

APEC SUB-COMMITTEE ON CUSTOMS PROCEDURES

TERMS OF REFERENCE

Statement of Intent

APEC Leaders and Ministers have determined that Customs Administrations will pursue efforts to simplify and harmonize customs procedures to facilitate trade transactions among APEC economies, as outlined within the Trade and Investment Framework.

The Sub-Committee on Customs Procedures (SCCP), which reports to the Committee on Trade and Investment (CTI), was established in 1994 as a forum in which to fulfil the commitments of APEC Leaders and Ministers relating to customs matters. The SCCP has developed a multi-year plan which includes practical measures to fulfil these commitments. The plan is not a static document but, rather, is in an almost constant state of development as the work of Customs Administrations evolves to meet the demands of globalized economies. This plan, in turn, drives the SCCP's annual work program.

In view of the fact that the work of the SCCP will be required on an ongoing basis, the SCCP recommends to the CTI that the SCCP continue to exist for an indefinite period of time, but that its mandate and terms of reference be reviewed at the end of every three-year period.

In making this recommendation, the SCCP notes that the Heads of Customs Administrations will provide policy direction for the development of actions for the SCCP, through appropriate means and driven by the commitments of the APEC Leaders and Ministers.

The SCCP's goals within the APEC forum are focused on trade facilitation, trade security and related enforcement matters, taking into account the responsibility of each Customs Administration for the effective implementation of legitimate border measures.

Terms of Reference

Consistent with the Statement of Intent, the SCCP will identify and pursue:

1. actions for regional enhancement of harmonized and simplified customs procedures;
2. actions on enforcement matters related to trade facilitation;
3. joint actions and linkages with other government agencies and business/private sector organizations related to trade facilitation;
4. actions which contribute to the common development of customs human resources;
5. actions which foster an IT-friendly environment in customs procedures including paperless trading initiatives such as single window within individual economies;
6. actions which promote the security of the global supply chain and promote trade facilitation;
and
7. the completion of the SCCP Evaluation Matrix for economies to self-evaluate their current status of implementation of ongoing SCCP CAP items.

In pursuit of these goals, the SCCP will cooperate and coordinate with:

- a) other APEC working groups and committees;

- b) APEC private sector groups such as ABAC and business representatives within individual member economies;
- c) the WCO and regional customs organizations;
- d) other Asia/Pacific Customs Administrations; and
- e) relevant international organisations.

Procedural and Organizational Guidelines of the Sub-Committee on Customs Procedures

Functions

1. The functions of the Sub-Committee on Customs Procedures (hereafter called "the SCCP") are those assigned to it in the Terms of Reference adopted by the Committee on Trade and Investment (hereafter called "the CTI") on 6 November 2009.

Term of the SCCP

2. The SCCP shall remain in existence as long as the CTI sees there is need for the SCCP, subject to a review of its mandate and terms of reference every three years.

Representation

3. The SCCP shall comprise representatives of all APEC economies. The representatives shall be officials with technical customs expertise. They may be assisted when required by advisors from other relevant bodies attending as members of the delegations of individual member economies.

SCCP Meeting

4. The SCCP shall meet at least twice a year prior to the meetings of the CTI, unless otherwise decided by the SCCP or the CTI.
5. To the extent possible, the date of each meeting shall be fixed by the SCCP at its preceding session.
6. The date of the meeting may be varied either on the request of any Member and agreed to by all Members present at the meeting or, in the case of emergency, at the request of the Chair of the SCCP (hereafter called "the Chair").
7. The meeting of the SCCP shall be held in the economy of the current chair of the SCCP, unless otherwise decided by the SCCP or the CTI.

Friends of the Chair

8. At the last meeting of the SCCP in each year the Chair shall call for volunteers among Members (hereafter called the "Friends of the Chair") to assist in the SCCP's priority setting process for the following year.
9. The Friends of the Chair shall comprise the outgoing Chair, incoming chair, future chair and up to three volunteer Members. The Chair may increase the number of Members as necessary.
10. The Friends of the Chair will help to prepare a draft set of priorities and activities, and the chair will circulate it at least four weeks prior to the first meeting of the SCCP each year, for comment of:
 - i. Members;

- ii. CTI Chair
- iii. Program Director
- iv. Chair of the Virtual Working Group (VWG)
- v. ABAC (on related issues)

Meeting Organization

- 11. The Chair shall liaise closely with the APEC Secretariat on meeting arrangements.
- 12. Prior to each SCCP meeting the host economy shall ensure that delegates are provided with full information concerning meeting registration and logistics.

Agenda

- 13. The Chair should draw up a Draft Agenda for each session and circulate it to all Members for their comments at least eight weeks in advance of the session.
- 14. This agenda shall comprise all items for which inclusion has been approved by the SCCP during its preceding session and any other items which the Chair or a Member may request to include.
- 15. Any Member who does not agree to the inclusion of any item in the Draft Agenda should make its view known to the Chair not later than two weeks after receiving such Draft Agenda.
- 16. A Revised Agenda, taking into account the comments and suggestions made, should be distributed by the Chair to all Members, APEC Secretariat and the official observers at least four weeks prior to the meeting.
- 17. A detailed Annotated Agenda should be circulated by the Chair to all Members, APEC Secretariat and the official observers at least two weeks prior to the meeting.
- 18. The SCCP shall determine its Agenda at the opening of each session. During the session, the Agenda may be altered at any time by the SCCP.

Documents

- 19. All basic working documents requiring substantive discussion and/or decision at a meeting should be circulated to all Members at least four weeks prior to that meeting. All other documents should be circulated to all Members before the beginning of the meeting.
- 20. Documents that are only for the information of the SCCP and do not require substantive discussion and/or decision will be tabled for inclusion in the meeting documents but will not be presented at the meeting.
- 21. All documents are to be prepared using the standard document format as approved by the SCCP and amended from time to time.
- 22. Any Member bringing documents to the meeting that may require redrafting should be encouraged to bring the documents in electronic format.

Officers and Conduct of Business

- 23. The Customs Administration of the current Chair of APEC shall be the Chair.
- 24. The Chair shall participate in the proceeding as such and not as a representative of an APEC member economy.

25. When the Chair believes that a matter is being considered in which he or she has any interest, he or she shall offer to vacate the role of Chair for that discussion in favour of an alternate Chair to be decided by the SCCP.
26. In addition to exercising the powers and duties conferred upon him or her elsewhere in this guideline, the Chair shall have the responsibilities to:
 - i. declare the opening and closing of each session;
 - ii. accord the right to speak;
 - iii. direct the discussion;
 - iv. call a speaker to order if the speaker's remarks are not relevant to the question at issue;
 - v. announce a decision;
 - vi. draft the meeting report, in consultation with Members, for the SCCP's consideration and adoption;
 - vii. present the report of the SCCP's meeting to the CTI for consideration and adoption;
 - viii. prepare an annual report, in consultation with Members, for the APEC Ministerial Meeting;
 - ix. prepare the SCCP's contribution to the annual report to the Budget and Management Committee (hereafter called "the BMC"); and
 - x. consult with all Members on progress in the various customs projects and ensure that they are kept informed of developments of those projects.
27. At the first meeting of the SCCP in each year, the SCCP shall:
 - i. consider and endorse the priorities and activities for that year, based upon the drafts submitted by the Chair; and
 - ii. consider and adopt its annual work program, giving due consideration to the SCCP priorities and activities.
28. The SCCP shall consider project proposals for endorsement by the CTI and submission to the BMC.
29. At each subsequent meeting of the year, the SCCP shall report the status of actions in its work program.
30. The SCCP shall consider and adopt its report at the close of each session.
31. The SCCP may establish a working group (ad-hoc taskforce or expert group) as it considers necessary, to assist its decision in discharging its functions. Working groups must operate under terms of reference approved by the SCCP at the time of establishing the working group. Working group terms of reference are to be prepared using the template approved by the SCCP and amended from time to time.
32. Decisions of the SCCP at any meeting shall be based on consensus. However, the fact that the consensus has not been obtained on a particular matter shall not preclude the SCCP from reporting to the CTI on that matter.

33. The host economy may request the APEC Secretariat to provide advice on meeting requirements.
34. The SCCP may request the APEC Secretariat to provide advice on APEC budgetary and other requirements affecting the operations of the SCCP.
35. The SCCP may request the APEC Secretariat to maintain an up-to-date official contact list to facilitate communication among Members.
36. The SCCP may request the APEC Secretariat to provide advice on the preparation of budget submission to the BMC and the Senior Officials' Meeting.
37. The SCCP may request the APEC Secretariat to provide assistance in printing and distribution of SCCP documents, giving due regard to budgetary limitations and constraints of the Secretariat, and in uploading on the APEC Information Management Portal (AIMP) official documents of the SCCP and its working groups for delegates' use during meetings.

Non-Member Participation

38. The non-member participation to the meetings and activities of the SCCP is governed by the APEC agreed rules and guidelines.
39. The Chair should consult Members, at least eight weeks prior to a meeting, on any proposals to invite "guests" to attend a meeting or activity to see if there is a consensus. Should there be a consensus in favour of a non-member or regional organization which meets APEC rules and guidelines, that consensus shall be reported to the Chair of the CTI with a recommendation that it be endorsed. Subject to that endorsement, an invitation may be extended by the Chair on behalf of the SCCP.

Revision

40. These rules and guidelines may be revised at any time, in whole or in part, by the SCCP, and be recommended to the CTI for endorsement in their revised form.