

**No. 47114**

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**Finland  
and  
Uzbekistan**

**Agreement between the Government of the Republic of Finland and the Government of the Republic of Uzbekistan on mutual assistance in customs matters (with annex). Tashkent, 28 March 2008**

**Entry into force:** *13 September 2009 by notification, in accordance with article 23*

**Authentic texts:** *English, Finnish and Uzbek*

**Registration with the Secretariat of the United Nations:** *Finland, 22 February 2010*

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**Finlande  
et  
Ouzbékistan**

**Accord entre le Gouvernement de la République de Finlande et le Gouvernement de la République d'Ouzbékistan relatif à l'assistance mutuelle en matière douanière (avec annexe). Tachkent, 28 mars 2008**

**Entrée en vigueur :** *13 septembre 2009 par notification, conformément à l'article 23*

**Textes authentiques :** *anglais, finnois et ouzbek*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Finlande, 22 février 2010*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT  
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND  
AND THE GOVERNMENT OF THE REPUBLIC OF UZBEKISTAN  
ON MUTUAL ASSISTANCE IN CUSTOMS MATTERS**

The Government of the Republic of Finland and the Government of the Republic of Uzbekistan, hereafter referred to as the Contracting Parties,

Considering that contraventions of customs laws are prejudicial to their economic, commercial, fiscal, social, cultural, industrial and agricultural interests;

Convinced that actions against contraventions of customs laws can be rendered more effective by close co-operation between their customs authorities;

Considering the importance of accurate assessment of customs duties and other taxes collected at importation or exportation and of ensuring proper enforcement of measures of prohibition, restriction and control, the latter including those on the enforcement of the legal provisions and regulations on counterfeit goods and registered trade-marks;

Considering that illicit trafficking in arms, ammunition, explosives, poisonous goods, radioactive materials, narcotic drugs and psychotropic substances represents a danger for public health and society;

Having regard to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, signed on 21 June 1996;

Having regard to the provisions of the Single Convention on Narcotic Drugs of 1961, as amended, and the Convention on Psychotropic substances of 1971, as amended, drawn up under the auspices of the United Nations Organisation as well as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and its Annex, as amended;

Having regard also to the relevant instruments of the Customs Co-operation Council, in particular the Recommendation on mutual administrative assistance of 5 December 1953;

Have agreed as follows:

## **Article 1**

### **Definitions**

For the purposes of this Agreement:

- a) “customs laws” shall mean any legal or regulatory provisions applicable by the customs authorities of the Contracting Parties in connection with the importation, exportation, transit, storage and circulation of goods, including means of payment, whether relating to customs duties, taxes or other charges levied by the customs authorities, or to measures of prohibition, restriction or control;
- b) “customs authority” shall mean the National Board of Customs for the Republic of Finland and the State Customs Committee for the Republic of Uzbekistan, competent for the enforcement of the provisions referred to in paragraph a) of this Article;
- c) “contravention of customs laws” shall mean any violation or attempted violation of customs laws;
- d) “customs duties and taxes” shall mean customs duties and all other duties, taxes and charges which are collected on or in connection with the importation or exportation of goods but not including fees and charges which are limited in amount to the approximate costs of services rendered, including for the Republic of Finland, the duties and taxes as set forth by the competent bodies of the European Union;
- e) “person” shall mean any physical human being or legal entity, unless the context otherwise requires;
- f) “personal data” shall mean any information relating to an identified or identifiable individual;
- g) “narcotic drugs” shall mean any substance, natural or synthetic, in Schedules I and II of the Single Convention on Narcotic Drugs, 1961, as amended, as well as any substance assimilated to narcotic drugs in national legislation;
- h) “psychotropic substances” shall mean any substance, natural or synthetic, or any natural material in Schedules I, II, III and IV of the Convention on Psychotropic Substances, 1971, as amended, as well as any substance assimilated to psychotropic substances in national legislation;
- i) “precursors” shall mean chemical substances listed in the Annex to the 1988 UN Convention, as amended;
- j) “controlled delivery” shall mean the technique of allowing narcotic drugs, psychotropic substances and precursors or other substances which substitute them, as well as other goods, transported illicitly, pass out of, through or into the territories of the Contracting Parties with the knowledge and under supervision of their competent authorities, with a view to detecting and identifying persons involved in contraventions of customs laws;
- k) “requesting customs authority” shall mean the customs authority of the Contracting Party which requests assistance in customs matters;

l) "requested customs authority" shall mean the customs authority of the Contracting Party from which assistance in customs matters is requested.

## **Article 2**

### **Scope of the Agreement**

1. The Contracting Parties shall, through their customs authorities and in accordance with the provisions set out in this Agreement, afford each other assistance:

- a) in order to ensure that customs laws are properly followed;
- b) in order to prevent, investigate and prosecute contraventions of customs laws;
- c) in cases concerning delivery/notification of documents regarding application of customs laws.

2. Assistance within the framework of this Agreement shall be rendered in accordance with the legislation in force in the territory of the state of the requested Contracting Party and within the competence and available resources of the requested customs authority. If necessary, the customs authority can arrange for assistance to be provided by another competent authority.

3. This Agreement does not provide for the recovery of customs duties, taxes and any other charges.

4. This Agreement shall not affect the application of international agreements on legal assistance in criminal matters or international agreements on customs co-operation into which the Contracting Parties have entered.

## **Article 3**

### **Scope of assistance**

1. In the context of the legal and regulatory provisions, the customs authorities of the Contracting Parties will exchange any information - upon request and after prior investigation if needed - enabling them to ensure the correct collection of customs duties and taxes, especially the information that facilitates:

- a) the determination of dutiable value, the tariff classification and the origin of goods;
- b) the enforcement of the provisions concerning prohibitions, restrictions and controls.

2. On request the requested customs authority shall provide all information about the customs laws and procedures applicable in that Contracting Party and relevant to enquiries relating to a contravention of customs laws.

3. The customs authorities shall provide each other, either on request or on their own initiative, with information and documents which help to ensure proper application of customs laws and the prevention, investigation and repression of contraventions of customs laws.

4. Either customs authority shall, in making inquiries on behalf of the other customs authority, act as if they were being made on its own account or at the request of another authority in that Contracting Party.

5. In case the requested customs authority is not the appropriate agency to comply with the request, it shall promptly transmit it to the appropriate agency and seek the co-operation of that agency.

#### **Article 4** **Instances of assistance**

The customs authorities shall, on their own initiative or upon request, supply to each other the following information:

- a) whether goods imported into the territory of the state of the requesting customs authority have been lawfully exported from the territory of the state of the other customs authority, and the customs procedure if any, under which the goods had been placed;
- b) whether goods exported from the territory of the state of the requesting customs authority have been lawfully imported into the territory of the state of the other customs authority and the customs procedure, if any, under which the goods have been placed.
- c) whether goods which are granted favourable treatment upon exportation from the territory of the state of one Contracting Party have been duly imported into the territory of the state of the other Contracting Party, it being understood that information shall also be provided on any customs control measures to which they have been subjected.

#### **Article 5** **Special surveillance**

1. On request the requested customs authority shall provide information on, and maintain special surveillance over:

- a) persons known to the requesting customs authority to have committed a contravention of customs laws or suspected of doing so, particularly those moving into and out of the territory of the state of the requested Contracting Party;
- b) movements of goods notified by the requesting customs authority as giving rise to suspected illicit traffic towards the territory of the state of the requesting Contracting Party;
- c) means of transport suspected by the requesting customs authority of being used to commit contraventions of customs laws in force in the territory of the state of either Contracting Party;
- d) places used for storing goods which are suspected by the requesting customs authority of being used to commit contraventions of customs laws in force in the territory of the state of either Contracting Party.

2. Within their competence, the customs authorities of the Contracting Parties shall prevent: