



WORLD CUSTOMS ORGANIZATION  
ORGANISATION MONDIALE DES DOUANES

Established in 1952 as the Customs Co-operation Council  
Créée en 1952 sous le nom de Conseil de coopération douanière

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## **TERMS OF REFERENCE OF WCO WORKING BODIES**

**(August 2019)**



## **TERMS OF REFERENCE FOR**

- **COUNCIL**
- **POLICY COMMISSION**
- **FINANCE COMMITTEE**
- **AUDIT COMMITTEE**
- **PRIVATE SECTOR CONSULTATIVE GROUP**
- **WORKING GROUP ON PERFORMANCE MEASUREMENT**



## **TERMS OF REFERENCE FOR THE COUNCIL**

Confirmed by the Council - June 2005

**Established** : 1950 (Inaugural Session 1953).

**Duration** : Unspecified.

### **1. Mandate**

The Council was established by the Convention establishing a Customs Co-operation Council, with the aim of securing the highest degree of harmony and uniformity in the Customs systems of Member Governments, and especially to study the problems inherent in the development and improvement of Customs techniques and Customs legislation in connection therewith. It is the supreme body of the World Customs Organization and, as such, it takes the final decisions regarding the Organization's work and activities. All WCO bodies report to the Council. The Council operates with administrative support provided by the WCO Secretariat.

### **2. Membership**

Each Member of the WCO has the right to be represented in the Council.

### **3. Purpose and Scope**

The functions of the Council, as stipulated in Article III of the Convention establishing a Customs Co-operation Council, are to :

- (a) Study all questions relating to co-operation in Customs matters which the Contracting Parties agree to promote in conformity with the general purposes of the present Convention;
- (b) Examine the technical aspects, as well as the economic factors related thereto, of Customs systems with a view to proposing to its Members practical means of attaining the highest possible degree of harmony and uniformity;
- (c) Prepare draft Conventions and amendments to Conventions and recommend their adoption by interested Governments;
- (d) Make recommendations to ensure the uniform interpretation and application of the Conventions concluded as a result of its work and, to this end, to perform such functions as may be expressly assigned to it in those Conventions in accordance with the provisions thereof;
- (e) Make recommendations, in a conciliatory capacity, for the settlement of disputes concerning the interpretation or application of those Conventions;
- (f) Ensure the circulation of information regarding Customs regulations and procedures;

- (g) On its own initiative or on request, to furnish to interested Governments information or advice on Customs matters and make recommendations thereon;
- (h) Co-operate with other inter-governmental organizations as regards matters within its competence.

#### **4. Key Deliverables**

While the functions identified by the founding Convention remain broadly relevant, global developments in trade, transport and technology have had a significant effect on the activities of the Organization over the years. Today, the Council's key deliverables are :

- (a) To examine and, where appropriate, approve the work done by the Organization's technical bodies, including the preparation or amendment of WCO instruments;
- (b) To review, on the basis of written and oral reports by the Secretary General, the progress made during the previous twelve months with the implementation of the Organization's rolling, 3-year Strategic Plan;
- (c) To direct the future work of the Organization, in particular by examining, finalizing and adopting the Strategic Plan, which is prepared each year by the Secretariat and submitted to the Council after preliminary examination by the Policy Commission;
- (d) To examine and decide upon such policy issues as may be submitted to it by the Policy Commission;
- (e) To interpret the provisions of the founding Convention;
- (f) To provide a forum for the high-level exchange of information, views and experiences on topical Customs issues;
- (g) To take budgetary and financial decisions on the basis of recommendations submitted by the Finance Committee (in particular, acquitting the Secretary General of his financial management responsibilities for the previous financial year, taking note of the Audit Report and the follow-up action taken, appointing Auditors, and adopting a Decision concerning budgetary and financial provisions for the forthcoming financial year, including the scale of Members' contributions);
- (h) To adopt amendments to the Secretariat Staff Regulations and Staff Rules;
- (i) To elect the Council Chairperson and Vice-Chairpersons, the members of the Policy Commission, and the Chairperson, Vice-Chairperson and members of the Finance Committee;
- (j) To appoint the Secretary General and Deputy Secretary General of the Organization, and nominate Directors for appointment by the Secretary General;
- (k) To adopt the Organization's Calendar of Meetings for the forthcoming year.

## **5. Means of Operation**

The Council, under its Chairperson who is elected from among the delegates, examines issues on the basis of Reports on meetings of the Policy Commission, the Finance Committee and the various technical Committees, and documents prepared by the Secretariat.

Article VII of the Convention requires the Council to meet at least twice a year, but since 1966 the two annual sessions have been held concurrently, almost always in the month of June. The annual sessions generally last three days (with two days set aside for the conduct of formal business, and one day for discussions on topical Customs issues).

Each Member of the WCO nominates one delegate and one or more alternates to be its representatives on the Council. These representatives may be assisted by advisers (Article II of the Convention). Each active Member has one vote, except that a Member does not have a vote on any question relating to the interpretation, application or amendment of any WCO Convention in force which does not apply to that Member (Rule 21 of the Rules of Procedure of the Council).

Representatives of non-Member Governments or of international organizations may be invited to attend Council sessions as observers. They may, at the discretion of the Chairperson, participate in the discussions but not vote.

Representatives of a simple majority of the Members of the Organization constitute a quorum (Rule 20 of the Rules of Procedure of the Council). Decisions are taken by a majority of not less than two-thirds of the Members present at the meeting and entitled to vote (Rule 21 of the Rules of Procedure), except in the case of decisions concerning the Rules of Procedure, where a majority of not less than two-thirds of all the Members is required (Article VI of the Convention).

## **6. Resources Required**

The WCO Secretariat is responsible for making the arrangements and preparations for the Council sessions, providing professional, administrative and technical services during the sessions, and performing follow-up tasks after the sessions, including in particular the drafting of the Minutes.

All Members are required to bear the expenses (travel and accommodation) of their own delegations to the Council (Article XII of the Convention).

If the sessions are held away from WCO Headquarters, at the invitation of a Member, then that Member will normally be required to meet the additional costs which the Organization has incurred by reason of accepting that invitation (e.g., hiring meeting facilities, travel and accommodation expenses of Secretariat officials attending the sessions, etc.).

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## **TERMS OF REFERENCE FOR THE POLICY COMMISSION**

Confirmed by the Council - June 2005

Updated - June 2013

**Chairperson** : The Policy Commission is chaired by the Chairperson of the Council.

**Vice-Chairperson** : The Policy Commission Rules of Procedure provide that the Commission may elect one or more Vice-Chairpersons, although in practice it has not done so to date.

**Established** : 1978.

**Duration** : Unspecified.

### **1. Mandate**

The Policy Commission was established to act as a dynamic steering group to the Council.

### **2. Membership**

As is specified in Council Decision No. 334, membership of the Policy Commission is restricted to a specific number of WCO Members, elected by the Council on a regional basis from among the active Members in the region. The Policy Commission members are :

The Chairperson of the Council (as Chairperson of the Commission).

The Vice-Chairpersons of the Council, each representing one of the WCO's six regions.

Twenty-four members, selected on a regional basis as follows :

East and Southern Africa	: 2
Europe	: 8
Far East, South and South East Asia, Australasia and the Pacific Islands	: 5
North of Africa, Near and Middle East	: 2
South America, North America, Central America and the Caribbean	: 5
West and Central Africa	: 2

As Observers, Belgium (in its capacity as host nation), the Chairperson of the Finance Committee, the Chairperson of the Audit Committee, and any member that is not a member of the Policy Commission and is to host a session of the Commission away from Headquarters.

In an ex officio capacity, former Chairpersons of the Council who are still serving in their national Customs administrations (for a maximum of two years after ceasing to hold office as Chairperson).

### **3. Purpose and Scope**

The competence of the Policy Commission is defined as follows in Council Decision No. 334 :

“The Commission shall concern itself with broad policy questions relevant to the WCO’s activities. The Commission shall act as a dynamic Steering Group to the Council. It shall initiate studies on the policies, practices, and procedures of the WCO with the objective of assisting the Council to achieve the broad aims of its activities”.

### **4. Key Deliverables**

The key deliverables of the Policy Commission are :

- (a) To examine questions referred to it by the Council, by individual members of the Policy Commission or Council, by the Finance Committee or by the Secretary General (either on his own initiative or at the request of one of the WCO’s technical Committees or other bodies);
- (b) In regard to the questions thus examined, to make recommendations to the Council or the relevant Committee, or provide advice to the Secretary General. The Commission may also instruct the Secretary General to undertake further research or reflection on an issue, on the basis of which the Policy Commission will consider the matter further;
- (c) In case of urgency, the Commission is empowered to ask the Secretary General to take such action as the Commission deems necessary in the interests of the WCO and to report such decision to the next sessions of the Council;
- (d) Each June, to conduct a preliminary examination of the Strategic Plan which is prepared each year by the Secretariat, and is submitted first to the Policy Commission and then to the Council;
- (e) Each December, to examine a Programme Budget for the following financial year and make recommendations to the Finance Committee on the general budgetary orientations (including the total amount of the General Operating Expenses) to be presented to the Council for that year;
- (f) Each December, to conduct a mid-year review of WCO activities, based on written and oral reports presented by the Secretary General, as a means of monitoring progress on behalf of the Council;

- (g) Each June, to examine the Audit Report in the light of the comments on it made by the Finance Committee, and make recommendations to the Council accordingly.

## **5. Means of Operation**

The Policy Commission, under its Chairperson (who is the Chairperson of the Council), examines issues on the basis of documents prepared by the Secretariat or, from time to time, Committee Reports or papers submitted by individual Members. Although the Policy Commission is a “restricted membership” body, the working documents prepared for the sessions are circulated to all WCO Members for information.

The Policy Commission’s Rules of Procedure specify that the Policy Commission shall hold at least two sessions a year, one of which shall be held in conjunction with the Council sessions. In practice, the Policy Commission holds two 3 or 4-day sessions each year, one about half way through the financial year (almost always in December), and the other immediately before the annual Council sessions (almost always in June).

The members of the Policy Commission are elected by the Council (the composition of the Commission is described under Part 2 - Membership, above). The ordinary members of the Commission are elected for a 2-year term, renewable indefinitely, whereas the Council Chairperson and Vice-Chairpersons are elected for a 1-year term, renewable once only unless the Council considers otherwise.

The Rules of Procedure specify that Policy Commission members and observers must be represented by their Heads of Administrations, although exceptionally a Head of Administration may authorize a high-ranking official to represent him/her. Delegates and Observers may be accompanied by advisers.

Being a “restricted membership” body, the Policy Commission is not open to observers (apart from Belgium as the host nation, the Finance Committee Chairperson, the Audit Committee Chairperson, and Members hosting a session away from headquarters). Nevertheless, in exceptional circumstances a WCO Member which is not a member of the Policy Commission may be invited to attend part of a Policy Commission session, for example to present a paper it has submitted, or to participate in discussions on a topic which it initiated, or to report on a meeting at which it represented the WCO.

Although the Policy Commission is essentially an advisory body for the Council, as opposed to a decision-making body, and normally arrives at its recommendations by consensus, there are detailed provisions governing voting in the Policy Commission; these are set out in an Appendix to the Policy Commission Rules of Procedure. Essentially, these provisions state that each member of the Policy Commission shall have one vote, representatives of a simple majority of the Policy Commission’s members shall constitute a quorum, and a two-thirds majority of those present and entitled to vote is needed in order to carry a decision.

## 6. **Resources Required**

The WCO Secretariat is responsible for making the arrangements and preparations for Policy Commission sessions, providing professional, administrative and technical services during the sessions, and performing follow-up tasks after the sessions. When the Policy Commission meets immediately before the annual Council sessions, its Report must be drafted during the session and adopted before the close of the session, so that it can be circulated to the Council on the following day. For the Policy Commission's mid-year session, the Report is prepared and circulated by the Secretariat a few weeks after the session.

All Members are required to bear the expenses (travel and accommodation) of their own delegations to the Policy Commission.

If a Policy Commission session is held away from WCO Headquarters at the invitation of a Member, then that Member will normally be required to meet the additional costs which the Organization has incurred by reason of accepting that invitation (e.g., hiring meeting facilities, travel and accommodation expenses of Secretariat officials attending the session, etc.).

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## TERMS OF REFERENCE FOR THE FINANCE COMMITTEE

Confirmed by the Council - June 2005

Updated - June 2007

Updated - June 2014

**Established :** 1953

**Duration :** Unspecified

### **1. Mandate**

The Finance Committee acts under the overall direction of the WCO Council with administrative support provided by the WCO Secretariat. Its role and responsibility is to provide support and advice to the Policy Commission and Council in budgetary and financial matters.

A specific responsibility of the Finance Committee, as described in the Financial Rules adopted by the Council, is to examine the estimates of all of the Organization's resources and uses for the following financial year and prepare a report to the Council thereon. The estimates shall include an estimated Profit and Loss Account, a statement on cash flow and an estimated Balance Sheet. They shall cover all operations envisaged for the financial year concerned.

### **2. Membership**

As described in Rule 28 of the Rules of Procedure of the Customs Co-operation Council, the Council each year invites nineteen Members each to nominate a delegate to serve on the Finance Committee.

The seats on the Finance Committee are allocated on a regional basis from among the active Members in the region, in accordance with the following distribution :

Europe	: 8 seats.
North of Africa, Near and Middle East	: 1 seat.
East and Southern Africa	: 1 seat.
West and Central Africa	: 1 seat.
South America, North America, Central America and the Caribbean	: 4 seats.
Far East, South and South East Asia, Australasia and the Pacific Islands	: 4 seats.

Within the allocation specified above, the two Members paying the highest contributions to the budget of the Organization as shown in the Financial Decision adopted by the Council for the following financial year, shall be members of the Finance Committee.

Regions that are allocated a single seat on the Finance Committee shall arrange for a Member from their region to attend Finance Committee meetings as an alternate if the designated Member is unable to attend.

The Chairperson of the Audit Committee is invited to attend meetings of the Finance Committee as an observer.

### **3. Purpose and scope**

The purpose of the Finance Committee is to perform the functions assigned to it by the Financial Rules made by the Council, as well as to examine specific financial or budgetary matters referred to it by the Council, by the Policy Commission or by the Secretary General.

In order to prepare decisions by the Policy Commission and the Council, the Finance Committee presents a financial situation report in respect of the achievement of the Strategic Plan objectives.

### **4. Key Deliverables**

The key deliverables of the Finance Committee are to :

#### **In respect of the previous financial year**

- Examine the full Audit Report prepared by the WCO's External Financial Auditors, together with the Secretary General's comments thereon and, on the basis of that Report and the audited accounts for the previous financial year, to recommend if appropriate that the Council approve those accounts, accept the Secretary General's proposals for the apportionment of the result of the Profit and Loss Account, and acquit the Secretary General of his financial responsibilities for the previous financial year.

#### **In respect of the financial year in progress**

- Consider the situation with regard to the receipt of Members' contributions and capital subscriptions, the execution of the budget and the cash flow situation for the financial year in progress and, where appropriate, advise the Council of measures to be taken.
- Examine and, where appropriate, endorse any measures already taken during the financial year in order to apply to the WCO's various remuneration scales any changes made in the Co-ordinated Organizations.
- Look into the financial implications of any new tasks assigned to the Secretariat and not included in the budget appropriations approved by the Council, and make recommendations to the Council concerning the financing of those tasks.

**In respect of the next financial year**

- Consider a provisional scale of Members' contributions for the next financial year;
- Examine - based on the recommendations made by the Policy Commission with regard to the Programme Budget - and, as appropriate, recommend to the Council for adoption, total Members' contributions, General Operating Expenses, an estimated Profit and Loss Account and Balance Sheet, and a Staffing Table for the next financial year.

**And, in addition to the above deliverables relating specifically to the previous, current or next financial year**

- Analyse the financial implications of implementing the Strategic Plan and report the assessment to the Policy Commission and the Council;
- Participate - through its Chairperson and Vice-Chairperson - in the process for selecting the External Financial Auditors;
- Consider the results of the external financial audit;
- Participate - through its Chairperson who is a member of the Audit Committee - in the planning of internal audits, and in the selection of areas to be examined in management audits;
- Analyse the WCO's financial and budget situation on a quarterly basis, in addition to the examinations conducted at the annual session of the Committee;
- Examine and, where appropriate, make recommendations to the Council on the medium-term financial perspectives or multi-year budgeting of the Organization;
- Examine and, where appropriate, make recommendations to the Council on the Organization's financial investments and income;
- Examine and, where appropriate, make recommendations to the Council on the production and sale of WCO publications;
- Examine and, where appropriate, make recommendations to the Council on alternative sources of funding for the Organization;
- Examine and, where appropriate, make recommendations to the Council regarding the Annual Report on the Customs Co-operation Fund;
- Examine and, where appropriate, make recommendations to the Council on the position with regard to the Organization's capital expenditures;
- Keep WCO conditions of service under review and, where appropriate, make recommendations to the Council on amendments to the Staff Regulations and Staff Rules;

- Deal with certain specific situations envisaged by the Financial Rules of the Organization, namely :
  - approving requests by the Secretary General to transfer appropriations from one Chapter to another;
  - reviewing supplementary estimates submitted by the Secretary General;
  - scrutinizing reports by the Secretary General on the short-term investment of monies not needed for immediate requirements;
  - if necessary, directing the appointed External Financial Auditors to hold an extraordinary audit of any of the Organization's accounts, and providing for the submission of a report on that audit.

## 5. **Means of Operation**

The Finance Committee, under its Chairperson, examines issues on the basis of documents prepared by the Secretariat. Although the Finance Committee is a "restricted membership" body, the working documents prepared for the sessions are circulated to all WCO Members for information.

The Rules of Procedure of the Customs Co-operation Council specify that the Finance Committee shall meet at such intervals as may be necessary to execute its functions. In order to deal with decisions taken by the Council without prior costing or where new programmes arise during the course of the budget year, the Finance Committee may conduct "virtual" consultations among its members using electronic means organized by the Chairperson of the Finance Committee.

The members of the Finance Committee are elected by the Council (the composition of the Committee is described under Part 2 - Membership, above). The ordinary members of the Committee are elected for a 1-year term, renewable indefinitely. The Committee Chairperson and Vice-Chairperson are also elected for a 1-year term and are eligible for reappointment but may not serve for more than four consecutive terms in their respective offices. They are elected from among the members of the Finance Committee.

Being a "restricted membership" body, the Finance Committee is not open to observers (apart from representatives of the WCO Staff Committee for matters relating to the working conditions of WCO staff). Nevertheless, in exceptional circumstances a WCO Member which is not a member of the Finance Committee may be invited to attend part of a Finance Committee session.

The External Financial Auditors appear before the Finance Committee each year to present their report and answer any questions on it. They may also be invited to participate in the discussions on specific Agenda items relevant to their financial or management audits. In addition, the Organization's portfolio managers may be asked to appear before the Finance Committee to report on their strategy and answer questions about its implementation. From time to time, other specialists (actuaries, investment analysts, etc.) may be invited to attend part of a Finance Committee session, to provide information or advice on specific issues.

Although the Finance Committee is essentially an advisory body for the Policy Commission and Council and normally arrives at its recommendations by consensus, there are detailed provisions governing voting in the Finance Committee; these are set out in Rule 28 of the Rules of Procedure of the Customs Co-operation Council. Essentially, these provisions state that the quorum of the Committee shall be ten delegates or alternates.

## **6. Resources Required**

The Finance Committee meets at WCO Headquarters. If required by the WCO, the Chairperson of the Finance Committee may participate in WCO regional meetings.

The WCO Secretariat is responsible for making the arrangements and preparations for the Finance Committee sessions, providing professional, administrative and technical services during the sessions, and performing follow-up tasks after the sessions. The report on its April session is drafted during the session and adopted before the close of the session.

The home administrations of the Chairperson, Vice-Chairperson and members of the Finance Committee are required to bear their own expenses (travel and accommodation). In the case of the Chairperson's participation in WCO regional meetings, the WCO may bear part of the cost.

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## **CHARTER OF THE WCO AUDIT COMMITTEE**

### **1. Role of the Committee**

The role of the Audit Committee is, as part of the ongoing systematic review of the control environment and governance procedures, to oversee the audit function within the WCO and advise the Policy Commission and the Council as well as the Secretary General in relation to the operation and the development of this function. The Audit Committee acts under the overall direction of the Council and Policy Commission with administrative support provided by the Secretariat.

### **2. Authority**

The Audit Committee has authority to conduct or authorize investigations into any matters within its scope of responsibility. It is empowered to assist the Policy Commission and the Council in fulfilling their oversight responsibility with respect to :

- the overall implementation of the WCO Strategic Plan;
- the budget allocation process and performance measurement policies and practices of the Organization;
- efficient and effective programme management and the attainment of objectives, as outlined in the Strategic Plan;
- the protection of resources and their efficient and effective application against stated priorities; and
- the identification and mitigation of significant risks.

### **3. Membership**

The Committee is appointed by the WCO Council. Any Member of the Committee can be removed by the Council at its sole discretion. The term of office of the Audit Committee members shall be three years. Exceptionally and on the proposal of the Audit Committee to the Council, the duration of the term of office may be extended by one year in order to provide for continuity of membership.

The Committee shall comprise twelve Directors General from the Council, to include two representatives from each of the six Regions. These seats on the Committee are allocated ideally on a rotating basis from among the active Members in each Region. In special circumstances, a lower ranking official may represent his/her Administration on the Audit Committee, provided that such a representative reports directly to the Director General of the Administration.

Other, *ex-officio*, non-voting members of the Audit Committee appointed by the Council are :

- the Secretary General or his/her designate; and
- the Chairperson of the Finance Committee.

On a proposal from the Audit Committee, the Chairperson and Vice-Chairperson of the Audit Committee are elected by the Council for a two-year term. They are elected from among the members of the Audit Committee.

In the interest of good governance and separation of functions, there should be no overlap between executive and non-executive functions. There should be no overlap in voting membership between the Finance and Audit Committees.

#### **4. Responsibilities**

Without limiting the generality of its scope, the Audit Committee is vested with the following responsibilities :

- Providing independent, documented objective advice to the Policy Commission, the Council and the Secretary General through the systematic review and follow-up of all internal and external audit work undertaken in relation to the WCO control environment, risk management practices, decision support, governance and compliance processes.
- Advising and making recommendations to the Policy Commission, the Council and the Secretary General on any matter pertaining to the WCO audit function, as the Committee considers necessary or appropriate.
- Assessing whether processes are in place to manage risks in accordance with organizational guidelines, work plans and the Strategic Plan, and monitoring implementation and effectiveness of the processes.
- Monitoring the implementation of the Strategic Plan on a cyclic basis.
- Participating through the Chairperson and/or the Vice-Chairperson in the selection of the internal and external auditors.
- Reviewing and approving the Annual Internal and External Audit Plans.
- Reviewing and approving through the Chairperson and/or the Vice-Chairperson the Terms of Reference of internal and external audits.
- Reviewing audit findings and recommendations.
- Assessing the implementation of agreed corrective actions by management.
- Fostering the development and implementation of best practice in the internal audit and external audit function.
- Reviewing and evaluating the performance of the internal and external auditors.

## **5. Internal Auditor**

The Internal Auditor will be part of the staff of the Secretariat, and will be appointed and evaluated by the Secretary General in consultation with the Chairperson of the Audit Committee. The responsibilities of the Internal Auditor are as follows :

- Conduct the internal audits defined by the Audit Committee or the Secretary General.
- Prepare the Terms of Reference and coordinate the work of internal and external audits defined by the Audit Committee.
- Report quarterly to the Chairperson of the Audit Committee about the development of the audits and other issues that may be of interest to the Audit Committee.
- Prepare the documentation for the Audit Committee's meetings.
- Other duties that may be assigned by the Chairperson of the Audit Committee or the Secretary General.

## **6. Meetings**

The Audit Committee shall meet at least once a year, at the call of the Chairperson. The Audit Committee shall function in accordance with the procedures applicable to WCO working bodies as approved by the Council.

The Audit Committee may be supported by a Steering Group. The Steering Group may assist the Chairperson in preparing the annual meeting of the Audit Committee. The Steering Group would be made up of the Brussels-based representatives of the members of the Audit Committee, other Committee members by virtual means and the Internal Auditor. The Steering Group could meet at the request of the Chairperson. The external auditor may also be invited to participate in the discussions on specific Agenda items relevant to external Audits.

A quorum of half the voting members of the Audit Committee will be required for each meeting.

In the absence of the Chairperson, the Vice-Chairperson will chair the meetings.

Although the Audit Committee normally arrives at its recommendations by consensus, in the absence of consensus, decisions shall be taken by a majority of not less than two-thirds of the voting members present at the meeting, as provided for in Rule 21 of the Rules of Procedure of the Customs Co-operation Council.

In order to fulfil its mission, the Audit Committee may conduct "virtual" consultations among its members using electronic means organized by the Chairperson of the Audit Committee.

The Committee has the authority to request any member of the Secretariat to attend Committee meetings, as it considers necessary.

Where external auditors have been appointed to carry out audits they will appear before the Audit Committee, as required, to present their reports and answer any questions related to them. They may also be invited to participate in the discussions on specific agenda items relevant to their Audits.

**7. Working Procedures/Resources**

The Committee will adopt its own working procedures.

The Audit Committee is authorized to obtain external legal or other professional advice if deemed necessary. It may also secure the attendance, at part of an Audit Committee session, of consultants, auditors and management experts considered as having relevant experience, in order to provide additional information on specific issues examined by the auditors.

The Audit Committee meets at WCO Headquarters. The Secretariat is responsible for making the arrangements and preparations for the Audit Committee sessions, providing professional, administrative and technical services during the sessions, and performing follow-up tasks after the sessions.

The home administrations of the Chairperson, Vice-Chairperson and members of the Audit Committee are required to bear their own expenses (travel and accommodation).

**8. Access**

The Chairperson of the Audit Committee, or any other Committee member acting with the authority of the Chairperson, shall have the right of access to the Council Chairperson, the Secretary General and the Head of the Division of Administration and Personnel.

The Audit Committee shall have full, free and unrestricted access to all WCO documentation.

**9. Reporting**

The Audit Committee shall issue its reports to the Policy Commission and the Council. The Committee will proffer such advice and recommendations as it may deem appropriate.

**10. Review**

The Audit Committee shall evaluate its own performance every three years to include a review of the Audit Committee Charter.

**Council Chairperson :** \_\_\_\_\_

**Date :** \_\_\_\_\_

**Secretary General :** \_\_\_\_\_

**Date :** \_\_\_\_\_

**Audit Committee Chairperson :** \_\_\_\_\_

**Date :** \_\_\_\_\_

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## **TERMS OF REFERENCE FOR THE PRIVATE SECTOR CONSULTATIVE GROUP**

Drafted - September 2005

Revised - December 2014

Revised - December 2017

Confirmed by the Council - June 2018

### **Private Sector Consultative Group**

**Chairperson :** Member of private sector  
**Vice-Chairperson :** Member of private sector  
**Established :** 2005  
**Secretariat :** WCO  
**Duration :** Unspecified

#### **1. Mandate**

The Private Sector Consultative Group (hereinafter referred to as the “PSCG”), is formed for the purpose of informing and advising the WCO Secretary General, the Policy Commission and WCO Members on Customs and international trade matters from the perspective of the private sector.

#### **2. Membership**

- The WCO Secretary General, in consultation with the Council Chair and Regional Vice-Chairs, will appoint all PSCG members.
- The PSCG should have a diverse (WCO region, business size (including small and medium sized enterprises), industry sector) membership.
- The PSCG will consist of 27 members.
- The PSCG will predominantly consist of businesses/manufacturers, and of associations.

#### **3. Purpose and Scope**

The purpose and scope of the PSCG is to inform and advise the WCO Secretary General, the Policy Commission and WCO Members on Customs and international trade matters from the perspective of the private sector. The PSCG complements the vital contributions made by private sector Observers to WCO Committee meetings. As the PSCG is an advisor to the WCO Secretary General, the Policy Commission and WCO Members, PSCG members will not be represented or participate as the “PSCG” at non-WCO external events.

#### **4. Key Deliverables**

- The PSCG's key deliverables are :
  - to inform and advise the WCO Secretary General, the Policy Commission and WCO Members on Customs and international trade matters from the perspective of the private sector;
  - to support the adoption and effective implementation of agreed WCO and other relevant international instruments;
  - to leverage business resources and government relationship to advocate for and implement programmes developed and adopted by the WCO.
- The PSCG shall provide a written report for the Policy Commission and the Secretary General at the conclusion of each meeting.

#### **5. Means of Operation**

- PSCG member terms will last three years, the term running from 1 July to 30 June.
- PSCG members cannot serve more than two consecutive terms.
- The PSCG will employ a system of rotation where members leave the PSCG after their terms are completed.
- Former PSCG members can be re-appointed to the PSCG after a one-year hiatus.
- The PSCG Chairperson and Vice-Chairperson shall be elected by the PSCG members. The PSCG Chairperson and Vice-Chairperson are subject to the same term of office and rotation policy as all PSCG members.
- To promote continuity, the WCO Secretary General, in consultation with the Council Chair and Regional Vice-Chairs, will appoint new PSCG members when necessary so that terms are staggered and the PSCG always has 27 members.
- Entities wishing to become members of the PSCG shall submit a written application to the WCO Secretary General.
- The PSCG members will have Observer status with the WCO for the duration of their appointment to the PSCG and may be invited to attend official WCO meetings in an individual capacity where the Terms of Reference of such meetings permit such attendance.
- The June Policy Commission agenda will include specific designated items pertaining to international trade, for which PSCG members and relevant non-PSCG Observers will be invited to attend.

- Attendance at the December Policy Commission session will be limited to WCO Members. However, the PSCG may be invited to attend the December Policy Commission meeting at the discretion of the WCO Secretary General.
- A WCO Secretariat representative shall be invited to attend and participate in PSCG meetings.

**6. Resources Required**

The PSCG may meet at WCO Headquarters.

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**TERMS OF REFERENCE FOR THE WORKING GROUP**  
**ON PERFORMANCE MEASUREMENT**

**Confirmed by the Council : June 2019**

**Established : 2019**

**Duration : June 2021**

**1. Mandate**

- 1.1. With reference to Documents SP0645E1a, SP0650E1b and SC0179E1a, Members indicated their desire to move forward with organizational performance measurement work in three ways :
- (i) Develop a new WCO mechanism for comprehensive performance measurement covering all Customs' competency areas (and going beyond the Time Release Study);
  - (ii) Review and work with WCO partner organizations to improve existing reports that might be used to monitor aspects of Customs performance, including the World Bank Group's "Doing Business" survey, specifically promoting Customs as a major respondent in such evaluation exercises and the WCO's role as a key player in professional Customs performance measurement globally; and
  - (iii) Assess the resource implications for the WCO Secretariat and Members in relation to the development and management of the WCO performance measurement mechanism in coordination with the Finance Committee and Policy Commission.

**2. Membership**

- 2.1. The Working Group shall be comprised of WCO Members.
- 2.2. The Working Group may invite representative/s from the Private Sector Consultative Group, partner international governmental and non-governmental organizations, and other external stakeholders and academia, to attend the meetings as necessary.

**3. Purpose and Scope**

- 3.1. The scope of the Working Group on Performance Measurement is to develop a comprehensive performance measurement mechanism including key performance indicators (KPIs), both quantitative and qualitative, in all Customs competencies (revenue collection, trade facilitation and economic competitiveness, enforcement, security and protection of society, etc.). The mechanism should address the issue of diversity in current realities and to create reliable assessments. It is expected that the mechanism will be recognized as the leading standard for performance measurement of Customs and used to influence policy makers and to support improvements in Customs' organizational performance as well as WCO tools and instruments.

- 3.2. The scope of the review of reports such as the World Bank Group's "Doing Business" survey is to understand and better interpret the collection methodology, analysis and findings, as well as explore the opportunity to become more involved, particularly in relation to the "Trading across Borders" chapter. Any engagement with other institutions should be aimed at supporting and promoting the WCO's leading role in professional development of Customs competencies and performance measurement. The goal is to encourage other international organizations in their performance measurement activities to better engage with Customs administrations.
- 3.3. In addition, indicators for this assessment should monitor the extent to which WCO tools, instruments and recommendations have been applied, as well as support their evaluation in line with emerging international practice.

#### **4. Key Deliverables**

- 4.1. The key deliverables of the Working Group are to :
  - (i) Develop a new WCO mechanism of Customs administration performance measurement with the corresponding specific indicators, and implementation methodology, building on existing WCO tools; and taking into account the resource implications for the WCO and the Members; and
  - (ii) Review and work with WCO partner organizations to influence existing reports that might be used to monitor aspects of Customs performance, in particular the World Bank Group's "Doing Business" survey.
- 4.2. The specific products/documents to be delivered are :
  - (i) A work plan, updated as necessary;
  - (ii) Progress reports after each meeting of the Working Group, sent to the Permanent Technical Committee for its guidance, will be shared with WCO Members;
  - (iii) A preliminary oral report to the December 2019 Policy Commission session;
  - (iv) A preliminary report setting out the deliberations and recommendations of the Working Group for the Finance Committee one month in advance of its spring 2020 session for recommendations and further guidance on resource implication;
  - (v) A written report setting out the deliberations and recommendations of the Working Group, with Finance Committee input, for consideration by the Policy Commission one month in advance of its June 2020 session for recommendations and further guidance and a subsequent decision, as necessary, by the Council.

- 4.3. In parallel to developing the products/documents above, the Working Group is to :
- (i) Provide primary technical guidance and advice in conducting a pilot survey;
  - (ii) Manage supervision of pilot survey data collection and ensure implementation of quality control measures during data collection and data entry at all levels;
  - (iii) Define disclosure and publication policies of data and analysis.

## **5. Means of Operation**

- 5.1. Members of the Working Group shall elect annually the Chairperson and the Vice-Chairperson from among the members of the Working Group. The outgoing Chairperson will be eligible for re-election.
- 5.2. The Chairperson shall liaise closely with the regional Vice-Chairpersons in order to ensure input and support to the overall initiative by all WCO Member administrations.
- 5.3. The Working Group shall carry out its work through at least two annual “physical” meetings to be held primarily at WCO Headquarters.
- 5.4. When appropriate, intersessional work will be carried out “virtually” via e-mail, telephone, video conferencing and the CLiKC! platform, as appropriate.
- 5.5. The agenda, with attached meeting papers, will be forwarded to the Working Group members by close of business 30 days prior to the scheduled meeting.
- 5.6. All working documents will be available in English and French.
- 5.7. Meetings held at WCO Headquarters will be conducted with simultaneous interpretation in English and French.
- 5.8. The report of the Working Group shall be distributed to participants within two weeks after the meeting.

## **6. Resources Required**

- 6.1. The members of the Working Group will fund their own participation, including travel, daily subsistence allowances and accommodation expenses.
  - 6.2. The WCO Secretariat will provide the necessary support.
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**TERMS OF REFERENCE FOR WORKING BODIES  
IN THE AREA OF NOMENCLATURE/HARMONIZED SYSTEM**

- **HARMONIZED SYSTEM COMMITTEE**
- **HARMONIZED SYSTEM REVIEW SUB-COMMITTEE**
- **SCIENTIFIC SUB-COMMITTEE**
- **HARMONIZED SYSTEM WORKING PARTY**



## **TERMS OF REFERENCE FOR THE HARMONIZED SYSTEM COMMITTEE**

Confirmed by the Council - June 2003

Updated - June 2005

Updated - June 2010

Updated - June 2015

**Established :** 1988

**Duration :** Unspecified

### **1. Mandate**

The HS Committee performs functions as described in Article 7 of the HS Convention. To that end, the Committee acts under the overall direction of the WCO Council and Policy Commission, with administrative support provided by the WCO Secretariat.

The Committee therefore refers issues concerned to the Council on the basis of the provisions of Article 8.1 (Article 16 amendments) or Articles 8.2 and 8.3 (corrigendum amendments, etc.) of the Harmonized System (HS) Convention.

The Chairperson also reports on the work of the Committee at each Session of the Council as specified in Rule 24 of the Rules of Procedure of the HS Committee.

### **2. Membership**

As described in Article 11 of the HS Convention, the following are eligible to become Contracting Parties (CPs) to the Convention :

- Member States of the Council;
- Customs or Economic Unions to which competence has been transferred to enter into treaties in respect of some or all of the matters governed by the Convention; and
- any other State to which an invitation to that effect has been addressed by the Secretary General at the direction of the Council.

### **3. Purpose and Scope**

The purpose and scope of the HS Committee is to :

- interpret the HS legal texts in the most appropriate manner to secure uniform classification of goods, including settlement of classification disputes between CPs, thus facilitating trade (uniform interpretation and application);
- amend the HS legal texts to reflect developments in technology and changes in trade patterns as well as other needs of HS users (updating);
- promote widespread application of the HS (promotion);

- examine general questions and policy matters relating to the HS (general and policy matters).

#### **4. Key Deliverables**

The HS Committee's key deliverables are to :

##### Uniform interpretation and application

- settle classification questions and disputes;
- revise the HS Explanatory Notes and Classification Opinions;
- secure speedy and uniform implementation of classification decisions;
- draft recommendations to secure uniformity in the interpretation and application of the HS, for example, the Recommendations on Pre-entry Classification Programmes and the Good Classification Work Model;
- support the work of the Secretariat in ensuring uniform application of the HS, such as with regard to the publication of the HS database (On-line and CD-ROM), Correlation Tables between the current edition and the amended edition of the HS, the HS Classification Handbook and the Alphabetical Index.

##### Updating

- amend legal texts to reflect developments in technology and changes in trade patterns as well as other needs of HS users;
- encourage CPs to implement the amendments in a timely manner.

##### Promotion

- support the initiatives of the Secretariat to provide guidance to non-Contracting Party HS user countries to accede to the HS Convention and to assist non-HS user countries to apply the HS;
- encourage the use of the HS in non-traditional areas and provide guidance to such users (e.g., with regard to ozone depleting substances, hazardous wastes, chemical weapons, CITES, narcotics, hazardous chemicals and pesticides, persistent organic pollutants).

##### General and policy matters

- examine a series of general questions that are not directly related to the HS Nomenclature, but certainly provide assistance with regard to the uniform application and maintenance of the HS.

## **5. Means of Operation**

The Committee, under its Chairperson who is elected from among the delegates, examines issues on the basis of documents prepared by the Secretariat, which incorporate comments and proposals from administrations.

Each member of the Committee may nominate one delegate and one or more alternates to be its representatives on the Committee (Rule 3 of the Rules of Procedure of the HS Committee).

The representatives should be officials responsible for and specialized in HS classification matters. They may be assisted by advisers.

Representatives of 40 % or 40 of the members of the Committee, whichever is lower, constitute a quorum (Rule 18 of the Rules of Procedure of the HS Committee).

Each CP has the right to one vote. However, the EU and its members together exercise one vote in accordance with Article 6.4 of the HS Convention.

Decisions concerning amendments to the Rules of Procedure of the Committee are taken with not less than two-thirds of the votes attributed to its members (Rule 19 of the Rules of Procedure of the HS Committee and Article 6.6 of the HS Convention).

Decisions concerning amendments to the Convention are taken by a majority of not less than two-thirds of the votes cast by members (Rule 19 of the Rules of Procedure of the HS Committee) followed by unanimous acceptance of the CPs (Article 16 of the HS Convention).

Other decisions (classification decisions, adoption of the Explanatory Notes, Classification Opinions, etc.) are taken by a simple majority of the votes cast by the members of the Committee (Rule 19 of the Rules of Procedure of the HS Committee), followed by a deemed approved procedure of the Council (Articles 8.2. and 8.3 of the HS Convention).

The Secretary General may invite representatives of States which are not Members of the Council and, subject to the approval of the Chairperson of the Committee, representatives of intergovernmental or other international organizations and any experts whose participation is considered desirable to attend meetings of the Committee as observers (Rule 6 of the Rules of Procedure of the HS Committee).

The Committee's activities are supported by the Review Sub-Committee (for updating of the HS), the Scientific Sub-Committee (for chemical matters), the Working Party (for drafting texts of the Explanatory Notes, Classification Opinions, etc.) and the Nomenclature and Classification Sub-Directorate.

## **6. Resources Required**

The HS Committee meets twice a year. Each session lasts two weeks.

The WCO Secretariat is responsible for :

- (a) preparation for each meeting, including :
- administrative preparation, including typing, sorting, filing of documents;
  - inviting comments of members of the HS Committee regarding technical and other matters;
  - distributing an annotated agenda eight (8) weeks prior to meeting dates in the two official languages;
  - drafting comments on working documents, etc. which are generally completed eight weeks prior to the meeting;
  - ensuring that all working documents are available to members of the HS Committee four (4) weeks prior to meeting dates in the two official languages and Russian and Spanish (working languages of the HS Committee) as hard copy and on the WCO Web site.
- (b) the meeting itself, including :
- presenting reports and proposals;
  - facilitating the course of the meeting;
  - taking note of discussions;
  - preparing a draft report.
- (c) follow-up to the meeting, including :
- preparing the final meeting report and distributing it to members of the HS Committee;
  - publishing instruments adopted by the HS Committee, after approval by the WCO Council.
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## **TERMS OF REFERENCE FOR THE HARMONIZED SYSTEM REVIEW SUB-COMMITTEE**

Confirmed by the Council - June 2003

Updated - June 2005

**Established :** 1988

**Duration :** Unspecified

### **1. Mandate**

The Review Sub-Committee (RSC) acts under the overall direction of the HS Committee with administrative support provided by the WCO Secretariat.

### **2. Membership**

As described in Rule 2 of the Rules of Procedure of the Sub-Committee, the Sub-Committee consists of :

- representatives of the Contacting Parties to the HS Convention;
- representatives of any Member of the Council which is not a Contacting Party to the HS Convention; and
- subject to invitation by the Secretary General, the following :
  - representatives of States which are not Members of the Council;
  - representatives of intergovernmental or other international organizations;
  - in consultation with the Chairperson of the Sub-Committee, any experts whose participation is considered desirable on the basis of the contribution they might be expected to make to the work of the Sub-Committee.

### **3. Purpose and Scope**

The purpose and scope of the Sub-Committee is to :

- pursue a review of the HS under the general guidance of the HS Committee;
- propose to the Committee such amendments to the HS as may be considered desirable having regard, in particular, to the needs of users and to changes in technology or in patterns of international trade; and
- prepare, to the extent appropriate, any consequential amendments to the Explanatory Notes and the Compendium of Classification Opinions for consideration by the Committee.

#### **4. Key Deliverables**

The Review Sub-Committee's key deliverables are :

- amendments to HS legal texts at predetermined intervals for uniform application by all users (Amendments entered into force in 1992, 1996 and 2002. The next set of amendments is envisaged for 2007); and
- consequential amendments to the Explanatory Notes as well as the Compendium of Classification Opinions.

#### **5. Means of Operation**

The HS Committee elects the Chairperson from among the members of the HS Committee.

The Sub-Committee examines issues on the basis of documents prepared by the Secretariat, which incorporate comments and proposals from administrations.

The Sub-Committee seeks to reach a consensus on any matter examined and reports to the Committee. If agreement cannot be reached on a question, the differing views together with their supporting rationales are reported to the HS Committee.

#### **6. Resources Required**

The Sub-Committee holds its sessions as and when required and subject to approval by the Committee and the Council. It usually meets twice a year. Each session lasts one to two weeks depending on the number of items on the agenda.

The responsibilities of the WCO Secretariat are the same as those for the HS Committee.

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## **TERMS OF REFERENCE FOR THE SCIENTIFIC SUB-COMMITTEE**

Confirmed by the Council - June 2003

Updated - June 2005

Updated - June 2007

**Established** : 1987

**Duration** : Unspecified

### **1. Mandate**

The Scientific Sub-Committee acts as an advisory body of the Council on questions involving chemical or other scientific matters. In practice, the Sub-Committee acts under the instruction of the Council or any of its Committees or Sub-Committees and it reports back to these WCO bodies. It also serves as forum for the exchange of views by the Customs laboratory services of Council Members.

### **2. Membership**

As described in Rule 2 of the Rules of Procedure of the Scientific Sub-Committee, each Member of the Council and any other Contacting Party to a Convention established or administered by the Council have the right to be represented.

### **3. Purpose and Scope**

The purpose and scope of the Scientific Sub-Committee is to :

- assist the HS Committee and the Review Sub-Committee in their technical work, in particular with regard to questions involving the classification of chemical products;
- assist the Council and its Committees and Sub-Committees in their work, related to all scientific and engineering aspects of Customs administration, operation and procedures; and
- serve as a forum for the exchange of views by the Customs laboratory services of Council Members on Customs-related scientific and engineering developments and best practices.

#### **4. Key Deliverables**

The Sub-Committee's key deliverables are to :

- advise the HS Committee on classification questions involving scientific issues;
- draft HS legal texts and Explanatory Notes involving scientific issues at the request of the HS Committee or the Review Sub-Committee;
- carry out studies for improvement of texts concerning chemical Chapters of the Harmonized System (mainly Chapters 25 to 40);
- exchange views among delegates with regard to the role of Customs laboratories, analytical methods, etc.;
- provide guidance to the Secretariat in its technical assistance programmes on Customs laboratory matters; and
- provide scientific and engineering support and advice to the Council and any of its Committees and Sub-Committees on Customs requirements or operations.

#### **5. Means of Operation**

The Chairperson is elected from among the representatives of the members.

The Sub-Committee examines issues on the basis of documents prepared by the Secretariat, which incorporate comments and proposals from administrations.

The Sub-Committee seeks to reach agreed views on any matter examined and report them to the Council or the relevant Committee as appropriate (normally to the HS Committee). If agreement cannot be reached on a question, the differing views together with their supporting rationales are reported.

#### **6. Resources Required**

The Sub-Committee holds its sessions as and when required and subject to approval by the HS Committee and the Council. It normally holds at least one session a year.

The responsibilities of the WCO Secretariat are the same as those for the HS Committee.

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## **TERMS OF REFERENCE FOR THE HARMONIZED SYSTEM WORKING PARTY**

Confirmed by the Council - June 2003

Updated - June 2005

**Established :** 1988

**Duration :** Unspecified

### **1. Mandate**

The HS Working Party acts under the overall direction of the HS Committee with administrative support provided by the WCO Secretariat.

### **2. Membership**

There is no specific provision. The Working Party usually consists of :

- representatives of the Contacting Parties to the HS Convention;
- representatives of any Member of the Council which is not a Contacting Party to the HS Convention; and
- subject to invitation by the Secretary General, representatives of intergovernmental or other international organizations.

### **3. Purpose and Scope**

The purpose and scope of the Working Party is to draft the texts of possible amendments to the HS Nomenclature, Explanatory Notes and Compendium of Classification Opinions before their final adoption by the HS Committee.

### **4. Key Deliverables**

Same as under Item 3.

### **5. Means of Operation**

The HS Committee elects the Chairperson from among the members of the HS Committee.

The Working Party examines issues on the basis of documents prepared by the Secretariat, which incorporate comments and proposals from administrations.

The Working Party seeks to reach a consensus on any matter examined and reports to the HS Committee. If agreement cannot be reached on a question, the differing views together with their supporting rationales are reported to the HS Committee.

## **6. Resources Required**

The Working Party holds its sessions as and when required and subject to approval by the HS Committee and the Council. It usually meets immediately before the HS Committee meeting.

The responsibilities of the WCO Secretariat are the same as those for the HS Committee.

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**TERMS OF REFERENCE FOR WORKING BODIES  
IN THE AREA OF CUSTOMS VALUATION**

- **TECHNICAL COMMITTEE ON CUSTOMS VALUATION**



**TERMS OF REFERENCE FOR THE TECHNICAL COMMITTEE**  
**ON CUSTOMS VALUATION**

Confirmed by the Council - June 2003

Updated - June 2005

**Established :** 1995

**Duration :** Unspecified

**1. Mandate**

The Technical Committee on Customs Valuation (hereinafter referred to as “the Technical Committee”) is established in accordance with Article 18 of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994, (hereinafter referred to as “the Agreement”) under the auspices of the World Customs Organization (WCO) with a view to ensuring, at the technical level, uniformity in interpretation and application of the Agreement.

The Technical Committee carries out the responsibilities described in Annex II to the Agreement and operates in accordance with the rules of procedure contained therein, with assistance provided by the WCO Secretariat.

**2. Membership**

The Technical Committee shall comprise representatives of Members of the World Trade Organization (WTO). Each Member of the WTO may nominate one delegate and one or more alternates to represent it. Those representatives may be assisted by advisers (Paragraph 5 of Annex II to the Agreement).

Representatives of Members of the WCO who are not Members of the WTO, and the WTO Secretariat, may attend meetings of the Technical Committee with Observer status. Subject to the approval of the Chairperson of the Technical Committee, the Secretary General of the WCO may invite representatives of governments who are neither Members of the WTO nor Members of the WCO, and representatives of international governmental and trade organizations, to attend such meetings as Observers (Paragraphs 5-7 of Annex II to the Agreement).

**3. Purpose and Scope**

The purpose of the Technical Committee is to :

- examine specific technical problems arising in the day-to-day administration of the Customs valuation system of Members of the WTO and to give advisory opinions on appropriate solutions based upon the facts presented;
- study, as requested, valuation laws, procedures and practices as they relate to the Agreement and to prepare reports on the results of such studies;

- prepare and circulate annual reports on the technical aspects of the operation and status of the Agreement;
- furnish such information and advice on any matters concerning the valuation of imported goods for Customs purposes as may be requested by any Member of the WTO or the Committee on Customs Valuation (hereinafter referred to as “the WTO Committee”) which has been established under the auspices of the WTO in accordance with Article 18 of the Agreement;
- facilitate, as requested, technical assistance to Members of the WTO with a view to furthering the international acceptance of the Agreement;
- carry out an examination of a matter referred to it by a panel under Article 19 of the Agreement;
- exercise such other responsibilities as the WTO Committee may assign to it.

#### **4. Key Deliverables**

The Technical Committee shall :

- draft Explanatory Notes, Case Studies and other instruments to guide the interpretation of the Agreement;
- report to the WTO Committee and the WCO Council on its work;
- report to WTO panels on matters referred to it under Article 19 of the Agreement.

#### **5. Means of Operation**

The Technical Committee may :

- examine and draft Explanatory Notes, Case Studies and other instruments to guide the interpretation of the Agreement;
- in accordance with WCO Council guidelines establish and direct the work of working bodies as may be necessary for purposes within its competence;
- co-operate, promote joint projects, or share information and experiences with relevant WCO working bodies and international governmental and trade organizations related to the matters within its competence;
- devote part of each alternate meeting to a “theme” seminar with the purpose of providing a more structured form of technical assistance for its developing country Members.

## **6. Resources Required**

Meetings of the Technical Committee will normally be held twice a year at WCO Headquarters in Brussels, usually for a period of 5 days.

The WCO Secretariat is responsible for :

- (a) preparation of each meeting, including :
- administrative preparation;
  - within eight (8) weeks of the last session, inviting comments of Members of the Technical Committee regarding technical and other matters;
  - distributing a draft agenda in the three official languages eight (8) weeks after the last session, that draft agenda to be updated as appropriate;
  - drafting comments on working documents, etc.;
  - ensuring that all working documents are available to Members of the Technical Committee three (3) weeks prior to meeting dates in the three official languages.
- (b) the meeting itself, including :
- presenting reports and proposals;
  - facilitating the course of the meeting;
  - taking note of discussions;
  - preparing a draft report.
- (c) follow-up to the meeting, including :
- preparing the final meeting report and distributing it to Members of the Technical Committee;
  - publishing instruments adopted by the Technical Committee, after approval by the WCO Council and the WTO Committee, in the form of a loose-leaf compendium.
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**TERMS OF REFERENCE FOR WORKING BODIES  
IN THE AREA OF ORIGIN**

- **TECHNICAL COMMITTEE ON RULES OF ORIGIN (TCRO)**



**TERMS OF REFERENCE FOR THE TECHNICAL COMMITTEE**  
**ON RULES OF ORIGIN (TCRO)**

Confirmed by the Council - June 2003

Updated - June 2005

**Established :** 1995

**Duration :** Unspecified

**1. Mandate**

The Technical Committee on Rules of Origin (Technical Committee or TCRO) was established by the WTO Agreement on Rules of Origin (Origin Agreement), Article 4.2 (Institutions). The Technical Committee is a WTO body, but it has operated under the auspices of the WCO as provided for under Article 4.2 of the Origin Agreement. Therefore, the WCO Council exercises its supervision over the Technical Committee with regard to administrative matters only.

When the TCRO was established, its two major mandates were to : (i) undertake the technical exercise of the Work Programme for harmonizing non-preferential rules of origin (HWP in short, as described in Articles 9.1 and 9.2 of the Origin Agreement); and (ii) assume its permanent responsibilities (as described in Articles 4.1 and 4.2 (Institutions), Article 6.3 (Review) and Annex I of the Origin Agreement).

**2. Membership**

Each WTO Member has the right to be represented on the Technical Committee. Each Member may nominate one delegate and one or more alternates to be its representative(s) on the Technical Committee. Representatives of members of the Technical Committee may be assisted by advisers at meetings of the Technical Committee. The WTO Secretariat may also attend such meetings with observer status (Origin Agreement, Annex I, paragraph 4).

Members of the WCO that are not Members of the WTO may be represented at meetings of the Technical Committee by one delegate and one or more alternates. Such representatives attend meetings of the Technical Committee as observers (Annex I, paragraph 5).

Subject to the approval of the Chairperson of the Technical Committee, the Secretary General of the WCO may invite representatives of governments which are neither Members of the WTO nor Members of the WCO and representatives of international governmental and trade organizations to attend meetings of the Technical Committee as observers (Annex I, paragraph 6).

Such representatives attend meetings of the Technical Committee as observers with the right to take part in the discussions but not to take part in decision-making (Rules of Procedure, Rule 4, 2<sup>nd</sup> paragraph).

Nominations of delegates, alternates and advisers to meetings of the Technical Committee are made to the Secretary General (Annex I, paragraph 7).

Delegations and alternates continue to hold their positions until such time as the Secretary General is notified of the termination of their appointment (Rules of Procedure, Rule 5, 2<sup>nd</sup> paragraph).

### **3. Purpose and Scope**

The purpose of the Technical Committee is as follows :

#### **(1) Re Harmonization Work Programme**

- The TCRO completed this technical exercise in 1999 and has been awaiting further requests from the WTO Committee on Rules of Origin (Committee or CRO). These requests could include assisting the work of the CRO in the final stages of the HWP, e.g., an overall coherence review;
- In the meantime, in order to ensure the smooth implementation of the Harmonized Non-Preferential Rules of Origin in the future, the Technical Committee has informally conducted a technical rectification exercise to align the draft rules of origin (based on HS 1996) on the 2002 edition of the Harmonized System.

#### **(2) Re permanent responsibilities of the TCRO**

- To examine specific technical problems arising in the day-to-day administration of the rules of origin of Members and to give advisory opinions on appropriate solutions based upon the facts presented (Annex I, paragraph 1(a));
- To furnish information and advice on any matters concerning the origin determination of goods as may be requested by any Member or the Committee (Annex I, paragraph 1(b));
- To prepare and circulate Periodic Reports on the technical aspects of the operation and status of this Agreement (Annex I, paragraph 1(c));
- To review annually the technical aspects of the implementation and operation of Parts II and III (Annex I, paragraph 1(d));
- To exercise such other responsibilities as the Committee may request of it (Annex I, paragraph 2);
- To attempt to conclude its work on specific matters, especially those referred to it by Members or the Committee, in a reasonably short period of time (Annex I, paragraph 3); and
- In co-operation with the Committee, to set up a mechanism to consider and propose amendments to the results of the HWP, taking into account the objectives and principles set out in Article 9 of the Origin Agreement. This includes instances where the rules need to be made more operational or need to be updated to take into account new production processes as affected by any technological change. In this respect, the Technical Committee, at its 20<sup>th</sup> Session, sent a proposal to the CRO in the form of a document entitled

“Proposed Mechanism for the Submission of the Views of the TCRO to the CRO for Amendments to the Harmonized Non-Preferential Rules of Origin”.

#### **4. Key Deliverables**

The Technical Committee will :

- prepare draft amendment texts of the Harmonized Non-Preferential Rules of Origin in the course of the technical rectification exercise;
- provide information and advisory opinions on any matters, including appropriate solutions, concerning the origin determination of goods (Annex I, paragraphs 1(a) and (b));
- prepare Periodic Reports on the technical aspects of the operation and status of this Agreement (Annex I, paragraph 1(c));
- prepare Annual Reviews on the technical aspects of the implementation and operation of Parts II and III (Annex I, paragraph 1(d)); and
- forward a report to the WCO Council on its work.

#### **5. Means of Operation**

The Technical Committee may :

- examine specific technical problems arising in the day-to-day administration of the rules of origin of Members (Annex I, paragraph 1(a));
- in accordance with WCO Council guidelines, establish such Sub-Committees or Working Parties as it considers necessary, and elect from among the representatives of its members a Chairperson for each such Sub-Committee or Working Party. All the proposals of such Sub-Committees or Working Parties shall be submitted to the Technical Committee for decision (Rules of Procedure, Rule 17);
- where appropriate, request information and advice from the Committee on matters related to this Agreement. The Technical Committee may also request such other work from the Committee as it considers appropriate for the furtherance of the above-mentioned objectives of the Agreement (Article 4.2);
- co-operate, promote joint projects, or share information and experiences with relevant WCO working bodies and international governmental and trade organizations related to the matters within its competence.

## **6. Resources Required**

The Technical Committee meets as necessary, but not less than once a year (Annex I, paragraph 8). Meetings of the Technical Committee are normally held at WCO Headquarters (Rules of Procedure, Rule 9).

The WCO Secretariat is responsible for :

- (a) preparation of each meeting, including :
    - administrative preparation;
    - informing all members and observers at least 30 days in advance, except in urgent cases, of the opening date and duration of each session of the Technical Committee (Rules of Procedure, Rule 8);
    - including items in the Agenda at least 60 days before the session opens (Rules of Procedure, Rule 10);
    - preparing working documents and non-papers, where necessary.
  - (b) the meeting itself, including :
    - assisting the Chairperson;
    - presenting reports and proposals;
    - facilitating the course of the meeting;
    - taking note of discussions;
    - preparing a draft Report.
  - (c) follow-up to the meeting, including :
    - preparing the final Report and distributing it to members of the Technical Committee.
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## **TERMS OF REFERENCE FOR WORKING BODIES IN THE AREA OF FACILITATION/PROCEDURES**

- **PERMANENT TECHNICAL COMMITTEE**
- **WCO SAFE WORKING GROUP**
- **INFORMATION MANAGEMENT SUB-COMMITTEE (IMSC)**
- **WCO WORKING GROUP ON THE WTO AGREEMENT ON TRADE FACILITATION**
- **WORKING GROUP ON E-COMMERCE**
- **WORKING GROUP ON A COMPREHENSIVE REVIEW OF THE REVISED KYOTO CONVENTION (WGRKC)**
- **ADMINISTRATIVE COMMITTEE OF THE ISTANBUL CONVENTION**
- **MEETING OF CONTRACTING PARTIES TO THE A.T.A. CONVENTION**
- **ADMINISTRATIVE COMMITTEE FOR THE CUSTOMS CONVENTION ON CONTAINERS, 1972**
- **WCO COUNTERFEITING AND PIRACY (CAP) GROUP**
- **DATA MODEL PROJECTS TEAM (DMPT)**
- **WCO-UPU CONTACT COMMITTEE**
- **WCO/IATA/ICAO CONTACT COMMITTEE ON ADVANCE PASSENGER INFORMATION (API) AND PASSENGER NAME RECORD (PNR) DATA**



## **TERMS OF REFERENCE FOR THE PERMANENT TECHNICAL COMMITTEE**

Confirmed by the Council : June 2005

Updated : June 2015

**Established :** Article V of the Convention establishing a Customs Cooperation Council (CCC), of 15 December 1950

**Duration :** Unspecified

### **1. Mandate**

The Permanent Technical Committee (PTC) acts under the overall direction of the WCO Council and Policy Commission, with administrative support provided by the WCO Secretariat.

The role assigned to the PTC at its inception was to initiate technical studies (other than as regards Nomenclature and Valuation) with the object of enabling the Council to discharge the obligations of the Convention establishing the CCC in accordance with the general purposes of the Convention. For this purpose, the powers conferred upon the Council by virtue of Article III of the Convention are, save as regards the provisions of paragraphs (c), (d), (e) and (h) of that Article, delegated to the Committee insofar as they are necessary for the execution of its functions. The Committee does not have the power to make recommendations to Governments of Members or to international organizations without the express authority of the Council.

The Committee also performs such particular tasks as may be assigned to it by the Council or under the terms of Conventions adopted by the Council.

### **2. Membership**

As is specified in Article X (a) of the Convention establishing the CCC, the PTC is composed of representatives of the Members of the Council. Each Member may nominate one delegate and one or more alternates to be its representatives on the Committee.

The representatives should be officials responsible, within their administrations, for matters relating to Customs procedures and trade facilitation.

Representatives of international organizations, business/private sector associations and members of the Private Sector Consultative Group (PSCG) in their individual capacity, are able to attend sessions of the Committee as observers.

### **3. Purpose and scope**

The functions of the Permanent Technical Committee are to :

- contribute to the strategic direction of work done by the WCO in respect of the promotion, development and administration of trade facilitation instruments and tools, in accordance with the WCO Strategic Plan;
- help to enhance co-operation between Customs administrations and governmental and non-governmental (private sector) organizations in the field of trade facilitation;
- introduce and promote initiatives aimed at improving the effectiveness of Customs through information technology and electronic commerce, Customs co-operation and the establishment of various legal instruments;
- develop various tools designed to enhance efficiency in trade (particularly the Guide to measure the time required for the release of goods), and promote their use by Members;
- contribute to the development of means and methods to facilitate, simplify and harmonize the Customs formalities applicable to postal consignments;
- provide strategic support for the WCO's capacity building programmes for its Members.

### **4. Key deliverables**

The Permanent Technical Committee will :

- report to and make recommendations to the Council on the matters within its area of responsibility;
- take decisions, or initiate or undertake actions in the areas for which it is responsible.

### **5. Means of operation**

Chairperson :

The PTC elects a Chairperson and a Vice-Chairperson each year, from among the representatives of its Members. The Chairperson and Vice-Chairperson are elected for a period of one year, and are eligible for re-election.

Agenda :

The WCO Secretariat, in consultation with the PTC Chairperson, draws up the Agenda for each session and circulates it to the Members of the Committee at least 30 days in advance of the opening day of the session, although this period may be reduced in case of emergency. Working documents, especially those which may require consultation at the national level, should also be made available to the Members in sufficient time.

The Agenda comprises all items whose inclusion has been approved by the Council, and all items whose inclusion has been proposed by the Secretary General, the PTC Chairperson or any WCO Member.

The Committee may also :

- establish such Working Parties as it may deem necessary to assist it in the performance of its functions;
- determine, in accordance with WCO Council guidelines, and direct the activities of the working bodies falling within its competence;
- co-operate, promote joint projects, and share information and experiences with international, governmental and non-governmental organizations, business/private sector associations and PSCG members whose activities are related to Customs procedures and trade facilitation. These partners participate as Observers in the Committee.

## **6. Resources required**

Under the terms of Article XII (a) of the Convention establishing the CCC, each Member of the Council bears the expenses of its own delegation to the PTC. Travel and other associated costs are therefore borne by participants' administrations.

The general arrangements for PTC sessions, including in particular the invitations, the dates and duration of each session and the priorities to be fixed for the items on the Committee's Agenda, shall be the responsibility of the WCO Secretariat.

The Committee holds its sessions as and when required and subject to approval by the Council.

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## **TERMS OF REFERENCE FOR THE WCO SAFE WORKING GROUP**

Approved by the Policy Commission : December 2008

Confirmed by the Council : June 2009

Updated : June 2011

Updated : June 2015

**Customs Co-Chairperson** : Representative of a WCO Member administration

**Customs Vice-Chairperson** : Representative of a WCO Member administration

**Private Sector Co-Chairperson** : Representative of the Private Sector Consultative Group

**Established** : 2007

**Duration** : Until superseded or revoked

### **1. Mandate**

The SAFE Working Group, acting under authority of paragraph 68 of the June 2007 Report of the Policy Commission (Doc. SP0250), and as referenced in paragraph 69 of the Minutes of the 2007 Customs Co-operation Council (Doc. SC0082), is formed as the successor to the High Level Strategic Group for the purpose of maintaining and further developing the SAFE Framework of Standards. The SAFE Working Group will operate at two levels : a level dealing with policy matters concerning which it shall be guided by and report to the Policy Commission; and, a second level dealing with technical amendments to the SAFE Framework regarding which it will be guided by and report to the Permanent Technical Committee. It shall also advise these bodies, as well as the Secretary General, on progress and issues relating to, and arising from, implementation, maintenance and/or amendment of the SAFE Framework of Standards and implementation of the Columbus Programme.

### **2. Membership**

The membership will be open to all interested Members of the WCO, members of the Private Sector Consultative Group (PSCG), and parties with recognized WCO observer status. The PSCG will be guided in its independent operations by the provisions found in its own Terms of Reference document.

### **3. Purpose and Scope**

The purpose and scope of the SAFE Working Group is to advise, as appropriate, the Policy Commission, the Permanent Technical Committee and the Secretary General on the full range of issues concerning the SAFE Framework of Standards. Such issues may include matters relating to implementation and amendments concerning the SAFE Framework and further developing and monitoring other WCO initiatives and related Customs matters that impact the operation of the SAFE Framework of Standards. In relation to these matters, specific work will be carried out by the Group and brought forward to the appropriate body for endorsement or further direction. Required tasks will be carried out in periodic meetings convened by the Secretariat and presided over by the Co-Chairpersons (Customs and PSCG) designated by the Group.

### **4. Key Deliverables**

The SAFE Working Group key deliverables are to :

- develop a two-year work plan for annual review by the Permanent Technical Committee and Policy Commission. This work plan will include Customs-Private sector engagement which would highlight mutual expectations and strengthen the relationship;
- review and forward for adoption proposals for amendments in the SAFE Framework in accordance with the SAFE amendment process as adopted by the June 2008 Policy Commission/Council;
- submit timely reports to the Policy Commission and Permanent Technical Committees, as appropriate, that shall :
  - a. set forth any recommendations of the SAFE Working Group with respect to the WCO SAFE Framework or its continuing implementation, and
  - b. update the operations of the SAFE Working Group.

### **5. Means of Operation**

The SAFE Working Group will meet under the leadership of its Co-Chairpersons, with membership being determined as specified above.

The Secretariat will arrange for a Members-only meeting before the convening of a meeting of the SAFE Working Group.

The Customs Chairperson will serve a maximum term of two years. At the completion of the Customs Co-Chair's term the Customs Vice-Chair will assume the Chair.

The service term and continued standing of the Private Sector Co-Chairperson and any PSCG member will be as specified in the PSCG Terms of Reference. The terms of other members will remain unrestricted.

The Secretariat in consultation with the Co-Chairpersons may invite from time to time any relevant persons or organizations as required including consultations and/or presentations as per the agenda.

The SAFE Working Group will work in close cooperation and consultation with other committees/groups/sub-groups and regional structures in addition to the SAFE Review sub-group.

Agendas for meetings of the SAFE Working Group will be prepared in recognition of separate meetings of the Customs and Private Sector Consultative Group delegates, as necessary. The time to be allocated for such meetings will be determined by the scope of issues to be discussed.

## **6. Resources Required**

The SAFE Working Group will hold its sessions as and when required, and subject to approval by the appropriate bodies. It will normally meet twice a year. However, the Secretary General may determine whether circumstances dictate the need for scheduling meetings more or less frequently.

The general administrative arrangements and provision of support services shall be the responsibility of the WCO Secretariat.

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**TERMS OF REFERENCE FOR THE INFORMATION MANAGEMENT SUB-COMMITTEE**  
**(IMSC)**

Confirmed by the Council - June 2003

Updated - June 2005

Updated - July 2017

**Established :** 1996

**Duration :** Unspecified

**1. Mandate**

The Information Management Sub-Committee (IMSC) is established in order to initiate work and studies on all aspects of the use of Information Technology and the management of information in the Customs area, with a view to allowing for greater facilitation of international trade, increasing the efficiency and effectiveness of Customs control and identifying potentials for improving existing systems and reducing costs. To this end the IMSC will take only those actions which support the WCO Strategic Plan.

**2. Membership**

Each Member of the WCO and any other Contracting Party to a Convention established or administered by the WCO shall have the right to be represented as a member on the IMSC. However, opinions on any matter concerning a particular Convention shall be formulated only by the representatives of Contracting Parties to that Convention. Other representatives to which that Convention does not apply shall participate in the discussion as observers only.

Representatives of international organizations, business/private sector associations and members of the Private Sector Consultative Group (PSCG) in their individual capacity, are able to attend sessions of the Sub-Committee as observers.

Subject to the approval of the Chairperson of the Sub-Committee, the Secretary General may invite representatives of non-Member governments to attend meetings of the Sub-Committee as observers.

**3. Purpose and Scope**

To achieve the mandate, the IMSC should :

- (i) Evaluate and keep Members informed of new Information and Communication Technology (ICT) developments and their impact on Customs;
- (ii) Develop/enhance tools and instruments relating to Digital Customs and e-commerce, supporting, among others, the implementation of provisions of the Revised Kyoto Convention and the WTO Agreement on Trade Facilitation;

- (iii) Provide guidance and oversight on the development, maintenance, and promotion of the WCO Data Model;
- (iv) Provide advice and guidance and launch special programmes for Members to assist them in streamlining current procedures, in progressively adopting ICT and in resolving difficulties (e.g. with electronic signatures and other legal issues) including those stemming from e-commerce;
- (v) Seek access for Members to additional resources to implement ICT by co-operating with other governmental and non-governmental international organizations;
- (vi) Continue to promote, in close co-operation with other international organizations, the implementation of ICT, including the WCO Data Model and other international standards (e.g., UN/EDIFACT) , for the interchange of Customs information among Customs administrations and between Customs administrations and trade participants including new and emerging stakeholders in the e-commerce supply chain;
- (vii) Identify Members' training and Capacity Building needs in the application of ICT and seek the assistance, where necessary, of Member administrations and other international organizations for this training;
- (viii) Assist Members in enhancing their efforts in Customs control and trade facilitation by employing ICT.

#### **4. Key Deliverables**

At the conclusion of each session, the IMSC shall approve a list of proposals or recommendations to be submitted to the Permanent Technical Committee (PTC) for action. This list should also detail any amendments to the IMSC's programme of future work. The draft report of each session of the IMSC will be distributed to delegates after the session for their written comments. The IMSC shall approve the report on its session for submission to the PTC on the first day of its next session.

#### **5. Means of Operation**

Chairperson :

The IMSC shall elect annually its own Chairperson and one or more Vice-Chairpersons from among the representatives of its members. The retiring Chairperson and Vice-Chairpersons are eligible for re-election.

The Chairperson shall participate in the proceedings as such and not as a representative of a member of the Sub-Committee. The IMSC shall seek to reach agreed views on any matter examined and shall report them to the relevant Committee. If agreement cannot be reached on a question, the differing views together with their supporting rationales shall be reported.

Agenda :

The Agenda for each session shall be drawn up by the Secretary General in consultation with the Chairperson of the IMSC and shall be distributed to the Members of the IMSC at least 30 days in advance of the opening date of the session, except in case of urgency. Working documents, especially those which may require consultation at the national level, should also be available to Members in sufficient time.

The Agenda shall comprise all items whose inclusion has been approved by the Council or by any Committee of the WCO, all items whose inclusion has been proposed by the Secretary General, the Chairperson of the IMSC or any Member of the WCO.

## **6. Resources Required**

Meetings :

The IMSC shall hold its sessions as and when required and subject to approval by the Council. It shall normally hold no more than two sessions a year.

General administrative arrangements :

The general administrative arrangements for the IMSC, including the date and duration of each session and the priorities to be fixed for the items on the Sub-Committee's Agenda, shall be the responsibility of the Secretary General.

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**TERMS OF REFERENCE FOR THE WCO WORKING GROUP**  
**ON THE WTO AGREEMENT ON TRADE FACILITATION**

Confirmed by the Council - June 2014

Chairperson : Representative of a WCO Member administration

Established : March 2014

Duration : Until superseded or revoked

**1. Mandate**

The WCO Working Group on the WTO Agreement on Trade Facilitation (TFAWG), acting under authority of paragraph 19 of the June 2014 Report of the Policy Commission (Doc. SP0487E1b), and as referenced in paragraph 99 of the Minutes of the 2014 Customs Co-operation Council (Doc. SC0140E1a), is formed for the purpose of taking up the practical aspects of meeting expectations arising out of the WTO Agreement on Trade Facilitation (WTO TFA). The Working Group will operate at two levels : a level dealing with policy matters concerning which it shall be guided by and report to the Policy Commission; and a second level dealing with technical matters regarding which it will be guided by and report to the Permanent Technical Committee and the Capacity Building Committee in matters of their respective competence. It advises these bodies, as well as the Secretary General, on progress and issues relating to categorization according to the TFA, tailor-made technical assistance, and future implementation of the TFA by WCO Members.

**2. Membership**

The TFAWG will be open to all interested Members of the WCO, parties with recognized WCO observer status, partner organizations such as the WTO, and other entities, including those representing the private sector, where deemed appropriate.

**3. Purpose and Scope**

Based on the Dublin Resolution adopted at the Policy Commission's 70<sup>th</sup> Session in December 2013, the purpose and scope of the TFAWG is to advise, as appropriate, the Policy Commission, the Permanent Technical Committee, the Capacity Building Committee and the Secretary General on the full range of issues concerning the WTO TFA. Such issues may include : matters relating to preparation of deliberations in the WTO Preparatory Committee on Trade Facilitation and the subsequent WTO Committee on Trade Facilitation; relationship between the WCO and the WTO Committee on Trade Facilitation; representation of the WCO in that Committee; matters relating to special and differential treatment; matters relating to the direction of the implementation of the WTO TFA by WCO Members; the short, medium and long term goals of implementation and the identification of priorities in each term; matters relating to the relationship between existing WCO instruments and tailor-made technical assistance to implement WTO TFA provisions; matters relating to the preparation of implementation and administration of the WTO TFA. In relation to these matters, specific work will be carried out by the TFAWG and brought forward to the appropriate body for endorsement or further direction. Required tasks will be carried out in periodic meetings convened by the Secretariat and presided over by the Chairperson elected by the TFAWG.

#### **4. Key Deliverables**

The key deliverables of the TFAWG are to :

- analyse, prepare and evaluate relevant actions and measures in relation to practical aspects of meeting expectations arising from the WTO TFA; and
- submit timely reports to the Policy Commission, Permanent Technical Committee and Capacity Building Committee as appropriate, that shall :
  - a. provide recommendations of the TFAWG based on an analysis of the needs assessments which includes technical assistance, and
  - b. describe the WCO's activities for the technical assistance and capacity building effort to support implementation of the WTO TFA;
- establish and maintain an annual work plan, including timelines, for TFA-related activities.

#### **5. Means of Operation**

The TFAWG will meet under the leadership of its Chairperson, with membership being determined as specified above.

The Customs members of the TFAWG will elect the Chairperson and the Vice-Chairperson for a two-year term from among its Customs members. The outgoing Customs Chairperson and Vice-Chairperson will be eligible for re-election, though rotation of the chairpersonship is desirable, with the Vice-Chairperson succeeding the Chairperson.

The TFAWG will conduct its work in English and French.

If necessary, the TFAWG may decide to set up dedicated (virtual) groups.

#### **6. Resources Required**

The TFAWG will hold its sessions as and when required, and subject to approval by the appropriate bodies. It will normally meet twice a year. The time to be allocated for the meeting will be determined by the scope of issues to be discussed. However, the Secretary General may determine whether circumstances dictate the need for scheduling meetings more frequently. The length of each session will depend on the number and complexity of items on the Agenda.

The participants in the TFAWG should have decision-taking authority in their respective Customs administrations.

The general administrative arrangements and provision of support services shall be the responsibility of the WCO Secretariat.

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## **TERMS OF REFERENCE FOR THE WORKING GROUP ON E-COMMERCE**

Approved by the Policy Commission - July 2016 and June 2018

Confirmed by the Council - July 2016 and June 2018

Chairpersons : Co-chaired by a representative of a WCO Member administration and a representative of the Private Sector

Established : July 2016

Duration : Until June 2019

### **1. Mandate**

The Working Group on E-Commerce (WGEC) is established for the purpose of addressing cross-cutting issues in relation to growing e-commerce, from both a facilitation and a control perspective. It will be guided by and report to the Permanent Technical Committee, the Enforcement Committee and the Policy Commission. The WGEC will operate at two levels :

(i) policy matters, guided by and reporting to the Policy Commission; and (ii) technical matters, guided by and reporting to the Permanent Technical Committee and the Enforcement Committee in matters within their respective competence.

### **2. Membership**

The WGEC will be comprised of all interested Members of the WCO, partner international organizations such as the OECD, WTO and UPU, the Private Sector Consultative Group (PSCG), other stakeholders with recognized WCO observer status, e-commerce supply chain actors (e.g., e-vendors, e-market platforms, financial intermediaries) and academia.

### **3. Purpose and Scope**

The purpose and scope of the WGEC is to discuss all relevant issues around e-commerce and come up with proposals for practical solutions for the clearance of low-value shipments, including appropriate duty/tax collection mechanisms and control procedures that will facilitate and encourage the growth of e-commerce for the benefit of economic and social development.

The WGEC shall advise, as appropriate, the Policy Commission, the Permanent Technical Committee, the Enforcement Committee and the Secretary General on specific issues concerning cross-border e-commerce. Such issues may include, but are not limited to, the following :

- Cross-Border E-Commerce Flows - Study and analyse growing cross-border business-to-consumer (B2C) and consumer-to-consumer (C2C) volumes, trends and issues stemming therefrom;

- Business Models - Carry out research and mapping of different e-commerce business models to enhance understanding, and to provide policy guidance and a response to the emerging needs and requirements of the international supply chain;
- Facilitation - Suggest measures for facilitating growing cross-border e-commerce, while ensuring proper compliance with regulatory requirements, including the potential review/updating of related WCO instruments and tools, for example the WCO Immediate Release Guidelines;
- Safety and Security - Identify means to address potential vulnerabilities in the e-commerce supply chain in terms of the smuggling of arms/explosives, prohibited/restricted goods, drugs, CITES protected species, cultural objects and counterfeit goods, as well as other financial crimes, e.g., illicit financial flows, money laundering;
- Revenue Collection - Deliberate on challenges (e.g., *de minimis*, splitting/under-invoicing/misdeclaration of shipments, classification, origin, data quality), and suggest potential solutions, including the possible applicability of alternate models of revenue collection (e.g., vendor collection model, intermediary collection model) in the Customs environment;
- Risk Management - Suggest measures to strengthen risk management, including the potential connectivity and exchange of information between Customs and e-commerce stakeholders/economic operators, e.g., e-vendors, postal operators, express service providers, online payment services, Internet Service Providers (ISPs), and improving Data Quality in B2C and C2C e-commerce transactions; and
- Best Practices - Collect and disseminate best practices of Members and businesses in the area of cross-border e-commerce.

#### 4. Key Deliverables

The key deliverables of the WGEC are to :

- explore, evaluate and suggest relevant actions and measures at both policy and technical levels for enhanced facilitation and effective control in relation to cross-border e-commerce;
- develop guidelines/frameworks, as appropriate, on identified issues relating to cross-border e-commerce;
- collect and disseminate practices in the management of cross-border e-commerce; and
- submit regular reports on its work, with concrete proposals and recommendations, to the Permanent Technical Committee, Enforcement Committee and Policy Commission for their respective consideration, endorsement and policy guidance, as appropriate.

## 5. **Means of Operation**

Members of the WGEC will elect the Co-Chairpersons for a one-year term from among the Members and private sector representatives, respectively. The outgoing Chairpersons will be eligible for re-election.

Required tasks will be carried out in periodic meetings, as necessary, and presided over by the designated Co-Chairpersons.

The WGEC will carry out intersessional work virtually, facilitated by its Co-Chairpersons through the WCO CLiKC! platform.

The WGEC will normally conduct its work in English and French.

The WCO Secretariat, in consultation with the Co-Chairpersons, may on occasion extend an invitation to any relevant experts or organizations as required, including for consultations, contributions and/or presentations.

The WCO Secretariat will provide the necessary support.

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**TERMS OF REFERENCE OF THE WORKING GROUP ON A COMPREHENSIVE REVIEW  
OF THE REVISED KYOTO CONVENTION (WGRKC)**

**Approved by the Policy Commission : June 2018**

**Confirmed by the Council : June 2018**

**Duration** : Until the comprehensive review is completed and the outcome is approved by the Revised Kyoto Convention Management Committee (RKC/MC) in financial year 2020/2021.

**1. Mandate**

The Working Group on the Comprehensive Review of the Revised Kyoto Convention (WGRKC) is established for the purpose of conducting a comprehensive review of the Revised Kyoto Convention (RKC).

**2. Scope**

The comprehensive review will cover both the structure and content of the Body of the Convention, General Annex, Specific Annexes and Guidelines. In undertaking the comprehensive review, the WGRKC will propose changes to the RKC in accordance with its findings. The comprehensive review will take into account the Reports of the 17<sup>th</sup> and 18<sup>th</sup> RKC/MC.

**3. Membership**

The WGRKC will be open to all interested Members of the WCO (Contracting Parties as well as Non-Contracting Parties). The WGRKC may invite partner international governmental and non-governmental organizations, and representatives of the Private Sector Consultative Group and other external stakeholders, to attend the meetings as necessary.

**4. Key Deliverables**

The WGRKC shall deliver the following :

- a. a work plan, updated if necessary,
- b. progress reports after each meeting of the WGRKC, and
- c. a final report with the recommendations of the WGRKC.

The deliverables shall be presented to the RKC/MC for its consideration and approval.

## **5. Means of Operation**

- a. Members of the WGRKC shall annually elect the Chairperson and the Vice-Chairperson from among the members of the WGRKC.
- b. The WGRKC shall carry out its work through physical meetings to be held in the WCO Headquarters and, when appropriate, intersessional work will be carried out virtually via the CLiKC! Platform. The WGRKC shall hold a maximum of six meetings per year.
- c. The meetings will be held with simultaneous interpretation in French and English and all working documents will be available in French and English.
- d. In order to assist the WGRKC in fulfilling its mandate, the WGRKC shall also establish, as directed by the RKC/MC, three Sub-Groups which shall report directly to the WGRKC. These Sub-Groups shall work in parallel and their activities will be composed as follows :
  1. Sub-Group I : The RKC Body and relevant horizontal issues.
  2. Sub-Group II : The RKC General Annex.
  3. Sub-Group III : The RKC Specific Annexes and Guidelines.

The working arrangements, including the structure of the Sub-Groups, may be adjusted based on recommendations of the WGRKC.

- e. The Sub-Groups shall annually elect a moderator and rapporteur from among their members. The Sub-Groups shall carry out their work virtually via the CLiKC! Platform to the greatest extent possible, and, where necessary, may meet in person at the discretion of the Sub-Group moderators, coordinating the schedule with the regularly-scheduled WGRKC, subject to the approval of the Chair of the Working Group. The work of the Sub-Groups shall be carried out in French and English, unless otherwise decided by the Sub-Group.
- f. The Sub-Groups will work in conjunction to address cross-cutting issues.
- g. The WGRKC will communicate with key stakeholders, as necessary.

## **6. Monitoring and Evaluation**

The WGRKC shall be subject to ongoing review by the RKC/MC of progress against the key deliverables.

## **7. Secretariat Support**

The WCO Secretariat shall provide the necessary support. The reports of the WGRKC shall be distributed to participants within two weeks after the meetings.

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**TERMS OF REFERENCE OF THE ADMINISTRATIVE COMMITTEE**  
**OF THE ISTANBUL CONVENTION**

Confirmed by the Council : June 2003

Updated : October 2015

Please note that the terms of reference can be set only by the Contracting Parties.

**Established :** 1994

**Duration :** Unspecified

**1. Mandate**

The Administrative Committee of the Istanbul Convention is established to consider the implementation of the Istanbul Convention, any measures to secure uniformity in the interpretation and application thereof, and any amendment proposed thereto. The Committee can also decide upon the incorporation of new Annexes to the Convention.

**2. Membership**

Contracting Parties to the Istanbul Convention shall have the right to be represented as a Member of the Administrative Committee. The Committee may also decide that the competent administration of any Member, State or Customs territory in accordance with Article 24 which are not Contracting Parties, or representatives of international organizations, may attend the sessions as observers for questions which interest them.

**3. Purpose and Scope**

To achieve the mandate, the Administrative Committee should :

- examine questions of interest that may be of great value and offer useful guidance to Customs administrations, issuing and guaranteeing associations and carnet users;
- examine questions relating to interpretation and application of the Convention raised by the Contracting Parties or issuing and guaranteeing associations;
- examine proposals for amendments to the Convention and/or the incorporation of new Annexes to the Convention;
- consider disputes concerning the interpretation or application of the Convention referred by the Contracting Parties in dispute, and make recommendations for their settlement.

**4. Key Deliverables**

The Committee shall adopt a report. This report shall contain comments on the Agenda items discussed and their conclusions.

The Committee shall recommend amendments to the Convention to the Contracting Parties.

## **5. Means of Operation**

The Administrative Committee shall, on the occasion of every session, elect a Chairperson and a Vice-Chairperson.

Agenda :

The Agenda for each session shall be drawn up by the Secretary General. It shall include any proposals for amendments to the Convention communicated by the Contracting Parties together with any other items requested. The draft Agenda shall be circulated to the competent administrations of the Contracting Parties and of the Members, States or Customs territories referred to in Article 24 of the Convention which are not Contracting Parties, at least six weeks before the Committee meets.

Rules of Procedure :

The Rules of Procedure for the Administrative Committee are set out in the Convention. In the absence of relevant provisions in the Convention, the Rules of Procedure of the Council shall be applicable unless the Committee decides otherwise.

Quorum :

A quorum shall not be required for taking any formal decision.

## **6. Resources Required**

Meetings :

The Secretary General shall convene the meeting at a time fixed by the Committee and also at the request of the competent administrations of at least two Contracting Parties. The meetings are normally held in conjunction with the meeting of Contracting Parties to the ATA Convention. The two meetings usually last a total of two days.

General administrative arrangements :

The general administrative arrangements for the Administrative Committee, including the date and duration of each session and the priorities to be fixed for the items on the Committee's Agenda, are the responsibility of the Secretary General.

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**TERMS OF REFERENCE FOR THE MEETING OF CONTRACTING PARTIES**  
**TO THE A.T.A. CONVENTION**

Confirmed by the Council - June 2003

Please note that the terms of reference can be set only by the Contracting Parties.

**Established :** 1963

**Duration :** Unspecified

**1. Mandate**

The Contracting Parties shall meet when necessary in order to consider the operation of the Convention and also to consider measures to secure uniformity in the interpretation and application of the Convention. The meeting shall also consider amendments to the Convention.

**2. Membership**

Contracting Parties to the A.T.A Convention shall have the right to be represented at the meeting. There are no specific provisions for non-Contracting Parties or representatives of international organizations to attend the meeting as observers. In practice, however, invitations for the meeting are sent to non-Contracting Parties as well as international organizations.

**3. Purpose and Scope**

To achieve the mandate, the Meeting of Contracting Parties should :

- examine questions relating to interpretation and application of the Convention raised by the Contracting Parties or issuing and guaranteeing associations;
- examine proposals for amendments to the Convention;
- consider disputes concerning the interpretation or application of the Convention referred by the Contracting Parties in dispute, and make recommendations for their settlement.

**4. Key Deliverables**

Recommend amendments to the Convention to the Contracting Parties.

## **5. Means of Operation**

Chairperson and Vice-Chairperson :

The Convention is silent on the election of a Chairperson and a Vice-Chairperson. However, in practice, they are elected at the start of the meeting.

Agenda :

In practice, the Agenda for each meeting is drawn up by the Secretary General. It includes any proposals for amendments to the Convention communicated by the Contracting Parties, together with any other items requested.

## **6. Resources Required**

Meetings :

The meeting is to be convened by the Secretary General at the request of any Contracting Party and is, in principle, held at the WCO Headquarters in Brussels. Rules of Procedure for the meetings are to be decided by the Contracting Parties, but no decision can be taken on any matter unless more than half of the Contracting Parties are present. The meetings are normally held in conjunction with a meeting of the Administrative Convention for the Istanbul Convention. The two meetings usually last a total of two days.

General administrative arrangements :

The general administrative arrangements for the meeting of the Contracting Parties, including the date and duration of each session and the priorities to be fixed for the items on the Committee's Agenda, are the responsibility of the Secretary General.

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**TERMS OF REFERENCE OF THE ADMINISTRATIVE COMMITTEE**  
**FOR THE CUSTOMS CONVENTION ON CONTAINERS, 1972**

Confirmed by the Council - June 2005

Updated - February 2017

Chairperson : Elected at each meeting

Vice-Chairperson : Elected at each meeting

Established : 1976

Duration : Unspecified

**1. Mandate**

The Administrative Committee for the Customs Convention on Containers, 1972 is established to consider the implementation of the Customs Convention on Containers, 1972 and any amendment proposed thereto.

The Administrative Committee shall also maintain the Handbook and issue Opinions and Comments for inclusion therein.

**2. Membership**

The Committee shall consist of Contracting Parties to the Convention. The Committee may decide that States referred to in Article 18 which are not Contracting Parties or representatives of international organizations may attend the sessions of the Committee as observers.

**3. Purpose and Scope**

To achieve the mandate, the Administrative Committee shall :

- Examine proposals for amendments to the Convention.
- Examine proposals for inclusion in the Handbook and where appropriate issue Opinions and Comments for inclusion therein.
- Examine relevant developments in other WCO working bodies and international organizations, as appropriate.

**4. Key Deliverables**

The Committee shall adopt a report. This report shall contain comments on the Agenda Items discussed and their conclusions.

The Committee shall recommend amendments to the Convention to the Contracting Parties.

The Committee shall issue Opinions and Comments for inclusion in the Handbook, as appropriate.

## **5. Means of Operation**

The Administrative Committee shall, on the occasion of every session, elect a Chairperson and a Vice-Chairperson.

Agenda :

The Agenda for each session shall be drawn up by the Secretary General. It shall include any proposals for amendments to the Convention communicated by the Contracting Parties. The draft Agenda shall be circulated to the competent administrations of the Contracting Parties and of the States referred to in Article 18 of the Convention which are not Contracting Parties, at least six weeks before the Committee meets.

Rules of Procedure :

The Rules of Procedure for the Administrative Committee are set out in the Convention. In the absence of relevant provisions in the Convention, the Rules of Procedure of the Council shall be applicable unless the Committee decides otherwise.

Quorum :

A quorum shall not be required for taking any formal decision.

## **6. Resources Required**

Meetings : The Secretary General shall convene the Committee at a time fixed by the Committee, but not less frequently than once every two years and also at the request of the competent administrations of at least five Contracting Parties.

General administrative arrangements : The general administrative arrangements for the Administrative Committee, including the date and duration of each session and the priorities to be fixed for the items on the Committee's Agenda, are the responsibility of the Secretary General.

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**TERMS OF REFERENCE FOR THE WCO COUNTERFEITING AND PIRACY<sup>1</sup>**  
**(CAP) GROUP**

Confirmed by the Council - June 2009

**Established :** 2009

**Duration :** Until superseded or revoked

**Chairperson :** Representative of a WCO Member

**Elections :** Members of the Group shall elect the Chairperson for a one-year term

**1. Mandate**

The Group shall constitute a dialogue mechanism on border measures on trademark counterfeiting and copyright piracy. In its discussions, the Group will respect the national legal regimes of Members, as well as their respective levels of commitments in international agreements, such as TRIPS, to which Members are party, and shall not engage in norm setting<sup>2</sup> nor seek to make recommendations or adopt particular measures.

**2. Membership**

Membership will be open to all WCO Members.

**3. Purpose and Scope**

Within the framework of its mandate, the purpose and scope of the Group are limited to an exchange and discussion of views, experiences, practices and initiatives of Customs administrations and discussions on WCO Capacity Building activities for Members requesting assistance.

**4. Key Deliverables**

The Group will deliver a factual report to the Permanent Technical Committee after each session.

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<sup>1</sup> Counterfeit And Piracy (CAP) - Means trademark counterfeiting and copyright piracy.

<sup>2</sup> The term "norm setting" encompasses any kind of provisions (binding or non-binding), irrespective of the name, such as standards, best practices, recommendations, guidelines or any other denomination.

**5. Means of Operation**

- The Group will meet under the leadership of its Chairperson, with membership being determined as specified above.
- Observers may be invited to participate in open meetings; a balanced participation of stakeholders should be sought.
- The Group will hold its sessions as and when required, subject to approval by the Permanent Technical Committee.
- Except when otherwise decided by the Secretary General and/or the Permanent Technical Committee, the Group will normally meet twice a year.
- Normally, each session will last two days, depending on the number and complexity of items on the agenda.

**6. Resources Required**

The general administrative arrangements and provision of support services shall be the responsibility of the Secretariat.

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## **TERMS OF REFERENCE FOR THE DATA MODEL PROJECTS TEAM (DMPT)**

Confirmed by the Council - July 2017

Established - 2001

### **1. Mandate**

The Data Model Projects Team is established in order to provide the maintenance mechanisms for work relating to the WCO Data Model.

The DMPT reports to the IMSC and supports the IMSC in its efforts to assist Members in implementing Information and Communication Technology (ICT) by cooperating with other WCO working bodies, other governmental and non-governmental international organizations, and promoting close cooperation with other international organizations, and international standards-setting agencies for the interchange of Customs information among Customs administrations and between Customs administrations and trade participants.

### **2. Membership**

The DMPT is an open forum. All WCO Members may participate in the meeting. Delegates from international organizations, non-governmental organizations, and the private sector may register to attend as observers.

### **3. Purpose and Scope**

To achieve the mandate, the DMPT should :

- (i) Establish and implement a Data Maintenance Request (DMR) process for the submission, review and approval of DMRs submitted for the WCO Data Model;
- (ii) Establish ad-hoc focus groups consisting of experts in the field of ICT to discuss and develop new uses for the WCO Data Model, in line with its positioning as a cross-border regulatory data model;
- (iii) Continually seek to enhance the relevance and usefulness of the WCO Data Model through regular releases;
- (iv) Work closely with other WCO working bodies to develop and maintain technical specification of electronic business on specific Customs business requirements;
- (v) Continue to promote, in close cooperation with other international organizations, the implementation of the WCO Data Model by cross-border regulatory agencies;
- (vi) Identify Members' data requirements, so that increased semantic interoperability can be achieved through the WCO Data Model.

#### **4. Key Deliverables**

The key decisions made by the DMPT shall be reported to the IMSC. Policy issues that arise from technical discussions will also be reported to the IMSC for guidance, so that the IMSC may direct the DMPT through its decision, or raise it for further discussions at the Permanent Technical Committee.

The DMPT shall also provide the necessary support to undertake the necessary work arising from the IMSC work programme, relating to any directions that the IMSC may have on the WCO Data Model.

#### **5. Means of Operation**

##### Chairperson

The DMPT shall annually elect its own Chairperson from among the representatives of its members. The retiring Chairperson is eligible for re-election.

The Chairperson shall participate in the proceedings as such and not as a representative of a member of the DMPT. The DMPT shall seek to reach agreed views on any matter examined and shall report them to the relevant Committee, through the IMSC. If agreement cannot be reached on a question, the differing views together with their supporting rationales shall be reported.

##### Focus Group Conveners

The DMPT shall nominate a Convener to facilitate and report on the discussions of the various Focus Groups established to discuss and develop new uses for the WCO Data Model, in line with its positioning as a cross-border regulatory data model, from among the representatives of its members. The retiring Convener is eligible for re-nomination.

The nomination process shall be done in a manner reflecting the consensus of the various Focus Group participants.

##### Project Management

Focus Groups are required to table a Focus Group Project Charter indicating the :

- Project description and scope
- Group members and responsibilities
- Project feasibility and approach
- Project schedule
- Project deliverables.

#### **6. Agenda**

The Agenda for each session shall be drawn up by the Secretariat, based on the relevant work items of the IMSC Work Programme delegated for the DMPT's action, and in consultation with delegates of the DMPT, who may propose technical questions for discussions and Data Maintenance Requests for deliberations.

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## **TERMS OF REFERENCE FOR THE WCO-UPU CONTACT COMMITTEE**

Confirmed by the WCO Council - June 2003

Updated - June 2013

Updated - June 2014

Updated - July 2017

**Chairperson :** Spokesperson of the host organization

**Established :** 1965

**Duration :** Unspecified

### **1. Mandate**

The WCO-UPU Contact Committee was established in 1965 by an agreement between the WCO and the UPU, following a resolution adopted by the UPU at its 15<sup>th</sup> Congress held in Vienna. The WCO-UPU Contact Committee has the character of a working group whose conclusions are submitted to the competent WCO and UPU bodies for approval. Within the WCO, this body is the Permanent Technical Committee and, within the UPU, the Customs Group of the Postal Operations Council.

### **2. Membership**

The WCO is represented by experts from eight member Customs administrations and the UPU by experts from eight designated operators. Each organization is also represented by its own secretariat. Where possible, each expert shall be accompanied by a technical adviser from the national Customs administration or designated operator, as appropriate. Consequently, the WCO-UPU Contact Committee shall not include representatives from the designated operator and Customs administration of the same country. The Customs administrations and designated operators of the host countries shall also be invited to the Committee as observers. Each of the two organizations may further invite up to five observers (representatives of Customs administrations, designated operators, international organizations, or private sector organizations).

The Committee is usually reconstituted every four years, following a decision by the supreme bodies of both organizations, namely the WCO Council and the UPU Congress.

### **3. Purpose and scope**

The Contact Committee deals with issues of common interest and, in particular, seeks to speed up and simplify Customs formalities in the postal service. To this end, the WCO-UPU Contact Committee seeks to :

- work as a contact point between the two organizations on issues raised by the respective organizations;
- exchange information on issues of common interest related to postal traffic, in particular issues related to the clearance of postal items;

- facilitate, simplify and harmonize Customs formalities and ensure effective Customs control in respect of postal items, particularly in the e-commerce environment;
- ensure that effective security arrangements are made for the carriage of all postal items through the harmonized implementation of the WCO, UPU, ICAO, and other relevant security standards;
- facilitate the work of Customs in promoting and ensuring movements of legitimate trade through the postal network;
- enhance Customs control at export level by improving compliance with rules and regulations;
- develop and promote standards and tools and their use, including the exchange of advance electronic data between designated operators and Customs authorities and safeguard data privacy;
- develop and regularly update the WCO-UPU Customs Matters Guide and other instruments and tools to assist in ensuring compliance and improving data quality;
- strengthen capacity-building actions by promoting the organization of joint WCO-UPU Customs workshops in different regions of the world.

#### **4. Key deliverables**

A report, drafted after the meeting by the secretariat of the host organization, is sent to the Chairperson of the meeting for approval. The report must then be approved by the competent bodies of each of the two organizations. Within the WCO, this body is the Permanent Technical Committee and, within the UPU, the Customs Group of the Postal Operations Council. The report shall contain details of decisions taken and/or actions to be taken within agreed timeframes. The WCO Secretariat, the UPU International Bureau and the members of the WCO-UPU Contact Committee shall make every effort to ensure that the conclusions of the Contact Committee are respected by their respective competent bodies.

#### **5. Means of operation**

The agenda for each meeting shall be drawn up by the organization hosting the meeting, in close consultation with the other organization, and shall be distributed to the delegates to the Contact Committee at least 30 days in advance of the opening date of the meeting, except in case of urgency. Working documents, especially those which may require consultation at the national level, should also be made available to delegates in sufficient time.

The WCO-UPU Contact Committee may set up working groups as it considers necessary to progress some of its functions. However, the Contact Committee shall retain overall responsibility for all matters within its competence.

The general administrative arrangements for the Contact Committee, including the date and the venue, shall be decided by the host organization in close consultation and cooperation with the other organization.

## **6. Resources required**

### Meetings

The WCO-UPU Contact Committee shall be organized annually and alternately in Brussels (Belgium) and in Berne (Switzerland). If deemed necessary, WCO-UPU Contact Committee meetings may be held more than once a year, subject to agreement by the two organizations. The meeting shall be of two days' duration. Where appropriate and subject to agreement between the two organizations, the Contact Committee may be cancelled. In that case, the organization which proposed to host the cancelled meeting shall host the next meeting.

A separate preparatory meeting for the Customs administrations and designated operators is to be arranged before the opening of the official meeting. In principle, the preparatory meeting discusses the issues based on each agenda item and seeks joint positions of the respective organizations. Each of the two organizations shall designate a spokesperson to present the documents prepared by (and speak on behalf of) his/her organization. However, all experts and observers may take the floor during the discussions. The meeting shall be chaired by the spokesperson for the organization hosting the meeting.

### General administrative arrangements

The officers of the secretariat designated by the Secretary General of the WCO and the Director General of the UPU International Bureau shall perform the secretariat duties at the meetings of the Contact Committee.

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**TERMS OF REFERENCE FOR THE WCO/IATA/ICAO CONTACT COMMITTEE**  
**ON ADVANCE PASSENGER INFORMATION (API) AND PASSENGER NAME RECORD**  
**(PNR) DATA**

Confirmed by the Council : June 2004

Updated : June 2014

Updated : June 2018

**Chairperson :** Elected for a one-year term

**Vice-Chairperson :** Elected for a one-year term

**Established :** 2004

**Duration :** Unspecified

**1. Mandate**

The WCO/IATA/ICAO Contact Committee on Advance Passenger Information (API) and Passenger Name Record (PNR) Data is established so that the WCO/IATA/ICAO Guidelines on API and other instruments and tools developed by the Contact Committee that relate to API and PNR may be managed and maintained by the three Organizations. In doing so, the Committee will promote the implementation of the Guidelines and such other instruments and tools, consider any measures to secure uniformity in the interpretation and application thereof, monitor the application thereof, and consider any amendment(s) proposed to the Guidelines and other instruments and tools. In addition, the Committee will examine means to enhance the efficiency and effectiveness of the use of API and PNR data for passenger control and facilitation purposes.

**2. Membership**

The Committee shall consist of experts from all three Organizations involved. As regards representation of the WCO, the delegation shall consist of up to eighteen members drawn from each of the six WCO regions in consultation with regional Vice-Chairs, at least six of whom shall have experience in API and/or PNR reporting systems. The Secretary General may invite additional Members to attend the meeting as observers.

WCO membership shall be reconstituted every three years. The retiring members are eligible for re-nomination.

With regard to representation from ICAO, the delegation shall consist of an officer responsible for facilitation matters and an expert or experts nominated by ICAO, if required. IATA shall be represented by the Assistant Director, Facilitation Services and an expert or experts nominated by IATA.

The Secretary General of the WCO may invite representatives of non-member governments, or of any international organizations to attend meetings as observers.

### **3. Purpose and Scope**

The Contact Committee deals with issues arising from the application of the API Guidelines and the other instruments and tools referenced in section 1 above and, in particular, seeks to keep the Guidelines and such other instruments and tools current and reflective of the needs of Members and of the transport industry. As these Guidelines and other instruments and tools support the effort to counter trans-national crimes, including but not limited to, drug smuggling, contraband, money laundering, as well as terrorism, the Committee is established to permit timely changes to the Guidelines and other instruments and tools.

To this end, the WCO/IATA/ICAO Contact Committee on Advance Passenger Information and Passenger Name Record Data shall, inter alia :

- promote the application of the API Guidelines and other instruments and tools for administrations developing API systems;
- examine questions relating to interpretation and application of the Guidelines and other instruments and tools;
- examine proposals for amendments to the Guidelines and other instruments and tools;
- act as a platform for the exchange of information on issues of common interest related to providing advance passenger information to the authorities;
- promote inter-agency cooperation to enhance the efficiency of the use of API/PNR data; and
- examine means to ensure effective control of high-risk passengers as well as efficient facilitation of legitimate passengers through the use of API/PNR data.

### **4. Key Deliverables**

The Committee shall adopt a report reflecting the discussion on the Agenda items and the conclusions reached. The Committee shall submit the details of any proposed changes to the Guidelines and other instruments and tools and the Appendices thereto to the WCO's Permanent Technical Committee (PTC), to the ICAO Secretary General and to IATA's Passenger Services Conference for their approval.

### **5. Means of Operation**

The Contact Committee shall elect a Chairperson and optionally a Vice-Chairperson for a one-year term. The retiring Chairperson and Vice-Chairperson are eligible for re-election.

#### **Agenda**

The Agenda for each session shall be drawn up by the Secretary General of the WCO. It shall include any proposals for amendments to the Guidelines and other instruments and tools communicated by Members or International Organizations. The Agenda shall be circulated to the members of the Committee at least thirty days before the Committee meets. Working documents, especially those which may require consultation at the national level or with other stakeholders, should be available to the Committee in sufficient time to allow the appropriate consideration of the document.

## **6. Resources Required**

### Meetings

Meetings shall be organized annually. When required, the WCO Secretariat will organize virtual meetings and establish discussion forums on the WCO Members' Web site.

### General administrative arrangements

The general administrative arrangements for the meeting of the Committee, including the date and duration of each session and the priorities to be fixed for the items on the Committee's Agenda, shall be the responsibility of the Secretary General of the WCO in agreement with the other members of the Committee.

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## **TERMS OF REFERENCE FOR WORKING BODIES IN THE AREA OF COMPLIANCE/ENFORCEMENT**

- **ENFORCEMENT COMMITTEE**
- **WORKING GROUP ON REVENUE COMPLIANCE AND FRAUD**
- **ELECTRONIC CRIME EXPERT GROUP (CEEG)**
- **CUSTOMS ENFORCEMENT NETWORK MANAGEMENT TEAM (CENMaT)**
- **GLOBAL INFORMATION AND INTELLIGENCE STRATEGY PROJECT GROUP**
- **GLOBAL RILO MEETING (GRM)**



## **TERMS OF REFERENCE FOR THE ENFORCEMENT COMMITTEE**

Confirmed by the Council - June 2003

Updated - June 2005

Updated - June 2009

**Established :** 1983

**Duration :** Unspecified

### **1. Mandate**

The Enforcement Committee acts under the overall direction of the WCO Council and Policy Commission, with administrative support provided by the WCO Secretariat.

The mandate of the Enforcement Committee (as described in Chapter I, Rule 1, Rules of Procedure of the Enforcement Committee) is to initiate work and studies on enforcement, with the object of enabling the Council to discharge the obligations of the Convention establishing the Customs Co-operation Council in accordance with the general purposes of the Convention.

The Committee is also to perform such tasks as may be assigned to it under the terms of the Conventions adopted by the Council, in particular the Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences (Nairobi Convention).

### **2. Membership**

As described in Chapter II, Rule 2, Rules of Procedure of the Enforcement Committee, the Committee shall comprise representatives of Council Members and of Customs or Economic Unions which are Contracting Parties to the Nairobi Convention. However, such Unions shall not have the right to vote. Each Member and each such Union may nominate one delegate and one or more alternates to represent it.

The representatives should be officials responsible for and specialized in enforcement matters. They may be assisted by advisers.

### **3. Purpose and Scope**

The purpose of the Enforcement Committee is to :

- Contribute to the strategic direction of work done by the WCO in compliance, control and intelligence within the framework of the WCO Strategic Plan in areas such as security, the intelligence function, commercial fraud, mutual administrative assistance, illicit drug trafficking, money laundering, electronic crime, smuggling, environmental crime, transnational organized crime, firearms and, where applicable\*, the transborder movement of people and goods affecting health and safety.
- Promote the exchange of views, experiences and best practices and facilitate improved co-operation between Customs administrations, the business/private sector and governmental and non-governmental organizations;
- Promote improvements in the effectiveness of Customs through technology, communication and legal instruments;
- Task and provide strategic direction to Enforcement Committee working bodies;
- Promote measures which will increase the effectiveness of the Regional Intelligence Liaison Offices (RILOs);
- Provide strategic support for WCO technical assistance programmes by Members and international donor agencies;
- Promote measures which will improve the strategic direction and focus of Members in order to achieve results and improve outcomes.

### **4. Key Deliverables**

The Enforcement Committee will :

- Report to and make recommendations to the Council on the matters within its area of responsibility;
- Take decisions, or initiate or undertake action in the areas for which it is responsible.

### **5. Means of Operation**

The Committee may :

- Establish, in accordance with WCO Council guidelines, and direct the work of, such working bodies as may be desirable for purposes within its competence;
- Co-operate, promote joint projects, or share information and experiences, with relevant law enforcement agencies, business/private sector organizations and international organizations related to commercial fraud, smuggling and intelligence development.

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\* Where the Customs administration has the legal mandate to act.

## **6. Resources Required**

Travel and other associated costs to be borne by participants' administrations.

Meetings to be facilitated by the WCO Secretariat.

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**TERMS OF REFERENCE FOR THE WORKING GROUP**  
**ON REVENUE COMPLIANCE AND FRAUD**

Confirmed by the Council - June 2014

Established : 2005 as the Working Group on Commercial Fraud

Duration : Unspecified

Chairperson : Representative of a WCO Member

Elections : Members of the Group shall elect the Chairperson for a one-year term

**1. Mandate**

The Working Group on Revenue Compliance and Fraud acts under the overall direction of, and reports to, the Enforcement Committee and the Policy Commission as appropriate.

**2. Membership**

Membership will be open to all WCO Members. Observers may be invited to participate in open meetings for matters which require a balanced participation of relevant stakeholders.

**3. Purpose and Scope**

- (i) To study the nature and extent of revenue fraud and analyse its linkages with money laundering, organized crime and terrorist financing.
- (ii) To identify strategies and best practices aimed at enhancing revenue compliance and effective mechanisms to deal with cases of non-compliance.
- (iii) To assist in ascertaining perceived needs of Member administrations in the area of revenue compliance and fraud.
- (iv) To propose strategies and methods of international cooperation in this area.
- (v) To manage and oversee the development of the WCO Revenue Package.
- (vi) To develop appropriate tools, such as guidelines and Recommendations, to address revenue compliance and fraud and which would be incorporated into the Compliance and Enforcement Package and the Revenue Package as appropriate.

**4. Key Deliverables**

The Working Group on Revenue Compliance and Fraud will report to the Enforcement Committee and Policy Commission as appropriate on Agenda items which it has examined, providing its conclusions in the form of recommendations or options for their consideration.

**5. Means of Operation**

The Working Group shall meet at least once a year, for a duration not exceeding three days. Meetings shall be held at WCO Headquarters.

The Working Group will work on a continuous basis using e-mail and the WCO Members' Web site. Information on the activities and progress of the Working Group and the papers and reports generated by it shall be made available on the WCO Members' Web site.

**6. Resources Required**

The members of the Working Group will fund their own activities, including travel and accommodation expenses.

The general administrative arrangements and provision of support services shall be the responsibility of the Secretariat.

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## **TERMS OF REFERENCE FOR THE ELECTRONIC CRIME EXPERT GROUP (ECEG)**

Confirmed by the Council - June 2003

Updated - June 2005

Updated - June 2007

Updated - June 2008

**Established :** 2001

**Duration :** Unspecified

**Membership :** Interested experts from Member administrations

### **1. Mandate**

The Electronic Crime Expert Group (ECEG) reports to, and operates under the direction of, the Enforcement Committee.

### **2. Purpose and Scope**

The purpose of the ECEG is to provide a specialist resource to the WCO to advise on aspects of electronic crime as it affects WCO Members, including :

- ***Defending the electronic infrastructure of WCO Members*** by monitoring existing or emerging electronic technologies which may provide specific benefits or advantages to WCO Members in “hardening” their electronic systems against criminal abuse, misuse or attack, and assist with the development of intelligence and the detection of offenders (e.g. techniques and procedures for targeting and profiling, tracking and tracing procedures and other detection techniques, immediate action procedures, evidence collection, etc.);
- ***Providing early warning*** of known or potential vulnerabilities to Members from the criminal exploitation of electronic systems (e.g. e-commerce fraud, cyber-smuggling, identity fraud, theft and manipulation of data, etc.);
- ***Countering threats to the core competencies of WCO Members*** through the development of best preventative practice, including specific proactive and reactive countermeasures, which could be used by WCO administrations to minimize the risks and impacts identified above, including consideration of such issues as :
  - new or refined control and / or law enforcement tools and techniques,
  - new or refined methods to collect and present evidence more appropriately,
  - specific countermeasures which Members’ clients and stakeholders could develop to minimize risks and impacts (e.g. encryption / PKI key protection);

- ***Keeping pace with technological change***, especially the potential impact of specific technological issues such as security, encryption, bandwidth, biometrics, etc., in the context of vulnerabilities and impacts on WCO Members; and
- ***Recommendations and broad options*** for training and technological development by Member administrations, and the production of best practice to minimize duplication of effort and maximize the use of technologies and expertise available in the wider law enforcement community.

### 3. **Key Deliverables**

The ECEG will report and make recommendations :

- annually to the Enforcement Committee on matters within its scope;
- on an *ad hoc* basis to other Working Group members, as required; and
- through the production of *insight reports* on topics of specific interest to Members.

### 4. **Means of Operation**

The Chairperson of the ECEG will :

- rotate annually;
- be responsible for co-ordinating the activities of the members of the ECEG; and
- maintain close contact with other WCO groups which are dealing with similar topics.

The ECEG will provide a forum in which Members can :

- discuss and formulate views on the implications of new developments in electronic crime;
- explore possible policy options in respect of regulatory aspects of emerging IT issues;
- formulate possible strategies and mechanisms (technical, policy and legal) by which Members will be able to develop and/or maintain a capability to detect, react, investigate and prosecute electronic crime; and
- meet to explore ways in which Members, government and the private sector can together promote the responsible and successful development of electronic commerce.

While most of the ECEG's research will be conducted in its members' own jurisdictions, it will be supported by regular on-line contact between all ECEG members and an annual meeting to develop the ECEG's yearly report to the Enforcement Committee.

## **5. Resource Required**

Meetings of the ECEG shall normally be held no more than once a year. The location of the annual ECEG meeting will be at the discretion of the Chairperson.

WCO Secretariat support will be required for these meetings, when conducted in Brussels.

The WCO Secretariat is responsible for the publishing of unclassified reports and research products from the ECEG via the WCO's restricted Web site.

Members of the ECEG will fund their own activities, including travel and accommodation.

The working language of the ECEG is English.

The Chairperson of the ECEG is responsible for the development of the Agenda for annual meetings, in consultation with the Secretariat.

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## **TERMS OF REFERENCE FOR THE CUSTOMS ENFORCEMENT NETWORK**

### **MANAGEMENT TEAM (CENMaT)**

Confirmed by the Council : June 2003

Updated : June 2005

Updated : June 2009

Updated : June 2015

**Established** : March 2001

**Duration** : Unspecified

#### **Membership :**

Three Member administrations from each WCO region, including the nCEN regional leader (when applicable), nominated by the Vice-Chairperson. The tenure of the members shall usually be for two years with the possibility of re-nomination.

Representatives from all Regional Intelligence Liaison Offices (RILOs) and representatives from Member administrations hosting RILOs.

The above-mentioned CENMaT shall elect a Chairperson from amongst its members.

#### **1. Mandate**

The CEN Management Team (CENMaT) is responsible for overseeing the overall management of the CEN applications (CEN, nCEN, and CENComm). The CENMaT reports to, and operates under the direction of, the Enforcement Committee.

#### **2. Purpose and Scope**

The purpose of the CENMaT is :

- to oversee the effective and efficient management of the CEN applications;
- to represent the views of CEN users in wider WCO fora;
- to promote the exchange of views, experiences, and best practices in the use of the CEN applications.

The tasks of the CENMaT are :

- to assure the maintenance of the CEN applications (CEN, nCEN, and CENComm) by :
  - regularly monitoring the developments in and the status of the CEN applications;
  - continuously evaluating the performance and security of the applications;
  - identifying the required technical amendments/modifications to the applications (content and procedure), taking into account users' suggestions;

- to formulate a CEN policy (taking into account the user perspective) and to present it to the appropriate WCO decision-making bodies. This includes :
  - a strategy for further improvements of the applications;
  - a clearly defined access policy;
  - any other policy and legal issues related to the CEN applications.

### **3. Key Deliverables**

The CENMaT reports on CEN matters and makes recommendations to the Enforcement Committee.

### **4. Means of Operation**

The WCO Secretariat will notify members of the dates of the physical meeting or virtual meeting, the draft Agenda and relevant documents, and will invite suggestions for Agenda items from members.

As far as possible, the CENMaT will work through electronic means. Drafts seeking comments will be communicated to all interested CENMaT Members through one of the CEN applications.

The CENMaT shall consult with other WCO committees and working groups, including the Global RILO Meeting and the GIIS Project Group, to identify linkages and/or any overlapping issues for mutual cooperation.

### **5. Resources Required**

The CENMaT will meet as necessary, or on specific request by a CENMaT Member whenever appropriate, at the WCO Headquarters in Brussels for a period usually of 2 days. When held, the meeting should take place shortly before the session of the Enforcement Committee in order to prepare any discussions related to the CEN and give the most up-to-date report on the CEN status. The WCO Secretariat provides central CEN management and is responsible for :

- the administrative preparation for the meetings including the development of the draft Agenda in consultation with CENMaT members;
- the preparation of all relevant documents and their distribution to delegates well in advance of the meeting;
- facilitation of the work during the course of the meeting;
- drafting and distribution of the report within 60 days of the meeting;
- follow-up and implementation of all actions decided by the CENMaT, including presenting them for endorsement at the Enforcement Committee and the Council and subsequently informing CENMaT members of the results or progress of the work.

All expenses related to the attendance of the CENMaT meetings shall be borne by each CENMaT member, including the travel and accommodation of its delegates.

Amendments to these “Terms of Reference” are subject to the endorsement of the Enforcement Committee.

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## **TERMS OF REFERENCE FOR THE GLOBAL INFORMATION AND INTELLIGENCE STRATEGY PROJECT GROUP**

Confirmed by the Council - June 2003

Updated - June 2005

Updated - June 2011

**Established** : February 2002

**Duration** : Unspecified

### **1. Mandate**

The GIIS Project Group mandate is to develop a strategy that meets the needs of all Members for the development and continuous enhancement of Intelligence, including recommendations for bringing the Strategy into force, taking due account of the varying situation in Member administrations.

The GIIS Project Group's mandate covers consideration of information - including nominal and/or personal data - and the relationship between information systems, including the Customs Enforcement Network (CEN).

### **2. Membership**

Three Member administrations from each WCO region, nominated through the Vice-Chairpersons. The tenure of the members shall usually be for two years with no bar to their re-nomination.

The WCO Regional Intelligence Liaison Offices (RILOs) will nominate their representatives for each meeting of the Project Group.

The members of the Project Group shall elect the Chairperson from among them.

### **3. Function and Scope**

The development of a Global Information and Intelligence Strategy shall include consideration of the following issues :

- The identification of Intelligence standards for tactical, operational and strategic Intelligence.
- The elaboration of Intelligence support specific to Customs activities, to subsequent investigations and to trade facilitation and management.
- The incorporation of Intelligence collection, collation, evaluation, analysis and dissemination into Customs practices.

- The identification of Intelligence products, such as alerts, trends, profiles, reports and messages.
- The functioning and further development of CEN and its applications.
- The identification of options and possibilities to promote an enhanced operational role and tasks for RILOs.
- The confirmation of Customs-specific Intelligence competencies.
- The development of an Intelligence training curriculum.
- The identification of clear linkages between Intelligence and Risk Management principles.
- Planned and co-ordinated Intelligence liaison.
- The management of information through to the development of Intelligence.
- Quantitative and qualitative measurement parameters for completed Intelligence.
- The incorporation of the Strategy into WCO organizational structures and rules, including CEN and Regional Intelligence Liaison Offices (RILOs).

#### **4. Key Deliverables**

The GIIS Project Group will :

- Monitor and report on progress on implementation of the Global Information and Intelligence Strategy.
- Further develop risk indicators (Standardized Risk Assessments, General High Risk Indicators, Risk Indicators for Intellectual Property Rights (IPR)).

#### **5. Means of Operation**

The GIIS Project Group is scheduled to meet on a periodic basis to carry out its work.

As far as possible, the GIIS Project Group will manage its work through electronic means. Drafts seeking comment will be placed on the Members' Web site.

The GIIS Project Group will consult with other Committees and Working Groups, including CENMaT, the Expert Group on Electronic Crime and the WCO/Business Partnership, to identify linkages and overlaps.

## **6. Resources Required**

It is acknowledged that costs associated with the work of the GIIS Project Group will be borne by participants' home administrations.

The WCO Secretariat will facilitate meeting arrangements as required, including interpretation and documentary support.

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## **TERMS OF REFERENCE FOR THE GLOBAL RILO MEETING (GRM)**

Confirmed by the Council : June 2010

Updated : June 2015

**Established** : June 2003

**Duration** : Unspecified

**Membership** : Limited-size group composed of Heads, Deputy Heads or representatives of all the Regional Intelligence Liaison Offices (RILOs). Additional participants may be invited as observers in accordance with the needs of the Meeting, in consultation with the Meeting Chairperson and all the RILOs.

### **1. Mandate**

The mandate is to develop strategic visions for the implementation of the Global RILO Network missions within the framework of the WCO “RILO Recommendation”, and to enhance co-ordination and co-operation among the RILOs and the application of common standards in order to ensure a harmonized approach and performance.

### **2. Purpose and Scope**

The purpose of the GRM is :

- to oversee the development and effective implementation of the Global RILO Network missions;
- to discuss and arrive at a common approach to strategic and operational issues;
- to promote the exchange of views, experiences and best practices among the RILOs.

The tasks of the GRM are :

- to monitor regularly the developments and progress of the Global RILO Network;
- to evaluate the performance of the Global RILO Network;
- to identify the main challenges in the operation of the Global RILO Network and devise solutions;
- to initiate and co-ordinate activities within the Global RILO Network;
- to discuss other policy and legal issues related to the Global RILO Network.

### **3. Key Deliverables**

The GRM reports to, and makes recommendations to the WCO Enforcement Committee.

#### **4. Means of Operation**

The WCO Secretariat, in consultation with the Chairperson, will notify participants of the dates of each meeting, the draft Agenda and relevant documents, and will invite suggestions for Agenda items from participants.

The Chairperson of the GRM will be elected by the representatives of the RILOs annually, before the conclusion of the previous meeting.

#### **5. Resources Required**

The GRM normally meets at least once a year, usually at WCO Headquarters in Brussels, for a period of at least 2 days. If more than one meeting is organized, one of these meetings should be held shortly before the Enforcement Committee session in order to prepare for any discussions related to the Global RILO Network and provide the most up-to-date report on the Network.

The WCO Secretariat is responsible for :

- Distribution of invitations to the GRM participants, including a draft Agenda drawn up in consultation with the Chairperson and the RILOs;
- Administrative preparations for the meetings, including interpretation during the meeting when held at WCO Headquarters;
- Preparation of the relevant documents in consultation with the Chairperson, and their distribution to the participants well in advance of the meeting;
- Facilitation for participants during the course of the meeting;
- Preparation and distribution of the Report within 60 days following the meeting.

GRM Meetings held in conjunction with National Contact Point (NCP) Meetings<sup>1</sup> :

The hosting RILO entity is responsible for :

- On-site administrative preparations for the meetings;
- Provision of interpretation services :
  - Prior to conducting an official GRM meeting back-to-back with an NCP meeting, there must be general consensus among the participating RILO entities to conduct the meeting in only one WCO official language.

Amendments to these “Terms of Reference” are subject to the endorsement of the Enforcement Committee.

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<sup>1</sup> The following administrative provisions are only applicable to GRM Meetings which are held in conjunction with NCP Meetings outside of the WCO Headquarters. All other references within the Terms of Reference remain unchanged.

**TERMS OF REFERENCE FOR WORKING BODIES IN THE AREA OF  
CAPACITY BUILDING AND HUMAN RESOURCES DEVELOPMENT**

- **CAPACITY BUILDING COMMITTEE**
- **INTEGRITY SUB-COMMITTEE**



## **TERMS OF REFERENCE FOR THE CAPACITY BUILDING COMMITTEE**

Confirmed by the Council - June 2009

**Updated :** June 2015

**Established :** 2009

**Duration :** Unspecified

### **1. Mandate**

The Capacity Building Committee acts under the overall direction of the WCO Council and Policy Commission, with administrative support provided by the WCO Secretariat.

The mandate of the Capacity Building Committee is to initiate work and studies on capacity building, to consider overall capacity building priorities, and to prepare guidelines, standards, tools and instruments to support capacity building initiatives with the object of enabling the Council to discharge the obligations of the Convention Establishing the Customs Co-operation Council in accordance with the general purpose of the Convention.

### **2. Membership**

Members attending the Capacity Building Committee should preferably be officials responsible for - and specialized in - the area of capacity building, namely, organizational development, strategy developers, change managers or heads of personnel. The Heads of the Regional Offices for Capacity Building shall also be members of the Committee.

A Member may nominate one delegate and one or more alternates to be its representative(s) on the Capacity Building Committee. Representatives of members of the Capacity Building Committee may be assisted by advisers. Representatives of international governmental and trade organizations, as well as the members of the Private Sector Consultative Group (PSCG), may attend meetings of the Capacity Building Committee as observers as is the case for certain other WCO Committees. Such observers have the right to take part in the discussions but not in the decision-making process.

### **3. Purpose and Scope**

The purpose of the Capacity Building Committee is :

1. To advise the Policy Commission and the Council on the strategies and priorities to be adopted by the WCO in the areas of capacity building, training and technical assistance;
2. To oversee the capacity building activities of the Secretariat and to review these on a regular basis;
3. To promote the exchange of views, experiences, research and best practices, and facilitate improved co-operation between Customs administrations, the private sector, international organizations and academia;

4. To enhance communication and partnership with donors and other stakeholders to ensure awareness and promote effectiveness of WCO capacity building activities;
5. To give guidance to the WCO Capacity Building Directorate with regard to the development and updating of Standard Operating Procedures in the capacity building domain as well as the WCO Diagnostic Framework;
6. To set standards for capacity building and to promote improvements in the effectiveness of Customs through capacity-building-related tools, instruments and initiatives;
7. To support and regularly monitor, evaluate, and report on implementation of WCO standards and programmes in the capacity building area;
8. To promote measures that will increase the effectiveness of the regional structures in place (Regional Offices for Capacity Building and Regional Training Centres) and help Members to build their own capacity to manage change as well as seek human resources for the delivery of capacity building activities;
9. To identify cross-cutting capacity building issues and to ensure that these, as well as capacity building activities in general, are discussed within all WCO Committees and meetings.

#### **4. Key Deliverables**

The Capacity Building Committee will :

- Report directly and make recommendations to the Policy Commission and the Council on the matters within its area of responsibility;
- Initiate action in the areas of capacity building :
  - Standards and tools development;
  - Delivery of programmes;
  - Evaluation of impact;
  - Dissemination of best practice;
  - Identification of development needs.

#### **5. Means of Operation**

Rules of procedure :

- The Capacity Building Committee elects a Chairperson and a Vice-Chairperson each year, from among the representatives of its members. The Chairperson and Vice-Chairperson are elected for a period of one year, and are eligible for re-election;
- The Committee may co-operate, promote joint projects, or share information and experiences, with relevant development agencies, business/private sector organizations, international organizations and academia in the field of capacity building, training and technical assistance;

- The Committee may appoint working groups to progress specific tasks. These working groups will report to the Committee;
- The Secretariat shall inform the WCO Members of the dates of the meeting and the draft Agenda at least six weeks before the scheduled opening date;
- The Secretariat shall provide the working documents at least one month before the scheduled meeting date, by mail/e-mail or by placing them on the WCO Members' Web site; and
- A Report shall be prepared for presentation to the Policy Commission.

## **6. Duration and Frequency of Meetings**

The Capacity Building Committee shall meet at least once a year, at WCO Headquarters. If appropriate, the Committee's sessions could be held back to-back with the Integrity Sub-Committee and meetings of the Regional Offices for Capacity Building and Regional Training Centres.

## **7. Resources Required**

The WCO Secretariat is responsible for making the arrangements and preparations for the Capacity Building Committee sessions, providing professional, administrative and technical services during the sessions, and performing follow-up tasks after the sessions.

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## **TERMS OF REFERENCE FOR THE INTEGRITY SUB-COMMITTEE**

Confirmed by the Council - June 2004

Updated - June 2007

**Established :** January 2001

**Duration :** Not specified

### **1. Mandate**

The Integrity Sub-Committee acts under the overall direction of the WCO Council and Policy Commission, with administrative support provided by the WCO Secretariat.

The mandate of this Sub-Committee is to guide the WCO work in the area of Integrity.

The Integrity Sub-Committee reports directly to the Policy Commission.

### **2. Membership**

As directed by the Council, the Integrity Sub-Committee shall be a small, well-focused yet high-level group having a balanced representation from all the WCO regions. It will consist of :

- Representatives of Customs administrations;
- Organizations or bodies from the private sector and international organizations interested in the matter.

The delegates to the Sub-Committee meetings should be high-level managers responsible for policy development and strategic direction in their administrations/organizations.

### **3. Purpose and Scope**

The purpose of the Sub-Committee on Integrity is to :

- Act as a focal point for the design, development, implementation and evaluation of the WCO Integrity Action Plan and Integrity-related tools.
- Advise the Council, through the Policy Commission, on the appropriateness of WCO strategies and priorities necessary to promote the importance of Integrity and ensure the effective implementation of the Revised Arusha Declaration on Integrity in Customs.
- Provide a forum for the exchange of views, experiences and best-practice approaches between Member administrations.

- Ensure effective co-ordination and promotion of Integrity-related activities with the private sector and other international organizations.
- Ensure effective integration of Integrity principles in all WCO training and technical assistance programmes, conventions and other instruments.

#### **4. Key Deliverables**

The Integrity Sub-Committee will :

- Review and recommend approval of the WCO Integrity Action Plan.
- Ensure that the WCO Integrity Action Plan and various Integrity-related tools and programmes are consistent with the needs and views of Member administrations.
- Co-ordinate WCO input into appropriate international Integrity-related fora.

#### **5. Means of Operation**

Rules of procedure :

- The Sub-Committee will elect the Chairperson for a one-year term from among its members, before completion of the previous meeting. The retiring Chairperson and Vice-Chairperson are eligible for re-election.
- The decisions and recommendations of the Sub-Committee will be made through discussion and consensus. Any remaining procedures will follow the provisions of the Policy Commission's Rules of Procedure.
- The Secretariat will notify the Sub-Committee members of the meeting dates and a draft meeting Agenda will be made available 30 days before the scheduled date of the meeting.
- The Secretariat will provide working documents for the meetings before the scheduled meeting date, by mail/e-mail or by placing them on the Members' Web site.
- A report containing proceedings of the meetings will be prepared and provided to the members of the Sub-Committee, within 30 days of each meeting. Once agreed upon, the report will be provided to the next Policy Commission session.

Frequency of meetings :

The Sub-Committee will hold its meetings once a year or as deemed necessary by the Secretary General.

**6. Resources Required**

The Secretariat will provide the required secretarial support for the work and meetings of the Integrity Sub-Committee. It will also be responsible for the follow-up action on the decisions of the Sub-Committee and for preparing reports and documents. Two meeting days a year are required.

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