

31/12

AGREEMENT

BETWEEN

THE EXECUTIVE AUTHORITY OF GEORGIA

AND

THE GOVERNMENT OF THE STATE OF ISRAEL

IN MUTUAL ASSISTANCE IN CUSTOMS MATTERS

הרשות
היצדד

בהבי
הפיס

בהבי
המדי
ומקו
ופיק

בהבי
פסי

בהבי

בהכ
ולא
רשו

בהי
באמ

בהר
הדו

הפי

The Executive Authority of Georgia and the Government of the State of Israel (hereinafter referred to as the "Parties").

Considering that offenses against the customs laws are prejudicial to the economic, fiscal and commercial interests of their respective countries;

Considering the importance of assuring the accurate assessment of customs duties and other taxes on the importation and exportation of goods, the correct determination of their classification, value and origin of such goods, as well as the proper implementation of measures of prohibition, restriction and control;

Considering that illicit trafficking in narcotic drugs and psychotropic substances constitutes a danger to public health and to the society;

Considering the importance of preventing the illicit trafficking in cultural treasures,

Recognizing the need for international cooperation in matters related to the administration and enforcement of the customs laws and their willingness to develop cooperation and mutual assistance between their respective Customs Authorities;

Convinced that action against customs offenses can be made more effective by cooperation between their Customs Authorities;

Having regard to the Recommendations of the Customs Cooperation Council on Mutual Administrative Assistance of December 5, 1953;

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of the present Agreement,

1. "Customs laws" shall mean such laws and regulations enforced by the Customs Authorities concerning the importation, exportation, and transit of goods, as they relate to Customs duties, charges, and other taxes, or to prohibitions, restrictions, and other controls in respect of the movement of goods across national boundaries.

2. "Customs Authorities" shall mean, in Georgia, the Customs Department, and in the State of Israel, the Department of Customs and Value Added Tax of the Ministry of Finance.
3. "Offense" shall mean any violation of the customs laws as well as any attempted violation of thereof.
4. "Requesting Customs Authority" shall mean the Customs Authority that makes a request for assistance under this Agreement or that receives such assistance.
5. "Requested Customs Authority" shall mean the Customs Authority that receives a request for assistance under this Agreement or that provides such assistance.
6. "Information" shall mean, Inter-alia, reports, records, documents and documentation, whether computerized or not, as well as certified copies thereof.
7. "Narcotic drugs and psychotropic substances" shall mean all products listed in the Vienna Convention of 20 December 1988, including those referred to in the annexes to the aforesaid Convention;
8. "Controlled delivery" shall mean the technique of allowing consignments which contain or are suspected of containing, narcotic drugs, psychotropic substances, or substances substituted for them, to pass out of, through, or into the territories of the Parties, with the knowledge and under the supervision of the competent authorities, for the purpose of identifying persons involved in the illicit trafficking in narcotic drugs and psychotropic substances.
9. "Person" means any natural or legal person;

Article 2

SCOPE OF AGREEMENT

1. The Parties agree to assist each other through their Customs Authorities in preventing, investigating, repressing and prosecuting offenses involving the violation of customs laws in accordance with the provisions of the presents Agreement.

2. All assistance under the present Agreement shall be provided in accordance with the domestic law of the requested Party.
3. The provisions of this Agreement are intended solely to provide for mutual assistance between the Customs Authorities of the Parties. They shall in no way give rise to a right on the part of any private person or legal entity to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

Article 3

SCOPE OF ASSISTANCE

1. Assistance, pursuant to this Agreement, shall include, inter-alia, on a Customs Authority's own initiative or upon request, the provision of information apt to ensure the proper application of the customs laws, the accurate assessment of customs duties and taxes on the importation and exportation of goods and the correct determination of the classification value, and origin of such goods, by the Customs Authorities. Such information shall also include, but not be limited to:
 - a) enforcement actions that might be useful in preventing offenses and, in particular, special means of combating offenses;
 - b) new methods used in committing offenses;
 - c) observations and findings resulting from the successful application of new enforcement aids and techniques, including the use of specially trained dogs;
 - d) techniques and improved methods of processing passengers and cargo;
 - e) information on customs legislation; and
 - f) the exchange of scientific, professional and educational publications dealing with the prevention of smuggling and other violations of the customs legislation, including illicit trafficking in narcotic drugs and psychotropic substances and cultural treasures.
2. Assistance as provided in Paragraph 1 shall be provided for use in all proceeding in the requesting Party, whether judicial, administrative, or investigative, and shall include, but not be limited to, proceedings on classification, value, origin, and other characteristics relevant to the enforcement of the customs laws.
3. The Parties, through their respective Customs Authorities, shall, if not contrary to their domestic law, also seek to cooperate in:

- a) initiating, developing, or improving specific training programs for their personnel;
 - b) establishing and maintaining channels of communication between their Authorities to facilitate the secure and rapid exchange of information;
 - c) facilitating effective coordination between their Authorities including the exchange of personnel, experts, and the posting of liaison officers;
 - d) the consideration and testing of new equipment or procedures;
 - e) the simplification and harmonizing of their respective customs procedures; and
 - f) any other general administrative matters that may from time to time require their joint action.
4. Assistance pursuant to this Agreement shall not include the arrest or detention of persons nor the collection or forced collection of customs duties, other taxes, fines, or other moneys.

Article 4

CONFIDENTIALITY

1. Information and other communications received in the course of mutual assistance may only be used for the purposes specified in the present Agreement, including the use in judicial or administrative proceedings.
2. Any information or other communications received by the Customs Authority of either Party, pursuant to this Agreement, shall be treated as confidential and shall not be communicated to any person or entity outside the requesting Customs Authority that received them, except as provided for in this Agreement.

Such information and communications shall enjoy any additional protection as to their confidentiality and secrecy as provided for in the domestic law of the Party whose Customs Authority received them.

3. The Provisions of Paragraph 2 of this Article shall not apply to cases concerning offenses relating to narcotic drugs and psychotropic substances. Such information may be communicated to other authorities in the requesting Party directly involved in combating illicit drug traffic.
4. The requesting Customs Authority shall not use evidence or information obtained under this Agreement for purposes other than those stated in the request without the prior consent of the requested Customs Authority.

Article 5**COMMUNICATION OF REQUESTS****1. Form and Substance of Requests for Assistance**

- a) Requests pursuant to the present Agreement shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. When required, because of the urgency of the situation, oral requests may also be accepted, but they shall be promptly confirmed in writing.
- b) Requests pursuant to Paragraph 1 of this Article shall include the following information:
 - i) the authority making the request;
 - ii) the nature of the proceedings;
 - iii) the assistance sought and the object of and the reason for the request;
 - iv) the names and addresses of the parties involved in the request, if known;
 - v) a brief description of the matter under consideration and the legal elements involved; and
 - vi) the connection between the assistance sought and the matter to which it relates.
- c) All requests shall be submitted in the English language.
- d) If a request does not meet the formal requirements as per paragraph 1(b) of this Article, its correction or completion may be requested: the ordering of precautionary measures shall not be affected thereby.

2. Channel of Communication

- a) Assistance shall be carried out by direct communication between the respective Customs Authorities.
- b) In case the requested Customs Authority is not the appropriate agency to comply with a request, it shall either promptly transmit the request to the appropriate agency, who shall act upon the request according to its powers under the law, or advise the requesting Customs Authority of the appropriate procedure to be followed regarding such a request.

Article 6

EXECUTION OF REQUESTS

1. The requested Customs Authority shall take all reasonable measures to execute a request, within a reasonable amount of time and, if necessary, will endeavor to seek any official or judicial measure necessary for the carrying out thereof.
2. If the requested Customs Authority does not have the information requested, it shall endeavor to obtain such information as if acting on its own behalf or on behalf of the requesting Customs Authority.
3. The Customs Authority of either Party shall, upon the request of the Customs Authority of the other Party, conduct any necessary investigation, including the questioning of experts and witnesses or persons suspected of having committed an offense, and undertake verifications, inspections and fact-finding inquiries in connection with the matters referred to in the present Agreement. The results of such investigations, verifications, inspections and fact-finding inquiries shall be communicated as soon as possible to the requesting Customs Authority.
4. Upon request, the requested Customs Authority may, to the fullest extent possible, allow officials of the requesting Customs Authority to be present in the territory of the requested Party, when its officials are investigating offenses which are of concern of the requesting Customs Authority, including presence at such investigations.
5. The requesting Customs Authority shall, if it so requests, be advised of the time and place of the action to be taken in response to a request so that action may be coordinated.
6. Officials of the requesting Customs Authority, authorized to investigate offenses against customs laws, may ask that the requested Customs Authority examine any relevant information including books, registers, and other documents or data-media and supply copies thereof or provide any information relating to the offense.
7. When officials of the requesting Customs Authority are present in the territory of the requested Party pursuant to this Agreement, they must be able at all times to furnish proof of their identity and shall be responsible for any offenses they might commit. Their presence shall be solely in an advisory capacity. Nothing in this Article shall be construed to allow them to exercise any legal or investigative power granted to customs officials of the requested Customs Authority under the domestic law of the requested Party.

Article 7**EXCEPTIONS FROM ASSISTANCE**

1. In cases where the requested Party is of the opinion that compliance with a request would infringe upon its sovereignty, security, public policy, or any other substantive national interest, or involve the violation of a commercial, industrial, or professional secret, assistance may be refused or compliance may be conditioned upon the satisfaction of certain conditions or requirements.
2. In the event that a request cannot be complied with, the requesting Customs Authority shall be promptly notified of the fact, and informed of the reasons thereof.
3. If the requesting Customs Authority requests assistance which it, itself, would not be able to provide, it shall draw attention to that fact in the request. Compliance with such a request shall then be within the discretion of the requested Customs Authority.
4. Assistance may be postponed by the requested Customs Authority on the ground that it will interfere with an ongoing investigation, prosecution, or proceeding. In such a case, it shall consult with requesting Customs Authority to determine if assistance can be given subject to such terms or conditions as the requested Customs Authority may require.

Article 8**FILES, DOCUMENTS AND WITNESSES**

1. The Custom Authorities of the Parties shall, upon request, provide information relating to the transportation and shipment of goods showing the value, origin, disposition and destination of those goods.
2. Upon specific request, copies of information and other materials shall be appropriately authenticated. Originals of such information and other materials shall only be requested in cases wherein copies would be insufficient.
3. The provisions of the originals of information and other materials pursuant to this Agreement shall not affect the rights of the requested Customs Authority nor of third parties thereto. Such originals shall be returned as soon as possible. Upon request, originals necessary for adjudicative or similar purposes shall be returned without delay.
4. The requested Customs Authority shall supply together with the information provided, all necessary instructions for the interpretation or utilization thereof.
5. Upon request of the Customs Authority of one Party, the Customs Authority of the other Party shall at its discretion, authorize its

employees, if such employees so consent, to appear as witnesses in judicial or administrative proceedings in the territory of the requesting Party, and to produce such files, documents, or other materials, or authenticated copies thereof, as may be considered essential for the proceedings.

Such a request shall include the date and type of the proceeding, the names of the parties involved, and the capacity in which the employee is to appear.

Article 9

SERVICE OF DOCUMENTS

1. Upon request, the requested Customs Authority shall, in accordance with the legislation in the requested Party, take all necessary measures in order to serve all documents and to notify all decisions falling within the scope of this Agreement to an addressee residing or established in its territory.
2. The requested Customs Authority shall, as far as possible, return a proof of service or notification in the manner specified in the request. If this is not possible or if the request cannot be carried out in the manner specified, the requesting Customs Authority shall be so informed and shall be advised of the reasons thereof

Article 10

COSTS

1. The Customs Authorities of the Parties shall normally waive all claims for reimbursement of costs incurred in the execution of the present Agreement, with the exception of expenses for witnesses, fees of experts, and costs of interpreters other than government employees.
2. If expenses of substantial and extraordinary nature are or will be required to execute the request, the Customs Authorities of the 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 11**SPECIAL INSTANCES OF ASSISTANCE**

1. Upon request, the Customs Authorities shall inform each other whether goods exported from or imported into the territory of one Party have been lawfully Imported into or exported from the territory of the other Party. The information shall, upon request, contain the customs procedure used for clearing the goods.
2. To the extent of its competence, the Customs Authority of one Party, either upon request of the Customs Authority of the other Party or on its own initiative and subject to the subsequent written approval of the latter, shall exercise special surveillance over:
 - a) means of transportation suspected of being used in offenses within the territory of the requesting Party.
 - b) goods designed by the requesting Party as being the subject of an extensive clandestine trade of which that Party is the country of destination.
 - c) particular persons known to be or suspected of being engaged in an offense.
3. The Customs Authorities of the Parties shall furnish each other with all available information regarding acts which may result in offenses within the territory of the other Party. In cases which could involve substantial damage to the economy, public health, public security, or any other vital interest of the other Party, such information shall be supplied without being requested.
4. For the purposes of prevention, investigation and repression of offenses involving narcotics, the Customs Authorities of the Parties will communicate to each other as far as possible without the necessity of a request, all information regarding possible violations of the customs laws of the other Party.

Article 12**CONTROLLED DELIVERY**

1. The Customs Authorities shall take the necessary measures, within their possibilities, to allow for the appropriate use of controlled delivery at the international level for the purpose of identifying persons involved in the illicit trafficking in narcotic drugs and psychotropic substances and taking legal action against them.
2. Decisions to use controlled delivery shall be made on a case-by-case basis and, where necessary, in accordance with any arrangements or

agreements which may have been reached concerning a particular case. The Customs Authorities may, if necessary, and provided it is in conformity with the domestic law of the Parties, take into account financial arrangements and understandings reached.

3. Illicit consignments whose controlled delivery is agreed to may, by mutual consent of the competent authorities, be intercepted and allowed to continue with the narcotic drugs and psychotropic substances intact, or remove or replaced in whole or in part.

Article 13

TERRITORIAL APPLICABILITY

This Agreement shall apply to the customs territories of both Parties.

Article 14

IMPLEMENTATION OF THE AGREEMENT

The Customs Authorities shall be responsible for the implementation of this Agreement. They shall, inter-alia;

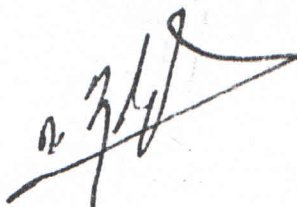
1. communicate directly for the purpose of dealing with matters arising out of the present Agreement;
2. after consultation, if necessary, issue any administrative directives or agreed upon procedures for the implementation of the present Agreement;
3. endeavor by mutual accord to resolve any problems or doubt arising from the application of this Agreement or any other customs matter which may arise between them;
4. agree to meet in order to review the application of this Agreement or to discuss any other customs matters arising out of the relationship between them, upon the request of one of the Customs Authorities or at the end of five years from the date of its entry into force, unless they notify one another in writing that no review is necessary; and
5. arrange for their investigation departments to be in direct contact with one another.

Article 15

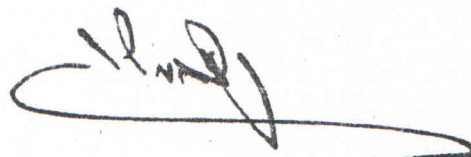
ENTRY INTO FORCE AND TERMINATION

1. The Parties shall notify one another by an exchange of diplomatic notes when all necessary national legal requirements for the entry into force of this Agreement have been fulfilled. This Agreement shall enter into force on the 30th day after the last such notification has been received.
2. This Agreement may be terminated by either Party, upon receipt by the other Party of written notice through diplomatic channels; in which case, it shall cease to be in force six months after such notice has been given. Ongoing proceedings at the time of termination shall nevertheless be completed according to the provisions of this Agreement.

Done at Tbilisi on the 9 day of September which corresponds to the 18 day of July of 5758 in duplicate in the Georgian, Hebrew and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.



FOR THE EXECUTIVE AUTHORITY OF
GEORGIA



FOR THE GOVERNMENT OF THE
STATE OF ISRAEL