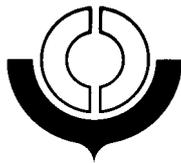


KYOTO CONVENTION

GUIDELINES TO SPECIFIC ANNEX J

Chapter 5

RELIEF CONSIGNMENTS



WORLD CUSTOMS ORGANIZATION

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1. Introduction

Certain goods, either because of their nature or because of the special circumstances surrounding their shipment, need to be conveyed rapidly from one country to another and cleared through Customs with a minimum of delay. These goods are usually referred to as urgent consignments, examples of which are perishable goods, live animals and newspapers.

There are two categories of urgent consignments, those goods which are urgent due to their nature and goods which are urgently required because of the circumstances in which they are being sent. The basic provisions of Chapter 3 of the General Annex address the simplified procedures leading to the rapid clearance of urgent consignments. In particular, Standard 3.34 of the General Annex requires Customs administrations to process live animals, perishable goods and other goods which the Customs accept are urgently required, as a matter of priority. In some instances, for those goods which fall under the category of urgently required, the importer/exporter may be required to provide a request for urgent examination by Customs and indicate the reason why the goods are urgently needed.

One type of consignment that clearly falls within the category of goods which are urgently required is relief consignments. This Chapter provides for rapid clearance of goods such as medicaments, vaccines, and replacement parts, etc., which are intended to aid those affected by disasters. Goods used by disaster relief personnel in order to perform their duties would also be considered relief consignments. Goods such as firefighting and rescue equipment, scientific and medical equipment, equipment for use in searches, investigations and salvage in connection with accidents, are examples of goods used by disaster relief personnel in order to perform their duties.

Another form of relief consignment that falls within the category of goods requiring special consideration are goods that have been donated to aid those affected by sustained emergencies like famine and disease. In particular these goods include food and medicaments. Because of the nature of these goods, rapid secure clearance is important to protect the product from environmental hazards especially in warmer climates and inclement weather conditions. Hereafter, and as specified under definitions, these types of consignments will be included in the definition of relief consignments.

2. Purpose and scope

In the event of a natural disaster (e.g., earthquakes) and similar catastrophes (e.g., dam failures), and sustained emergencies such as famine or disease, aid to those affected by such catastrophes obviously needs to be delivered and moved across international boundaries efficiently and expeditiously. The effectiveness of humanitarian assistance is dependent to a large extent on the speed with which it can be furnished. It is therefore imperative that Customs administrations be as facilitative as possible and be prepared to rapidly clear goods that, as a result of catastrophic events, are being forwarded as aid.

In recognition of the significance of rapid clearance of these goods and to support and contribute to the efforts made in the interest of humanity to assist victims of disasters and poverty, the Convention contains a separate Chapter on the subject. Specific Annex J, Chapter 5 outlines the provisions that Customs administrations should establish. The Chapter expands upon the previous Customs Co-operation Council (CCC) Recommendation to Expedite the

Forwarding of Relief Consignments in the Event of Disasters (see Appendix 1). The special provisions included in this Chapter do not apply to goods sent via post, nor do they apply in respect of alcohol, alcoholic beverages, tobacco or tobacco products.

The clearance of relief consignments is an important matter. It has been the subject of discussions held between the World Customs Organization (WCO) and the United Nations Department of Humanitarian Affairs (UNDHA). In cooperation with the WCO, the UNDHA drew up a Model Agreement on Customs Facilitation in International Emergency Humanitarian Assistance to establish a framework to encourage the expedited delivery of relief goods in connection with humanitarian assistance and emergency relief work (see Appendix II). The provisions found in this Chapter are wholly consistent with this co-operative effort.

The provisions of Chapter J.5 apply to the Customs formalities involved in the clearance of relief consignments, at any stage of their transportation, be it at exportation, during transit or at importation. Goods cleared under these provisions are subject to the same controls and formalities as are the consignments of goods described in the General Annex.

Generally, however, this Chapter deals with the greater facilities provided for relief consignments as compared with the provisions relating to the Customs treatment of other goods where no urgency is involved. When Customs is clearing relief consignments, Customs control should be restricted to the absolute minimum necessary to ensure compliance with the laws and regulations which the Customs are responsible for enforcing. This is consistent with Standard 2 in Chapter 6 of the General Annex regarding Customs Control.

3. Essential features

3.1. Benefits

Administrations that establish simplified and standardized provisions for the rapid clearance of relief consignments across international borders help to ensure that the aid actually reaches the victims in times of need. The resulting uncomplicated and expeditious delivery of humanitarian aid and emergency relief work can lead to the elimination, or at the very least, reduction of the continued effects of the destruction and devastation. Timely aid can also accelerate the recovery process for the people affected by the catastrophes.

Customs procedures should not be an obstacle in such situations. Instead they should facilitate the process to the maximum extent possible within the confines of the law. In most cases, the potential risks associated with the quick and efficient clearance of this type of consignment are minimal, if not non-existent. In fact, relief consignments are normally coordinated, shipped and cleared through the management of the major relief agencies and humanitarian organizations such as the Red Cross, which is known as the Red Crescent in some countries.

4. Definition

E1/F1 **“relief consignments” means :**

- *goods, including vehicles and other means of transport, foodstuffs, medicaments, clothing, blankets, tents, prefabricated houses, water purifying and water storage items, or other goods of prime necessity, forwarded as aid to those affected by disaster; and*
- *all equipment, vehicles and other means of transport, specially trained animals, provisions, supplies, personal effects and other goods for disaster relief personnel in order to perform their duties and to support them in living and working in the territory of the disaster throughout the duration of their mission.*

All the definitions of terms necessary for the interpretation of more than one Annex to the Convention are placed in the General Annex. The definitions of terms applicable to only a particular procedure or practice are contained in that Specific Annex or Chapter.

5. Application of the procedure

Standard 1

Clearance of relief consignments shall be governed by the provisions of this Chapter and, insofar as applicable, by the provisions of the General Annex.

The revised Kyoto Convention has a set of obligatory core provisions that are contained in the General Annex. The General Annex reflects the main principles considered necessary to harmonize and simplify all the relevant Customs procedures and practices which Customs apply in their daily activities.

As the core provisions of the General Annex are applicable to all Specific Annexes and Chapters, they should be applied in full for Relief consignments. Where a specific applicability is not relevant, the general facilitation principles of the General Annex should always be borne in mind when implementing the provisions of this Chapter. In particular, Chapter 1 of the General Annex on General principles and Chapter 3 on Clearance and other Customs formalities should be read in conjunction with this Chapter on Relief consignments.

Contracting Parties should particularly note Standard 1.2 of the General Annex and ensure that their national legislation specifies the conditions to be fulfilled and the formalities to be accomplished for Relief consignments.

In line with Article 2 of the Convention, Contracting Parties are encouraged to grant greater facilities than those provided for in this Chapter.

5.1. Requirements

Standard 2

Clearance of relief consignments for export, transit, temporary admission and import shall be carried out as a matter of priority.

To ensure that humanitarian assistance and emergency relief work reach the people in need as soon as possible, Customs must, when establishing workloads, give absolute priority to the clearance of relief consignments before other goods. Standard 2 explicitly points out this basic requirement and highlights that the facilitative provisions relating to the clearance of relief consignments are also applicable when the goods are under another Customs procedure, i.e., export, transit, temporary admission or warehouse.

Standard 3

In case of relief consignments the Customs shall provide for:

- *lodging of a simplified Goods declaration or of a provisional or incomplete Goods declaration subject to completion of the declaration within a specified period;*
- *lodging and registering or checking of the Goods declaration and supporting documents prior to the arrival of the goods, and their release upon arrival;*
- *clearance outside the designated hours of business or away from Customs offices and the waiver of any charges in this respect; and*
- *examination and/or sampling of goods only in exceptional circumstances.*

The provisions of Chapter 3 of the General Annex regarding *Clearance and Other Customs Formalities* generally apply to the clearance of relief consignments. However, Standard 3 of this Chapter extends beyond those basic provisions. Standard 3 includes and highlights the necessary facilitative measures that Customs must put in place to expedite the clearance of goods used in emergency relief work and humanitarian assistance.

Standard 3 of Chapter 5 mandates that Customs permit the lodging of a simplified, provisional or incomplete Goods declaration prior to the arrival of relief consignments. This is in accordance with Standard 3.13 of the General Annex which allows for such declarations when valid reasons exist. Where the goods are cleared frequently by the same person, Customs should allow a single Goods declaration to cover all such consignments cleared by that person in a given period. Also, for some Customs administrations, national legislation may provide for an oral declaration to be acceptable when processing relief consignments.

Advance lodgement of the Goods declaration does not affect the point in time to be taken into consideration in determining the rates of duties and taxes that may be applicable. The point in time is always the point which is specified in national legislation. Also, the person(s) clearing the goods should be authorized to defer the payment of duties and taxes without interest charges. The period and conditions of the deferment should comply with the relevant Standards found in Chapter 4 of the General Annex regarding Duties and Taxes. Further facilitative measures concerning duties and taxes in this Chapter are discussed below under Recommended Practices 5 and 6.

In view of the importance attached to health and safety considerations, especially under these extraordinary circumstances, sometimes it may be necessary for Customs to make it a

condition for release that the controls provided for in national legislation (veterinary, health, phytopathological, etc.) be carried out by the relevant competent authority. However, all efforts should be made to expedite the process and prevent delay in the delivery of the aid.

Standard 3 also indicates that Customs must provide for the checking of the Goods declaration prior to arrival of the goods to allow for the rapid release of the goods upon arrival. These provisions are also consistent with the provisions in Chapter 3 of the General Annex and specifically, Standard 25. In some instances, to be as facilitative as possible, it may be necessary for Customs to release the goods prior to the lodgement of the Goods declaration. To allow this, the Customs must first be satisfied that the declarant will subsequently accomplish all formalities in respect of the clearance of goods.

Also, due to the unpredictable circumstances surrounding the need for such goods, the clearance of relief consignments may be required outside of the designated hours of business or away from Customs offices if requested during an emergency. Standard 3 mandates that Customs always endeavour to grant this facility. Of course, Customs will be able to comply with such requests only insofar as staff and any necessary facilities can be made available. This Standard also indicates that Customs should waive any related charges in granting this facility. This provision is much more facilitative than that outlined in Standard 2 of Chapter 3 of the General Annex.

Another progressive measure, which is recommended and has been successfully implemented during several prototype projects conducted between some countries, is one in which the Customs of the importing country accepts, as evidence of the contents of a relief consignment, a detailed list certified by the Customs authorities of the exporting country. In order to avoid delays in the forwarding of relief consignments at later stages in their journey, Customs of the exporting country should, on application by the person concerned, examine where appropriate by random checks, the contents of relief consignments against such detailed lists. Customs can then certify the results of this examination on that list and where possible and appropriate, place such consignments under Customs seal.

With respect to transshipment or transit, many administrations allow operators, under supervision of the public authorities concerned, to disassemble transshipment cargo including shipments in containers and on pallets, so that they may sort and reassemble shipments for onward carriage. This should be completed without examination, except for reasons of security or in special circumstances, and should be subject only to simple documentation where required. Many administrations also facilitate as far as possible the carriage of relief consignments and possessions of disaster relief personnel in Customs transit.

Recognizing that Customs should not delay the delivery of humanitarian assistance unless absolutely necessary, the final provision outlined in Standard 3 indicates that examination and/or sampling of the goods should occur only in exceptional circumstances. If it is determined that an examination is indispensable, i.e., for security or narcotics/contraband control purposes, the extent of the examination should be limited to that necessary to ensure compliance with the laws and regulations which the Customs are responsible for enforcing and should be conducted as quickly as possible. Also, in order to expedite the delivery of the goods, Customs should allow the examination and release to be conducted at a place other than the Customs office. For instance, it can be carried out at the premises of the person concerned, on premises with appropriate equipment, at a Customs office other than that at which the goods are to be cleared, or at the place of destination.

Recommended Practice 4

Clearance of relief consignments should be granted without regard to the country of origin, the country from which arrived or country of destination.

Recommended Practice 5

In the case of relief consignments any economic export prohibitions or restrictions and any export duties or taxes otherwise payable should be waived.

It is also recommended, to ensure rapid processing of relief consignments, that the Customs clear the goods without regard to the country of origin of the goods or country of destination. This is an important progressive principle which is present in many other Specific Annexes of the Convention and is particularly relevant in the context of relief consignments.

Recognizing the unusual circumstances surrounding the requirement for relief consignments and the fact that such goods are forwarded as aid and provided as humanitarian assistance, Contracting Parties should consider the establishment of policies that eliminate the charging of duties and taxes on these goods. Recommended Practice 5 specifically recommends that Contracting Parties waive economic export prohibitions or restrictions and any export duties or taxes otherwise payable when processing relief consignments.

Recommended Practice 6

Relief consignments received as gifts by approved organizations for use by or under the control of such organizations, or for distribution free of charge by them or under their control, should be admitted free of import duties and taxes and free of economic import prohibitions or restrictions.

The final Recommended Practice found in this Chapter specifically recommends that Customs allow the admittance of relief consignments received as gifts by approved organizations for use by or under the control of such organizations free of import duties and taxes and free of economic import prohibitions or restrictions. The competent authorities normally approve national organizations which are responsible for the receipt and distribution of relief consignments. Information concerning these approved organizations and the procedure to be adopted, in the event of the arrival of relief consignments, should be brought to the attention of the competent Customs offices. This would ensure that the provisions of this Chapter concerning relief consignments are implemented without delay. The provisions of this Recommended Practice do not prevent the Customs authorities from collecting import duties and taxes on any goods which are sold after use by the organizations concerned.

In relation to the above Recommended Practice, relief consignments consisting of equipment loaned free of charge, e.g., water purifying, transmission and communication equipment, etc., to approved organizations should be granted temporary admission without the requirement of security and with minimum delay. However, an undertaking to re-export such equipment may be required from the approved organization.

It sometimes happens that certain items of heavy equipment (e.g., trucks), after having been cleared by the Customs and entered into free circulation, are subsequently purchased by approved organizations for use in relief work in the event of a disaster occurring within a country. Although such a situation is not specifically covered by this Chapter, individual countries are urged to consider, at the domestic level, all of the alternatives available to ensure that such equipment is treated as liberally as possible.

In many countries, proof of exportation is not usually required for goods consumed or destroyed in response to an emergency. After the emergency situation is under control, the goods may be accounted with minimal documentation and any reasonable form of proof should be accepted. An example of reasonable proof would be a statement signed by a responsible individual attesting to the consumption or destruction of the goods.

All of these Customs facilitation measures should be adopted to the maximum extent possible by all Customs administrations. Customs are free to enact rules on aspects of relief

consignments not covered by the specific provisions of Chapter J.5 and are encouraged to grant greater facilities than those provided for in the Chapter.

Appendix I

**RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL
TO EXPEDITE THE FORWARDING OF RELIEF CONSIGNMENTS
IN THE EVENT OF DISASTERS**

(8th JUNE 1970)

THE CUSTOMS CO-OPERATION COUNCIL,

DESIRING to contribute to the efforts made in the interest of humanity to assist victims of disasters;

CONSIDERING that the effectiveness of such assistance is dependent to a large extent on the speed with which it can be furnished;

CONSIDERING that the simplification and harmonization of Customs formalities, by facilitating the crossing of frontiers, would expedite the forwarding of relief consignments in the event of disasters;

RECOMMENDS that Members of the Council and Members of the United Nations Organization or its specialized agencies, and Customs or Economic Unions, should :

1. waive any economic export prohibitions or restrictions, and any export duties or taxes, in respect of goods contained in relief consignments destined to countries having suffered disasters;
2. accept at exportation, as a general rule, the written declarations made out by the exporters of relief consignments as evidence of the contents and of the intended use of such consignments;
3. take such steps as may be necessary in order that, on application being made by the persons concerned, the Customs authorities of the exporting country may be in a position to:

(a) examine, where appropriate by random checks, against a detailed list, the contents of relief consignments, and certify the results of this examination on that list; and

(b) where possible place such consignments under Customs seals

where such action is likely to avoid delays in the forwarding of the goods at later stages in their journey;

4. facilitate as far as possible the carriage of relief consignments in Customs transit, with due regard to any action taken under paragraph 3 above;
5. allow admission free of import duties and taxes and free of economic import prohibitions or restrictions in respect of all relief consignments received as gifts by organizations approved by the competent authorities, for distribution free of charge

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by such organizations or under their control to the victims of a disaster in their territory, in particular where such consignments consist of foodstuffs, medicaments, clothing, blankets, tents, prefabricated houses, or other goods of prime necessity;

6. facilitate the temporary admission, with conditional relief from import duties and taxes, of any equipment loaned free of charge to organizations approved by the competent authorities to be used under the control of such organizations in action undertaken to alleviate the effects of a disaster; and wherever possible not require security but be content with an undertaking given by the approved organization to re-export such equipment;
7. authorize as far as possible, relief consignments to be cleared outside the hours and places normally prescribed, and, in such circumstances, waive, if possible, any charges for Customs attendance;

POINTS OUT that:

1. the term "disaster" shall be taken to cover both natural disasters and similar catastrophes;
2. the facilities provided for in this Recommendation shall not apply in respect of alcohol, alcoholic beverages or tobacco goods;
3. the provisions of this Recommendation shall not preclude the application of prohibitions or restrictions imposed under national laws and regulations on grounds of public morality or order, public security, public hygiene or health or based on veterinary or phytopathological considerations;
4. this Recommendation does not prevent the application of greater facilities which certain Members grant or may grant in future by unilateral provisions or by virtue of bilateral or multilateral;

INVITES Members of the Council and Members of the United Nations Organization or its specialized agencies, and Customs or Economic Unions :

1. to approve without delay the national organizations which under paragraphs 5 and 6 above would be responsible for the receipt and distribution of relief consignments; and
2. to issue as soon as possible to the competent Customs offices such instructions as may be necessary to ensure, should the case arise, the immediate implementation of the provisions of this Recommendation;

REQUESTS Members of the Council and Members of the United Nations Organization or its specialized agencies, and Customs or Economic Unions which accept this Recommendation to notify the Secretary General of the Council of the date from which they will apply the Recommendation and of the conditions of its application. The Secretary General will transmit this information to the Customs administrations of all Members of the Council. He will also transmit it to the Customs administrations of the Members of the United Nations Organization or its specialized agencies and to Customs or Economic Unions which have accepted this Recommendation.

Appendix II

MODEL AGREEMENT

between the United Nations and the State/Government of _____ concerning measures to expedite the import, export and transit of relief consignments and possessions of relief personnel in the event of disasters and emergencies;

Whereas paragraph 3 of the Annex to United Nations General Assembly Resolution 46/182 underlines that humanitarian assistance should be provided in accordance with the consent of and in principle on the basis of an appeal by the affected country, and that the sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations;

Whereas paragraph 6 of the said Annex calls upon the States, whose populations are in need of humanitarian assistance, to facilitate the work of intergovernmental and non-governmental organizations in implementing this assistance;

Whereas paragraph 7 of the said Annex urges the States in proximity to emergencies to participate closely with the affected countries in international efforts, with a view to facilitating, to the extent possible, the transit of humanitarian assistance;

Whereas paragraph 28 of the said Annex instructs the United Nations to continue to make appropriate arrangements with interested Governments and intergovernmental and non-governmental organizations to enable it to have more expeditious access, when necessary, to their emergency relief capacities, including food reserves, emergency stockpiles and personnel, as well as logistic support;

Whereas paragraph 29 of the said Annex further instructs the United Nations to develop special emergency rules and procedures to enable all organizations to procure quickly emergency supplies and equipment;

Whereas paragraph 30 of the said Annex requests disaster-prone countries to develop special emergency procedures to expedite the rapid procurement and deployment of equipment and relief supplies;

Whereas paragraph 4 of United Nations General Assembly Resolution 47/168 calls upon potential donors to adopt necessary measures to increase and expedite their contributions, including setting aside, on a stand-by basis, financial and other resources that can be disbursed quickly to the United Nations system in response to the consolidated appeals of the Secretary General;

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Whereas paragraph 8 of the said Resolution requests the Secretary General, after consultations with Governments, to report on ways and means to improve further United Nations capability in the areas of prevention and preparedness in relation to natural disasters and other emergencies, in particular emergencies involving food, medicines, shelter and health care, as provided in General Assembly Resolution 46/182;

Whereas the United Nations Department of Humanitarian Affairs serves as the central focal point in the United Nations with Governments, intergovernmental and non-governmental organizations concerning the United Nations emergency relief operations;

Whereas the Customs Co-operation Council adopted, on 8 June 1970, a Recommendation to expedite the forwarding of relief consignments in the event of disasters;

Whereas the International Convention on the simplification and harmonization of Customs procedures (Kyoto Convention), the Customs Convention on the ATA carnet for the temporary admission of goods (ATA Convention), the Convention on Temporary Admission (Istanbul Convention), the Convention on International Civil Aviation (Chicago Convention) and the International Maritime Organization Convention on Facilitation of International Maritime Traffic recommend simplified procedures and other facilitation measures to be applied, inter alia, to the transborder movement of relief consignments and possessions of disaster relief personnel;

Whereas the State/Government of _____ wishes to contribute to the expeditious delivery of international humanitarian assistance to the disaster-affected population;

Now therefore, the United Nations represented by the United Nations Department of Humanitarian Affairs or a designated United Nations Agency and the State/Government of _____ represented by _____ hereby agree as follows :

ARTICLE 1

Definitions

For the purpose of this Agreement the term:

1.1. "*Disaster*" means:

A serious disruption of the functioning of the society, causing widespread human, material, or environmental losses which exceed the ability of affected society to cope using only its own resources.

The term covers all disasters irrespective of their cause (i.e both natural and manmade).

1.2. "*Disaster relief personnel*" means:

Individuals, groups of individuals, teams and constituted units executing delivery of humanitarian assistance within the framework of a United Nations relief operation.

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Examples of disaster relief personnel that can be involved in any particular disaster are :

UN delegates;

Experts on mission for the United Nations;

Emergency response personnel to assist refugees and internally displaced persons;

International Search and Rescue teams;

Medical teams;

Specialized teams provided by foreign military, civil defense and civil protection organizations (MCDA teams);

United Nations Disaster Assessment and Co-ordination (UNDAC) team.

1.3. "*Possessions of disaster relief personnel*" means:

All equipment, provisions, supplies, personal effects and other goods brought for and/or by disaster relief personnel in order to perform their duties and to otherwise support them in living and working in the country of the disaster throughout the duration of their mission.

1.4. "*Relief consignment*" means:

Goods, such as vehicles and other means of transport, foodstuffs, medicaments, clothing, blankets, tents, prefabricated houses, water purifying and water storage items, or other goods of prime necessity, forwarded as aid to those affected by disaster.

1.5. "*United Nations relief operation*" means:

Assistance and/or intervention, by the UN, a United Nations Agency or on its behalf, during or after disaster to meet the life preservation and basic subsistence needs. It can be of emergency or protracted duration.

1.6. "*Emergency*" means:

A sudden and usually unforeseen event that calls for immediate measures to minimize its adverse consequences.

ARTICLE 2

Organizations involved in United Nations relief operations

Included are :

- United Nations (UN)
- UN Agencies
- Governmental (GOV), intergovernmental (IGO) and non-governmental (NGO) organizations certified by the UN as bona fide participants within the framework of a United Nations relief operation
- Transport carriers contracted by the UN, a UN agency or a UN certified GOV/IGO/NGO for transportation of relief consignment(s) and/or possessions of disaster relief personnel.

ARTICLE 3

Facilitation measures for United Nations relief operations

The State/Government of _____ agrees to:

3.1. With respect to exports :

- 3.1.1. Waive any economic export prohibitions or restrictions, and any export duties or taxes, in respect of goods contained in relief consignments destined for countries having suffered disasters and in possessions of disaster relief personnel;
- 3.1.2. Accept at exportation, as a general rule, the written summary declarations made out by the UN, or its agencies, or organizations involved in UN relief operations as detailed in Article 2 of this Agreement, of relief consignments as evidence of the contents and of the intended use of such consignments;
- 3.1.3. Take such steps as may be necessary in order that the Customs authorities where the exports are made are in a position to :
 - (a) expeditiously examine, only when necessary for security or narcotics/contraband control purposes and where appropriate by applying sampling or selective techniques against the summary declaration, the contents of the relief consignments and possessions of disaster relief personnel, and certify the results of this examination on that declaration;
 - (b) where possible, place such consignments under Customs seals where such action is likely to avoid delays in the forwarding of the goods at later stages in their journey;

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- (c) permit such consignments to be presented for export clearance at any approved Customs office and, in stock-pile States, in advance of the need for actual export; and
- (d) permit such consignments to be placed in a Customs warehouse for subsequent export, for providing humanitarian assistance;

3.2. With respect to transshipment or transit:

- 3.2.1. Allow operators, under supervision of the public authorities concerned, to disassemble transshipment cargo including shipments in containers and on pallets, so that they may sort and reassemble shipments for onward carriage without examination, except for reasons of security or in special circumstances, and subject only to simple documentation where required;
- 3.2.2. Facilitate as far as possible the carriage of relief consignments and possessions effects of disaster relief personnel in Customs transit, with due regard to any action taken under paragraph 3.1.3. above;

3.3. With respect to imports:

- 3.3.1. Allow admission free of import duties and taxes or charges having an equivalent effect and free of economic import prohibitions or restrictions in respect of:
 - (a) all relief consignments imported by the UN, or its agencies, or organizations involved in UN relief operations as detailed in Article 2 of this Agreement, for distribution free of charge by them or under their control to victims of disaster in their territory, in particular where such consignments consist of foodstuffs, medicaments, clothing, blankets, tents, prefabricated houses or other goods of prime necessity;
 - (b) possessions of disaster relief personnel delivering humanitarian assistance;
- 3.3.2. Facilitate the temporary admission, with conditional relief from import duties and taxes, of any equipment required by the UN or its agencies or organizations involved in disaster relief detailed in Article 2 of this Agreement, and used by them or under their control in action undertaken to alleviate the effects of a disaster; and whenever possible not to require security but accept an undertaking given by them to re-export such equipment;

This equipment covers inter alia:

- transmission and communication equipment;
- water purifying and water storage items;
- all equipment, machinery, tools and electronic devices required by technical specialists, such as doctors, engineers, communications technicians, logisticians, community workers, etc. to perform their duties;
- equipment not directly involved in relief operations but used to fight and eliminate the consequences of natural and similar disasters, e.g. for elimination of pollution

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- of all types, decontamination of buildings and territories, inspection of industrial structures, etc.;
- administrative support items such as office equipment (e.g., computers, photocopiers and typewriters), expendable supplies, staff security items and administrative manuals and documents;
 - tents, prefabricated and mobile staff accommodation units and associated materials including cooking and dining equipment and supplies, sanitation requirements and compound safety/security items;
 - possessions of disaster relief personnel;
 - means of transport and spare parts and equipment for their repair;
 - animals for rescue operations, e.g. specially trained dogs;
- 3.3.3. Authorize and make suitable arrangements for the relief consignments, including those in containers and on pallets, and the possessions of disaster relief personnel to be examined and/or released outside the hours and places normally prescribed, and to waive any charges for Customs attendance;
- 3.3.4. Allow operators and importers to submit manifest and entry details to Customs prior to arrival of the relief consignments in order to facilitate immediate release;
- 3.3.5. Accomplish physical examination of cargo, when required, on a sampling or selective basis, and carry out such examination as rapidly as possible;
- 3.3.6. Make arrangements whereby the maximum number of relief consignments can be released promptly after arrival upon presentation of a provisional entry document or a legally acceptable electronic equivalent, subject to complete fulfillment of Customs and other requirements within a specified time limit.

ARTICLE 4

Application of facilitation measures

The measures in Article 3 shall be applied:

- to relief consignments and possessions of disaster relief personnel sent to disaster-affected areas by any of the organizations referred to in Article 2 of this Agreement;
- by Customs at the points of entry and/or exit, whether or not they have been informed by their superior administration of a particular relief consignment and/or possessions of disaster relief personnel.

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ARTICLE 5

Ad-hoc adjustments

The United Nations and the State/Government of _____ may conclude ad-hoc adjustments to the present Agreement.

ARTICLE 6

Non-waiver of immunity

Nothing contained in this Agreement shall be deemed a waiver, express or implied, of any immunity from suit or legal process, or of any privilege, exemption or other immunity enjoyed or which may be enjoyed by the United Nations and its personnel by virtue of the 1946 Vienna Convention on the Privileges and Immunities of the United Nations.

ARTICLE 7

Entry into force, amendment and termination

- 7.1. This Agreement shall enter into force (within __ days) upon its signature by both parties.
- 7.2. This Agreement may be amended only by a written instrument signed by both parties.
- 7.3. This Agreement may be terminated by either party on 90 days written notice to the other party.

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Draft Model UN Certificate

Issuing Organization

.....

.....

(United Nations Department of Humanitarian Affairs or a designated UN agency)

TO WHOM IT MAY CONCERN

This is to certify that

.....
(name of an organization, individual, group of individuals, team, constituted unit, etc.)
.....
.....

is a *bona fide* participant of the United Nations relief operation undertaken at the request of the Government/Customs or Economic Union of

.....
..... (name of requesting country)

in order to provide international assistance to meet the life preservation and basic subsistence needs resulting from

.....
.....(name of the natural disaster, complex emergency, environmental emergency, etc.)
.....
.....

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and as such is entitled to the application of the Customs facilitation measures which are applied to the relief consignment(s) and/or possessions of disaster relief personnel involved in United Nations relief operations by Customs authorities at the points of entry and/or exit.

All those whom it may concern are requested to extend to the bearer the facilities, privileges and immunities which pertain to and facilitate by all suitable means the execution of the mission on which he is engaged.

The holder of this certification and his representative(s) will be held responsible for compliance with the laws and regulations of the country/Customs territory of departure and the countries/Customs territories of temporary admission.

This certification is valid until

(year/month/day)

Done in(place)

on (year/month/day)

Signature of authorized Official and stamp of the Issuing Organization _____

Appendix III

RESOLUTION OF THE CUSTOMS CO-OPERATION COUNCIL

ON THE ROLE OF CUSTOMS IN NATURAL DISASTER RELIEF

(June 2011)

THE CUSTOMS CO-OPERATION COUNCIL*

Noting :

- (a) the increase in the number of natural disasters affecting populations and requiring urgent international humanitarian assistance, and the need to enhance the role of Customs in the management of humanitarian relief operations;
- (b) the Council's Decision, taken in June 2010, to develop a WCO strategy for enhancing the role of Customs in natural disaster relief, which should include a set of practical recommendations for Customs on what to do in emergency situations of this kind;

Desiring :

- (a) to facilitate the entry, exit and transit of disaster relief personnel and their possessions needed to provide rapid assistance to the victims;
- (b) to speed up the clearance and release of relief consignments¹ at borders in order to ensure that aid reaches victims in need in a timely manner;

Highlighting the need for disaster preparedness in Customs administrations, so that they can respond efficiently and effectively to emergencies;

Recognizing:

- (a) that Customs facilitation in the area of emergency humanitarian relief should take account of the principles of risk management and should be achieved without compromising appropriate standards of Customs control;
- (b) the importance of strengthening the partnership with international organizations, non-governmental organizations and the private sector which play an essential role in the management of humanitarian emergencies, and of providing them with all necessary information about the regulations and procedures applicable to relief consignments;

* Customs Co-operation Council is the official name of the World Customs Organization (WCO).

¹ Relief consignments as defined in Chapter 5 of Specific Annex J to the Revised Kyoto Convention.

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- (c) the need to build Members' capacities in this domain, and to involve the WCO's partners in capacity building activities to be carried out in order to create the requisite synergy;
- (d) the importance of having a national body to manage natural disasters, which would ensure proper co-ordination with all relevant agencies, including Customs;
- (e) the importance of ensuring an open flow of information in times of crisis;

RESOLVES:

To invite Members to:

- (1) implement measures as contained in Chapter 5 of Specific Annex J to the Revised Kyoto Convention (RKC) relating to relief consignments and, where necessary, sign the United Nations Model Agreement on Customs Facilitation²;
- (2) plan for, in the interests of proper preparation, all the Customs procedures specifically applicable to relief consignments and incorporate them in their national legislation and/or regulations and, wherever possible, in their national emergency plan. These procedures, including the list of operational border entry and exit points, should be made available to the public, using tools such as Members' national Web sites and/or the Directory managed by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA)³;
- (3) carry out (1) diagnostics on the procedures introduced for the Customs processing of emergency humanitarian assistance and their capacity to put those procedures into operation in the event of a natural disaster; and (2) simulation exercises to test their level of preparedness and capacity to manage emergency situations and possibly to verify the quality of national emergency plans;
- (4) draw up and implement a training plan to ensure that their Customs staff are qualified and able to manage these kinds of emergencies;
- (5) manage borders in an efficient, simplified and co-ordinated manner, including sharing of information, with the other national authorities involved in the handling of relief consignments, disaster relief personnel and their possessions, while using existing clearance systems in order to provide for rapid, efficient and centralized processing of these consignments;

² The United Nations Model Agreement on Customs Facilitation is to be found at the Appendix to the Guidelines to Chapter 5 of Specific Annex J to the RKC.

³ Directory of National Focal Points and Legislation for Customs Facilitation in International Emergency Humanitarian Assistance.

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- (6) review and, where necessary, update bilateral mutual administrative assistance arrangements between Customs administrations in order to manage emergencies;
- (7) inform the Secretariat of measures taken in this area, especially those relating to points (1) to (6) of this Resolution;

To instruct the Secretariat to:

- (8) compile an inventory of existing tools and instruments, such as the RKC, the United Nations Model Agreement on Customs Facilitation and other model agreements developed by Members at the national level or the IDRL Guidelines⁴, dealing with Customs formalities for the clearance of relief consignments at exportation, during transit or at importation;
- (9) organize, in collaboration with OCHA and the IFRC⁵, regional seminars to promote the use of these existing tools and instruments and to gather Members' feedback on their future needs;
- (10) study the extent to which the key principles of the SAFE Framework of Standards, such as advance information, the Authorized Economic Operator concept, Trade Recovery Guidelines or the use of technology, could prove relevant in further facilitating the process of clearing relief consignments. This study shall be conducted in consultation with the SAFE Working Group and, if necessary, in collaboration with a group of volunteers and its outcome shall be presented to the Permanent Technical Committee (PTC) in early 2012;
- (11) ascertain from the Ad Hoc Group on Globally Networked Customs (GNC) how the information exchange envisaged within the framework of GNC could facilitate entry, exit and transit of relief consignments, disaster relief personnel and their possessions;
- (12) create a dedicated Web page on the WCO Public Web site, containing all existing instruments of relevance in this domain as well as all the useful links to tools developed by the various partners involved in managing natural disaster relief operations. Within that framework, provision shall also be made for a forum facilitating effective communication and the exchange of experiences between Members, together with a mechanism for easily identifying persons responsible for the management of emergency procedures within Customs administrations;
- (13) with a view to protecting the cultural heritage of the affected country and as Customs plays a fundamental role in the fight against the unauthorized export of cultural property, publish and send an alert to all Customs administrations to increase their vigilance at borders on cultural artefacts that may be smuggled or exported illegally;

⁴ IDRL Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance (adopted by the IFRC in 2007).

⁵ International Federation of Red Cross and Red Crescent Societies (IFRC).

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- (14)** provide capacity building to assist Members in implementing this Resolution, especially with regard to measures relating to points (1) to (6) thereof;
- (15)** periodically report to the PTC on implementation measures relating to points (8) to (14) of this Resolution. In addition, and based on information provided by Members in point (7), a report will be made to the Policy Commission in June 2012. An initial assessment of the implementation of this Resolution shall subsequently be presented to the Policy Commission in June 2013;

To task the PTC to :

- (16)** monitor the implementation of this Resolution subsequent to the June 2011 Council Sessions.
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