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## Aligned with International Standards and Best Practices

“The Jamaica Customs Agency has made strides towards ensuring its operations are in alliance with international standards and best practices as outlined in the Convention and are in keeping with Governments thrust towards modernization of the public sector and fostering a conducive business environment.”



Honourable  
Fayval Williams  
Minister of Education  
Youth and Information,  
Government of Jamaica



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## Jamaica's Accession to the RKC

Jamaica has acceded to the Revised Kyoto Convention (RKC), signaling to the international trading community its further commitment to trade facilitation. Implementation of the RKC will serve to significantly address the Jamaica Customs Agency (JCA)'s vision of a modern Customs Administration delivering top class service without compromising border security.

On 7 May 2021, Jamaica's Instrument of Accession to the **International Convention on the Simplification and Harmonization of Customs Procedures as Amended**, was deposited with the World Customs Organization (WCO), making it the 128<sup>th</sup> Contracting Party to this Convention, also known as the Revised Kyoto Convention (RKC). The Embassy of Jamaica in Brussels and Mission to the European Union made the instrument's deposit following Cabinet's approval for Jamaica to accede to the Convention. Accession to the RKC

indicates that Jamaica has given the required consent to be legally bound by the notified provisions, which will take effect on 7 August 2021.

### BACKGROUND TO THE RKC

The revision of the Kyoto Convention resulted in the adoption of a Protocol of Amendment by the WCO in June 1999. The RKC is therefore an update of the original text, due to the rapid changes that were adversely affecting the flow of international trade. The original Convention was largely deemed ineffective in creating a global standard for Customs, and the reservations that were permitted regarding the standards served to further frustrate efforts for consistency and harmonization of Customs procedures. The revision of the original Convention resulted in a more simplified text being developed and saw the entry into force of the RKC on 3 February 2006. Today, the RKC is regarded as the blueprint for effective and modern Customs procedures in the 21<sup>st</sup> Century.

# Structure of the RKC

The RKC is structured into 3 main parts:

- + Appendix I – **The Body**,
- + Appendix II - **The General Annex**, and
- + Appendix III - **The Specific Annex**.

## THE BODY

The Body outlines the basic provisions of the RKC, and contains the preamble which sets out the goals and principles of the Convention. The provisions in the Body are mandatory for implementation, and relate to the scope, structure, administration, accession and amendment of the Convention.

## THE GENERAL ANNEX

The General Annex is also mandatory for implementation. It was added as a new section to the Convention after the review of the original text. It outlines the core principles of the RKC and comprises ten (10) chapters, which contain one hundred and twenty (120) binding provisions which are generally applied across all Customs Customs operations.

The core chapters of the General Annex comprise standards and transitional standards. Standards contained in the General Annex should be implemented within a period of three (3) years, while transitional standards should be implemented within a period of five (5) years after a country's accession to the RKC.

## THE SPECIFIC ANNEXES

The Specific Annexes are optional and are not mandatory for implementation by contracting parties to the RKC. They contain distinct standards which are not duplicated in the General Annex. They also contain recommended practices that may be altogether omitted, provided that a contracting party makes such notification prior to the implementation of a Specific Annex.

## THE GUIDELINES

All Annexes and Chapters of the RKC are accompanied by Implementation Guidelines. They do not form part of the legal text of the Convention, but rather, provide guidance on administrative practices to assist with the effective implementation of the RKC. Under the RKC, Guidelines are defined as “a set of explanations of the provisions of the General Annex, Specific Annexes and Chapters therein which indicate some of the possible courses of action to be followed in applying the Standards, Transitional Standards and Recommended Practices, and in particular describing best practices and recommending examples of greater facilities.”

Guidelines are regarded as an invaluable tool for the successful implementation of the Convention and should be regularly reviewed and updated to reflect current best practice. They are designed to be flexible and progressive, and ensure that the RKC remains relevant. The RKC is therefore seen as a dynamic and living instrument, capable of adapting to the trade climate of the day.



## Implementation of the RKC

Building on lessons learned after the review of the original Convention, the RKC uses its structure to encourage wider implementation of the new text in Customs administrations. If a Party wishes to accede to the RKC, all provisions in the Body and in the General Annex have to be accepted. If a Party wishes to accede to a Specific Annex, it may only do so after acceding to the Body and the General Annex, where all standards have to be accepted without modifications.

Reservations allow a contracting party to omit or make modifications to the text of the Convention, prior to its implementation, which should be notified to the WCO. Reservations should be reviewed every 3 years to reflect any changes made, and can only be entered upon a Recommended Practice. Standards, whether contained in the General or Specific Annexes cannot be reserved upon and must be implemented once the particular Annex is accepted.

Implementation of the Specific Annexes is not required in order to become a contracting Party to the RKC and can therefore be rejected. However, a Specific Annex may be implemented by a Party in its entirety, or may be implemented chapter by chapter. Once implemented, all standards and Recommended Practices contained therein must be accepted, outside of a reservation being lodged against a Recommended Practice.

## Key Principles of the RKC

The RKC sets the global standard for efficient and effective regulatory procedures for all Customs administrations, in support of international trade by elaborating several key governing principles.

The RKC:

- promotes trade facilitation and effective controls through simplified and harmonized Customs procedures;
- Fosters transparency and predictability
- Requires standardization and simplification of the goods declaration and supporting documents;
- Promotes simplified procedures for authorized persons;
- Requires minimum necessary Customs control to ensure compliance with regulations;
- Requires maximum use of information technology and modern techniques (e.g. risk management, pre-arrival information and post clearance audit)
- Facilitates coordinated interventions with other border agencies;
- Encourages partnership with the trade.

## Creating Standards for Jamaica through Implementation

Jamaica, as a contracting party to the RKC, stands to benefit considerably by implementing the provisions of this Convention. Accession to the RKC is the latest action taken by Jamaica to fulfill its mandate to become a world class Customs administration, fuelled by its modernization efforts which began just over two decades ago. The JCA has long prioritized Customs modernization, and envisions a more digitized Administration focused on trade facilitation without compromising border security.

It is within this context that Jamaica implemented the WCO's SAFE Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework) and the WTO's Trade Facilitation Agreement (TFA). The SAFE Framework is a non-binding international instrument that sets global supply chain standards focused largely on trade security. The SAFE Framework facilitates partnership approach between Customs and the Trade-related private sector that have been

validated as compliant through its Authorised Economic Operator Programme (AEO). A partnership approach is also established with local, regional and international government agencies through mutual cooperation. These partnerships foster the sharing of responsibility in facilitating and securing the entire global supply chain among all interfacing parties.

In 2016, Jamaica ratified the TFA, which is recognized as a universal trade instrument serving all players in international trade, irrespective of size or affiliation. The TFA establishes universal standards for trade facilitation through the implementation of 12 core provisions largely focused on efficient Customs processes. The standards of the SAFE Framework and the provisions of the TFA are closely aligned with those of the RKC which facilitated ease of implementation by Jamaica to accede to the RKC.

## Jamaica's Contribution to Customs in the 21<sup>st</sup> Century

Regarded as an indicator of best practices in Customs procedures in the 21<sup>st</sup> century, the RKC certifies a contracting party with the status of operating at the recognized level of international Customs standards. RKC accession is used as an international benchmark for assessing a country's potential for increased foreign direct investment (FDI). The more predictable and transparent a country's Customs processes are, coupled with modern and efficient procedures driven by technology, the more attractive its international standing becomes.

As a contracting party to the RKC, Jamaica forms part of the Management Committee of the Convention, which is responsible for considering and recommending amendments to the Convention and its Guidelines. Ensuring that uniform interpretation of the provisions are available. In this capacity, the JCA will take an active role in the decision-making process, creating the opportunity to shape the future of global Customs standards.

The implementation of specific RKC measures also provides tangible benefits to the implementing nation. As such, Jamaica stands to benefit from faster release of goods, lower trade costs, increased revenue, more FDI, greater economic competitiveness and all other non-economic benefits, which have been cited as most common among long standing Parties to the Convention. Well positioned for contributing to Jamaica's vision for economic prosperity and a secure society, the JCA will continue to facilitate and secure international trade.



JCA's

## CORE VALUES

Customer focused

Accountability

Professionalism

Integrity

Transparency

## INTERNATIONAL & INDUSTRY LIAISON BRANCH

The International and Industry Liaison Branch is committed to raising the level of awareness on topics relating to International Trade, as well as issues concerning the Caribbean region which may affect both our internal and external stakeholders. Our quarterly newsletter seeks to highlight global trade topics and their importance to Customs Administrations worldwide, specifically how they affect the Jamaica Customs Agency.

As we realize our vision of becoming a modern Customs administration delivering excellent service, we recognize the importance of knowledge transfer in meeting our objectives, and use this forum as one way of contributing to the vision of the JCA. The International and Industry Liaison Branch is located at the JCA's Head Office, and our officers are available to respond to your trade-related queries.

Contact us at: [iilu@jca.gov.jm](mailto:iilu@jca.gov.jm)

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