



MANAGEMENT
COMMITTEE
Revised Kyoto Convention
-
11th Session
-
14 - 15 November 2012

PO0064E1a

Brussels, 11 October 2012

**MEMBERSHIP STATUS AND PROGRESS REPORT AS REGARDS ACCEPTANCE OF
SPECIFIC ANNEXES AND/OR CHAPTERS THEREIN AND THE REVIEW OF THE
RESERVATIONS**

(Agenda Item V)

Membership

1. Since the last meeting of the Revised Kyoto Convention Management Committee (RKC/MC), held on 29 and 30 November 2011, the number of Contracting Parties to the RKC has increased to 83 of the 179 Members of the WCO. This number is unevenly distributed over the six WCO regions. In Annex I to this document, the breakdown by region shows a low rate of membership of WCO Members from the regions North of Africa, Near and Middle East; West and Central Africa; East and Southern Africa; South America, North America, Central America and the Caribbean, and Far East, South and South-east Asia, Australasia and the Pacific Islands.
2. Generally speaking, this situation may appear worrying in that the Convention strives to eliminate disparities between Customs regions and the Customs practices of the Contracting Parties as it is evident that disparities may impede international trade. The Convention thus wishes to make an effective contribution to the development of trade and commerce by simplifying and harmonizing Customs procedures and Customs practices. The WCO Secretariat has taken stock of the situation and undertaken to draw up the Economic Competitiveness Package which was approved by the Policy Commission and the WCO Council at their respective June 2012 sessions. The Members strongly encouraged and recommended that the Secretariat ensure continued promotion of the RKC.
3. One of the areas selected in the draft action plan for the Economic Competitiveness Package, which will be submitted to the Policy Commission in December 2012, essentially aims to promote the RKC and the other existing WCO instruments and tools. The measures selected in this field have two key objectives, inter alia: raising the number of WCO Members acceding to the RKC and increasing the number of WCO Members implementing WCO instruments and tools including the

RKC. Ideally, more Members should be persuaded to accept the Specific Annexes and the Chapters contained therein.

Acceptance of Specific Annexes and/or Chapters therein

4. A Specific Annex is a set of provisions applicable to one or more Customs procedures and practices referred to in the Revised Kyoto Convention (RKC).
5. Acceptance of Specific Annexes to the RKC is governed by the provisions of paragraph 3 of Article 8 which states that: "Any Contracting Party shall, at the time of signing, ratifying or acceding to this Convention, specify which if any of the Specific Annexes or Chapters therein it accepts. It may subsequently notify the depositary that it accepts one or more Specific Annexes or Chapters therein".
6. During the 10th meeting of the Revised Kyoto Convention Management Committee (RKC/MC), held in November 2011, the Secretariat again reported that most of the Contracting Parties to the RKC were only bound by the General Annex, and had not accepted any Specific Annex (see previous meeting Doc. PO0059). It should be recalled that the RKC/MC had already suggested that the Secretariat send Members a letter regarding the problems surrounding acceptance of the Specific Annexes. The Secretary General therefore sent a letter to the Members in January 2011 (Letter No 11.FL-0008) which also stressed that limited accession by Contracting Parties to the Specific Annexes could hamper the fulfilment of this objective to simplify and harmonize Customs procedures.
7. In this letter, it was also recalled that the RKC/MC, through the Guidelines to the RKC, recommended accepting at least the Specific Annexes concerning home use and export, as well as those concerning formalities prior to the lodgement of the Goods declaration and those relating to warehouses, transit and processing. Acceptance of these basic procedures, which were implemented by most Customs administrations, would provide the first level of simplification and harmonization of Customs procedures across different administrations. Also, taking into account the acknowledged importance of the role of Customs in natural disaster relief, accepting the Chapter concerning clearance of relief consignments had been noted as crucial to trade facilitation.
8. It should be noted that a large majority of the Contracting Parties to the RKC (more than 50) are bound only by the General Annex and have not accepted any Specific Annexes. This is, in fact, worrying as it hinders full implementation of measures to simplify and harmonize Customs procedures. The aim of this document is to draw the attention of the Contracting Parties to this situation once more and to encourage them to accept more of the Specific Annexes and/or Chapters therein.
9. At present the low acceptance of Specific Annexes continues to be the same as, out of the current **83** Contracting Parties to the RKC, only **24** have accepted Specific Annexes and/or Chapters therein, while **59** are only bound by the General Annex (see the Annex to this document for further details).

Review of the Reservations

10. A large number of acceptances of Specific Annexes and/or Chapters therein have been made with reservations (again see detailed information in the Annex to this document). It is clear that the possibility of issuing reservations on acceptance of Specific Annexes and/or Chapters therein is allowed in the RKC and provided for in paragraph 2 of Article 12 of the RKC.

11. In this respect, any Contracting Party which has entered reservations may withdraw them, in whole or in part, at any time by notification to the depositary specifying the date on which such withdrawal takes effect. The withdrawal of reservations stipulated in the last sentence of paragraph 2 of Article 12 is further strengthened in paragraph 3 of the same Article which states that: *“each Contracting Party bound by a Specific Annex or Chapter(s) therein shall examine the possibility of withdrawing any reservations to the Recommended Practices entered under the terms of paragraph 2 and notify the Secretary General of the Council of the results of that review at the end of every **three-year** period commencing from the date of the entry into force of this Convention for that Contracting Party, specifying the provisions of its national legislation which, in its opinion, are contrary to the withdrawal of the reservations.”*
12. Although there are provisions that allow the withdrawal of reservations entered in regards to the acceptance of Specific Annexes and/or Chapters therein (Article 12.2 & 12.3), most of the Contracting Parties do not follow this principle.
13. Contracting Parties which have entered reservations in respect of Recommended Practices are invited to examine the possibility of withdrawing those reservations within the 3-year period laid down and notify the Secretariat of the results of that review, specifying the provisions of their national legislation which, in their opinion, are contrary to the withdrawal of the reservations.

Conclusion

14. The Contracting Parties are **invited to take note** of the current situation of RKC accessions and of the level of acceptance of Specific Annexes and/or Chapters therein and the review of the reservations and **to report on the progress made** in their acceptance of Specific Annexes and/or Chapters therein as well as on any obstacles to such acceptances. Moreover, the RKC/MC **is invited to suggest ways forward** to further promote the acceptance of Specific Annexes and/or Chapters therein.

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**CONTRACTING PARTIES TO THE REVISED KYOTO CONVENTION
BY WCO REGION**

EAST AND SOUTHERN AFRICA

- . Botswana
- . Kenya
- . Lesotho
- . Madagascar
- . Mauritius
- . Mozambique
- . Namibia
- . Rwanda
- . South Africa
- . Uganda
- . Zambia
- . Zimbabwe

12 out of 22 Members

EUROPE

- . Austria
- . Azerbaijan
- . Belarus
- . Belgium
- . Bulgaria
- . Croatia
- . Cyprus
- . Czech Republic
- . Denmark
- . Estonia
- . European Union
- . Finland
- . Former Yugoslav Republic of Macedonia
- . France
- . Germany
- . Greece
- . Hungary
- . Ireland
- . Italy
- . Kazakhstan
- . Latvia
- . Lithuania
- . Luxembourg
- . Malta
- . Montenegro
- . Netherlands
- . Norway
- . Poland
- . Portugal
- . Romania
- . Russia
- . Serbia
- . Slovakia
- . Slovenia

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- Spain
- Sweden
- Switzerland
- Turkey
- Ukraine
- United Kingdom

39 out of 51 Members + European Union

FAR EAST, SOUTH AND SOUTH EAST ASIA, AUSTRALASIA AND THE PACIFIC ISLANDS

- Australia
- Bangladesh
- China
- Fiji
- India
- Iran
- Japan
- Korea
- Malaysia
- Mongolia
- New Zealand
- Pakistan
- Philippines
- Sri Lanka
- Vietnam

15 out of 33 Members

NORTH OF AFRICA, NEAR AND MIDDLE EAST

- Algeria
- Bahrain
- Egypt
- Jordan
- Morocco
- Qatar
- Saudi Arabia
- Sudan
- United Arab Emirates

9 out of 17 Members

SOUTH AMERICA, NORTH AMERICA, CENTRAL AMERICA AND THE CARIBBEAN

- Canada
- Cuba
- Dominican Republic
- United States

4 out of 31 Members

WEST AND CENTRAL AFRICA

- Mali
- Nigeria
- Senegal

3 out of 23 Members

SPECIFIC ANNEXES/CHAPTERS ACCEPTED BY CONTRACTING PARTIES

Contracting Parties	Number Chapters accepted	Specific Annexes/Chapters																								
		A		B			C	D		E			F				G	H	J					K		
		Chapter 1	Chapter 2	Chapter 1	Chapter 2	Chapter 3	Chapter 1	Chapter 1	Chapter 2	Chapter 1	Chapter 2	Chapter 3	Chapter 1	Chapter 2	Chapter 3	Chapter 4	Chapter 1	Chapter 1	Chapter 1	Chapter 2	Chapter 3	Chapter 4	Chapter 5	Chapter 1	Chapter 2	Chapter 3
Algeria	24	+	+	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	+	
Australia	18	x	+	+	x	x	+	x	-	x	x	x	x	-	x	-	x	-	x	+	+	+	+	-	-	
Austria	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Azerbaijan	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Bahrain	2	+	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Bangladesh	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Belarus	13	+	+	+	+	+	+	+	-	+	+	+	-	-	-	-	+	-	+	-	-	+	-	-	-	
Belgium	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Botswana	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Bulgaria	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Canada	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
China	2	-	-	-	-	-	-	x	-	-	-	-	-	-	-	-	x	-	-	-	-	-	-	-	-	
Congo (Dem. Rep. of)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Croatia	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Cuba	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Cyprus	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Czech Republic	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

Annex II to
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Contracting Parties	Number Chapters accepted	Specific Annexes/Chapters																								
		A		B			C	D		E			F				G	H	J					K		
		Chapter 1	Chapter 2	Chapter 1	Chapter 2	Chapter 3	Chapter 1	Chapter 1	Chapter 2	Chapter 1	Chapter 2	Chapter 3	Chapter 1	Chapter 2	Chapter 3	Chapter 4	Chapter 1	Chapter 1	Chapter 1	Chapter 2	Chapter 3	Chapter 4	Chapter 5	Chapter 1	Chapter 2	Chapter 3
Denmark	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Dominican Republic	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Egypt	25	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	
Estonia	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
European Union	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Fiji	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Finland	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
France	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Germany	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Greece	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Hungary	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
India	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Ireland	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Italy	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Iran	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Japan	13	+	X	+	-	X	+	X	-	X	+	-	-	-	-	X	X	X	-	+	X	-	-	-	-	
Jordan	7	X	X	+	-	+	+	-	-	-	-	-	-	-	-	X	+	-	-	-	-	-	-	-	-	
Kazakhstan	21	+	+	+	+	+	+	+	+	+	+	-	+	+	-	+	+	-	+	-	+	+	+	+	+	

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Kenya	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Korea	14	x	+	+	-	x	+	x	x	-	+	-	-	x	-	x	-	-	+	+	+	x	-	-	-	
Latvia	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Lesotho	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Lithuania	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Luxembourg	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Madagascar	23	+	+	+	+	+	+	+	+	+	-	+	+	-	+	+	+	+	+	+	+	+	+	+	+	
Mali	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Malta	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Malaysia	2	-	-	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	-	-	-	-	-	-	
Mauritius	19	+	+	+	+	+	x	x	x	x	+	x	-	-	x	-	x	+	x	+	+	+	+	-	-	
Mongolia	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Montenegro	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Morocco	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Mozambique	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Namibia	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Netherlands	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
New Zealand	18	+	+	x	x	x	+	-	-	x	x	+	x	-	x	-	x	+	x	+	+	+	+	-	-	
Nigeria	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

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		A		B			C	D		E			F				G	H	J					K		
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Norway	22	+	+	+	-	+	+	+	-	+	+	+	+	+	+	-	+	+	+	+	+	+	+	+	+	
Pakistan	4	+	-	+	-	-	+	-	-	-	-	-	-	-	-	-	-	-	+	-	-	-	-	-	-	
Philippines	25	+	+	+	+	+	+	X	X	+	+	X	X	+	X	+	X	+	+	X	+	+	+	X	X	
Poland	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Portugal	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Qatar	2	+	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Romania	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Russia	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Rwanda	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Saudi Arabia	2	+	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Senegal	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Serbia	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Slovakia	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Slovenia	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
South Africa	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Spain	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Sri Lanka	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Sudan	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Sweden	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

Contracting Parties	Number Chapters accepted	Specific Annexes/Chapters																									
		A		B			C	D		E			F				G	H	J					K			
		Chapter 1	Chapter 2	Chapter 1	Chapter 2	Chapter 3	Chapter 1	Chapter 1	Chapter 2	Chapter 1	Chapter 2	Chapter 3	Chapter 1	Chapter 2	Chapter 3	Chapter 4	Chapter 1	Chapter 1	Chapter 1	Chapter 2	Chapter 3	Chapter 4	Chapter 5	Chapter 1	Chapter 2	Chapter 3	
Switzerland	18	+	+	+	+	+	+	+	+	+	-	-	-	+	+	-	+	-	+	+	-	-	+	+	+	+	
The Former Yugoslav Republic of Macedonia	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Turkey	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Uganda	25	+	+	+	+	+	+	+	X	+	+	+	+	+	X	+	X	+	+	+	+	+	+	+	+	+	
Ukraine	25	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	
United Arab Emirates	2	+	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
United Kingdom	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
United States	18	x	x	+	x	x	+	x	x	x	x	+	x	x	x	-	x	-	-	-	+	x	+	-	-	-	
Vietnam	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Zambia	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Zimbabwe	25	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	
Without Reservation		20	20	19	11	13	18	10	7	11	13	9	8	9	6	7	10	10	12	14	14	14	14	14	10	9	9
With Reservations		4	3	1	3	5	1	7	5	5	3	3	4	2	6	1	9	2	4	0	1	2	1	0	1	1	
TOTAL		24	23	20	14	18	19	17	12	16	16	12	12	11	12	8	19	12	16	14	15	16	15	10	10	10	

+ Acceptance.
x Acceptance with reservations.