

**AGREEMENT**  
**BETWEEN**  
**THE GOVERNMENT OF GEORGIA**  
**AND**  
**THE GOVERNMENT OF THE REPUBLIC OF MOLDOVA**  
**ON**  
**MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS**  
**MATTERS**

The Government of Georgia and the Government of the Republic of Moldova, hereafter referred to as the Contracting Parties,

**CONSIDERING** the importance of accurate assessment of Customs duties and taxes and of ensuring proper enforcement by their Customs administrations of prohibitions, restrictions and measures of control in respect of specific goods;

**CONSIDERING** that offences against Customs law are prejudicial to the security of the States of the Contracting Parties and to the economic, commercial, fiscal, social, public health and cultural interests of their States;

**RECOGNIZING** the need for international co-operation in matters related to the application and enforcement of their Customs laws;

**CONVINCED** that action against Customs offences can be made more effective by close co-operation between their Customs administrations based on mutually agreed legal provisions;

**HAVING REGARD TO** the United Nations Universal Declaration of Human Rights of 1948,

Have agreed as follows:

## **Article 1 Definitions**

For the purposes of this Agreement:

(a) "Customs administration" shall mean:

for the Government of Georgia: the Revenue Service of the Ministry of Finance;

for the Government of the Republic of Moldova: the Customs Service under the Ministry of Finance;

- (b) "Customs claim" shall mean any amount of Customs duties and taxes that cannot be collected in the State of one of the Contracting Parties;
- (c) "Customs duties and taxes" shall mean all duties, taxes or any other charges which are levied in the territories of the States of the Contracting Parties in application of Customs law, but not including charges for services rendered;
- (d) "Customs law" shall mean any legal and administrative provisions applicable or enforceable by either Customs administration in connection with the importation, exportation, transshipment, transit, storage and movement of goods, including legal and administrative provisions relating to measures of prohibition, restriction and control, and in connection with combating money laundering;
- (e) "Customs offence" shall mean any violation or attempted violation of Customs law;
- (f) "Information" shall mean any data, whether or not processed or analyzed, and documents, reports and other communications in any format, including electronic, or certified or authenticated copies thereof;
- (g) "International trade supply chain" shall mean all processes involved in the cross-border movement of goods from the place of origin to the place of final destination;
- (h) "Official" shall mean any Customs officer or other government agent designated by either Customs administration;
- (i) "Person" shall mean both natural and legal persons, unless the context



otherwise requires;

- (j) "Personal data" shall mean any data concerning an identified or identifiable natural person;
- (k) "Requested administration" shall mean the Customs administration from which assistance is requested;
- (l) "Requesting administration" shall mean the Customs administration which requests assistance;
- (m) "Requesting Contracting Party" shall mean the Contracting Party whose Customs administration requests assistance;
- (n) "Requested Contracting Party" shall mean the Contracting Party whose Customs administration is requested to provide assistance.

## **Article 2**

### **Scope of the Agreement**

1. The Contracting Parties shall through their Customs administrations provide each other with administrative assistance under the terms set out in this Agreement, for the proper application of Customs law, for the prevention, investigation and combating of Customs offences and to ensure the security of the international trade supply chain.
2. All assistance under this Agreement by either Contracting Party shall be provided in accordance with its national legislation and within the limits of its Customs administration's competence and available resources.
3. This Agreement covers mutual administrative assistance between the Contracting Parties and is not intended to have an impact on mutual legal assistance agreements between them. If mutual assistance is to be provided by other authorities of the requested Contracting Party, the requested administration shall indicate those authorities and where known the relevant agreement or arrangement applicable.
4. The provisions of this Agreement shall not give rise to a right on the part of any person to impede the execution of a request for assistance.

### Article 3

#### Information for the Application and Enforcement of Customs Law

1. The Customs administrations shall provide each other, either on request or on their own initiative, with information which helps to ensure the proper application of Customs law, the prevention, investigation and combating of Customs offences and the security of the international trade supply chain. Such information may relate to:
  - (a) significant changes in their respective Customs laws;
  - (b) new law enforcement techniques having proved their effectiveness;
  - (c) new trends, means or methods of committing Customs offences;
  - (d) goods known to be the subject of Customs offences, as well as transport and storage methods used in respect of those goods;
  - (e) persons known to have committed a Customs offence or suspected of being about to commit a customs offence;
  - (f) any other data and statistical information that can assist Customs administrations with risk assessment for control and facilitation purposes.
2. On request, the requested administration shall provide the requesting administration with information on:
  - (a) whether goods imported into the territory of the State of the requesting Contracting Party have been lawfully exported from the territory of the State of the requested Contracting Party;
  - (b) whether goods exported from the territory of the State of the requesting Contracting Party have been lawfully imported into the territory of the State of the requested Contracting Party, and the Customs procedure, if any, under which the goods have been placed.



#### **Article 4**

##### **Information for the Assessment of Customs Duties and Taxes**

1. On request, the requested administration shall, without prejudice to Article 20, in support of the proper application of Customs law or in the prevention of a Customs offence, provide information to assist the requesting administration that has reasons to doubt the truth or accuracy of a Customs declaration.
2. The request shall specify the verification procedures that the requesting administration has undertaken or attempted and the specific information requested.

#### **Article 5**

##### **Information Relating to Customs Offences**

Either Customs administration shall, on request or on its own initiative, provide the Customs administration of the other Contracting Party with information on activities, planned, ongoing or completed, which present reasonable grounds to believe that a Customs offence has been committed or will be committed in the territory of the State of the other Contracting Party.

#### **Article 6**

##### **Automatic Exchange of Information**

The Customs administrations may, by mutual arrangement in accordance with Article 22, exchange any information covered by this Agreement on an automatic basis.

#### **Article 7**

##### **Advance Exchange of Information**

The Customs administrations may, by mutual arrangement in accordance with Article 22, exchange specific information in advance of the arrival of consignments in the territory of the State of the other Contracting Party.

#### **Article 8**

##### **Notification**

1. On request, the requested administration shall take all necessary measures to notify a person, residing or established in the territory of

the State of the requested Contracting Party, of all decisions taken by the requesting administration in application of Customs law concerning that person, that fall within the scope of this Agreement.

2. Such notifications shall be made in accordance with the procedures applicable in the territory of the State of the requested Contracting Party for similar national decisions.

#### **Article 9 Recovery of Customs Claims**

1. On request, the Customs administrations shall afford each other assistance in the recovery of Customs claims, provided that both Contracting Parties have enacted the necessary legal and administrative provisions at the time of the request.
2. Assistance in recovering Customs claims shall be arranged in accordance with Article 22 of this Agreement.

#### **Article 10 Surveillance and Information**

1. On request, the requested administration shall maintain surveillance over and provide the requesting administration with information on:
  - (a) goods, either in transport or in storage, known to have been used or suspected of being used to commit a Customs offence in the territory of the State of the requesting Contracting Party;
  - (b) means of transport known to have been used or suspected of being used to commit a Customs offence in the territory of the State of the requesting Contracting Party;
  - (c) premises known to have been used or suspected of being used in connection with the commission of a Customs offence in the territory of the State of the requesting Contracting Party;
  - (d) persons known to have committed or suspected of being about to commit a Customs offence in the territory of the State of the requesting Contracting Party, particularly those moving into and out of the territory of the State of the requested Contracting Party.



2. Either Customs administration may maintain such surveillance on its own initiative if it has reason to believe that activities planned, ongoing or completed appear to constitute a Customs offence in the territory of the State of the other Contracting Party.

### **Article 11 Controlled Delivery**

The Customs administrations may, by mutual arrangement, permit, under their control, the movement of unlawful or suspect goods out of, through or into the territories of their States with a view to investigating and combating Customs offences. If granting such permission is not within the competence of the Customs administration, that administration shall endeavour to initiate co-operation with the national authorities that have such competence or it shall transfer the case to those authorities.

### **Article 12 Experts and Witnesses**

On request, the requested Contracting Party may authorize its officials to appear before a court or tribunal in the territory of the State of the requesting Contracting Party as experts or witnesses in a matter related to a Customs offence.

### **Article 13 Communication of Requests**

1. Requests for assistance under this Agreement shall be addressed directly to the customs administration of the other Contracting Party. Requests shall be made in writing or electronically and shall be accompanied by any information deemed useful for compliance with the request. The requested administration may require written confirmation of electronic requests. Where the circumstances so require, requests may be made verbally. Such requests shall be confirmed as soon as possible either in writing, or, if acceptable to both customs administrations, electronically.

2. Requests made pursuant to paragraph 1 of this Article shall include the following details:
  - (a) the name of the requesting administration;
  - (b) the matter at issue, type of assistance requested, and reasons for the request;
  - (c) a brief description of the case under review and the legal and administrative provisions that apply;
  - (d) the names and addresses of the persons to whom the request relates, if known.
3. Where the requesting administration requests that a certain procedure or methodology be followed, the requested administration shall comply with such a request subject to its national legal and administrative provisions.
4. Original information shall only be requested in cases where copies would be insufficient and shall be returned at the earliest opportunity. The rights of the requested administration or of third parties relating thereto shall remain unaffected.

**Article 14**  
**Means of Obtaining Information**

1. If the requested administration does not have the information requested it shall initiate enquiries to obtain that information.
2. If the requested administration is not the appropriate authority to initiate enquiries to obtain the information requested, it may, in addition to indicating the appropriate authority, transmit the request to that authority.

**Article 15**  
**Presence of Officials in the Territory of the State  
of the Other Contracting Party**

On written request, officials specially designated by the requesting administration, may, with the authorization of the requested administration



and subject to conditions the latter may impose, for the purpose of investigating a Customs offence:

- (a) examine, in the offices of the requested administration, documents and any other information in respect of that Customs offence, and be supplied with copies thereof;
- (b) be present during an inquiry conducted by the requested administration in the territory of the State of the requested Contracting Party, which is relevant to the interests of the requesting administration.

#### **Article 16**

##### **Presence of Officials of the Requesting administration at the Invitation of the Requested administration**

1. Where the requested administration considers it useful or necessary for an official of the requesting administration to be present when, pursuant to a request, measures of assistance are being carried out, it shall inform the requesting administration and invite its participation. Such participation shall be subject to any terms and conditions the requested administration may specify.
2. The Customs administrations may, by mutual arrangement in accordance with Article 22, expand the role of the visiting official beyond an advisory one.

#### **Article 17**

##### **Arrangements for Visiting Officials**

1. When officials of either Contracting Party are present in the territory of the State of the other Contracting Party under the terms of this Agreement, they must at all times be able to furnish, to the other Contracting Party, proof of their official identity and status.
2. Officials designated by the requesting administration to be present in the territory of the State of the requested Contracting Party, as provided for in Articles 15 and 16 of this Agreement, shall have a purely advisory role unless otherwise arranged between the Contracting Parties in accordance with Article 22 of this Agreement.
3. Officials shall, while in the territory of the State of the other



Contracting Party, under the terms of this Agreement, be responsible for any offence they might commit and shall enjoy, to the extent provided by that Contracting Party's legal and administrative provisions, the same protection as accorded to its own Customs officers.

**Article 18**  
**Use of Information**

1. Any information received under this Agreement shall be used only by the Customs administrations of the Contracting Parties and solely for the purposes of this Agreement except in cases where the Customs administration supplying the information has authorized its use by other authorities or for other purposes.
2. Any information received under this Agreement shall be treated as confidential and shall be subject at least to the same protection and confidentiality as the same kind of information is subject to under the national legislation of the Contracting Party where it is received.

**Article 19**  
**Protection of Personal Data**

1. Personal data exchange under this Agreement shall not begin until the Customs administrations have, by mutual arrangement in accordance with Article 22, decided that such data will be afforded, in the territory of the State of the Contracting Party where it is received, a level of protection that satisfies the requirements of the national law of the supplying Customs administration.
2. On request, the Customs administration receiving personal data shall inform the Customs administration which supplied that data of the use made of it and the results achieved.
3. Personal data supplied under this Agreement shall be kept only for the time necessary to achieve the purpose for which it was supplied.
4. The Customs administration supplying personal data shall, to the extent possible, ensure that this data has been collected fairly and lawfully and that it is accurate and up to date and not excessive in relation to the purposes for which it is supplied.



5. If personal data supplied is found to be incorrect or should not have been exchanged, this shall be notified immediately. The Customs administration that has received such data shall amend or delete it.
6. The Customs administrations shall record the supply or receipt of personal data exchanged under this Agreement.
7. The Customs administrations shall take the necessary security measures to protect personal data exchanged under this Agreement from unauthorized access, amendment or dissemination.

#### **Article 20** **Exemptions**

1. Where assistance required under this Agreement might infringe upon the sovereignty, security, public policy or any other substantive national interest of the State of the requested Contracting Party or prejudice any legitimate commercial or professional interests, such assistance may be refused by the Contracting Party or provided subject to such terms or conditions as it may require.
2. Assistance may be postponed if there are grounds to believe that it will interfere with an ongoing investigation, prosecution or proceedings. In such a case the Customs administration of the requested Contracting Party shall consult with the Customs administration of the requesting Contracting Party, to determine if assistance can be given subject to such terms or conditions as the Customs administration of the requested Contracting Party may require.
3. Where assistance is denied or postponed, reasons for the denial or postponement shall be given to the requesting Contracting Party.

#### **Article 21** **Costs**

1. Subject to paragraphs 2 and 3 of this Article, the Contracting Parties shall waive all claims for reimbursement of costs incurred in the application of this Agreement.

2. Expenses and allowances paid to experts and witnesses, as well as costs of translators and interpreters, other than Government employees, shall be borne by the requesting Contracting Party.
3. If the execution of a request requires expenses of a substantial or extraordinary nature, the Contracting Parties shall consult to determine the terms and conditions under which the request will be executed as well as the manner in which the costs shall be borne.

#### **Article 22**

#### **Implementation and Application of the Agreement**

The Customs administrations shall jointly decide on detailed arrangements to facilitate the application of this Agreement.

#### **Article 23**

#### **Territorial Application of the Agreement**

This Agreement shall be applicable in the territories of the States of both Contracting Parties as defined in their national legislation.

#### **Article 24**

#### **Settlement of Disputes**

1. Any dispute between the Customs administrations concerning the interpretation or application of this Agreement shall so far as possible be settled by negotiation between them.
2. Disputes for which no solutions are found shall be settled by diplomatic means.

#### **Article 25**

#### **Consultations**

Either Contracting Party may request consultations on the implementation, application or amendment of this Agreement or compliance with this Agreement.



**Article 26**  
**Amendments**

Upon mutual agreement of the Contracting Parties, amendments may be introduced to this Agreement, arranged as separate Protocols and making integral parts of this Agreement. These amendments shall enter into force subject to the same requirements as this Agreement.

**Article 27**  
**Entry into Force**

This Agreement shall enter into force on the date of receipt of latter notification of the Contracting Party indicating in writing through diplomatic channels the other Contracting Party that the internal procedures for the entry into force of this Agreement have been met.


**Article 28**  
**Duration and Termination**

This Agreement is intended to be of unlimited duration but either Contracting Party may terminate it at any time by notification through diplomatic means. The termination shall take effect three months from the date of the notification of denunciation to the other Contracting Party. Ongoing proceedings at the time of termination shall nonetheless be completed in accordance with the provisions of this Agreement.

**IN WITNESS WHEREOF** the undersigned, being duly authorized thereto, have signed this Agreement.

**DONE AT** *Tbilisi*..... on the *9<sup>th</sup>*..... day of *July*..... 2012 in duplicate in Georgian, Moldavian and English languages, all three texts being equally authentic. In the case of divergence of interpretation the English text shall prevail.

**For the Government of  
Georgia**



**For the Government of  
the Republic of Moldova**

