

No. 48256

**European Community
and
Hong Kong Special Administrative Region (under authorization
by the Government of the People's Republic of China)**

Agreement between the European Community and Hong Kong, China on cooperation and mutual administrative assistance in customs matters. Hong Kong, 13 May 1999

Entry into force: *1 June 1999 by notification, in accordance with article 22*

Authentic texts: *Chinese, Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish*

Registration with the Secretariat of the United Nations: *Council of the European Union, 11 January 2011*

Only the authentic English and French texts are published herein. The other authentic texts of the Agreement are not published herein, in accordance with article 12 (2) of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the Secretariat.

**Communauté européenne
et
Région administrative spéciale de Hong Kong (par autorisation
du Gouvernement de la République populaire de Chine)**

Accord entre la Communauté européenne et Hong Kong (Chine) relatif à la coopération et à l'assistance administrative mutuelle en matière douanière. Hong Kong, 13 mai 1999

Entrée en vigueur : *1^{er} juin 1999 par notification, conformément à l'article 22*

Textes authentiques : *chinois, danois, néerlandais, anglais, finnois, français, allemand, grec, italien, portugais, espagnol et suédois*

Enregistrement auprès du Secrétariat des Nations Unies : *Conseil de l'Union européenne, 11 janvier 2011*

Seuls les textes authentiques anglais et français sont publiés ici. Les autres textes authentiques de l'Accord ne sont pas publiés ici, conformément au paragraphe 2 de l'article 12 du règlement de l'Assemblée générale destiné à mettre en application l'Article 102 de la Charte des Nations Unies, tel qu'amendé, et à la pratique dans le domaine des publications du Secrétariat.

AGREEMENT
BETWEEN THE EUROPEAN COMMUNITY
AND HONG KONG, CHINA
ON COOPERATION AND MUTUAL ADMINISTRATIVE ASSISTANCE
IN CUSTOMS MATTERS

The EUROPEAN COMMUNITY and HONG KONG, CHINA ⁽¹⁾ (hereinafter referred to as the "Contracting Parties"),

CONSIDERING the importance of the commercial links between the European Community and Hong Kong, China and desirous of contributing, to the benefit of both Contracting Parties, to the harmonious development of those links;

BELIEVING THAT, in order to attain this objective, there should be an undertaking to develop customs cooperation;

TAKING into account the development of customs cooperation between the Contracting Parties, concerning customs procedures;

CONSIDERING that operations in breach of customs legislation are prejudicial to the economic, fiscal and commercial interests of both Contracting Parties, and recognising the importance of ensuring the accurate assessment of customs duties and other taxes;

CONVINCED that action against such operations can be made more effective by cooperation between their competent administrative authorities;

HAVING regard to obligations imposed under international conventions already accepted by, or applied to the Contracting Parties; and having regard also to the recommendation of the Customs Cooperation Council on mutual administrative assistance of 5 December 1953,

⁽¹⁾ In accordance with Article 151 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

HAVE AGREED AS FOLLOWS:

TITLE I

GENERAL PROVISIONS

ARTICLE 1

Definitions

For the purposes of this Agreement:

- (a) "customs legislation" shall mean any laws, regulations or other legally binding instruments of the European Community or Hong Kong, China governing the import, export and transit of goods and their placing under any other customs regime or procedure, including measures of prohibition, restriction and control falling under the competence of the customs authorities and other administrative authorities;
- (b) "customs authority" shall mean, in the European Community, the competent services of the Commission of the European Communities and the customs authorities of the Member States of the European Community, and in Hong Kong, China, the Customs and Excise Department;

- (c) "applicant authority" shall mean a competent administrative authority which has been designated by a Contracting Party for this purpose and which makes a request for assistance on the basis of this Agreement;
- (d) "requested authority" shall mean a competent administrative authority which has been designated by a Contracting Party for this purpose and which receives a request for assistance, on the basis of this Agreement;
- (e) "personal data" shall mean all information relating to an identified or identifiable human being;
- (f) "operation in breach of customs legislation" shall mean any violation or attempted violation of the customs legislation;
- (g) "person" shall mean either a human being or a legal entity.

ARTICLE 2

Territorial application

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to Hong Kong, China.