

No. 55367*

**Turkey
and
India**

Agreement between the Government of the Republic of Turkey and the Government of the Republic of India on co-operation and mutual assistance in customs matters. New Delhi, 9 April 2013

Entry into force: *18 September 2015, in accordance with article 20*

Authentic texts: *English, Hindi and Turkish*

Registration with the Secretariat of the United Nations: *Turkey, 1 September 2018*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Turquie
et
Inde**

Accord entre le Gouvernement de la République turque et le Gouvernement de la République de l'Inde relatif à la coopération et à l'assistance mutuelle en matière douanière. New Delhi, 9 avril 2013

Entrée en vigueur : *18 septembre 2015, conformément à l'article 20*

Textes authentiques : *anglais, hindi et turc*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Turquie, 1^{er} septembre 2018*

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**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF TURKEY
AND
THE GOVERNMENT OF THE REPUBLIC OF INDIA
ON CO-OPERATION AND MUTUAL ASSISTANCE
IN CUSTOMS MATTERS**

The Government of the Republic of Turkey and the Government of the Republic of India hereinafter referred to as the "Parties";

Considering that offences against Customs law are prejudicial to the economic, commercial, financial, social and cultural interests of their respective countries;

Considering the importance of assuring the accurate assessment and collection of Customs duties, and other taxes applicable on the importation or exportation of goods, as well as the proper enforcement of the provisions on prohibitions, restrictions and control on imports and exports;

Considering that efforts to prevent offences against Customs law and efforts to ensure accurate collection of Customs duties and other taxes may be rendered more effective through co-operation between the Customs Administration of the Parties;

Recognizing the need for international cooperation in matters related to the administration and enforcement of the Customs laws of their respective countries;

Concerned about the scales and growth tendencies of the illicit traffic of narcotic drugs and psychotropic substances, which constitutes a danger to public health and the society;

Having regard also to the relevant international conventions encouraging bilateral mutual assistance as well as the Recommendations of the Customs Co-operation Council (World Customs Organisation) encouraging bilateral mutual assistance;

Have agreed, as follows:

DEFINITIONS

ARTICLE 1

For the purposes of this Agreement:

- a) "Customs Law" shall mean provisions laid down by laws and regulations concerning the importation, exportation, transit of goods or any other Customs procedures whether relating to customs duties, taxes or any other charges collected by the Customs Administrations, or to measures of prohibitions, restrictions or control enforced by the Customs Administrations;
- b) "Customs duties" shall mean all duties, taxes, fees or charges which are levied in the territories of the Parties in the application of Customs law, but not including fees and charges for services rendered;
- c) "Customs offence" shall mean any violation or attempted violation of Customs law;
- d) Narcotic "drugs" shall mean any natural or synthetic substance, enumerated on the List I and List II of the 1961 Single Convention on Narcotic Drugs;
- e) "Psychotropic substances" shall mean any natural or synthetic substance, enumerated on the Lists I, II, III and IV of the 1971 UN Convention on Psychotropic Substances;
- f) "Precursors" shall mean 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;
- g) "Person" shall mean both natural and legal persons;
- h) "Customs Administration" shall mean: for the Republic of Turkey, the Ministry of Customs and Trade; for the Republic of India, the Central Board of Excise & Customs in the Ministry of Finance;
- i) "Information" shall mean any data, whether or not processed or analyzed, and documents, reports and other communications in any format, including electronic, or certified or authenticated copies thereof;
- j) "Intelligence" shall mean information, which has been processed and/ or analyzed to provide an indication relevant to a Customs offence;
- k) "Requesting Administration" means the Customs Administration that requests assistance, and the term "Requested Administration" means the Customs Administration from which assistance is required.

SCOPE OF THE AGREEMENT

ARTICLE 2

1. All assistance under this Agreement by either Party will be performed in accordance with its domestic laws and within the competence and available resources of the Customs Administrations.
2. The Customs Administrations of the Parties shall co-operate and assist each other in the prevention, investigation and combating of Customs offences in accordance with the provisions of this Agreement.
3. This Agreement is intended solely for the mutual administrative assistance between the Parties. The provisions of this Agreement shall not give rise to a right on the part of any private person to obtain, suppress or exclude any evidence or to impede the execution of a request.

SCOPE OF ASSISTANCE

ARTICLE 3

1. Either on request of the Customs Administration of a Party, or on their own initiative, the Customs Administration of the other Party shall communicate all available information, which helps to ensure the proper application of Customs law, the prevention, the investigation and combating of Customs offences and the security of the international trade supply chain. Such information may relate to:
 - a) New law enforcement techniques having proved their effectiveness;
 - b) New trends, means or methods of committing Customs offences;
 - c) Goods, known to be the subject of Customs offences, as well as transport and storage methods used in respect of those goods;
 - d) Persons, known to have committed a Customs offence or suspected of being about to commit a Customs offence;
 - e) Proper assessment of customs duties and taxes;
 - f) Accurate assessment of the value of goods for Customs purposes;
 - g) Determination of the tariff classification and the origin of goods.
2. The Customs Administration shall provide each other, either on request or on their own initiative with information and intelligence on transactions, completed or planned, which constitute or appear to constitute a Customs offence.

3. Either on request of the Customs Administration of a Party, or on their own initiative, the Customs Administration of the other Party shall communicate all available information on techniques and improved methods of processing passengers and cargo.

EXCHANGE OF INFORMATION AND DOCUMENTS

ARTICLE 4

1. At the request of a Customs Administration of a Party, the Customs Administration of the other Party shall provide the copies of the customs and shipment documents, certified copies thereof if requested and information on actions, carried out or intended, which constitutes or may constitute an offence against the Customs law in force in the Requesting Party.
2. At the request of the Customs Administration of a Party, the Customs Administration of the other Party shall provide information concerning the authenticity of official documents produced in support of a declaration made to the Customs Administration of the Requesting Party.

ARTICLE 5

1. At the request of the Customs Administration of a Party, the Customs Administration of the other Party shall communicate information concerning the following matters:
 - a) Whether goods imported into the territory of the Requesting Party have been lawfully exported from the territory of the other Party;
 - b) Whether goods exported from the territory of the Requesting Party have been lawfully imported into the territory of the Requested Party.
2. Such information shall also specify the Customs procedures used for the clearance of the goods in the territory of the Requested Administration.

ARTICLE 6

1. If the Customs Administration of the Requested Party does not have the requested information, it shall take steps to obtain such information, as if it were acting on its own behalf and in compliance with the legislation in force in the territory of its State.