



**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE WORLD CUSTOMS ORGANIZATION
AND
THE UNITED NATIONS ENVIRONMENT PROGRAMME**



The World Customs Organization, hereinafter referred to as “WCO”¹, and the United Nations Environment Programme, hereinafter referred to as “UNEP”²,

Hereinafter jointly referred to as “the Parties”,

Considering, on the one hand, that the WCO’s mission is to enhance the effectiveness and efficiency of Customs administrations in the area of compliance with trade regulations, protection of society and revenue collection, thereby contributing to the economic and social well-being of nations,

Considering, on the other hand, that according to the provisions of its Statute the aim of UNEP is to provide leadership and encourage partnership in caring for the environment by inspiring, informing and enabling nations and peoples to improve their quality of life without compromising that of future generations,

Bearing in mind all the other Agreements, Recommendations, Resolutions and Declarations applicable within the framework of their respective mandates,

Recognizing the need for Customs personnel to be aware of and appropriately trained in environmental matters, and for those working in the environmental field to be equally well versed and aware of the latest trends in the rules and regulations governing international Customs regimes,

Noting therefore the need for enhanced co-operation by both organizations towards capacity building and awareness raising,

Recognizing also the need for synergy and interlinkages in the policies and enforcement efforts of the Multilateral Environmental Agreements, Customs and enforcement agencies to ensure efficiency and cost-effectiveness,

Deeply concerned that, despite many successful international and regional environmental agreements, and the fact that some progress has been achieved, environmental damage caused by illegal traffic in endangered species and dangerous and harmful substances and products is growing,

Noting that the Harmonized System Nomenclature and national statistical nomenclatures are indispensable to monitoring legitimate trade,

Noting that illegal trade is harming the efforts of countries to preserve their environment and that, in view of the increase in illicit trafficking in endangered species and dangerous and harmful substances and products, Customs administrations have to adapt their control methods by using risk assessment techniques,

¹ Established in 1952 as the Customs Co-operation Council

² Established by United Nations General Assembly Resolution 2997 (XXVII) of 15 December 1972

Aware that, in combating illicit trafficking in endangered species and dangerous and harmful substances and products, Customs administrations have a vital part to play in co-operation with the national authorities responsible for environmental matters, and that such co-operation would improve the effectiveness of the services concerned and, consequently, would benefit all the Parties within the framework of lawful trade,

Bearing in mind the need for strengthened co-operation and mutual assistance in the enforcement of multilateral environmental agreements with trade related provisions,

Wishing to co-ordinate their action with a view to avoiding duplication of effort and strengthening co-operation in their mutual interest in order to combat environment-related international crime,

Have agreed as follows :

Article 1

Mutual consultation

Where appropriate, the Parties shall mutually consult on policy and matters of common interest, for the purpose of facilitating the realization of their objectives, implementing their mandates and co-ordinating their respective activities.

The Parties shall keep each other informed of developments in any of their activities and projects that are of mutual interest. Each Party shall take into consideration the observations of the other Party with a view to promoting co-ordination and co-operation.

Whenever necessary, consultations shall be arranged between representatives of the Parties in order to determine the most appropriate manner in which to organize activities and optimize the utilization of their resources, in accordance with their respective mandates.

Article 2

Exchange of information

The Parties shall co-operate with a view to achieving the best use of available information relevant to measures against environmental crime and other matters of common interest and set up an e-mail forum to facilitate this exchange.

Customs information communicated to UNEP by the WCO shall be used exclusively by UNEP, the competent national services or the national contact points concerned for the purpose of preventing and repressing environmental crime, in strict compliance with national legislation and international treaties, and vice versa.

Communication of information by the WCO to UNEP shall be subject to the provisions laid out in the respective Conventions, Resolutions, Recommendations and other rules of the WCO. The communication of information by UNEP to the WCO shall be subject to such arrangements as may be necessary for the safeguarding of confidential material.

To combat illegal trade and illegal traffic in endangered species and dangerous and harmful substances and products, the Parties will jointly draft and implement, each in its own field of competence, measures to improve co-operation and information exchange between Customs authorities and national focal points, particularly for the purpose of detecting consignments likely to contain illegal material.

UNEP will provide the WCO Secretariat with information to help Customs services better understand the importance of issues related to illegal trade in endangered species and dangerous and harmful substances and products, and the procedures applicable to that type of trade.

The WCO Secretariat will provide UNEP with available information to give the national focal points for licensing trade a better understanding of Customs authorities' tasks and their problem.

Article 3

Reciprocal representation

Each Party shall designate an official to act as contact point with a view to ensuring the implementation of the provisions of the present Memorandum of Understanding.

Arrangements may be made for reciprocal representation at UNEP and WCO meetings convened under their respective auspices and dealing with matters in which the other Party has an interest as well as technical competence, subject to the procedures applicable to such meetings.

Article 4

Technical cooperation

The Parties may, on conditions to be mutually agreed in each case, subject to the applicable decisions, regulations and rules and within the limits of their resources, make available their experience and expertise to one another, by providing the services of members of their staff and/or consultants, as the case may be.

The Parties shall assist each other in preparing and disseminating publications designed to raise awareness on matters of mutual interest.

UNEP's Division of Technology, Industry and Economics (DTIE) and the Division of Environmental Conventions (DEC) will work closely with WCO in the preparation and dissemination of training materials, and publications to raise the awareness of the authorities responsible for combating illegal trade in endangered species and dangerous and harmful substances and products.

The Parties will devise training materials on combating illegal traffic on endangered species and dangerous and harmful substances and products.

Within the limits of their respective resources, the WCO and UNEP will assist the OzonAction Programme of DTIE to implement the integrated training approach for Customs and other enforcement officers.

The WCO Secretariat and UNEP will exchange training activity programmes and, within the limits of available resources, will endeavour to ensure that Customs issues are tackled in trade related Multilateral Environmental Agreements, and the environmental issues are tackled in customs training. Subject to the resources available, each Organization will do its utmost to ensure that its trainers participate in the training activities organized by the other Organization on this matter.

Article 5

General provisions

The present Memorandum of Understanding shall enter into force on the date on which it is signed by both Parties.

The present Memorandum of Understanding may be modified by mutual consent expressed in writing. It may also be terminated by either Party by giving six months' written notice to the other Party.

In the event of termination of the Memorandum of Understanding pursuant to the preceding paragraph of this Article, the Parties shall take all necessary steps to ensure that such a decision is not prejudicial to any activities then in progress within the framework of the present Memorandum of Understanding.

Article 6

Supplementary Arrangements

The Parties may enter into such supplementary arrangements or agreements within the scope of the present Memorandum of Understanding as are in their mutual interest.

Article 7

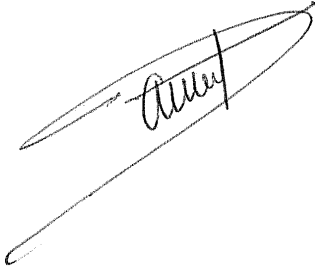
Disputes

Any dispute between the Parties concerning the interpretation or application of this Agreement, or any question affecting the relationship between the WCO and UNEP, shall be referred to the Secretary General of the WCO and the Executive Director of UNEP, who shall aim to find an equitable solution.

Each Party reserves the right to suspend its obligations under this Agreement where one Party applies the procedure laid down in this Article or in any other case where a Party is of the opinion that the obligations incumbent on the other Party under this Agreement have been breached. The Party availing itself of the right provided for in this paragraph will notify the other Party in advance, with a view to agreeing on the continued applicability of the Memorandum of Understanding.

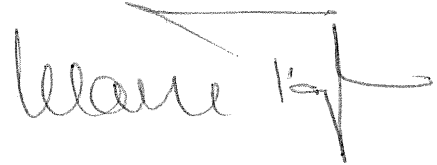
In witness whereof, the Executive Director of the United Nations Environment Programme and the Secretary General of the World Customs Organization have signed the present Memorandum of Understanding in duplicate, in English and French, both texts being authentic, on the date appearing under their respective signatures.

For the WCO

A handwritten signature in black ink, appearing to read 'Danet', written over a large, sweeping horizontal stroke that underlines the signature.

Michel Danet
Secretary General

For UNEP

A handwritten signature in black ink, appearing to read 'Klaus Töpfer', written in a cursive style with a long horizontal line above the first part of the name.

Klaus Töpfer
Executive Director