

**No. 49114**

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**Turkey  
and  
South Africa**

**Agreement between the Government of the Republic of Turkey and the Government of the Republic of South Africa regarding mutual assistance between their customs administrations (with annex). Pretoria, 3 March 2005**

**Entry into force:** *1 November 2009 by notification, in accordance with article 16*

**Authentic texts:** *English and Turkish*

**Registration with the Secretariat of the United Nations:** *Turkey, 8 November 2011*

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**Turquie  
et  
Afrique du Sud**

**Accord entre le Gouvernement de la République turque et le Gouvernement de la République sud-africaine concernant l'assistance mutuelle entre leurs administrations douanières (avec annexe). Pretoria, 3 mars 2005**

**Entrée en vigueur :** *1<sup>er</sup> novembre 2009 par notification, conformément à l'article 16*

**Textes authentiques :** *anglais et turc*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Turquie, 8 novembre 2011*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT  
BETWEEN  
THE GOVERNMENT OF  
THE REPUBLIC OF TURKEY**

**AND**

**THE GOVERNMENT OF  
THE REPUBLIC OF SOUTH AFRICA**

**REGARDING MUTUAL ASSISTANCE  
BETWEEN THEIR CUSTOMS ADMINISTRATIONS**

## **Preamble**

The Government of the Republic of Turkey and the Government of the Republic of South Africa (hereinafter jointly referred to as the “Parties” and in the singular as a “Party”);

**CONSIDERING** the importance of ensuring the accurate assessment and collection of customs duties, taxes and other charges on the importation or exportation of goods as well as the implementation of provisions of prohibition, restriction and control;

**CONSIDERING** that contravention of customs legislation is detrimental to the economic, commercial, fiscal, social and cultural interests of their respective countries;

**CONSIDERING** that trafficking in narcotic drugs and psychotropic substances constitutes a danger to public health and to society;

**RECOGNISING** the need for international co-operation in matters related to the proper application and enforcement of their customs legislation;

**CONVINCED** that efforts to prevent the contravention of customs legislation and to achieve greater accuracy in the collection of customs duties and taxes would be made more effective by close co-operation between their customs administrations;

**HAVING REGARD TO** the Recommendation on Mutual Administrative Assistance and the Declaration on the Improvement of Customs Co-operation and Mutual Administrative Assistance, adopted in December 1953 and July 2000, respectively, by the Customs Co-operation Council, now known as the World Customs Organization;

Have agreed, as follows :

## **Article 1**

### **Definitions**

For the purposes of this Agreement, unless the context otherwise requires:

- (a) “controlled delivery” means an operation during which the customs administrations of the Parties, in accordance with their national law, shall maintain surveillance on or allow to pass through their territories narcotic drugs or psychotropic substances or substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances, with a view to detecting offences linked to the importation or exportation of these products and to identifying persons involved in the commission of such offences;
- (b) “customs administration” means, for the Government of the Republic of Turkey, the Prime Ministry Undersecretariat for Customs and for the Government of the Republic of South Africa, the South African Revenue Service;
- (c) “customs legislation” means all the legal and administrative provisions applicable or enforceable by the customs administrations in connection with the importation, exportation, transshipment, transit, storage, and movement of goods, including:
  - (i) the collection, guaranteeing or repayment of duties, taxes and other charges;
  - (ii) action in relation to measures of prohibition, restriction or control;
  - (iii) action in relation to illegal trafficking in narcotic drugs and psychotropic substances;
- (d) “customs duties and taxes” means customs duties and all other duties, taxes, fees or other charges which are collected on or in connection with the importation or exportation of goods;
- (e) “customs offence” means any violation or attempted violation of customs legislation;
- (f) “information” means any data, whether or not processed or analysed, any documents, reports, and other communications in any format, including electronic, or certified or authenticated copies thereof;

- (g) “narcotic drugs and psychotropic substances” means the products and substances defined as such by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of December 20, 1988;
- (h) “officer” means any customs officer or other government agent designated by either customs administration;
- (i) “person” means any natural or legal person;
- (j) “personal data” means all information relating to an identified or identifiable individual;
- (k) “precursors” means controlled chemical substances used in the production of narcotic drugs and psychotropic substances, enumerated in the Lists I and II of the 1988 UN Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
- (l) “requested administration” means the customs administration from which assistance is requested;
- (m) “requesting administration” means the customs administration which requests assistance;
- (n) “requested Party” means the Party whose customs administration is requested to provide assistance;
- (o) “requesting Party” means the Party whose customs administration requests assistance;
- (p) “territory” means the territory in which the customs legislation of a State applies in full.

## **Article 2**

### ***Scope of the Agreement***

1. The Parties shall, through their customs administrations and in accordance with the provisions set out in this Agreement, afford each other mutual assistance:
  - (a) to ensure that the customs legislation in their respective territories is properly enforced;