



Eighty-Third Session
11 – 14 October 2016

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DECISION

MEMORANDUM OF UNDERSTANDING ON COOPERATION BETWEEN THE ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS AND THE WORLD CUSTOMS ORGANIZATION

The Executive Council,

Recalling that subparagraph 34(a) of Article VIII of the Chemical Weapons Convention (hereinafter the “Convention”) provides that the Executive Council (hereinafter the “Council”) shall conclude agreements or arrangements with States and international organisations on behalf of the Organisation for the Prohibition of Chemical Weapons (OPCW), subject to prior approval by the Conference of the States Parties (hereinafter the “Conference”);

Also recalling that the Conference at its Sixth Session decided to give its approval for the Council to consider and conclude agreements between the OPCW and other international organisations, as may be required for the effective implementation of the Convention (C-VI/DEC.15, dated 17 May 2001);

Bearing in mind that because of their location at national borders as governmental cross-border control agencies, customs services around the world have a significant role to play in detecting, interdicting, and preventing the illicit trade of chemicals relevant to the Convention;

Also bearing in mind that customs services are often the custodians of comprehensive import/export data that could be used to monitor the international movements of chemicals relevant to the Convention;

Reiterating that nothing in this Memorandum of Understanding shall be interpreted in any way that restricts or impedes peaceful trade of chemicals for purposes not prohibited by the Convention; and

Confident that improved cooperation between the Secretariats of the OPCW and the World Customs Organization (WCO) will undoubtedly open up new avenues for customs organisations, the OPCW, and States Parties’ National Authorities to coordinate and strengthen national and international responses to the illicit trade in chemicals relevant to the Convention. Such cooperation will also assist States Parties in meeting their declaration obligations under the Convention;



Hereby:

Approves the Memorandum of Understanding on Cooperation between the OPCW and the WCO annexed to this decision; and

Authorises the Director-General to sign the annexed Memorandum of Understanding on Cooperation between the OPCW and the WCO for application.

Annex (English and French only):

Memorandum of Understanding on Cooperation between the Organisation for the Prohibition of Chemical Weapons and the World Customs Organization

Annex**MEMORANDUM OF UNDERSTANDING
ON COOPERATION BETWEEN
THE ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS
AND THE WORLD CUSTOMS ORGANIZATION¹**

The Organisation for the Prohibition of Chemical Weapons (hereinafter referred to as “OPCW”) and the World Customs Organization (hereinafter referred to as “WCO”),

WISHING TO CO-ORDINATE their efforts within the terms of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (hereinafter referred to as “Chemical Weapons Convention”) and the Convention which established the WCO as well as other applicable agreements, resolutions and declarations within their respective mandates;

BEARING IN MIND the provisions of the Chemical Weapons Convention;

AWARE of the activities of the OPCW relating to prohibition and elimination of chemical weapons under strict and effective international control;

RECOGNIZING THAT THE OPCW has responsibility for assisting its Member States to meet their obligations under the Chemical Weapons Convention, particularly with regard to movement of chemicals relevant to the Chemical Weapons Convention;

RECOGNIZING ALSO THAT THE WCO has responsibility for assisting Customs administrations world-wide in defining import and export control policy and related law enforcement programmes which contribute to the fight against illicit trafficking of chemicals for purposes prohibited under the Chemical Weapons Convention;

APPRECIATING the potential risk to Customs staff and other personnel of contact with toxic chemicals relevant to the Chemical Weapons Convention during the course of their work and the need for appropriate awareness training;

WISHING TO ESTABLISH effective co-operation with a view to enhancing international efforts to combat illicit trafficking of chemicals, transfers of which are prohibited under the Chemical Weapons Convention;

AWARE THAT such co-operation should be developed in the light of experience and practical action;

The OPCW and the WCO (hereinafter referred to as the “Parties”) agree upon the following relating to measures against illicit trafficking of chemicals, transfers of which are prohibited under the Chemical Weapons Convention.

¹

Established in 1952 as the Customs Cooperation Council

Article 1

Mutual Consultation

1. The Parties shall consult regularly on policy issues regarding training and technical assistance and matters of common interest for the purpose of achieving their objectives, implementing their mandates and co-ordinating their respective activities.
2. The Parties shall keep each other informed of developments in any of their activities and projects that are of mutual interest. Each Party will take into consideration the observations of the other Party with a view to promoting co-ordination and co-operation.
3. Whenever appropriate, consultations shall be arranged between representatives of the two Parties to make the best possible use of resources.

Article 2

Exchange of Information and Documents

1. Each Party will designate an official as a focal point for the maintenance of close, direct and continuing contacts with a view to ensuring the implementation of the provisions of the present Memorandum of Understanding.
2. The Parties shall co-ordinate their efforts to achieve the best use of available information relevant to measures against illicit trafficking of chemicals covered by the Chemical Weapons Convention and to ensure the most effective utilisation of their resources in the collection, analysis, publication and diffusion of such information.
3. Subject to such restrictions as may be considered necessary by either Party to preserve the confidential or sensitive nature of certain information and documents, full and prompt exchange of information and documents concerning matters of common interest shall be made between the Parties.
4. The Parties shall, according to their respective regulations, rules and practice, invite each other to attend as observers in meetings convened under their respective auspices and which consider matters in which the other party has an interest or technical competence.

Article 3

Technical and Financial Co-operation

1. When in the interest of their respective activities, either Party may seek the other's technical expertise and co-operation. In this regard, executing technical cooperation agreements and letters of agreement on specific programmes will be elaborated as necessary between the Director-General of the OPCW and the Secretary General of

the WCO to clarify the role of each party in the undertakings and to facilitate joint planning of activities.

2. The Parties shall cooperate in the development and implementation of technical assistance programmes at the national, regional or international level.
3. In this process the Parties may, by agreements concluded in accordance with paragraph 1 above, bring together their respective human and financial resources. The Parties shall also collaborate in identifying appropriate consultants and experts to implement joint programmes and to assist in technical programmes undertaken by either organisation.
4. The implementation of joint programmes shall be subject to the availability of adequate resources to be determined for each activity by both Parties in accordance with their respective relevant regulations and rules.
5. Joint project activities shall be subject to the approval of individual project documents by both Parties and to periodic evaluation to be agreed upon.

Article 4

Technical Meetings and Missions

1. The Parties will consult each other to ensure the greatest possible degree of co-ordination in regard to meetings and missions of technical experts concerning questions in which both Parties have an interest.
2. The Parties shall, as appropriate, consult each other on their technical meetings and missions.
3. The Parties may, in appropriate cases, agree to sponsor on terms to be arranged in each particular case, joint consultations and technical meetings and training courses concerning questions in which both Parties have an interest. The manner in which action recommended by such joint consultations and meetings is undertaken shall be agreed between the two Parties.

Article 5

Confidentiality

1. Nothing in this Memorandum of Understanding shall be so construed as to require either the OPCW or the WCO to furnish any material, data and information whose disclosure could in its judgment require it to violate its obligation under its internal policies, rules and procedures related to confidentiality, to protect such information.
2. The OPCW and the WCO shall ensure the appropriate protection, in accordance with their respective policies, rules and procedures related to confidentiality, with regard to such information.

Article 6

General Provisions

1. Neither Party may assign, transfer, pledge or make any other disposition of this Memorandum of Understanding, in whole or in part, without the prior written consent of the other Party.
2. Nothing in this Memorandum of Understanding shall be construed to imply a waiver of the privileges and immunities accorded to the OPCW by its Member States, or to the WCO under its founding Convention.
3. Any dispute between the Parties concerning the interpretation or application of this Memorandum of Understanding shall be settled by mutual agreement of the Parties.
4. The present Memorandum of Understanding will take effect upon signature by both Parties and will remain in force unless terminated by mutual consent or by either Party giving six months' written notice of termination to the other Party. The provisions of this Memorandum of Understanding will, however, remain in force beyond the date of such termination to the extent necessary to permit an orderly completion of activities between the Parties.
5. This Memorandum of Understanding may be modified by mutual written consent. Each Party will give full and sympathetic consideration to any proposals advanced by the other Party to that effect.
6. In witness thereof, the undersigned, being duly authorised thereto, have on behalf of the Parties hereto signed this Memorandum of Understanding in English and French, in The Hague, the Netherlands, on 2016.

For the ORGANISATION FOR THE
PROHIBITION OF CHEMICAL WEAPONS

For the WORLD CUSTOMS
ORGANIZATION

Ahmet Üzümcü
Director-General

Kunio Mikuriya
Secretary General