



WORLD CUSTOMS ORGANIZATION



**MEMORANDUM OF UNDERSTANDING**

**between**

**THE WORLD CUSTOMS ORGANIZATION**

**(established in 1952 as the Customs Co-operation Council)**

**and**

**THE CARIBBEAN CUSTOMS LAW ENFORCEMENT COUNCIL**

**(established in 1978)**

## PREAMBLE

The World Customs Organization<sup>1</sup> (WCO) and the Caribbean Customs Law Enforcement Council<sup>2</sup> (CCLEC), hereafter referred to as the Parties,

**CONSCIOUS** of the important role that Customs administrations have to play worldwide in facilitating international trade and, at the same time, in fighting with increased efficiency against Customs offences, including commercial fraud, transnational crime and terrorism,

**CONSIDERING** the need for Customs administrations to reform and modernize in order to take up the challenges of a fast-developing free-trade environment and of increasing threats of transnational crime and terrorism,

**RECOGNIZING** that the Customs administrations of the Caribbean Basin and Central America, in particular, must prepare for trade liberalization in the Caribbean basin and in the hemisphere as well as improve their law enforcement capabilities to address specific issues of transnational crime in the region,

**BEARING IN MIND** the need to assist the Customs administrations of the region to enhance the professionalism and effectiveness of their organizations as well as to improve the level of co-operation and the exchange of information and intelligence between them,

**CONVINCED** that such assistance can be made more effective by close co-operation between the Parties,

**NOTING** that their roles in the region are complementary,

**COMMITTED** to a partnership which maximizes the benefits for their Members,

**DESIRING** to expand and build on the co-operation already established under the Memorandum of Understanding between the Parties concluded in November 1997,

**HAVE AGREED AS FOLLOWS :**

### Article 1

The Parties shall strengthen further their mutual co-operation with a view to enhancing and improving the assistance provided to their respective Members in the region.

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<sup>1</sup> Established in 1952 as the Customs Co-operation Council.

<sup>2</sup> Established in 1978.

## Article 2

The Parties shall actively promote the modernization of Customs administrations in the region through the WCO Capacity Building Strategy and the implementation of Customs Reform and Modernization Programmes.

## Article 3

The Parties shall manage their training programmes in the region with a view to minimizing any undesirable duplication of efforts and funding bids, to identifying training solutions best adapted to the needs of Customs administrations in the Caribbean environment and to maximizing the effectiveness of their respective efforts.

## Article 4

The Parties shall manage their development and technical assistance programmes with a view to minimizing any undesirable duplication of efforts and to avoiding inefficient use of resources.

## Article 5

1. The Parties shall promote closer co-operation between Customs administrations in the region to enhance the security and facilitation of the international supply chain, to reduce administrative burdens on compliant traders and to fight Customs offences, such as commercial fraud, the illicit trafficking in narcotic drugs, psychotropic substances, firearms, biological, chemical and nuclear substances, the diversion of essential or precursor chemicals and money laundering.
2. The Parties shall, in particular, encourage the timely exchange of information and intelligence between Customs administrations in the region on the basis of the appropriate mutual assistance instruments.
3. The Parties shall also promote the participation of all their respective Members in the activities of the JIO through the WCO National Contact Points and the CCLEC Enforcement Liaison Officers.
4. The Parties shall maintain close consultations over the strategic direction of the JIO and over its management with a view to ensuring that the JIO meets the objectives of both the WCO and CCLEC.

## Article 6

The Parties shall exchange with each other on a regular basis publications, documents and other relevant information.

## Article 7

In pursuit of the above common objectives, the WCO agrees to :

- Invite CCLEC to attend its annual Council Sessions (and such other meetings as it may be beneficial to attend) as an observer;
- Provide the CCLEC Secretariat with access to the WCO Members' Web site to download relevant documentation; and
- Provide CCLEC Members with access to the WCO Members' Web site to enable them to access all recent working documents and a wide range of Customs-related material including training modules, guidelines, best practices, technical decisions and details of activities. In addition, this will provide an effective, low-cost option for CCLEC administrations wishing to become involved in WCO affairs by giving them access to various technical discussion forums.

## Article 8

For its part, CCLEC agrees to :

- Invite the WCO to attend its Annual Conference of Customs Heads (and such other meetings as it may be beneficial to attend) as an observer;
- Encourage its Members to improve their efficiency and effectiveness by adopting WCO instruments and best practices as the basis for their Customs procedures and processes.

## Article 9

This Memorandum of Understanding is not legally binding upon the signatories and does not affect the Parties' respective Charters.

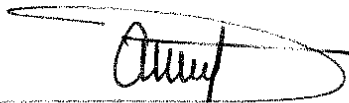
Article 10

Either Party may withdraw from this Memorandum of Understanding subject to one month's written notice.

This Memorandum of Understanding rescinds and replaces the Memorandum of Understanding concluded between the Parties on 18 November 1997.

Done in Brussels, on 25 June 2004, in the English and French languages, both texts being equally authentic, in two originals which shall be deposited with the Secretary General of the WCO and the Permanent Secretary of CCLEC.

For the  
World Customs Organization



Michel Danet,  
Secretary General

For the  
Caribbean Customs Law Enforcement Council



Merton C. Moore,  
Permanent Secretary

## Explanatory Notes to the Memorandum of Understanding

For the purposes of this Memorandum of Understanding :

- (1) "WCO" means the World Customs Organization, established in 1952 as the Customs Co-operation Council;
- (2) "CCLEC" means the Caribbean Customs Law Enforcement Council, established in 1978 as the Caribbean Customs Law Enforcement Conference;
- (3) "the region" means the Greater Caribbean Basin, including full members, associate members and States eligible for associate membership of the Association of Caribbean States;
- (4) "Customs administration" means the Government Agency, Service or Department in charge of the administration and enforcement of Customs law;
- (5) "Customs offence" means any breach, or attempted breach, of Customs law;
- (6) "narcotic drug" means any of the substances, natural or synthetic, in Schedules I and II of the Single Convention on Narcotic Drugs, 1961, and that Convention as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961;
- (7) "psychotropic substance" means any substance, natural or synthetic, or any natural material in Schedules I, II, III and IV of the Convention on Psychotropic Substances, 1971;
- (8) "essential or precursor chemical" means any substance in Tables I and II of the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988;
- (9) "person" means both natural and legal persons, unless the context otherwise requires;
- (10) "information" means any data, documents, reports, certified or authenticated copies thereof or other communications, such as electronic format;
- (11) "intelligence" means information which has been processed or analysed to provide an indication relevant to a Customs offence;
- (12) "JIO" means the WCO - CCLEC Joint Intelligence Office.