



MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE WORLD CUSTOMS ORGANIZATION
(WCO)**

AND

**THE INTERNATIONAL CIVIL AVIATION ORGANIZATION
(ICAO)**

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The World Customs Organization, established in 1952 as the Customs Co-operation Council, hereinafter referred to as the WCO, and the International Civil Aviation Organization, hereinafter referred to as ICAO;

Hereinafter jointly referred to as "the Parties" :

Believing that it is in their common interest to enhance mutual co-operation;

Recognizing their common interest in securing and protecting the international movement of goods and people from acts of terrorism or other criminal activity while ensuring improvements in the facilitation of their legitimate movements;

Recognizing that it is of the utmost importance that all stakeholders involved in the international movement of goods and people enhance their co-operation in order to secure and facilitate their international movements;

Noting that the WCO Council adopted, in June 2005, the SAFE Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework) in order to deter international terrorism, secure revenue collections and promote trade facilitation worldwide;

Noting that the Council of ICAO adopted, in November 2010, new and strengthened international aviation security standards which include a requirement for its Member States to establish supply chain security processes in their territories; and

Recalling recent and on-going co-operation between the Parties in the data exchange fields relating to Advance Passenger Information (API) systems and Passenger Name Record (PNR) data;

Decide on the following :

ARTICLE 1 - OBJECTIVES

The objectives of this Memorandum of Understanding are to :

- a) strengthen existing co-operation on technical matters between the Parties within the field of their competence and according to :
 - (i) the 1952 Convention establishing the Customs Co-operation Council; and
 - (ii) the Convention on International Civil Aviation signed on 7 December 1944, establishing ICAO;
- b) provide for the Parties to share information and data as appropriate and develop consensus so that mechanisms for consultation and co-operation may be improved; and
- c) ensure that the Parties meet periodically and consult regularly with each other.

ARTICLE 2 - CONTACT PERSONS

The Parties will designate contact persons in order to facilitate the most efficient means of co-operation.

ARTICLE 3 - MUTUAL CONSULTATION

- 3.1. The Parties will consult regularly on matters within their competence for the purpose of realizing their objectives and co-ordinating their respective activities.
- 3.2. Such mutual consultation may include the use of personnel, material, services, equipment and facilities for joint undertakings which may be agreed on between the Parties in the fields of securing and facilitating the international movement of goods and people by air and for the purposes of technical assistance, education and training.
- 3.3. The Parties will render assistance to each other with respect to matters within their competence. Where assistance involves a substantial commitment of resources, consultation will take place with a view to determining the most appropriate arrangement.

ARTICLE 4 - EXCHANGE OF INFORMATION AND TECHNICAL CO-OPERATION

- 4.1. Exchange of information between the Parties will take place for the purpose of, and in accordance with, the provisions of this Memorandum of Understanding. Such exchange of information will include new developments on matters within their competence.
- 4.2. The Parties will exchange information and keep each other informed of projected activities and programmes of work in the field of securing and facilitating the international movement of goods and people by air. Information exchange shall be subject to such arrangements as may be necessary for the safeguarding of confidential information.
- 4.3. Co-operation between the Parties on technical matters will particularly include, within the framework of the newly-constituted Technical Experts Group on Air Cargo Security, the analysis of issues such as electronic advance data, the sharing of information at various levels (government-to-government, Customs-to-Customs and Customs-to-industry) and risk management.

ARTICLE 5 - RECIPROCAL REPRESENTATION

Existing arrangements will continue to be made for reciprocal representation at meetings and conferences organized by the Parties, convened under their respective auspices and dealing with matters in which the other Party has an interest or competence.

ARTICLE 6 - APPLICABILITY

It is further decided that nothing in this Memorandum of Understanding will bind any of the Members of the WCO jointly or severally. Similarly, the Memorandum of Understanding will not bind any of the Member States of ICAO jointly or severally.

ARTICLE 7 - DISPUTE RESOLUTION

Any difference or dispute concerning the interpretation or application of this Memorandum of Understanding will be resolved amicably by negotiation between the Parties.

ARTICLE 8 - AMENDMENTS AND TERMINATION

- 8.1. This Memorandum of Understanding may be amended in writing by mutual consent at anytime.
- 8.2. The Parties will enter into consultations with respect to the amendment of this Memorandum of Understanding at the request of either Party.
- 8.3. This Memorandum of Understanding may be terminated at any time in writing by either Party with six months' written notice to the other.

ARTICLE 9 - OPERATION

This Memorandum of Understanding will be operative on the date on which it is signed by both Parties, or on the date of the last signature and will remain operative until terminated.

Signed at Brussels, in two originals in each of the English and French languages.

Kunio Mikuriya

Secretary General
World Customs Organization



Date 24 June 2011

Raymond Benjamin

Secretary General
International Civil Aviation Organization



Date 24 June 2011