

**AGREEMENT
BETWEEN THE GOVERNMENT OF GEORGIA
AND THE GOVERNMENT OF THE HELLENIC REPUBLIC
ON THE COOPERATION AND MUTUAL ASSISTANCE BETWEEN
THEIR CUSTOMS ADMINISTRATIONS**

The Government of Georgia and the Government of the Hellenic Republic :

Recognising that offences of customs laws and regulations are prejudicial to the social, economic, fiscal and other interests of their countries,

Considering that the action against Customs offences can be made more effective by cooperation between their customs services,

Confident that the mutual assistance on Customs matters constitutes an effective instrument against the illicit traffic of narcotic drugs and psychotropic substances as well as archaeological and cultural treasures and works of art,

Considering that the exchange of experience in the area of training of Customs officers is a necessary term for effective action of their Customs Administrations,

have agreed as follows:

ARTICLE 1
Definitions

For the purposes of this Agreement:

- a) *the term "Customs legislation" means all legislative and regulatory provisions applied by the Customs Administrations of the two Parties governing the import, export and transit of goods and their placement under any customs procedure, including measures of prohibition, restriction and control.*
- b) *the term "Customs Administration" means:*
- *for Georgia the State Customs Department of the Ministry of Finance and*
 - *for the Hellenic Republic the Directorate General of Customs and Excise of the Ministry of Finance*

- c) *the term "Customs offence" means: any breach or attempted breach of the Customs legislation.*
- d) *the term "person" means: any natural or legal person.*
- e) *the term "personal data" means all information concerning an identified or identifiable individual.*

ARTICLE 2

Scope

1. *By this Agreement the Parties establish cooperation and mutual assistance between their Customs Administrations for the prevention, investigation and combating of Customs offences, in order to ensure the correct application of Customs legislation.*
2. *This mutual assistance is provided under the terms of the present Agreement and in accordance with the provisions of the internal legislation of the two Parties.*

ARTICLE 3

Exceptions to the obligation to provide assistance

In cases where the Party to which the assistance request is addressed, considers that responding to the request may be prejudicial to its sovereignty, security, public order or other essential areas of its national interests, it may refuse to provide the assistance or subject the satisfaction of this request to certain conditions.

ARTICLE 4

Confidentiality

1. *Intelligence, documents and other information received in the cadre of the provision of mutual assistance may be used by the receiving Party solely for the purposes defined in the present Agreement and only by the competent authorities, including their use in judicial or administrative proceedings.*

Such intelligence, documents, and other information may be used by the receiving Party for other purposes only with the consent of the providing Party for that.

2. *At the request of the providing Party, intelligence, documents and other information supplied to the other Party under this Agreement shall be regarded as confidential by the receiving Party.*

3. *Intelligence, documents or other information provided on the basis of this Agreement shall be accorded in the receiving country the same degree of official secrecy that this country applies as regards intelligence, documents and other information obtained in its territory.*

4. *In cases where personal data are exchanged under this Agreement, the Contracting Parties shall provide the same protection as that applied by the Party furnishing them, in accordance with the legislation, in force, in that Party.*

ARTICLE 5

Form and Substance of assistance requests

1. *Assistance requests under this Agreement shall be submitted in writing. Documents necessary for its execution shall accompany the request. By exception when required because of the urgency of the situation, oral requests may be accepted, but these later shall be confirmed in writing.*

2. *Assistance requests shall include the following information:*

- a) *the authority submitting the request*
- b) *the object and the reason of the request*
- c) *the names and addresses of the Parties which are the target of investigations, if known.*
- d) *a brief description of the case under consideration and the relevant legal elements involved.*

ARTICLE 6
Channels of communication

1. *Mutual assistance is effected through direct communication between the officials designated by the Heads of the corresponding Customs Administrations of the Parties.*
2. *In case that the Customs Administrations of the Party to which the request is addressed is not competent to respond to the request, it shall transmit the request to the competent authority.*
3. *Correspondence exchanged under this Agreement shall be conducted in the official languages of the Contracting Parties with the translation in the English or French languages.*

ARTICLE 7
Execution of requests

1. *The Customs Administrations to which the request is addressed shall make the necessary efforts to respond to the request.*
2. *Assistance requests submitted under this article, shall be executed in accordance with the laws and regulations of the requested Party. In case that the execution of a request is not possible the requested Party informs the requesting Party in relation to that.*
3. *The Customs Administration of one Party may, following a request submitted by the Customs Administration of the other Party carry out all necessary investigations including the examination of persons suspected of having committed customs offences.*
4. *The Customs Administration of one Party may following a request submitted by the Customs Administration of the other Party, proceed to verification, control, and investigation in order to find out facts related to cases falling under the scope of this Agreement and for which the requested Customs Administration is competent.*
5. *A request by a Party to follow a certain procedure shall be executed to the extent that it is possible in accordance with the legislation of the Party to which the request is addressed and under paragraph 2 of this article.*
6. *In cases where the requested Party submits a request for assistance which itself would be unable to execute, it shall then be to the discretion of the requesting Party to decide about its execution.*

ARTICLE 8
Files, documents and Witnesses

1. *Originals of files, documents and other data shall be requested only when copies are insufficient. Upon specific request, copies of such files, documents and other data shall be properly certified.*
2. *Files, documents and other data which have been transmitted shall be returned at the earliest opportunity; the rights of the requested Party or of third Parties mentioned in them remain unaffected.*
3. *The Customs Administration of one Party may authorize its officers upon request of the Customs Administration of the other Party to appear as witnesses in judicial or administrative proceedings in the territory of the other Party.*
4. *With the consent of the requested Party officers of the requested Party may have consultations with officers in the territory of the latter in relation to investigations or reports about customs offences of interest to the requesting Party and may examine the relevant data.*

ARTICLE 9
Assistance on request

1. *Upon request, the Customs Administrations of the Parties inform each other whether goods exported from the territory of one Party have been lawfully imported into the territory of the other Party. Upon request, this information shall contain the customs procedures used in the clearance of the goods.*
2. *The Customs Administration of one Party shall provide, upon request of the Customs Administration of the other Party and to the extent of its ability information concerning:*
 - a) *means of transport suspected of being used in customs offences within the territory of the requesting Party*
 - b) *goods that the requesting Party considers to be the object of illegal activities.*
 - c) *persons known or suspected by the requesting Party of being involved in customs offences.*

d) *places where goods are stored in which it is suspected that illegal activities are being committed.*

3. *The Customs Administration of one Party shall provide, upon request of the Customs Administration of the other Party every available information regarding activities which may result in customs offences within the territory of the requesting Party.*

4. *The Customs Administrations of the Parties shall provide upon request data in writing relating to the transportation and shipment of goods, showing the value and the destination of these goods.*

5. *Upon request of one Party, the other Party shall, in accordance with the laws and regulations in force in its territory, notify or arrange that the competent authorities notify actions or decisions taken by the requesting Party relevant to any subject falling within the scope of this Agreement to persons residing in its territory.*

ARTICLE 10 **Spontaneous assistance**

1. *The Customs Administration of the two Parties provide mutual assistance, without prior request, when they consider that this is necessary for the correct application of customs legislation when they receive information concerning:*

a) *illegal operations*

b) *new means or methods used in conducting such operations*

c) *merchandise or goods known to be the object of customs offences.*

2. *The above mentioned spontaneous assistance shall be supplied by the two Parties especially in cases which could involve substantial damage to the economy, public health, public security or any other vital interest of the other Party.*

ARTICLE 11

Archaeological and cultural treasures and works of art

1. The Customs Administration of each Party on its own initiative communicates to the Customs Administration of the other Party when the latter has a direct interest every available information about operations which include smuggling of archaeological and cultural treasures or other works of art and about persons, operations or means involved in such operations.
2. Upon request the Customs Administration of the one or the other Party within the scope of its competence and capacity exerts special surveillance for a certain period of time on the movements of goods mentioned in paragraph 1 of the present article including movements of persons and means of transport involved in them.

ARTICLE 12

Arms, narcotic drugs and psychotropic substances

The Customs Administration of one Party communicates on its own initiative to the Customs Administration of the other Party when the latter has a direct interest, every available information concerning the illegal traffic of arms, narcotic drugs and psychotropic substances as well as persons or means of transport involved in it.

ARTICLE 13

Cooperation in training

1. The Parties provide all kinds of assistance to each other in matters of professional training of the officers of their Customs Administrations.
2. For this purpose every Party within its capacity accepts in its professional training programs, seminars or to its Customs offices of the Customs Administration of the other Party in order to improve their professional level through training and practice.
3. The Parties exchange information and experience concerning new methods and means for the prevention, investigation and repression of customs offences, as well as for the illicit traffic of narcotic drugs and psychotropic substances and provide mutually any other kind of technical assistance through the exchange of professional, scientific and technical knowledge, relating to the customs regulations and procedures.

ARTICLE 14
Implementation of the Agreement

1. *Competent authorities for the implementation of this Agreement are the Customs Administration of Georgia and the Customs Administration of the Hellenic Republic which may communicate directly in order to settle matters arising from this Agreement and which after consultations issue administrative directives for the implementation of this Agreement and endeavour by mutual accord to resolve problems or questions arising from its interpretation or during its implementation.*

2. *They may also proceed by special arrangement to exchanges of their officers as liaison officers for the purposes of operational cooperation and coordination of their mutual action in the implementation of this Agreement.*

ARTICLE 15
Costs

The Parties mutually waive any claim for reimbursement of costs incurred during the implementation of this Agreement except for expenses for witnesses and fees of experts which shall be covered by the requesting Party.

ARTICLE 16
Entry into force

1. *This Agreement shall enter into force on the thirtieth day following the date on which the Parties have notified each other through the exchange of verbal notes that they accept its terms and that all internal requirements for its entry into force have been met.*

2. *The Parties agree to meet once a year in order to review the implementation of this Agreement unless they mutually agree in writing that such a meeting is not necessary.*

3. *This Agreement may be terminated on written notification through diplomatic channels in which case it shall cease to exist, six months after receipt of such notification.*

Done in Tbilisi, on10th April 1997.....in duplicate, each
in Georgian, Greek and English, all texts being equally authentic.

In case of divergence the English text shall prevail.

FOR THE GOVERNMENT
OF GEORGIA

FOR THE GOVERNMENT
OF THE HELLENIC REPUBLIC

