

No. 47156

**Netherlands
and
Indonesia**

Agreement between the Kingdom of the Netherlands and the Republic of Indonesia on mutual administrative assistance for the proper application of customs law and for the prevention, investigation and combating of customs offences. The Hague, 24 June 2003

Entry into force: *1 January 2010 by notification, in accordance with article 21*

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**Pays-Bas
et
Indonésie**

Accord entre le Royaume des Pays-Bas et la République d'Indonésie relatif à l'assistance administrative mutuelle pour l'application appropriée des lois douanières et pour la prévention, l'enquête et la lutte contre les infractions douanières. La Haye, 24 juin 2003

Entrée en vigueur : *1^{er} janvier 2010 par notification, conformément à l'article 21*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**Agreement between the Kingdom of the Netherlands and the
Republic of Indonesia on mutual administrative assistance for the
proper application of customs law and for the prevention,
investigation and combating of customs offences**

The Kingdom of the Netherlands

and

the Republic of Indonesia,

hereinafter referred to as the Contracting Parties,

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;

Considering that offences against Customs law are prejudicial to their economic, fiscal, social, cultural, public health and commercial interests;

Considering that cross-frontier trafficking in narcotic drugs and psychotropic substances, hazardous goods, endangered species and toxic waste constitutes a danger to society;

Considering that illegal cross-border trafficking of weapons, explosives, chemical, biological and nuclear substances constitutes a danger to society;

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 clear legal provisions;

Having regard to the relevant instruments of the Customs Co-operation Council, in particular the Recommendation on Mutual Administrative Assistance of 5 December 1953;

Having regard also to international conventions containing prohibitions, restrictions and special measures of control in respect of specific goods;

have agreed as follows:

CHAPTER I

Definitions

Article 1

For the purposes of this Agreement:

1. the term "Customs administration" shall mean, for the Kingdom of the Netherlands, the central administration responsible for the implementation of Customs law and, for the Republic of Indonesia, the Directorate General of Customs and Excise, Department of Finance;

2. the term "Customs law" shall mean: any legal and administrative provisions applicable or enforceable by the Customs administrations in connection with the importation, exportation, movement or storage of goods;

3. the term "Customs offence" shall mean: any breach or attempted breach of Customs law;

4. the term "Customs claim" shall mean: any amount of duties and taxes to which this Agreement applies and of increases, surcharges, overdue payments, interests and costs pertaining to the said duties and taxes that cannot be collected in one of the Contracting Parties;

5. the term "person" shall mean: either a human being or a legal entity;

6. the term "personal data" shall mean: any data concerning an identified or identifiable human being;

7. the term "information" shall mean: any data, either processed or not, documents, reports, certified or authenticated copies thereof or other communications in any format, including electronic;

8. the term "requesting administration" shall mean: the Customs administration which requests assistance;

9. the term “requested administration” shall mean: the Customs administration from which assistance is requested.

CHAPTER II

Scope of the Agreement

Article 2

1. The Contracting Parties shall through their Customs administrations afford each other administrative assistance under the terms set out in this Agreement, for the proper application of Customs law and for the prevention, investigation and combating of Customs offences, as well as for the recovery of Customs claims.

2. All assistance under this Agreement by either Contracting Party shall be performed in accordance with its national legal and administrative provisions and within the limits of its Customs administration's competence and available resources.

3. This Agreement is without prejudice to the obligations of the Kingdom of the Netherlands under the legislation of the European Union concerning its present and future obligations as a Member State of the European Union and to any legislation enacted to implement those obligations, as well as its present and future obligations resulting from international agreements between the Member States of the European Union, and to the obligations of the Republic of Indonesia under the Association of South East Asian Nations (ASEAN) Agreement on Customs, signed in Phuket, Thailand, on March 1st, 1997.

4. This Agreement is intended solely for the mutual administrative assistance between the Contracting Parties; the provisions of this Agreement shall not give rise to a right on the part of any private person to obtain, suppress or exclude any evidence or to impede the execution of a request.

5. This Agreement is without prejudice to rules governing mutual assistance in criminal matters. If mutual assistance should be afforded in accordance with another agreement in force between the Contracting Parties, the requested administration shall indicate which relevant authorities are concerned.

CHAPTER III

Scope of assistance

Article 3

1. The Customs administrations shall provide each other, either on request or on their own initiative, with information which helps to ensure proper application of Customs law and the prevention, investigation and combating of Customs offences, as well as the recovery of Customs claims.

2. Either Customs administration shall, in making inquiries on behalf of the other Customs administration, act as if the inquiries were being made on its own account or at the request of another authority of its own state.

Article 4

1. On request, the requested administration shall provide all information about Customs law and procedures applicable in that Contracting Party and relevant to inquiries relating to a Customs offence.

2. Either Customs administration shall communicate either on request or on its own initiative and without delay, any available information relating to:

- a) new Customs law enforcement techniques having proved their effectiveness;
- b) new trends, means or methods of committing Customs offences.

Article 5

The Customs administrations may provide each other technical assistance in Customs matters including:

- a) exchange of Customs officers when mutually beneficial for the purpose of advancing the understanding of each other's techniques;
- b) training and assistance in developing specialized skills of Customs officers;
- c) exchange of information and experience relating to the usage of interdiction and detection equipment;
- d) exchange of experts knowledgeable about Customs matters;
- e) exchange of professional, scientific and technical data relating to Customs law and procedures.

CHAPTER IV

Special instances of assistance

Article 6

On request, the requested administration shall in particular provide the requesting administration with the following information:

- a) whether goods which are imported into the Customs territory of the requesting Contracting Party have been lawfully exported from the Customs territory of the requested Contracting Party;
- b) whether goods which are exported from the Customs territory of the requesting Contracting Party have been lawfully imported into the Customs territory of the requested Contracting Party and about the Customs procedure, if any, under which the goods have been placed.