



World Customs Organization
Organisation mondiale des douanes



Creating One African Market

MEMORANDUM OF UNDERSTANDING (MoU)

BETWEEN

THE WORLD CUSTOMS ORGANIZATION (WCO)

AND

**THE SECRETARIAT OF THE AFRICAN CONTINENTAL FREE TRADE AREA (AfCFTA
SECRETARIAT)**

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The Secretariat of the African Continental Free Trade Area ("AfCFTA Secretariat"), with its headquarters at Ambassadorial Enclave, Liberia Road, Accra, Ghana, represented by H.E. Wamkele Mene, Secretary General, and **the World Customs Organization¹ (WCO)**, an intergovernmental organization with its headquarters in Brussels, Belgium, represented by Dr. Kunio Mikuriya, Secretary General, hereinafter referred to as the "Parties", have entered into this Memorandum of Understanding (MoU)

PREAMBLE

AWARE of the ultimate objectives of the African Union as provided for in its Constitutive Act and the Abuja Treaty Establishing the African Economic Community which are, among others, to achieve rapid and sustainable development, eradicate poverty and effective integration of Africa into the global economy;

CONSCIOUS of the African Vision of '*An integrated, prosperous and peaceful Africa, driven by its own citizens, representing a dynamic force in the international arena*' and of the African Union's Agenda 2063, the continent's blueprint and master plan for inclusive social and economic development, continental and regional integration, democratic governance and peace and security amongst other issues, and aimed at repositioning Africa to becoming a major player in the global arena;

RECALLING that Decision Ext/Assembly/AU/Dec.1(X) of the 18th ordinary Session of Assembly of Heads of State and Government, held in Kigali, Rwanda, which adopted the Agreement Establishing the African Continental Free Trade Area (AfCFTA), and that trading under this Agreement commenced on 1st January 2021;

COGNIZANT that the AfCFTA is a flagship project of the African Union's Agenda 2063 which inter alia has the following general objectives:

- a. Create a single Market for Goods, Services, and Movement of Persons in order to deepen the economic integration of the African Continent and in accordance with the Pan African Vision of "An integrated, prosperous and peaceful Africa" enshrined in Agenda 2063;
- b. Create a liberalized market for goods and services through successive rounds of negotiations, contribute to the movement of capital and natural persons;
- c. Facilitate investments building on the initiatives and developments in the AfCFTA State Parties and African Regional Economic Communities (RECs);
- d. Lay the foundations for the establishment, at a later stage, of a Continental Customs Union;
- e. Promote and attain sustainable and inclusive social and economic development and structural transformation of the AfCFTA State Parties;
- f. Enhance the competitiveness of the economies of AfCFTA State Parties within the continent and at the global market;
- g. Promote industrial development through diversification and regional value chain development, agricultural development and food security; and

¹ Established in 1952 as the Customs Cooperation Council.

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- h. Resolve the challenges of multiple and overlapping memberships and expedite the regional and continental integration processes.

RECOGNIZING that the AfCFTA Secretariat is an organ of the African Union and that it has been created to support the implementation of the Union's Agenda 2063 and the AfCFTA Agreement;

UNDERLINING the significant role of African customs administrations to the administration of international trade taxes/collection of revenue for their Governments, and the important role they play in facilitating international trade, regional integration, protecting the society and in securing the global supply chain;

RECOGNIZING that the WCO develops international standards, fosters cooperation and builds capacity to facilitate legitimate trade, to secure a fair revenue collection and to protect society, providing leadership, guidance and support to customs administrations;

CONSIDERING the obligations that apply to African customs administrations, in particular under the African Union's African Continental Free Trade Area Agreement (AfCFTA-Agreement); the World Trade Organization's Trade Facilitation Agreement (WTO-TFA), the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade - GATT (WTO Valuation Agreement) and the Agreement on Rules of Origin; the WCO's Revised Kyoto Convention (RKC) and the International Convention on the Harmonized Commodity Description and Coding System (the Harmonized System); and other international commitments;

EMPHAZIZING the need for African customs administrations to reform and modernize continuously to meet the expectations of Governments, businesses and citizens but also to face the challenges of a rapidly changing environment;

ACKNOWLEDGING the commitment of both Parties to cooperate in supporting the African customs administrations that demonstrate leadership and ownership of reform and modernization, in particular by providing expertise for the implementation of international standards and best practices and for sustainable capacity building and organizational development, that lead to efficiency in customs, transit and trade facilitation;

AGREE ON THE FOLLOWING:

ARTICLE 1 - Objective

The aim of this MoU is to sustainably strengthen the organizational capacity, transparency and effectiveness of African customs administrations through cooperation between the Parties, in particular in the areas defined in Article 2.

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ARTICLE 2 – Areas and scope of cooperation

- 2.1. The Parties cooperate and resolutely support the modernization of African customs administrations, in particular through the promotion and implementation of the WCO's international standards, tools and best practices.
- 2.2. In a more specific way, cooperation between the Parties may include:
- (a) The Governance and management of the AfCFTA initiatives on rules of origin, customs, transit and trade facilitation, e.g.:
 - Stakeholder analysis and engagement;
 - Establishment and operationalization of a governance framework and decision making process;
 - Analysis, planning, implementation-monitoring and evaluation;
 - Development and implementation of a promotion and communication concept; and
 - Resource mobilization and donor coordination towards capacity building.
 - (b) Guidance, capacity building, organizational development and training for the implementation of the AfCFTA-Agreement Annexes, in particular the following:
 - Annex 2: Rules of origin;
 - Annex 3: Customs cooperation and mutual administrative assistance;
 - Annex 4: Trade facilitation;
 - Annex 5: Non-Tariff barriers; and
 - Annex 8: Transit.
- 2.3. By mutual agreement, collaboration may be extended to any other subject that may be of interest to either Party.

ARTICLE 3 – Cooperation and coordination mechanisms

The Parties are committed to putting in place the following mechanisms to ensure effective and successful cooperation and coordination under this MoU:

- (a) They designate points of contact at the level of the AfCFTA Secretariat and the WCO Secretariat who will facilitate active and regular communication between the two organizations;
- (b) They inform each other regularly about relevant activities and programmes in furtherance of the objectives of this MoU;
- (c) Whenever useful and possible, they invite each other to participate in meetings whose themes are related to this MoU;
- (d) They bring to the attention of the other Party any relevant documentation;
- (e) They consult each other if the decisions they make impact the other Party;

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- (f) Together, they assess the results of joint initiatives and activities.

ARTICLE 4 – Notifications

Any notification required under this MoU must be communicated in writing and addressed to the representative of each Party designated below.

AFCFTA Secretariat

Address: Africa Trade House, Ambassadorial Enclave, Liberia Road, Ridge, Accra, Ghana

E-mail: support@afcfta-secretariat.org

For the attention of Mr. Wamkele Mene, Secretary General

World Customs Organization

Address: 30, rue du Marché, B-1210 Brussels, Belgium

E-mail: secretarygeneral@wcoomd.org

For the attention of Dr. Kunio MIKURIYA – Secretary General

ARTICLE 5 – Legal Provisions Relating to Implementation

Notwithstanding anything in this MoU to the contrary, (a) this MOU constitutes an expression of intent only and not a legally binding document; and (b) nothing herein shall be construed as creating a legally binding commitment.

ARTICLE 6 – Monitoring and Review

The Parties shall annually review progress of work in the priority areas of cooperation and discuss policy, technical and operational issues related to furthering the objectives of the cooperation. The results of this review shall form the decision of the Parties on the continuity of collaborative projects as well as determine the strategic benefits brought about by the cooperation to the overall aspirations and programmes of each of the Parties.

ARTICLE 7 – Use of name, emblem, tagline

Neither Party will use the name, emblem, tagline or trademarks of the other Party, or any of its subsidiaries, and/or affiliates, or any abbreviation thereof, without the express prior written approval of the other Party in each case. In no event will an authorization to use a Party name, emblem, tagline or any abbreviation thereof, be granted for commercial purposes, without the express authorization of the Party concerned.

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ARTICLE 8 – Data protection, confidentiality and Publications

- 8.1. The Parties undertake to protect the personal data exchanged under this MoU and not to make it accessible to third parties without prior and explicit agreement from the other Party.
- 8.2. The Parties also undertake to respect the confidentiality rules formulated by the other Party in the exchange of relevant information and documents.
- 8.3. The ownership of any intellectual property owned by either party prior to the commencement of any specific cooperation or exchange shall be and remain vested with that Party. The Parties agree that the intellectual property of publications developed jointly within the framework of this MoU will be equally owned by the Parties.

ARTICLE 9 – Financial obligations

Notwithstanding any other provision of this MoU, nothing in this MoU can be considered to create financial obligations for either Party, unless that obligation is mutually and expressly accepted in writing.

ARTICLE 10 – Dispute resolution

Any dispute over the interpretation or application of this MoU will be resolved by consultation between the Parties.

ARTICLE 11 – Languages

As part of this MoU, the Parties undertake to communicate exclusively in English or French.

ARTICLE 12 – Privileges and immunities

Nothing in or relating to the present MoU shall be deemed a waiver, express or implied, of any of the privileges and immunities of the Parties or those of their officials.

ARTICLE 13 – Entry into force, validity, amendment and termination

13.1. This MoU comes into effect on the date it was signed by the Party that last signed it, and will be valid for a period of three (3) years. Renewal may be requested by either Party six (6) months before the end of the term.

13.2. This MoU may be amended by written agreement of both Parties. For any amendment, the procedures in place at the Parties for the negotiation of MoUs will have to be respected.

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13.3. Either Party may terminate this MoU by giving thirty (30) calendar days' written notice to the other Party.

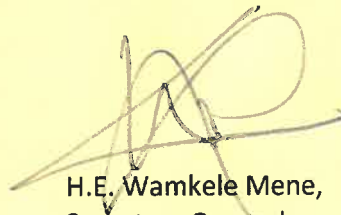
Done in Brussels, Belgium, in English, in two copies, on the 15th day of February 2022, which will be deposited with the Secretary General of the WCO and the Secretary General of the AfCFTA Secretariat.

For the World Customs Organization



Dr. Kunio Mikuriya
Secretary General

For the AfCFTA Secretariat



H.E. Wamkele Mene,
Secretary General