

No. 49181

**Belarus
and
Finland**

Agreement between the Government of the Republic of Belarus and the Government of the Republic of Finland on cooperation and mutual assistance in customs matters (with annex). Helsinki, 18 December 2009

Entry into force: *24 January 2011 by notification, in accordance with article 21*

Authentic texts: *English, Finnish and Russian*

Registration with the Secretariat of the United Nations: *Belarus, 22 December 2011*

**Bélarus
et
Finlande**

Accord entre le Gouvernement de la République du Bélarus et le Gouvernement de la République de Finlande relatif à la coopération et à l'assistance mutuelle en matière douanière (avec annexe). Helsinki, 18 décembre 2009

Entrée en vigueur : *24 janvier 2011 par notification, conformément à l'article 21*

Textes authentiques : *anglais, finnois et russe*

Enregistrement auprès du Secrétariat des Nations Unies : *Bélarus, 22 décembre 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

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

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

Considering that contraventions of customs laws are prejudicial to economic, commercial, fiscal, social, cultural, industrial and agricultural interests of their respective countries, as well as to the legitimate interests of trade;

Convinced that action against contraventions of customs laws can be rendered more effective by close cooperation between their Customs Administrations;

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;

Recognizing that illicit trafficking in narcotic drugs and psychotropic substances represents a danger for public health and society;

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;

Having regard to international instruments promoting bilateral mutual assistance, and in particular to the Recommendation of the Customs Co-operation Council 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 enforced by the Customs Administrations governing the import, export and transit of goods as well as the means of payment, and also any customs procedure under which the goods may be placed, whether relating to customs duties, taxes and other

charges levied by the Customs Administrations or to measures of prohibition, restriction and control;

b) "Customs Administration" shall mean:

the State Customs Committee – in the Republic of Belarus, and

the National Board of Customs – in the Republic of Finland;

c) "contravention" shall mean any violation or attempted violation of customs laws;

d) "requesting Customs Administration" shall mean the Customs Administration of a Contracting Party, which makes a request for assistance in customs matters;

e) "requested Customs Administration" shall mean the Customs Administration of a Contracting Party, which receives a request for assistance in customs matters;

f) "person" shall mean any physical human being or legal entity;

g) "personal data" shall mean any information relating to an identified or identifiable physical human being;

h) "narcotic drugs" shall mean any substance, natural or synthetic, in Schedules I and II of the Single Convention on Narcotic Drugs of 1961, as amended, as well as any substance assimilated to narcotic drugs in national legislation;

i) "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;

j) "precursors" shall mean chemical substances listed in the Annex to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, as amended;

k) "controlled delivery" shall mean the technique of allowing illicit consignments to pass out of, through or into the territories of the States of the Contracting Parties, with the knowledge and under the supervision of their competent authorities, with a view to detecting and identifying persons involved in contraventions of customs laws.

Article 2

Scope of the Agreement

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

- a) to ensure that customs laws are properly applied;
 - b) to prevent, investigate and prosecute contraventions 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 Administration.
3. This Agreement does not provide for the recovery of duties, taxes and any other charges, on behalf of the other Contracting Party.
4. This Agreement shall not affect the application of international agreements on legal assistance in criminal matters into which the Contracting Parties have entered.

Article 3

Scope of assistance

1. The Customs Administrations 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 prosecution of contraventions of customs laws.
2. In accordance with their national legal and administrative provisions, the Customs Administrations 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, taxes and levies, especially the information that facilitates:
- a) the determination of dutiable value, the tariff classification and the origin of the goods;
 - b) the enforcement of the provisions concerning prohibitions, restrictions and controls.
3. Either Customs Administration shall, in making inquiries on behalf of the other Customs Administration, act as if they were being made on its own account or at the request of another authority in that Contracting Party.
4. In case the requested Customs Administration 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.
5. The Customs Administrations may agree on the exchange of liaison officers for limited or unlimited periods, and on mutually agreed conditions.
6. The Customs Administrations may provide each other technical assistance in

customs matters including:

- a) visits and exchanges of customs officials;
- b) training and assistance in developing specialized skills of the customs officers;
- c) exchange of professional, scientific and technical data relating to customs laws and procedures.

Article 4

Information relating to contraventions of customs laws

The Customs Administrations shall, on their own initiative or upon request, supply to each other all information likely to be of use to them relating to contraventions of customs laws and, in particular, regarding:

- a) natural or legal persons known to be, or suspected of, contravening or having contravened the customs laws in force in the territory of the State of the other Contracting Party;
- b) goods known to be, or suspected of being, the subject of illicit traffic;
- c) means of transport and containers known to be, or suspected of being, used in contraventions of the customs laws in force in the territory of the State of the other Contracting Party;
- d) new ways and means known to be, or suspected of being, employed in contraventions of customs laws;
- e) new customs law enforcement techniques which have proved their effectiveness.

Article 5

Information on movement of goods

The Customs Administrations 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 Administration have been lawfully exported from the territory of the State of the other Customs Administration, and the customs procedure, if any, under which the goods have been placed;
- b) whether goods exported from the territory of the State of the requesting