



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

TERMS OF REFERENCE OF WCO WORKING BODIES

(August 2010)

TERMS OF REFERENCE FOR

- **COUNCIL**
- **POLICY COMMISSION**
- **FINANCE COMMITTEE**
- **AUDIT COMMITTEE**

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.).

TERMS OF REFERENCE FOR THE POLICY COMMISSION

Confirmed by the Council - June 2005

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. 284, 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.

Seventeen members, selected on a regional basis as follows :

East and Southern Africa :	1
Europe :	7
Far East, South and South East Asia, Australasia and the Pacific Islands :	4
North of Africa, Near and Middle East :	1
North America, Central America and the Caribbean :	3
West and Central Africa :	1

As Observers, Belgium (in its capacity as host nation), the Chairperson of the Finance 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 2 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. 284 :

“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, 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.).

TERMS OF REFERENCE FOR THE FINANCE COMMITTEE

Confirmed by the Council - June 2005

Updated - June 2007

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 seventeen Members each to nominate a delegate to serve on the Finance Committee. They may also each nominate an alternate.

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	: 3 seats.
Far East, South and South East Asia, Australasia and the Pacific Islands	: 3 seats.

It is expected that the two Members paying the highest contributions to the budget of the Organization will be members of the Finance Committee (this is stipulated in a footnote to Rule 28 in the Council's Rules of Procedure).

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, renewable indefinitely. 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 nine 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.

TERMS OF REFERENCE FOR THE AUDIT COMMITTEE

Confirmed by the Council : June 2007

Updated - June 2010

Established : 2006

Duration : Unspecified

1. Mandate

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

The Audit Committee provides independent, documented objective advice to the governing bodies of the WCO 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.

The WCO financial and management Audits are carried out, in accordance with the Council's decision, by independent professional auditors from the private sector.

2. Membership

All members of the Audit Committee are appointed by the Council and 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 six Directors General from the Council, representative of the six regions. The seats on the Committee are allocated ideally on a rotating basis from among the active Members in the 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.

The Chairperson and Vice-Chairperson 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.

3. Scope, purpose and action to be taken

The Audit Committee may review, discuss and report to the Policy Commission and Council on any matter related to its terms of reference.

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

- making suggestions concerning risk management in accordance with organizational guidelines and work plans emerging from the WCO Strategic Plan;
- participating, through the Chairperson and the Vice-Chairperson, in the selection of the external management auditor;
- reviewing and approving the annual Audit plan;
- reviewing audit recommendations and findings;
- assessing the outcome of the Audit process having regard to findings, recommendations and management responses;
- reviewing and evaluating the performance of the independent auditors;
- assuring that Audit work is performed to the highest standards;
- monitoring the implementation of the WCO Strategic Plan on a cyclic basis;
- fostering the implementation of best practices in the Audit function; and
- advising and making recommendations to the Policy Commission and Council as well as to the Secretary General on any matter pertaining to the WCO Audit function, as the Audit Committee considers necessary or appropriate, including its organization, resources, training and use of technology (IT environment, for example).

4. Key Deliverables

The key deliverables of the Audit Committee are :

- Reviewed and approved plans for internal and external Audits that provide thorough, prioritized coverage of critical areas, taking into account the delivery capacity of available audit resources;
- Comprehensive reports on reviewed Audit findings/recommendations, the nature, scope and outcomes of all Audit efforts and implemented audit findings and recommendations thus bringing them to the attention of the Policy Commission and the Council for assurance of relevant follow-up action by the competent bodies;
- An evaluation report on the efficacy of the Audit Committee to be submitted to the Council after two years.

5. Means of Operation

The Audit Committee shall meet at least once a year, at the call of the Chairperson and in consultation with the Secretary General.

The Audit Committee shall function in accordance with the procedures applicable to WCO working bodies as approved by the Council.

The quorum for the conduct of business of the Committee shall be three voting members of the Audit Committee.

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

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 WCO Council Chairperson, the Secretary General and the Head of the WCO Division of Administration and Personnel.

Being a “restricted membership” body, the Audit Committee is not open to Observers.

Although the Audit Committee is essentially an advisory body for the Policy Commission and Council and 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.

The external auditors appear before the Audit Committee each year 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.

If deemed necessary, and within the limits of the allocated budget, the Audit Committee is authorized to obtain external legal or other professional advice. 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 external auditors.

The Audit Committee is authorized to have full, free and unrestricted access to all documentation relating to the Audit findings.

The Audit Committee shall issue its reports to the Policy Commission for necessary action and shall seek to maintain, primarily through its Chairperson, a constructive relationship with the Secretary General and the Head of the Division of Administration and Personnel.

6. Resources Required

The Audit Committee meets at WCO Headquarters. The WCO 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).

**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

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 Commodity Data Base (On-line and CD-ROM), Correlation Tables between HS 2007 and HS 2012, HS Classification Handbook, Booklet concerning Classification Decisions taken by the HSC from the 27th to the 44th Sessions (2001 - 2009) and Alphabetical Index.

Updating

- amend legal texts to reflect developments in technology and changes in trade patterns as well as other needs of HS users (Amendments entered into force in 1992, 1996, 2002 and 2007. The next set of amendments is envisaged for 2012);
- 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, e.g., the survey on Customs duties.

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 EC 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.

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.

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.

**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**

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, 2nd 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, 2nd 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 20th 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**
- **INFORMATION MANAGEMENT SUB-COMMITTEE**
- **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 GROUP**
- **WCO/UPU CONTACT COMMITTEE**
- **CONTACT COMMITTEE FOR THE WCO/IATA/ICAO GUIDELINES ON ADVANCE PASSENGER INFORMATION**

TERMS OF REFERENCE FOR THE PERMANENT TECHNICAL COMMITTEE

Confirmed by the Council - June 2005

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.

The Committee may decide to invite representatives of international organizations 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, and business/private sector associations 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.

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

Confirmed by the Council - June 2003

Updated - June 2005

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.

Subject to the approval of the Chairperson of the Sub-Committee, the Secretary General may invite representatives of non-Member governments or of international organizations 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 IT developments and their impact on Customs;
- (ii) Provide advice and guidance and launch special programmes for Members to assist them in streamlining current procedures, in progressively adopting IT/electronic commerce and in resolving difficulties (e.g. with electronic signatures and other legal issues);
- (iii) Seek access for Members to additional resources to implement automation and electronic commerce/EDI by co-operating with other governmental and non-governmental international organizations;

- (iv) Continue to promote, in close co-operation with other international organizations, the implementation of electronic commerce, including UN/EDIFACT, for the interchange of Customs information among Customs administrations and between Customs administrations and trade participants;
- (v) Identify Members' training needs in IT and EDI and seek the assistance, where necessary, of Member administrations and other international organizations for this training;
- (vi) Assist Members in enhancing their efforts in Customs control and trade facilitation by employing electronic commerce/EDI.

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, each lasting five days.

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.

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

Confirmed by the Council - June 2003

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.

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.

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.

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

Confirmed by the Council - June 2005

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.

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.

TERMS OF REFERENCE FOR THE WCO COUNTERFEITING AND PIRACY¹
(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 setting² 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.

¹ Counterfeit And Piracy (CAP) - Means trademark counterfeiting and copyright piracy.

² 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.

TERMS OF REFERENCE FOR THE WCO/UPU CONTACT COMMITTEE

Confirmed by the Council - June 2003

Updated - June 2005

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 15th 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 (PTC) and, within the UPU, the Postal Operations Council (POC).

2. Membership

Each of the two Organizations is represented by experts from six Member administrations and by its own Secretariat. Where possible, each expert shall be accompanied by a technical adviser from the national Customs or postal administration, as appropriate. Consequently, the WCO/UPU Contact Committee shall not include representatives from the postal and Customs administration of the same country. The Customs and postal administrations of the host country shall also be invited to the Committee as observers.

The Committee is usually reconstituted every five years, following a decision by the supreme bodies in 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 means and methods to speed up and simplify Customs formalities in the postal service. To this end the WCO/UPU Contact Committee :

- works as contact point between the two Organizations on issues raised at the respective Organizations;
- exchanges information on issues of common interest related to postal traffic, in particular the issues related to the clearance of postal items;
- seeks means and methods to facilitate, simplify and harmonize Customs formalities on postal items;
- seeks means and methods to ensure effective Customs control of postal items;

- seeks means and methods to ensure that effective security arrangements are made for the carriage of all postal items;
- seeks means and methods to enhance Customs control at export level.

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 in each of the two Organizations. Within the WCO, this body is the Permanent Technical Committee (PTC) and, in the UPU, the Postal Operations Council (POC). The report shall contain details of decisions taken and/or actions to be taken within agreed time-frames. The WCO Secretariat, the UPU Secretariat and the member administrations of the WCO/UPU Contact Committee shall make every effort to ensure that the conclusions of the Contact Committee will be 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 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 of 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 co-operation with the other Organization.

6. Resources Required

Meetings :

The WCO/UPU Contact Committee shall be organized annually and alternately in Brussels (Belgium) and in Bern (Switzerland). The meeting is 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 and postal administrations 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 must designate a spokesperson, who presents the documents prepared by, and speaks on behalf of, his/her Organization. However, all experts and observers may take the floor during the discussions. The meeting is chaired by the spokesperson for the Organization hosting the meeting.

General administrative arrangements :

The officers of the Secretariat designated by the Secretaries General of the two Organizations shall perform the secretariat duties at the meetings of the Contact Committee.

TERMS OF REFERENCE FOR THE CONTACT COMMITTEE FOR THE WCO/IATA/ICAO
GUIDELINES ON ADVANCE PASSENGER INFORMATION

Confirmed by the Council - June 2004

Updated - June 2005

Chairperson : Elected for a one-year term
Vice-Chairperson : Elected for a one-year term
Established : 2004
Duration : Unspecified

1. Mandate

The Contact Committee for the WCO/IATA/ICAO Guidelines on Advance Passenger Information (API) is established so that the Guidelines may be managed and maintained by the three Organizations. In doing so, the Committee will promote the implementation of the Guidelines, consider any measures to secure uniformity in the interpretation and application thereof, monitor the application of the Guidelines and consider any amendment proposed to the Guidelines.

2. Membership

The Committee shall consist of experts from all three Organizations involved. As regards representation of the WCO, the delegation shall consist of four members, at least two of whom have experience in operating an API system. With regard to representation from ICAO, the delegation shall consist of an officer from the Facilitation Section and an immigration expert nominated by ICAO. IATA shall be represented by the Assistant Director, Facilitation Services.

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

3. Purpose and Scope

The Contact Committee deals with issues arising from the application of the Guidelines and, in particular, seeks means to keep the Guidelines current and reflective of the needs of Members and of industry. As these Guidelines are a cornerstone of counter-terrorism measures, the Committee is established to permit timely changes to the Guidelines.

To this end, the Contact Committee for the WCO/IATA/ICAO Guidelines on Advance Passenger Information shall :

- promote the application of the Guidelines for administrations developing API systems;
- examine questions relating to interpretation and application of the Guidelines;
- examine proposals for amendments to the Guidelines and the Appendices thereto; and

- act as a platform for the exchange of information on issues of common interest related to providing advance passenger information to the authorities.

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 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 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 communicated by Members or international organizations. The Agenda shall be circulated to the members of the Committee at least 30 days before the Committee meets. Working documents, especially those which may require consultation at the national level, 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.

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

- **ENFORCEMENT COMMITTEE**
- **WORKING GROUP ON COMMERCIAL FRAUD**
- **WCO SAFE WORKING GROUP**
- **ELECTRONIC CRIME EXPERT GROUP (ECEG)**
- **CUSTOMS ENFORCEMENT NETWORK MANAGEMENT TEAM (CENMaT)**
- **GLOBAL INFORMATION AND INTELLIGENCE STRATEGY PROJECT GROUP**

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.

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

- 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.

6. Resources Required

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

Meetings to be facilitated by the WCO Secretariat.

TERMS OF REFERENCE FOR THE WORKING GROUP ON COMMERCIAL FRAUD

Confirmed by the Council - June 2006

Established : 2005
Duration : Unspecified

1. Mandate

The Working Group on Commercial Fraud acts under the overall direction of, and reports to the Enforcement Committee, with administrative support provided by the WCO Secretariat.

2. Membership

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

The members of the Working Group shall elect the Chairperson among them.

3. Purpose and Scope

- (i) To study the nature and extent of commercial fraud³ and analyse its linkages with money laundering, organized crime and terrorist financing.
- (ii) To assist in ascertaining perceived needs of Member administrations in the area of commercial fraud.
- (iii) To propose strategies and methods of international co-operation to combat commercial fraud.

³ "Commercial fraud" means :

"Any offence against statutory or regulatory provisions which Customs are responsible for enforcing, committed in order to :

- Evade, or attempt to evade, payment of duties/levies/taxes on movements of commercial goods; and/or
- Evade, or attempt to evade, any prohibition or restrictions applicable to commercial goods; and/or
- Receive, or attempt to receive, any repayments, subsidies or other disbursements to which there is no proper entitlement; and/or
- Obtain, or attempt to obtain, illicit commercial advantage injurious to principle and practice of legitimate business competition; and/or
- Exploit, or attempt to exploit, commerce for the purpose of transferring proceeds of crime."

(This amended definition was agreed by the Working Group on Commercial Fraud (Doc. EF022E1), approved by the 27th Session of the Enforcement Committee and adopted by the Council in June 2008)

- (iv) To develop appropriate tools, such as guidelines and Recommendations, for addressing the problem of commercial fraud, for approval of Member administrations.
- (v) To consider any other issues of relevance to commercial fraud.

4. Key Deliverables

The Working Group on Commercial Fraud will report to the Enforcement Committee on the Agenda items which it has examined, providing its conclusions in the form of recommendations or options for the Enforcement Committee's consideration.

5. Means of Operation

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

6. Resources Required

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

The WCO Secretariat will provide necessary support for the meetings when held in Brussels.

TERMS OF REFERENCE FOR THE WCO SAFE WORKING GROUP

Approved by the Policy Commission - December 2008

Confirmed by the Council - June 2009

Chairperson : Representative of a WCO Member administration
Co-Chairperson : Chairperson 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 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, which has already been formed, 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 amendments concerning the SAFE Framework : monitoring pilot projects in relation to mutual recognition and in consultation with the Secretariat and the Vice-Chairs; further developing and monitoring implementation of integrated border management (single window) and related Customs matters; and implementation of the Columbus Programme. 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 :

- analyse and forward for adoption an amendment process for the SAFE Framework; and
- submit timely reports to the Chairpersons of 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. describe the operations of the SAFE Working Group since the preceding report.

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

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. Normally each session will last two days, depending on the number and complexity of items on the agenda, with the Customs and PSCG representatives meeting in plenary sessions.

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

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.

TERMS OF REFERENCE FOR THE CUSTOMS ENFORCEMENT NETWORK
MANAGEMENT TEAM (CENMaT)

Confirmed by the Council - June 2003

Updated - June 2005

Updated - June 2009

Established : March 2001
Duration : Unspecified
Membership : Limited-size group composed of representatives from all Regional Intelligence Liaison Offices (RILOs), representatives from host Member administrations, representatives from Member administrations seconding or who have seconded staff to RILOs, and Members implementing or having implemented nCEN.

1. Mandate

The *CEN Management Team* (CENMaT) is responsible for overseeing the overall management of CEN.

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 system;
- to represent the views of CEN users in wider WCO fora;
- to promote the exchange of views, experiences and best practices concerning the CEN system.

The tasks of the CENMaT are :

- to assure the maintenance of the CEN system by :
 - monitoring regularly the developments and the status of CEN,
 - continuously evaluating the performance and security of the system,
 - identifying the main technical amendments/modifications to the system (content and procedure) taking into account the users' suggestions;
- to formulate the CEN user perspective and present it to the appropriate WCO decision-making bodies, relative to :
 - strategy and further improvements to the system,

- access policy,
- other policy and legal issues related to CEN;
- to further develop and monitor the system and its functions.

3. Key Deliverables

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

4. Means of Operation

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

The Chairperson of the CENMaT will be elected by delegates annually before completion of the previous meeting.

5. Resources Required

The CENMaT normally meets once a year - or on request by a Member whenever appropriate - at the WCO Headquarters in Brussels for a period usually of 2 days. The meeting should be held shortly before the session of the Enforcement Committee in order to prepare any discussions related to CEN and give the most up-to-date report on the CEN status.

The WCO Secretariat, as the Central CEN Management, is responsible for :

- Notification to CENMaT members and development of the draft Agenda in consultation with them;
- Administrative preparation for the meeting;
- Preparation of the relevant documents and their distribution to delegates well in advance of the meeting;
- Facilitation of delegates during the course of the meeting;
- Preparation and distribution of the report within 60 days of the meeting;
- Following up practical actions decided by the CENMaT to be approved by the Enforcement Committee and the Council, implement them and inform Members about results or progress of the work.

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

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

Confirmed by the Council - June 2003

Updated - June 2005

Established : February 2002
Duration : Unspecified
Membership : As for Enforcement Committee

Introduction

WCO Members control borders utilizing available information. A request has been made to develop a comprehensive and flexible Global Information and Intelligence Strategy which incorporates standards for tactical, operational and strategic intelligence and the principles of risk management, and which caters for all technical solutions ranging from paper-based systems to full computer-assisted systems.

The 21st Session of the Enforcement Committee approved the establishment of a small Project Group, the Global Information and Intelligence Strategy (GIIS) Project Group, to develop the Strategy.

1. Mandate

The GIIS Project Group mandate is to develop an applicable strategy that meets the needs of all Members for the development 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. 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 relating to airports and seaports, 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 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).

3. 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 (Standard Risk Assessments, General Risk Indicators, Intellectual Property Rights (IPR));
- Further develop the vision document proposed by the Netherlands regarding the role of the WCO Intelligence structure and the RILO network.

4. 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 and may be accessed by project members as well as all WCO administrations.

The GIIS Project Group will consult with Members through the WCO Regional Vice-Chairpersons and will seek timely input and feedback on draft reports.

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.

5. 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.

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

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 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.

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.
