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**Argentina
and
Ukraine**

Agreement between the Argentine Republic and Ukraine on mutual administrative assistance for the prevention investigation and suppression of customs legislation offenses. Buenos Aires, 24 April 2012

Entry into force: *16 April 2016 by notification, in accordance with article 15*

Authentic texts: *English, Spanish and Ukrainian*

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**Argentine
et
Ukraine**

Accord entre la République argentine et l'Ukraine relatif à l'assistance administrative mutuelle pour la prévention, la recherche et la répression des infractions douanières. Buenos Aires, 24 avril 2012

Entrée en vigueur : *16 avril 2016 par notification, conformément à l'article 15*

Textes authentiques : *anglais, espagnol et ukrainien*

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**AGREEMENT
BETWEEN
THE ARGENTINE REPUBLIC
AND
UKRAINE
ON MUTUAL ADMINISTRATIVE ASSISTANCE
FOR THE PREVENTION INVESTIGATION AND SUPPRESSION OF
CUSTOMS LEGISLATION OFFENCES**

The Argentine Republic and Ukraine, hereinafter referred to as "the Parties",

Considering that offences against Customs legislation of the Parties are prejudicial to the economic, fiscal, social, cultural and commercial interests of the Parties, as well as to public security and health;

Considering that illicit trafficking in drugs and psychotropic substances and their precursors constitutes a danger to public health and to society;

Considering that it is essential to ensure an accurate valuation of goods in order to guarantee the appropriate application of import and export duties on goods and to allow the proper enforcement of Customs legislation of the Parties on control, restriction and prohibition matters;

Convinced that the fight against Customs legislation offences will be more rendered effective through close cooperation between their Customs Administrations of the Parties;

Taking into account the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December , 1988, and its Annexes;

Also taking into account the Recommendation of the Customs Cooperation Council (now World Customs Organization) on Mutual Administrative Assistance, of 5 December 1953, established in the Framework of Standards to Secure and Facilitate Global Trade, adopted unanimously by its members during the Annual Sessions of the Council held in June 2005 in Brussels;

Have agreed as follows:

Article 1
Definitions

For the purposes of this Agreement:

1. "Customs Administrations" means, for the Argentine Republic, the Federal Administration of Public Revenue - General Customs Office; for Ukraine, the State Customs Service of Ukraine.
2. "Customs legislation" means the legal provisions which regulate importation, exportation and transit of goods, hand baggage and luggage of passengers, postal consignments and remittances of currency and other valuables, collection of duties and any other payments or the establishment of preferences, prohibitions and restrictions, as well as the control of transportation of goods across customs borders.
3. "Requesting Administration" means the Customs Administration which requests assistance.
4. "Requested Administration" means the Customs Administration from which assistance is requested.
5. "Customs offences" means any violation of, or attempt to violate, Customs legislation.
6. "Person" means any natural or artificial person.
7. "Territory" means the Customs territory of each Party, as established in its domestic legislation.

Article 2
Scope of the agreement

1. The Customs Administrations of the Parties agree to provide mutual and direct assistance to each other under the terms established in this Agreement with a view to detecting, preventing, investigating and suppressing Customs offences in each Party.
2. The assistance provided for in paragraph 1 of this article does not include the collection of Customs duties, fines or any other amount for the collection of which the other Party is responsible.
3. Upon request by a Customs Administration, the Customs Administration of the requested Party shall notify the interested persons residing in its territory of

any communication, resolution, order or any other document from the Requesting Party related to the enforcement of its Customs legislation.

4. The assistance provided for in this Agreement shall be in accordance with the legal rules and regulations in force in the requested Party and within the limits of competence and available resources of its Customs Administration.

Article 3 **Scope of the assistance**

1 . The Customs Administrations of the Parties shall, at their own initiative and without delay, provide to each other all information available as regards:

- a) Activities carried out or to be carried out that are or appear to be illegal in accordance with the Customs legislation of the other Party;
- b) New means or methods of committing offences;
- c) Persons in respect of whom it is suspected that they commit or may commit Customs legislation offences of each Party;
- d) Ships, aircraft or any other means of transport suspected of being used to commit offences;
- e) New methods to fight Customs legislation offences which have proved to be effective;
- f) Updated lists of goods suspected of being the object of illicit trafficking between the territories of the Parties.

2. Upon written request and as soon as possible, the Customs Administrations shall send:

- a) Abstracts of Customs documents related to activities which are or might be the object of Customs offences, which may be sent in duly certified or authenticated copies;
- b) Any information which may serve for the purpose of disclosing offences and/or violations of the Customs legislation of State of the requesting Administration.

Article 4 **Form and content of the request for assistance**

1 . Requests in accordance with this Agreement shall be in writing. They shall be accompanied by the documents necessary for their processing. When required in urgent cases, verbal requests shall be accepted but they shall be immediately confirmed in writing.

2. Should the requested information not be available in the requested Customs Administration, such Customs Administration shall take all possible steps consistent with its domestic law in order to comply with the request of the

requesting Customs Administration.

3. Requests shall include the following information:

- name and position of the requesting authority,
- nature of the proceeding being conducted,
- purpose of and reasons for the request,
- name and address of the persons involved,
- summary report on the matter, and relevant legal background,
- other relevant information available.

4. The requests shall be submitted in the official language of the requested administration, in English or in any other language which the requested administration may accept.

5. Should a request fail to comply with the formal requirements, its correction or completion may be requested; nevertheless preventive measures may be ordered in the meantime.

Article 5

Surveillance of persons, goods and means of transport

Upon request of the Customs Administration of either Party, the Requested Customs Administration shall, in accordance with its administrative practice, exercise particular surveillance over:

- a) Transfer and, especially, entry into and departure from its territory of persons who are suspected of being or known to be involved in Customs legislation violations of the State of the requesting Administration.
- b) Transportation of goods which have been identified by the requesting Administration as illicit traffic from or into the territory of its State.
- c) Places where goods are stored and which the requesting Administration has reasons to believe are intended to be illegally imported into its territory.
- d) Vehicles, ships, aircraft or any other means of transport which the requesting Administration has reasons to suspect may be used to violate the Customs legislation of its territory.
- e) Activities suspected of being related to illicit trafficking in narcotic drugs, psychotropic substances or precursors.

The conclusions of such surveillance shall be transmitted to the requesting Administration.