commerce ; d'ailleurs, il éclaire le sujet du développement technologique en constante évolution et explique comment doit se considérer le langage global de la technologie dans les nouvelles normes pour les pratiques de marché internationales mises en place en Colombie.

Mots-clés: commerce international; facilitation du commerce; langage global; régulations douanières; terminologie.

Introduction

Now more than ever, scholars from different fields are looking at the issue of language in international trade and commerce as an increasingly important factor. In 2014 the *Journal on International Business Studies* (JIBS), one of the most influential and best ranked journals in international business, dedicated a whole issue to the topic of language. “Language lies at the heart of international business (IB) activities, yet language as a key construct in the field of IB has not been sufficiently articulated or theorized” (Brannen, Piekari, and Tietze, 2014). As the authors state, the potential and implications of language in internationalization strategies remain largely unknown to most practitioners.

In recent history, governments around the world have strengthened customs procedures to safeguard the movement of goods and people between countries despite terror attacks. It has forced authorities to not only optimize controls and pay special attention to clearing incoming merchandise but also to emphasize pre-shipment controls for exports and goods subject to inspection.

The revised Kyoto Convention on the Simplification and Harmonization of Customs Procedures (WCO, 2008) was drafted in 1999, but came into force in 2006. In light of international security challenges, the Convention encourages customs administrations around the world to harmonize and facilitate customs practices while at the same time integrating a global language into customs procedures worldwide. The revised Kyoto Convention, based on the original principles of the Kyoto Convention signed in 1974, defined parameters to facilitate trade according to the increased volume and speed of international commercial transactions by assigning a new facilitator role to customs managers.

The World Customs Organization (WCO) also launched other initiatives in this regard, including the cargo security protocol titled The Framework of Standards to Secure and Facilitate Trade (WCO, 2018). Initiatives like this to secure the international

movement of goods were adopted nationally, especially by countries aligned with the WCO. Colombia, for instance, has been making efforts to synchronize its customs regulations with the changing demands of international commerce and global organizations committed to enhance international trade for approximately two decades now.

It is within this context that Colombia has effectively undergone a series of economic policy changes since the Colombian government decided to implement specific efforts to open the domestic market to international trade back in the 1990s. This began a new era for the internationalization of the Colombian economy with a government that was clearly willing to foster such an enterprise.

The Colombian economy’s road to internationalization was set and there would be no return. The government’s efforts were reflected in the former Colombian customs regulations (Decree 2685 of 1999, in Ministerio de Hacienda y Crédito Público, 1999) and Legal Regulation N.º 4240-2000, which became obsolete within a couple of years after multiple trade agreements were signed and due to the speed of manufacturing and technological advances. Responding to the latest demands of international trade security, Colombia launched the “Decree 390 of 2016” (hereinafter Decree 390) (Ministerio de Hacienda y Crédito Público, 2015), a new set of Colombian customs regulations, and the core document of this review. Decree 390 can be considered to have the imperative goal of achieving high levels of proficiency in customs procedures and international standards integration. Revising and modernizing the regulations’ content and, most importantly, the definitions of the most significant terms related to customs procedures in Decree 390 is a step in the right direction. It seems the Colombian government understands that the international goods trade is highly complex as geographical distances and technological advances impose greater risks and difficulties. In this race to achieve global competence, in these complex contexts where language must be as precise and concrete as possible,

Colombia must also be mindful of the language used in its customs procedures.

In the paragraphs below, we will introduce the parameters and theoretical assumptions regarding terminology on which the definition revision and its analysis are based.

Terminology in International Commercial Activities

Language is an essential factor when international transactions take place, especially the terms used in the process of moving goods across borders. They belong to a specific terminology that every actor involved should manage, or at least be familiar with. Customs procedures are complex contexts in which effective communication is required. As such, careless usage of specialized terms should be avoided as it could lead to misinterpretation in several related areas, including trade agreements, non-tariff barrier policies, and physical distribution logistics. The potential for misinterpretation is significant in the field of customs because there are people working at different levels and with varying degrees of linguistic proficiency. Furthermore, there are many types of regulatory frameworks, national regulations, and regional agreements intended to harmonize local and international customs procedures. These regulatory documents shape the understanding and use of customs terminology.

All areas of international trade value accurate and precise communication. Kara Warburton (2015) has accurately described some of the most relevant implications of working with terminology in trade environments as being both advantages and needs, simultaneously. She claims that the constant growth of information and the proliferation of language processing has created a need to find consensus on crucial issues such as the definition of terms in highly structured documents. Dealing with terms and definitions connects many interests, from the theoretical to the pragmatic. To name a few, linguistics disciplines such as applied linguistics, cognitive linguistics, language for specific purposes,

lexical semantics, and categorization phenomena in natural language are concerned with establishing precision in communication (Warburton, 2015).

Terminology is a transdisciplinary field of study dedicated mainly to developing agreements upon specialized language in specialized communication. Terminology is not restricted solely to lexical related issues when developing communication strategies in organizations; it offers a wide variety of technological tools for developing terminology management strategies and theoretical approaches that address important specialized language issues in a separate sphere from general language issues. For example, terminology plays a crucial role in providing prescriptive documents for determining issues such as term definitions (ISO 1087 in ISO, 2000), terminological entries in standards (ISO 1024 in ISO, 2011), terminology principles (ISO 704), all the way down to elemental standards essential for the development of systems as the Internet. International standards are just one segment of the terminology literature published regarding terminology-related issues. There are other publications referencing international terminology standards (see *The Terminology Handbook* —Kockaert and Steurs, 2015—). Ultimately, all such efforts aim at raising awareness about terminology issues in specialized communication. In this case, the focus is on the specialized communication required for customs procedures.

Definition Quality From the Perspective of Terminology Science

Issues concerning definitions are central to terminology work. Definitions can be defined as the linguistic representation of concepts. There are several ways of describing a concept. Terminology deals primarily with terms (designations), concepts and definitions. There are different types of definitions. Of those, *intensional definitions* have a long tradition within terminology management as they can be an appropriate tool to portray concepts and concept systems consistently using natural language (Löckinger, Kockaert, and Budin, 2015). It is important to note

that concepts are units of knowledge created by a unique combination of characteristics, as established in ISO1087-1 (International Standardization Organization [ISO], 2000, p. 41). This unique combination of characteristics is also called conceptualization, and it is vital for the cognitive and terminology sciences. According to the same document, a definition is a “representation of a concept by a descriptive statement which serves to differentiate it from related concepts” (ISO, 2000, p. 41).

By this token, definitions make it possible to set boundaries between close concepts. It is also important to mention that concepts are normally a part of other related concepts, thus building concept systems. In this way, definitions distinguish the similarities and differences between closely related concepts.

Extension and *intension* are essential ways of making definitions. A concept’s extension is “the totality of objects to which a concept corresponds” and its intension is the “set of characteristics which makes up the concept” (ISO, 2000, p. 41). Intensional definitions have been used since ancient Greece and have survived to this day, being considered the description for a superordinate concept and its delimiting characteristics within a concept system. This can be said for generic relations amongst concepts where the superordinate concept is also known as the *generic concept* and the subordinate concept as the *specific concept*. Nevertheless, intensional definitions can also be drawn up in partitive concept relations. In this kind of relation, the superordinate concept is called the *comprehensive concept*, and its delimiting characteristics can be differentiated as a part of the comprehensive concept.

Part of the success of intensional definitions is that they allow concepts to be described in natural language. Therefore, they have been used in many different domains as an effective tool for describing concepts. But delimiting characteristics must be selected according to the specific needs of terminology management and depending on the perspective the audience intends to apply to a given concept (ISO, 2012).

When writing and assessing intensional definitions, it is vital to consider several of their features, even if there are specific terminology management needs to be considered as well. These features express the level of an intensional definition’s quality from a terminology science perspective (Löckinger et al., 2015), namely: preciseness; conciseness; use of terms designating known or defined concepts; objectivity; suitable for the relevant target group; linguistics correctness; absence of circularity/tautology; affirmativeness (avoidance of negative definitions); avoidance of translated intensional definitions; avoidance of hidden definitions of other concepts; absence of characteristics of superordinate or subordinate concepts.

These features are fundamental for understanding this analysis of the definitions introduced in “Decree 390”.

Analysis Background

In comparison to the former decree some terminology changes can be found in “Decree 390”. For instance, the term *nacionalización* was changed to *desaduanamiento*. In this context, both Spanish terms constitute a single English term that means the clearance of goods —referring to the compliance of all customs formalities required to export or import goods. There are also new terms that incorporate multiple old terms along with new elements. For instance, *usuario aduanero permanente* (UAP) and *usuario altamente exportador* (ALTEX) have been merged into one term: *operador económico autorizado* (OEA, as per its initials in Spanish), referred to as the “authorized economic operator” (AEO) in English. The new OEA includes characteristics not previously seen in either of the two older terms due to a rise in the importance of the concept of risk management, which has acquired prominence in secure commerce and produced new implications for the actors that can hold this title.

Another term worth mentioning in the new Colombian regulations refers to the auditing process known as *fiscalización*, which in Spanish and in

the Customs context can involve different procedures. As part of that it is possible to refer to the term *reconocimiento de mercancía*, which itself has an additional connotation as we can refer the term *inspección previa de la mercancía* under “Decree 390”. It describes the prior inspection of merchandise before it undergoes customs processing, preventing importers from being unnecessarily penalized.

In the beginning, the “Decree 390 of 2016” introduces a series of expressions (terms) and their meanings (definitions). It is assumed to be obligatory for customs operators and other relevant actors

to understand them. The regulation contains 101 terms and definitions, but this analysis filters the list by selecting only those terms and definitions directly related to import and export processes and how they impact cross-border trade facilitation.

It is important to highlight that this analysis will focus on the terms and definitions used in international trade and the correlation between their meanings in both Spanish and English. Thus, we can establish the main obstacles people working in this field might face and the impact language has upon a proper understanding of technical concepts by means of terminological definitions.

Table 1 An analysis of customs term definitions (Decree 390, Article 3)

Term	Definition (Spanish)	Definition (English)
1. Comercio ilícito	Es toda práctica o conducta prohibida por las normas, relativa a la producción, envío, recepción, posesión, distribución, venta o compra, incluida cualquier práctica o conducta destinada a facilitar esa actividad, tal como, el contrabando, la violación de los derechos de propiedad intelectual, la fabricación ilícita de determinados productos y la subfacturación.	<p>This term is defined by the Colombian customs regulations as any practice forbidden by production, delivery, reception, or distribution rules, or any practice or behavior that facilitates illegal activities such as smuggling, breach of intellectual property rights, and others. The definition addresses one of the most important reasons for customs control, the illegal trade of goods. It starts out broad, mentioning that the term covers every forbidden conduct or behavior listing specific activities, such as production, delivery, distribution of illegal goods. These activities are of great interest as they are at the core of risk management control for customs authorities. The definition is also concise and should be easily understood by domestic and international actors.</p> <p>What could hamper its accurate interpretation is the wide range of activities that could fall under the terms <i>toda práctica</i> (all practices) and <i>cualquier práctica</i> (any practice). With the use of such overly broad terms, the scope of this definition might be confused with other sets of punishable activities or customs infractions applied to persons obliged to comply with the regulations in this decree.</p>
2. Declaración aduanera	Es el acto o documento mediante el cual el declarante indica el régimen aduanero específico aplicable a las mercancías y suministra los elementos e información que la autoridad aduanera requiere.	<p>This definition is deceptively precise. It states that a <i>declaración aduanera</i> is an act or document by which the <i>declarante</i> declares the specific customs procedure applicable to the merchandise and provides the Customs authorities with the elements and information that they require.</p> <p>While it seems straightforward on the surface, the definition uses terms that are not explicitly described. For instance, the term <i>declarante</i> refers specifically to the importer, the exporter or a customs agent in the event one has been designated to declare.</p>

Table 1 An analysis of customs term definitions (Decree 390, Article 3) (Continued)

Term	Definition (Spanish)	Definition (English)
3. Prueba de origen	<p>Documento físico o electrónico en el que se hace constar que la mercancía califica como originaria para acceder a las preferencias arancelarias en el marco de un acuerdo comercial.</p> <p>Para el efecto, se puede considerar como prueba de origen los documentos que para tal fin se encuentren previstos en cada acuerdo comercial.</p>	<p>Article 3, Decree 390, defines <i>Declarante</i> as: The natural or legal person that conducts a merchandise’s declaration in its own name or in whose name the mentioned declaration is made”</p> <p>The term and its definition also involve several additional requirements, but they are defined in other paragraphs throughout the decree. These requirements apply to such aspects as the content of the declaration, its legal effects, related documents, and the type of declaration (normal, simplified, etc.), and they lead the original term to have many associated terms that complicate its understanding considerably. For example, the definition of <i>declaración aduanera</i> does not refer to the use of information technology, but other paragraphs for related requirements mention the need to process the declaration using electronic services in response to the efforts made by domestic and international authorities to simplify and standardize trade procedures.</p> <p>The certificate of origin (co) is one of the most common documents in international trade transactions. Colombian regulations refer to it as <i>prueba de origen</i>, which translates literally as proof or evidence of origin. What the document does is to certify the country of origin for a given good in order to have some preferences. The word <i>prueba</i> might be misleading in that it could refer to other documents such as the <i>declaración juramentada de origen</i>, which is the producer’s statement containing information on production and other processes. While the <i>declaración juramentada de origen</i> is admittedly used for declaring a good’s origin, in fact it serves as a support for issuing the actual co. This definition is clear insofar it refers to a specific physical or electronic document that declares that merchandise is qualified to enter a country with tariff preferences based on its origin and according to signed trade agreements.</p> <p>The fact that the document addresses the origin of a product indicates that it must come from the place where the product is originated, implicitly from the producer or exporter, but it also includes information on the importer, which may be confusing. Precision is necessary to avoid misunderstandings, especially because this document is required upon a good’s entry into a country after all the international transport and allocated costs have already been disbursed.</p> <p>The certificate of origin proves to the importer that the goods meet the origin criteria, i.e., that the product comes from a country with which a trade agreement has been signed, or that the product has been manufactured with materials from the signatory countries, as defined in the trade agreement.</p>
4. Derechos e impuestos a la importación	<p>Los derechos de aduana y todos los otros derechos, impuestos o recargos percibidos en la importación o con motivo de la importación</p>	<p>This definition in Decree 390 changes the term from <i>tributos aduaneros</i> to <i>derechos e impuestos a la importación</i>. It refers to the obligation of paying duties on import activities.</p>

Table 1 An analysis of customs term definitions (Decree 390, Article 3) (Continued)

Term	Definition (Spanish)	Definition (English)
	<p>de mercancías, salvo los recargos cuyo monto se limite al costo aproximado de servicios prestados o percibidos por la aduana por cuenta de otra autoridad nacional.</p> <p>El impuesto a las ventas causado por la importación de las mercancías al territorio aduanero nacional, está comprendido dentro de esta definición.</p> <p>No se consideran derechos e impuestos a la importación las sanciones, las multas y los recargos al precio de los servicios prestados. Cualquier referencia a “Tributos Aduaneros” en otras normas, debe entenderse como “Derechos e Impuestos a la Importación”.</p>	<p>The term is difficult to fully harmonize with international practices because what it includes or excludes also depends on national legislation regarding taxes and duties. This could lead to imprecise calculations when bringing goods into the country, possibly causing extra costs for the parties involved in the negotiation.</p> <p>The definition is clear because it states which activities represent payments, and which do not. However, it does not mention its relationship to the clearance process (<i>desaduanamiento</i>), where the moment when duties must be paid is of vital importance. Implicitly tied to this term is the term <i>TAN</i>, designating the national geographical area that is subject to customs regulations under national and international law whenever merchandise enters to the Colombian territory.</p>
<p>5. Desaduanamiento</p>	<p>El cumplimiento de las formalidades aduaneras necesarias para permitir a las mercancías, importarlas para el consumo, ser exportadas o ser sometidas a otro régimen aduanero. Para los regímenes de importación, depósito aduanero y tránsito, comprende desde la presentación de la declaración aduanera hasta la culminación del régimen, y para el régimen de exportación, desde el ingreso de la mercancía al lugar de embarque hasta la culminación del régimen.</p> <p>Cualquier referencia a la expresión “nacionalización” en otras normas, debe entenderse como “desaduanamiento” en la importación de mercancías que quedan en libre circulación.</p>	<p>This definition has changed the term <i>nacionalización</i> to <i>desaduanamiento</i>, demonstrating once again the authors’ efforts to align the new regulations with international language and eliminate unnecessary differences between customs procedures. It did not change the meaning, which refers to the formalities to be carried out when importing or exporting goods or performing other customs procedures. The new regulations also aim to reduce the time the <i>desaduanamiento</i> process takes as it faces the possibility of delays in inspections and other processes due to potential problems with operator competences and technological system sophistication, this is vital for any product but especially when it comes to trade with perishable goods and urgent cargo as the Decree states it in several paragraphs for the import, export and transit of goods Art. 182 specifies 48 hours for importing goods to complete the process once the product arrives to the Customs territory.</p> <p>The definition is generally precise and limits its references to characteristics of the activities involved as submission and acceptance of the declaration, inspection, authorization, payments and collection of the merchandise. However, it also uses terms to which readers of the regulations may assign broader meanings and whose interpretation can be subjective. For instance, <i>formalidades aduaneras</i> (the next term to be analyzed in this article) is a broad term that can be translated to <i>customs formalities</i> in English and involves several different activities to be performed when merchandise crosses the border whether for importing or exporting goods.</p>
<p>6. Formalidades aduaneras art. 3</p>	<p>Todas las actuaciones o procedimientos que deben ser llevados a cabo por las personas interesadas y por la aduana a los efectos de cumplir con la legislación aduanera.</p>	<p>This term refers to those formalities to be completed that were mentioned beforehand under the concept of <i>desaduanamiento</i> or <i>clearance</i>.</p> <p>The definition is concise as inform the reader to be aware of the compliance of particular requirements before authorities, but also broad as the term is used repeatedly throughout the Decree to cover</p>

Table 1 An analysis of customs term definitions (Decree 390, Article 3) (Continued)

Term	Definition (Spanish)	Definition (English)
		<p>different procedures. It states “todas las actuaciones o procedimientos,” which translates to “all the activities and procedures that must be implemented by the interested parties and by Customs for the purpose of complying with the Customs legislation”.</p> <p>The term <i>formalidades aduaneras</i> is widely applied in different import, export, and transit regulations, as well as the activities previously addressed in the clearance process. Thus, although its meaning is clear and intends to cover as many procedures as possible, it could be confused with other terms that are not directly customs related but corporative or fiscal related.</p> <p>In the face of international conventions encouraging countries to change to more agile customs processes, this definition of customs formalities is not easy to identify or quantify without more in-depth research. Although the different customs formalities in the new Colombian regulations are aligned with international practices, their extent as a single concept can only be understood after a thorough revision of the entire decree.</p>
<p>7. Levante Art. 3</p>	<p>Es la autorización de la administración aduanera para continuar con el proceso de pago y retiro de las mercancías, como resultado de la aplicación de criterios basados en técnicas de análisis de riesgo, ya sea de manera automática o una vez establecida la conformidad entre lo declarado y lo verificado, de forma física o documental, previo el cumplimiento de los requisitos legales y el otorgamiento de garantía cuando a ello haya lugar.</p>	<p>This term refers to an authorization issued by the customs authorities to make payments and release the merchandise in question, and its definition is straightforward and contains a precise description of the steps involved.</p> <p>Although this definition is related to others such as <i>customs formalities</i>, mentioned above, and <i>clearance formalities</i>, which are similar but require different tasks to be performed at different stages. This outweighs the similarities between the two terms, so they must be kept separate.</p> <p>The <i>levante</i> process depends not only on the fulfillment of legal requirements but on the expertise or consideration of customs officials, whose operational skills are vital to accelerate the process. Throughout the process, the skills of the professionals or officials that perform physical and electronic operations are fundamental. The term <i>levante</i> is highly relevant to the concept of risk management in international trade, as the authorization is not given before inspection of the merchandise and documental correlation is performed. This with the aim of preventing any contamination by illegal or other materials within the logistics of customs procedures that could affect human, animal, or vegetable health and integrity. Thus, this clearance proceeding authorizes all following Customs formalities to release the merchandise.</p>
<p>8. Operador económico autorizado (OEA) Art. 34 Nos.1 y 2</p>	<p>El importador, el exportador o el operador de comercio exterior, podrá adquirir la calidad de operador económico autorizado, la que se sustenta en la confianza y seguridad de la cadena logística, de conformidad con las condiciones y requisitos establecidos en el Decreto 3568 de</p>	<p>In the decree, this term evolved from <i>usuario aduanero permanente</i> (UAP) and <i>usuario altamente exportador</i> (ALTEX) to <i>operador económico autorizado</i> (authorized economic operator, or AEO) to align with international standards.</p> <p>This term has a broad scope and is one of the fundamental changes within the new Colombian regulations as part of the country's</p>

Table 1 An analysis of customs term definitions (Decree 390, Article 3) (Continued)

Term	Definition (Spanish)	Definition (English)
	<p>2011 o las normas que lo modifiquen, adicionen o sustituyan. Obtenida esta calidad, el operador económico autorizado gozará del tratamiento preferencial previsto en el numeral 2 del artículo 35 de este Decreto.</p>	<p>efforts at trade facilitation based on risk management and surveillance along the entire supply chain.</p> <p>The term denotes an authorization to perform activities and is, in fact, a qualification that can be awarded to one of several figures including importers, exporters, and international trade operators, the goal being to facilitate their performance of international trade activities based on the trustworthiness and security of their logistics chain.</p> <p>The new term brings together two different categories defined in previous regulations that now incorporate security elements. The definition provides clear information, although its scope may be so broad it could hinder understanding of the term's full meaning. Decree 390 provides an extensive description of the figures and activities covered under this qualification, so the definition is relevant to the target group. It has connections to other complex terms, such as <i>operador de comercio exterior</i> (international trade operator), which represents agents, industries, and even places, helping to broaden the definition.</p> <p>As the definition involves various actors, and the concept's purpose is to provide preferential status and speed up the clearance process, a detailed review is necessary to minimize misinterpretations of the law, especially when comparing it to international parameters such as the SAFE Framework of Standards adopted by the World Customs Organization (2018).</p> <p>The AEO is based on the principle of risk management that holds that trustworthiness is the backbone of national and international trade regulation.</p>
<p>9. Allanamiento Art. 519</p>	<p>El infractor podrá allanarse a la comisión de la infracción, en cuyo caso las sanciones de multa establecidas en este decreto se reducirán a los siguientes porcentajes, sobre el valor establecido en cada caso:</p> <p>Al veinte por ciento (20%), cuando el infractor reconozca voluntariamente y por escrito haber cometido la infracción, antes de que se notifique el requerimiento especial aduanero.</p> <p>Al cuarenta por ciento (40%), cuando el infractor reconozca por escrito haber cometido la infracción, después de notificado el requerimiento especial aduanero y hasta antes de notificarse la decisión de fondo.</p> <p>Al sesenta por ciento (60%), cuando el infractor reconozca por escrito haber cometido la infracción dentro del término para interponer el recurso contra el acto administrativo que decide de fondo. (...)</p>	<p>In this context, the word <i>allanamiento</i> refers to an act in which an authority partially or entirely waives charges when an offender admits fault. However, the definition lacks precision. Despite specifically stating the manner in which the <i>allanamiento</i> process is to be implemented, the term's meaning is unclear because it features a tautology, using the same term but in verb form: <i>allanarse</i>. The tautology makes it a challenge to understand how the actions affect the subject, in this case the <i>infractor</i> or <i>offender</i>. The description states that the offender "podrá allanarse a la comisión de la infracción" which could be translated as declaring him/herself in a condition of "allanamiento" which is the acceptance by the offender regarding the authorities' demands and consequently the waive on the offender's fee.</p>

Table 1 An analysis of customs term definitions (Decree 390, Article 3) (Continued)

Term	Definition (Spanish)	Definition (English)
10. Importación. Art. 3	<p>Es la introducción de mercancías de procedencia extranjera al territorio aduanero nacional cumpliendo las formalidades aduaneras previstas en el presente Decreto. También se considera importación, la introducción de mercancías procedentes de un depósito franco al resto del territorio aduanero nacional, en las condiciones previstas en este Decreto.</p>	<p>This definition in the new Colombian decree refers not only to the action of bringing goods into the country’s territory from abroad, but also from <i>depósito franco</i> known as “duty free” and explained in article 432, is closely related to <i>Zona Franca</i> or free trade zones in terms or exemption procedures but are not the same. Free trade zones are mentioned in the International Convention but must be thoroughly reviewed because they are not regulated in all countries under World Trade Organization’s principles, and this could lead to discrepancies in trade practices. Even more it has its own legal body but as mentioned shares with <i>depósito franco</i> the fact of considering as an import the entrance of goods that comes from those areas to the National Customs Territory but is not referred in this definition.</p>
11. Análisis integral. Art. 3	<p>En el control previo, es el que realiza la autoridad aduanera en la confrontación de la información contenida en los servicios informáticos electrónicos, con la contenida en los documentos de viaje y/o en los documentos que soportan la operación comercial o mediante certificaciones emitidas en el exterior por el responsable del despacho, para establecer si las inconsistencias están o no justificadas, o si se trata de un error de despacho.</p> <p>En el control simultáneo o posterior, es el que realiza la autoridad aduanera para comparar la información contenida en una declaración aduanera respecto de sus documentos soporte, con el propósito de determinar si los errores u omisiones en la descripción de la mercancía, conllevan o no a que la mercancía objeto de control sea diferente a la declarada.</p> <p>En los procesos de fiscalización aduanera, además del análisis integral aplicado en los controles aduaneros de que tratan los incisos anteriores, habrá una amplia libertad probatoria.</p>	<p>This term, which can be translated as <i>comprehensive analysis</i>, also makes reference to the formalities that must be completed under the concept of <i>clearance</i>. In this case, however, the definition is more specific and comprises different procedures, especially those activities that used to be performed without electronic tools. The intent of the changes was to speed up Colombia’s customs processes. As the purpose of international conventions is to encourage countries to switch to more agile customs processes, the definition of <i>comprehensive analysis</i> must be adopted, especially by developing countries that are not technologically advanced.</p> <p>In Decree 390, this definition is of vital importance because the activities it describes involve merchandise inspections that are compared with the merchandise’s certifications and all other supporting documents. Inspections under this definition must prove there are no discrepancies, meaning that the information on the documents referred to in the definition must match the physical goods.</p> <p>The word <i>integral</i> (comprehensive), which in this context indicates a complete review of all relevant documents, may be clear enough. However, use of the word without specifying the actual activities involved in the analysis leaves the term open-ended.</p> <p>The definition also states that the processes involved are performed in different stages, namely, <i>previo</i> (prior), <i>simultáneo</i> (during), and <i>posterior</i> (after) the control. This makes the definition more precise. In the last paragraph, the definition makes a connection between comprehensive analysis and a different procedure, <i>fiscalización aduanera</i>. It says that they both involve <i>libertad probatoria</i>, which in this context refers to the freedom to produce evidence during the two procedures.</p>

Analysis of Term Definitions in Decree 390

The terms in this analysis (see Table 1) were selected as a sample from the new Colombian Customs regulation “Decree 390 of 2016” based on their relevance to international trade processes. This section aims to analyze the pertinence, clarity, or lack of information in each of the definitions selected according to the 11-item list of criteria previously mentioned.

Twelve out of 101 definitions will be analyzed according to the quality criteria for intensional definitions. Public and private sector operators, practitioners, and managers carry out trade activities every day and are directly affected by whether or not they have a proper understanding of the rules designed to facilitate international transactions.

Colombia is facing a transitional period to adapt to upcoming new rules and regulations so it can apply the law effectively. To respond to the different challenges imposed by the entry into force of multiple trade agreements, the Colombian government followed guidelines issued by international authorities such as the World Customs Organization that seek to promote the harmonization of customs procedures around the world.

The structure of the following analysis presents the Spanish term found in Decree 390 followed by its definition, also in Spanish. Then, an analysis is performed in English for each of them. It must be clarified that the definitions contained in this paper are taken verbatim from the document, but due to the length of the legal text, is not possible to extract all paragraphs where the terms are mentioned. Likewise, as the terms due to its legal nature are used in various paragraphs throughout the document, at times the full scope of a term’s definition may come too light; reading several passages throughout the entire decree and seeing them applied in different contexts around Customs procedures might provide a wider and forceful understanding of their meaning.

The definitions chosen here are only a sample of the wide range of definitions to be found throughout

Decree 390. Most of those analyzed are defined succinctly at the beginning of the regulation, and others were taken from other sections of the document. The selection was based on prior trade-related knowledge. Experience accumulated over years of close observation of and participation in customs and related activities was of vital importance for defining this specific selection.

Additionally, this analysis intends to highlight the potential effect of terminology as a fundamental tool to meet government goals for integrating Colombia’s customs practices.

Conclusions

Based on fundamental terminology theory, the pertinence of analyzing highly specialized language and the extent of its contribution to reducing ambiguity and pursuing accurate communication can be seen.

Having looked at Colombia’s Decree 390 from the perspective of terminology as a scientific discipline, we found certain characteristics of its concepts and definitions that were modified in the new set of rules to harmonize with international standards for international trade.

Overall, the new customs regulations pose challenges for readers attempting to accurately interpret them. Companies have been struggling to comply with the regulations in the face of various inconsistencies, leading to unprecedented delays in their implementation. This is probably, at least in part, related to difficulty in understanding certain concepts and definitions and their relationships with associated concepts and complex procedures.

Despite the natural language used in intensional definitions, there were common features between the selected concepts and their respective definitions that affected their quality and accuracy within the specialized context of international customs.

For instance, features like precision and conciseness were commonly found in definitions related

to straightforward actions or procedures. An example is *declaración aduanera*, referred to “as the act or document by which the *declarante* declares the specific Customs procedure applicable to the merchandise and provides the authorities with the information they require”.

However, some of the definitions lacked precision when they referred to concepts with multiple consequences. For instance, the definition of *comercio ilícito* included references to particular circumstances but, to avoid exceptions, the concept as a whole was broadly described so it could cover multiple scenarios and their resulting sanctions. Achieving a complete understanding of such a text and establishing the full range of its legal effects would require the reader to consult several different sets of rules.

Avoidance of hidden definitions as an expression of quality in intensional definitions can be seen in terms like *Importación* where its definition makes reference to *depósito franco* commonly known as “duty free” which shares with *Zona Franca* the procedure of exemption but are two different things with the same consequence which is to consider an import any merchandise that comes from *Zona Franca* or *depósito franco* to the national Customs territory.

Some terms were changed in the new regulations without changing their definitions. This was the case for *desaduanamiento*, related to customs clearance procedures and previously known as *nacionalización*, and *derechos e impuestos a la importación*, which has to do with the taxes paid during import processes and was previously known as *tributos aduaneros*. The latter, *derechos e impuestos a la importación*, began its definition with the same word that begins the term itself: *derechos*, followed by a list of generic taxes and charges that must be paid. This represents a wide range of possible obligations combined with the complexity of being associated with another branch of the country’s tax regulations, meaning that precision does not provide evidence for the quality of this definition in Decree 390.

Another case in which the definition of a concept begins with the concept itself and is consequently difficult to understand is that of *allanamiento*. Here, tautology renders the concept unclear, depriving its readers of easy understanding and making it difficult to identify when the measure should be applied.

Objectivity is another feature used to analyze the quality of definitions. Some of the concepts analyzed evinced greater transparency than others between themselves and their definitions. For instance, the term *levante* did not provide a clear idea of its meaning or what specific procedure it is related to, unlike the new concept *operador económico autorizado*, which is more straightforward; most readers can deduce just from the term that it denotes some kind of faculty or permit to perform a particular task.

In general, as the analysis focused on specialized language, it was evident that the chosen terms were applicable to the target group, and there was no evidence of negative definitions being used. The features most commonly identified in the revised definitions, whether due to their presence or absence, were: precision, conciseness, objectivity, and the use of hidden definitions.

In several instances, multiple features were found in individual definitions, which increased their complexity and that of their relationships to other concepts.

Specialized language in an international context faces additional challenges because the intent of harmonizing international rules involves a common understanding of both legal instructions and the complexities of proper translation to and from multiple languages. Thus, terminology as a scientific discipline plays a vital role in addressing a complex collection of information that needs to be clearly understood not only by a select group of experts but by a wide range of people from different backgrounds who must deal with customs regulations every day, whether in executive or operational roles.

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