CUSTOMS

Agreement between the
UNITED STATES OF AMERICA
and the EUROPEAN COMMUNITY

Signed at Washington April 22, 2004

with

Annex

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

". . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

EUROPEAN COMMUNITY

Customs

Agreement signed at Washington April 22, 2004;
Entered into force April 22, 2004.
With annex.

AGREEMENT
BETWEEN THE UNITED STATES OF AMERICA
AND THE EUROPEAN COMMUNITY
ON INTENSIFYING AND BROADENING THE AGREEMENT ON
CUSTOMS COOPERATION AND MUTUAL ASSISTANCE
IN CUSTOMS MATTERS TO INCLUDE
COOPERATION ON CONTAINER SECURITY
AND RELATED MATTERS

THE UNITED STATES OF AMERICA AND THE EUROPEAN COMMUNITY,

Having regard to the provisions of the Agreement between the United States of America and the European Community on customs cooperation and mutual assistance in customs matters, which was signed May 28, 1997, hereafter called "the CMAA";

Whereas:

(1) Acknowledging that U.S. Customs and Border Protection is, as of March 1, 2003, the successor to the United States Customs Service under the CMAA;

(2) Recalling that the Contracting Parties may by mutual consent decide to expand areas of cooperation under the CMAA pursuant to Article 3;

(3) Recalling that, under Article 22 of the CMAA, the JCCC consists of representatives of the Customs Authorities of the Contracting Parties, which in the European Community are the competent services of the Commission of the European Communities assisted by the customs authorities of the Member States of the European Community and in the United States of America is the U.S. Customs and Border Protection, Department of Homeland Security;

(4) Recognising that the Joint Customs Cooperation Committee (JCCC) was established under Article 22 of the CMAA;

(5) Acknowledging the longstanding, close and productive relations between the Customs Authorities of the United States of America and of the European Community;

(6) Being convinced that this cooperation can be further improved by, among other things, intensifying the exchange of relevant information and best practices among the U.S. Customs and Border Protection, the European Commission and the Customs Authorities of Member States of the European Community in order to ensure that general customs controls of international trade take due account of security concerns;

(7) Acknowledging the importance of extending this cooperation to all modes of international transport and all kinds of goods, initially putting priority on sea-container transport;

(8) Recognising the high volume of two-way sea-container and other modes of trade between the European Community and the United States of America, and the important role of both the European Community and the U.S. as transport hubs for containers coming from many countries;

(9) Recognising that global sea containers are imported into, transhipped through, or transiting the United States of America and the European Community;

(10) Being convinced that there is a need to deter, prevent, and interdict any terrorist attempts to disrupt global trade by concealing terrorist weapons in global sea-container trade or other shipments, or by using such shipments as weapons;

(11) Being convinced of the need to increase security for the European Community and the United States of America and at the same time facilitate legitimate trade;

(12) Noting the importance of developing, to the extent practicable, reciprocal systems for securing and facilitating legitimate trade with due regard to threat assessments;

(13) Recognising that substantially greater security of legitimate trade can be achieved through a system where the customs authority of the importing country works collaboratively with customs authorities involved in earlier parts of the supply chain to use timely information and inspection technology to target and screen high-risk containers before they are shipped from their ports or places of loading or transhipment;

(14) Supporting the objectives of the Container Security Initiative (CSI), which is designed to safeguard global maritime trade by enhancing cooperation at seaports world wide in order to identify and examine high-risk containers and ensure their in-transit integrity;

(15) Recalling Article 5 of the CMAA that determines the relationship between that Agreement and any bilateral agreement on cooperation and mutual assistance in customs matters that have been or may be concluded between individual Member States of the European Community and the United States of America;

(16) Recognising that expansion of CSI should occur as quickly as possible for all ports within the European Community where the exchange of sea-container traffic with the United States of America is more than de minimis and where certain minimum requirements are met and where adequate inspection technology exists;

HAVE AGREED ON THE FOLLOWING:

ARTICLE I

To intensify and broaden customs cooperation under the CMAA to improve the security of sea-container and other shipments from all locations that are imported into, transhipped through, or transiting the European Community and the United States of America.

ARTICLE 2

To take due account of Article 5 of the CMAA, which determines the relations between the CMAA and any bilateral agreement on cooperation and mutual assistance in customs matters between Member States of the European Community and the United States of America, and any CSI Declarations of Principles that complement such bilateral agreements

ARTICLE 3

That the objectives of the intensified and broadened cooperation include, but are not limited to:

(1) Supporting the prompt and successful expansion of the CSI to all ports in the European Community that meet relevant requirements, and promoting comparable standards in the relevant U.S. ports;

(2) Working together to reinforce the customs related aspects for securing the logistics chain of international trade and, in particular, as a first priority to enhance the identification and security screening of all high-risk sea-container shipments;

(3) Establishing minimum standards, to the greatest extent practicable, for risk-management techniques and related requirements and programs; and

(4) Coordinating positions, to the greatest extent practicable, in any multilateral fora where issues related to container security may be appropriately raised and discussed.

ARTICLE 4

To consider in the JCCC the appropriate form and content of documents and/or measures further implementing the intensified and broadened customs cooperation under this Agreement.

ARTICLE 5

To form a Working Group, comprised of representatives of U.S. Customs and Border Protection and of the European Commission assisted by interested Member States in order to examine and make recommendations to the JCCC on issues including, but not limited to those identified in the Annex.

ARTICLE 6

That the Working Group is to report on a regular basis to the Commissioner of U.S. Customs and Border Protection and the Director-General of the Taxation and Customs Union Directorate General of the European Commission and annually to the JCCC on the progress of its work.

ARTICLE 7

This Agreement shall enter into force upon signature by the Parties which shall have the effect of expressing their consent to be bound. If the Agreement is not signed the same day on behalf of both Parties, the Agreement shall enter into force on the day on which the second signature is affixed.

Signed at Washington D.C., on the twenty-second day of April in the year two thousand and four.

FOR THE UNITED STATES OF AMERICA

Thomas J. Ridge

FOR THE EUROPEAN COMMUNITY

Charlie McCreevy

ANNEX

Annex to the Agreement between
the United States of America and the European Community
on intensifying and broadening the CMAA to include cooperation
on Container Security and related matters

The Working Group created under Paragraph 5 of the Agreement between the United States of America and the European Community on intensifying and broadening the CMAA to include cooperation on Container Security and related matters shall examine and make recommendations on issues including, but not limited to, the following areas of cooperation between U.S. Customs and Border Protection and Customs authorities in the European Community with a view to ensuring that general customs controls of international trade take due account of security concerns:

(a) Defining minimum standards, in particular in view of participating in CSI, and recommending methods by which those standards may be met;

(b) Identifying and broadening the application of best practices concerning security controls of international trade, especially those developed under CSI;

(c) Defining and establishing standards to the greatest extent practicable for the information required to identify high-risk shipments imported into, transhipped through, or transiting the United States of America and the European Community;

(d) Improving and establishing standards to the greatest extent practicable for targeting and screening such high-risk shipments, to include information exchange, the use of automated targeting systems, and the development of minimum standards for inspection technologies and screening methodologies;

(e) Improving and establishing standards to the greatest extent practicable for industry partnership-programs designed to improve supply chain security and facilitate the movement of legitimate trade;

(f) Identifying any regulatory or legislative changes that would be necessary to implement the recommendations of the Working Group; and

(g) Considering the type of documents and measures further implementing the intensified and broadened customs cooperation on the issues set out in this Annex.