Introduction

This protocol defines the framework for the cooperation and collaboration between private sector and the Customs Administration of the Netherlands.

Customs Business Cooperation

For the cooperation with the private sector, Customs installed a Customs Business Consultation-forum (CBC). The CBC is a dynamic consultative platform for the execution and implementation of customs (related) legislation where, on the basis of reciprocal transparency and joint efforts, customs tasks and interests and private sector responsibilities and interests are discussed and weighed on the basis of equality.

Representatives

The premise for inclusion of private sector representatives is to achieve a balanced representation, ensuring involvement by customs-relevant supply chain partners in the transport modalities land, air and sea. Sector organisations are to represent a nation-wide organisation.

Based on these premises the following parties have agreed to participate in the CBC:

- VNO/NCW (the confederation of Netherlands Industry and Employers)
- Fenex (Netherlands Association for Forwarding and Logistics)
- TLN (Transport and Logistics Association Netherlands)
- EVO (Shippers Council of the Netherlands)
- VTNO (Association of Terminal Operators of the Netherlands)
- VNC (United Dutch Shipbrokers and Agents)
- ACN (Air Cargo Netherlands, association of the Dutch air cargo industry)
- Fenedex (exporters federation).

Central CBC

- There is one central consultative process with the private sector to achieve implementation and, where appropriate/relevant, decision-making.
- The Chairman is the Director General or another National Managing Director of the Customs Administration of the Netherlands.
- The CBC has one representative from each stakeholder group within the customs-relevant chain (where feasible including umbrella organizations with activities overlapping into the areas of Excise Duties or non-fiscal tasks on Safety, Health, Economy or Environment).
- Representatives must possess wide ranging customs related expertise enabling them to participate in discussions or making them interested parties.
- The Legislation department of the Directorate General for Fiscal Affairs of the Ministry of Finance will attend, but not for notices and consultations in the areas of legislation, international regulations and overall customs related policy, and associated non-fiscal import, export and transit policy. For these aspects the Legislation Department has its own consultative structure with VNO-NCW.

- Where consultations between customs and the private sector, outside CBC meetings, concern issues at strategic level, publicity and/or politically sensitive issues and complaints about the generic performance of customs of a more than occasional nature, they will, in the first instance, be held with a designated customs officer tasked with coordinating all consultative structures with private sector umbrella organizations.

Expert CBC’s
- There are three preparatory expert CBC’s:
  - CBC-Legal affairs;
  - CBC Information Technology (IT);
  - CBC Enforcement & Supervision.
- Expert CBC’s review generic questions from the private sector and provide information related to their respective areas of expertise.
- Expert CBC’s are the platform with which customs intend to achieve intensive private sector engagement with new legislation and with drafting of regulations; however, they have no decision-making powers.
- Expert CBC’s are chaired by managers of the National Office responsible for Legal Affairs, IT and Enforcement & Supervision.

- Customs and private sector representation in the expert CBC’s is variable, depending on the items for discussion. The CBC is the venue where items for discussion, such as new legislation, are proposed thereby providing the private sector the opportunity to have its specialists attend the pertinent expert CBC and, with customs, work out the details and prepare for implementation.

Parameters and other relations with the private sector
- The CBC is not the channel for general notices, other media will be used to communicate general information.
- Other Departments cannot attend CBC meetings; they may participate in an Expert CBC on a case-by-case basis, by their request or by the request of customs.
- For the purpose of coordination agreements with other Departments, the National Office of Customs will periodically organize covenant meetings.
- All CBC’s will use one central Secretariat.
- Customs decides the items for discussion.
- Expert CBC’s can decide to install a temporary advisory or working group on a specific topic. This group will not have any decision making powers.
- All consultative structures, partnerships and pilots with private sector organizations will be placed under the (management) responsibility of either the CBC or one of the expert CBC’s. For instance, the CBC-IT is responsible for consultative relations between software suppliers and E-customs and all AEO activities with the private sector come under the CBC Enforcement & Supervision.
• There shall be no regional consultations with nation-wide organizations.
• There shall be regional consultations only for local issues with local stakeholder groups.
• Items for discussion and decisions made at regional consultative structures shall be reported to the National Secretariat of the CBC.

**Customs Business Collaboration**

Customs ensure continuous innovation in supervision through collaboration with Trade in third party funded projects. This includes the use of up-to-date technology to monitor the movement of goods and exchange data in the supply chain for risk assessment.

In these projects Customs is a full partner or an advisor to Trade partners on legal or supervision aspects. Customs participate in projects initiated by Trade, other government authorities or international organizations under the following conditions:

• Customs can participate in projects initiated by commercial partners, if there is more than one independent commercial partner involved, academic or research institutes are partners and the project is managed by a consortium where all partners have equal votes;

• Where projects have external funding, Customs are paid an hourly rate (to be determined at the start of the projects based on the required level of Customs expertise) and the travel costs;

• In principle, Customs input in projects is limited to knowledge or implementing benefits in Customs supervision. Financial contributions are not provided for;

• Customs will not be bound by the project’s guaranteed Intellectual Property Rights. In cases where Customs cannot become a project partner they are able to advise the project;

• Customs can participate if the project goals are beneficial to Customs’ interests;

• Customs can participate if there are no conflicts of interest, when the contribution of Customs is of vital for achieving the project goals and the knowledge Customs can deliver is not available for research purposes on the market.