

**No. 53053\***

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**Spain  
and  
Republic of Moldova**

**Agreement between the Kingdom of Spain and the Republic of Moldova regarding cooperation and mutual assistance in customs matters. Madrid, 22 October 2013**

**Entry into force:** *7 November 2015, in accordance with article 20*

**Authentic texts:** *English, Moldovan and Spanish*

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**Espagne  
et  
République de Moldova**

**Accord entre le Royaume d'Espagne et la République de Moldova relatif à la coopération et à l'assistance mutuelle en matière douanière. Madrid, 22 octobre 2013**

**Entrée en vigueur :** *7 novembre 2015, conformément à l'article 20*

**Textes authentiques :** *anglais, moldave et espagnol*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Espagne, 10 novembre 2015*

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**AGREEMENT**  
**BETWEEN THE KINGDOM OF SPAIN**  
**AND**  
**THE REPUBLIC OF MOLDOVA**  
**REGARDING COOPERATION AND**  
**MUTUAL ASSISTANCE IN CUSTOMS MATTERS**

*The Kingdom of Spain and the Republic of Moldova, hereinafter referred to as the Parties,*

*Considering that offences against customs legislation are detrimental to their economic, fiscal and social interests, as well as to the legitimate interests of trade;*

*Considering that illicit trafficking in narcotic drugs, psychotropic substances and other hazardous goods constitutes a danger to public health and to society;*

*Considering the importance of assuring the accurate assessment of customs duties and taxes collected at importation or exportation of goods and the proper implementation of the measures of prohibition, restriction and control;*

*Convinced that efforts to prevent offences against customs legislation and efforts to ensure proper collection of import and export customs duties and taxes can be made more effective through cooperation between their Customs authorities;*

*Having regard to the Recommendation of the Customs Cooperation Council on Mutual Administrative Assistance of December 5, 1953 and its Resolution on Security and Facilitation of the International Trade Supply Chain of June 2002;*

*Having regard to the Protocol on mutual assistance between administrative authorities in customs matters of the Partnership and Co-operation Agreement between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, signed in Brussels on November 28, 1994;*

*Having regard also to the Single Convention on Narcotic Drugs (New York, March 30, 1961), amended by the Protocol (Geneva, March 25, 1972), the Convention on Psychotropic Substances (Vienna, February 21, 1971) and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, December 20, 1988);*

*Have agreed as follows:*

## **ARTICLE 1**

### ***Definitions***

*For the purposes of this Agreement:*

- a)** *"Customs authority" shall mean:*
- *in the Kingdom of Spain: The Ministry of Finance and Public Administrations, without prejudice to the competences corresponding to other Ministries;*
  - *in the Republic of Moldova, the Customs Service under the Ministry of Finance;*
- b)** *"Customs legislation" shall mean any legal or regulatory provisions enforced by the Customs authorities governing the import, export and transit of goods or any other customs procedures or regimes, whether relating to customs duties and taxes or to measures of prohibition, restriction or control, including illegal trafficking in narcotic drugs and other goods;*
- c)** *"Customs offence" shall mean any violation of customs legislation, as well as any attempted violation of such legislation;*
- d)** *"Customs duties and taxes" shall mean all duties, taxes and any other charges levied and collected by Customs authorities;*
- e)** *"Person" shall mean any natural or legal person;*
- f)** *"Requesting authority" shall mean the Customs authority which makes a request for assistance in customs matters;*
- g)** *"Requested authority" shall mean the Customs authority which receives a request for assistance in customs matters;*

- h) "Controlled delivery" shall mean the technique of allowing illicit consignments which contain or are suspected of containing narcotic drugs, psychotropic substances, substances substituted for them or sensitive goods, to pass out of, through or into the territories of the Parties, with the agreement and under the supervision of the competent authorities, for the purpose of identifying persons involved in these customs offences.*

## **ARTICLE 2**

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

- 1.- The Customs authorities of the Parties shall assist each other under the terms set out in the present Agreement in order to facilitate the legal movement of goods and to apply correctly the customs legislation, to prevent, investigate and combat customs offences and also to ensure the security and facilitation of the international trade supply chain.*
- 2.- Mutual assistance within the framework of this Agreement shall be rendered in accordance with the legislation in force in the territory of the requested Party and within the competence and available resources of the requested authority.*
- 3.- The content of this Agreement shall not affect mutual assistance concerning criminal matters, which shall be rendered in accordance with the legislation in force in the territories of the Parties and in accordance with the international treaties to which they are Parties.*
- 4.- The provisions of this Agreement shall not affect the rights and obligations of the Parties under any other international treaties to which they are Parties.*
- 5.- This Agreement shall be without prejudice to the obligations of the Kingdom of Spain under the legislation of the European Union concerning its present and future obligations as a Member State of the European Union and any legislation enacted to implement those obligations, as well as its present and future obligations resulting from international treaties between the Member States of the European Union.*