



MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE WORLD CUSTOMS ORGANIZATION
(WCO)**

AND

**THE WORLD ANTI-DOPING AGENCY
(WADA)**

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Preamble

The World Customs Organization (hereinafter referred to as the WCO)

And

The World Anti-Doping Agency (hereinafter referred to as WADA)

Collectively referred to hereafter as "the Parties" and individually as "the Party":

Wishing to co-ordinate their efforts within the framework of their respective mandates;

Recognizing that the WCO is the sole competent global intergovernmental organization in Customs matters, whose mission is to enhance the effectiveness and efficiency of Customs;

Recognizing that WADA is responsible for promoting and co-ordinating at international level the fight against doping in sport, including the promotion of harmonized rules, disciplinary procedures, sanctions and other means of combating doping in sport;

Recalling that the Anti-Doping Convention of 16 November 1989 and its Additional Protocol of 12 September 2002 adopted within the framework of the Council of Europe are the public international law tools which are at the origin of national anti-doping policies and of intergovernmental co-operation;

Noting the entry into force on 1 February 2007 of the UNESCO International Convention against Doping in Sport (hereinafter called "the UNESCO International Convention"), unanimously approved on 19 October 2005 by 191 Member States, in order to promote and foster international co-operation between States Parties and leading organizations, in particular WADA, in the prevention of and the fight against doping in sport, with a view to its elimination;

Noting that the UNESCO International Convention formalizes governmental support for the World Anti-Doping Code adopted by WADA and supported by governments in the Copenhagen Declaration on Anti-Doping in Sport (March 2003);

Noting that pursuant to Article 5 of the UNESCO International Convention it is within the States Parties' discretion to adopt appropriate measures to achieve the objectives of the said Convention, including legislation, policies or administrative practices;

Recognizing that some WCO Members have already adopted, in their national criminal legislation, measures to achieve these objectives in sport and also in the non-sport milieu, while, further to the entry into force of the UNESCO International Convention, some others have either strengthened or adopted criminal laws on this subject matter;

Recognizing that the use of any prohibited substances or prohibited methods and the trafficking of prohibited substances or methods is not restricted to competitive sports, but largely covers millions of users, and hence is considered as a serious public health issue;

Recognizing the importance of fighting against doping and trafficking of doping substances, particularly when these relate to criminal groups which thereby find a way to make huge illegal profits;

Noting that some WCO Members have already provided information regarding international rings' and criminal groups' involvement in doping activities;

Recognizing the need to foster and co-ordinate international Customs co-operation in the fight against doping and trafficking of doping substances, with a view to their elimination;

Recognizing that it is within the WCO's mandate to foster international Customs co-operation in the fight against doping and trafficking of doping substances;

Recognizing the mutual interest for both Organizations in co-operating to better fight doping activities and trafficking of doping substances;

Have therefore agreed on the following :

ARTICLE 1 - PURPOSE

The purpose of the present Memorandum of Understanding is to establish a framework for co-operation between the Parties, within their respective mandates and subject to their respective rules and regulations, thus facilitating the exchange of information and expertise, along with the prevention and suppression of doping and trafficking in doping substances.

ARTICLE 2 - CO-OPERATION

1. The WCO and WADA shall co-operate in activities of common interest in the area of anti-doping within their respective mandates and with due respect for national laws, international law and the Parties' respective rules and regulations.
2. The purpose of the co-operation between the WCO and WADA is to support enforcement of national and international anti-doping measures referred to in the UNESCO International Convention, with due respect for their respective mandates. The said support shall be limited to anti-doping measures that are directed towards the prevention and suppression of doping activities and trafficking of doping substances, when the latter constitute ordinary law crimes. However, WADA and the WCO shall join their efforts to encourage the implementation of relevant legislation in all WCO Member countries to enable Customs officers to efficiently fight against the trafficking of doping substances.
3. The WCO, through its Members, shall liaise with the national authorities competent in the area of anti-doping and trafficking of doping substances. WADA shall encourage national authorities competent in the area of anti-doping and trafficking of doping substances to liaise with the WCO Secretariat via WCO Members.
4. The WCO and WADA shall co-operate in the collection, storage and exchange of information, in compliance with the applicable rules as laid down in Article 4 (2).
5. The WCO and WADA shall co-operate in the setting up of information sessions and seminars to raise awareness about the issue of trafficking of doping substances.
6. Each Party shall assist the other in the development of alerts on trends observed in the field of doping and trafficking of doping substances.

ARTICLE 3 - REPRESENTATION

1. Subject to existing internal rules and regulations, representatives of each Party will be invited to participate as observers in meetings of the other Party at which matters of common interest are to be examined.
2. The WCO and WADA shall each designate a person to act as a point of contact with a view to ensuring the implementation of the provisions of the present Memorandum of Understanding.

ARTICLE 4 - EXCHANGE OF INFORMATION

1. Each Party shall inform the other about the progress of work related to activities of common interest.

2. Subject to such restrictions and arrangements as may be considered necessary by either Party to preserve the confidential nature and security of certain information and documents, the WCO and WADA shall ensure full and prompt exchange of information and documents, in particular concerning typologies, trends and modus operandi in the field of doping and trafficking of doping substances. The said information is exchanged and processed exclusively for the purpose of this Memorandum of Understanding and on a need to know basis, with due respect for national laws, international law and each Party's rules and regulations.
3. When providing information, each Party shall ensure that such information is accurate, relevant and kept updated.
4. Information received in accordance with the present Memorandum of Understanding may not be transmitted to third Parties without the prior consent of the providing Party.
5. Each Party shall take the appropriate measures to protect the information received from the other Party from unauthorized access or processing.

ARTICLE 5 - FINANCE

1. The means of financing all activities of common interest will be jointly defined on a project-by-project basis between the Parties.

ARTICLE 6 - REVISIONS AND TERMINATION

1. The provisions of the present Memorandum of Understanding may be amended at any time, upon written agreement between the Parties.
2. Either Party may terminate the present Memorandum of Understanding, subject to three months' notice in writing to the other Party.

ARTICLE 7 - LEGAL FORCE

The present Memorandum of Understanding does not create legal rights or obligations. The Parties will co-operate in good faith to implement this Memorandum of Understanding.

ARTICLE 8 - ENTRY INTO FORCE

The present Memorandum of Understanding will enter into force at the latest 60 days after signing by the Secretary General of the WCO and the Director General of WADA.

In witness whereof, the Secretary General of the WCO and the Director General of WADA have signed the present Memorandum of Understanding in two original copies, in English, on the dates appearing under their respective signatures.

Signed on 24 June 2011

Signed on 24 June 2011

For the World Customs Organization (WCO)

For the World Anti-Doping Agency (WADA)

A handwritten signature in black ink, appearing to read "Kunio Mikuriya", with a long horizontal flourish extending to the right.

Kunio Mikuriya
Secretary General

A handwritten signature in black ink, appearing to read "David Howman", written in a cursive style.

David Howman
Director General