

No. 48540

**European Community
and
United States of America**

Agreement between the European Community and the United States of America on customs cooperation and mutual assistance in customs matters. The Hague, 28 May 1997

Entry into force: *1 August 1997 by notification, in accordance with article 23*

Authentic texts: *Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish*¹

Registration with the Secretariat of the United Nations: *Council of the European Union, 9 May 2011*

**Communauté européenne
et
États-Unis d'Amérique**

Accord de coopération douanière et d'assistance mutuelle en matière douanière entre la Communauté européenne et les États-Unis d'Amérique. La Haye, 28 mai 1997

Entrée en vigueur : *1^{er} août 1997 par notification, conformément à l'article 23*

Textes authentiques : *danois, néerlandais, anglais, finnois, français, allemand, grec, italien, portugais, espagnol et suédois*¹

Enregistrement auprès du Secrétariat des Nations Unies : *Conseil de l'Union européenne, 9 mai 2011*

¹ Only the authentic English and French texts are published herein. – Seuls les textes authentiques anglais et français sont publiés ici.

**AGREEMENT
BETWEEN THE EUROPEAN COMMUNITY
AND THE UNITED STATES OF AMERICA
ON CUSTOMS COOPERATION
AND MUTUAL ASSISTANCE IN CUSTOMS MATTERS**

THE EUROPEAN COMMUNITY and THE UNITED STATES OF AMERICA, hereinafter referred to as the "Contracting Parties",

TAKING ACCOUNT of the joint European Union–United States action plan, signed in Madrid on 3 December 1995;

CONSIDERING the importance of the commercial links between the European Community and the United States of America 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 of the widest possible scope;

CONSIDERING that operations in breach of customs legislation are prejudicial to the economic, fiscal and commercial interests of both Contracting Parties, and recognizing 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 customs authorities;

TAKING ACCOUNT of the respective competencies of the European Community and the Member States of the European Community, and desiring to conclude an agreement on those matters falling under the competencies of the European Community;

CONSIDERING the existing agreements on customs cooperation and mutual assistance which have been concluded between individual Member States of the European Community and the United States of America and other international agreements and conventions already accepted by the CONTRACTING PARTIES,

HAVE AGREED AS FOLLOWS:

TITLE I

GENERAL PROVISIONS

ARTICLE 1

Definitions

For the purposes of this Agreement:

- (a) "customs legislation" shall mean provisions adopted by the European Community and the United States of America governing the import, export, transit of goods and their placing under any customs procedure, including measures of prohibition, restriction and control;

- (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 the United States of America, the U.S. Customs Service, Department of the Treasury;
- (c) "applicant authority" shall mean the competent customs authority which has been appointed by a Contracting Party for this purpose and which makes a request for assistance in customs matters;
- (d) "requested authority" shall mean the competent customs authority which has been appointed by a Contracting Party for this purpose and which receives a request for assistance in customs matters;
- (e) "personal data" shall mean all information relating to an identified or identifiable individual;
- (f) "breach of customs legislation" shall mean any violation of the customs legislation as well as any attempted violation of such legislation.