

AGREEMENT

Between the Government of the Republic of Armenia and the Government of the Hellenic Republic on Mutual Assistance between their Customs Administrations

The Government of the Republic of Armenia and the Government of the Hellenic Republic hereinafter referred to as "the Contracting Parties",

Recognizing that the offences of customs laws and regulations are prejudicial to the social, economic, fiscal and other interests of their countries,

Confident that the reinforcement of the cooperation between their Customs Administrations, will contribute to a more effective action for the prevention, investigation and suppression of the Customs offences, including the illicit traffic of narcotic drugs and psychotropic substances, the illicit traffic through the borders of arms, explosives and ammunition, nuclear materials, as well as objects of cultural value and archaeological treasures,

Having regard to the Conventions of the United Nations on Narcotic Drugs and Psychotropic Substances,

Having regard also to the relevant international conventions in force encouraging bilateral mutual assistance and the Recommendations of the Customs Cooperation Council,

Have agreed as follows:

Article 1 Definitions

For the purposes of this Agreement:

a) the term "Customs legislation" shall mean all legislative and regulatory provisions applied by the Customs Administrations of the two Contracting Parties governing the import, export and transit of goods and their placement under any customs procedure, including measures of prohibition, restriction and control;

b) the term "Customs Administration" shall mean for the Republic of Armenia the Customs Department of the Republic of Armenia and for the Hellenic Republic the Directorate General of Customs and Excise at the Ministry of Finance;

c) the term "Customs offence" shall mean any breach or attempted breach of the Customs legislation;

d) the term "person" shall mean either a natural person or a legal entity;

e) the term "personal data" shall mean all information concerning an identified or identifiable individual;

f) the term "narcotic drugs" shall mean any substances, natural or synthetic, enumerated in Schedules I and II of the 1961 Single Convention on Narcotic Drugs with the relevant amendments;

g) the term "psychotropic substances" shall mean any substances, natural or synthetic, enumerated on the Lists I, II, III, and IV of the United Nations Convention on Psychotropic Substances of 1971;

h) the term "requested Administration" shall mean the Customs Administration from which assistance is requested;

i) the term "requesting Administration" shall mean the Customs Administration which requests assistance.

Article 2

Scope of the Agreement

1) By this Agreement the Contracting Parties establish mutual assistance between their Customs Administrations, for the prevention, investigation and combating of customs offences and for the proper application of Customs legislation.

2) The mutual assistance between the two Contracting Parties is provided in accordance with the provisions of their internal legislation in the framework of their competence and available resources.

3) The application of this Agreement shall not affect the obligations of the Contracting Parties under any other international Convention or Agreement.

Article 3

Assistance on request

1. Upon request, the Customs Administration of the Contracting Parties inform each other whether goods exported from the territory of one Contracting Party have been lawfully imported into the territory of the other Contracting Party. Upon request, this information shall contain the customs procedures used in the clearance of the goods.

2. The Customs Administration of one Contracting Party shall provide, upon request of the Customs Administration of the other Contracting Party and to the extent of its ability information concerning:

a) means of transport for which there are reasonable grounds for believing that they have been, are or may be used in the contravening of customs legislation,

b) goods known or suspected by the requesting Administration to be the object of illegal activities;

c) persons known or suspected by the requesting Administration of being involved in illegal activities;

d) new methods and channels known or suspected by the requesting Administration of being involved in illegal activities;

e) Places known or suspected by the requesting Administration of being used for illegal activities.

3. The Customs Administration of one Contracting Party shall provide, upon request of the Customs Administration of the other Contracting Party every available information regarding activities, which may result in customs

offences, and other illegal activities within the territory of the State of the requesting Administration.

4. The Customs Administrations of the Contracting Parties shall provide upon request the necessary data relating to the transportation and shipment of goods such as administrative, shipping, commercial documents or any other information regarding the value, origin and the destination of these goods.

5. Upon request the Customs Administration of one or the other Contracting Party within the scope of its competence and capacity exerts special surveillance for a certain period of time on the movements of goods, known to be the object of customs offences, including movements of persons and means of transport involved in them.

Article 4

Channels of communication

1. Mutual assistance is effected through direct communication between the officials designated by the Heads of the corresponding Customs Administrations.

2. In case that the Custom Administration of the Contacting Party to which the request is addressed is not competent to respond to the request, it shall transmit the request to the competent authority.

Article 5

Form and content of assistance requests

1. Assistance requests under this Agreement shall be submitted in writing. Documents necessary for its execution shall accompany the request. By exception when required because of the urgency of the situation oral requests may be accepted, but these later shall be confirmed in writing.

2. Assistance requests shall include the following information:

- a) The Customs Administration submitting the request;
- b) The object and the reason of the request;
- c) The names and addresses of the persons, which are target of investigations, if known;
- d) A brief description of the case under consideration and the relevant legal elements involved.

3. Correspondence exchanged under this Agreement shall be conducted in the official languages of the Contracting Parties with the translation in the English language.

Article 6

Execution of requests

1. The Customs Administration to which the request is addressed shall make the necessary efforts to respond to the request. The provided information

may be transmitted by electronic means. The transmission shall contain explanations, necessary for the interpretation and use of this information.

2. Assistance requests submitted under this article shall be executed in accordance with the internal legislation of the requested Administration. In case that the execution of the request is not possible the requested Administration informs the requesting Administration in relation to that.

3. The Customs Administration of one Contracting Party may, following a request submitted by the Customs Administration of the other Contracting Party carry out all necessary customs investigations including the examination of persons suspected of having committed customs offences.

4. The Customs Administration of one Contracting Party may, following a request submitted by the Customs Administration of the other Contracting Party, proceed to verification, control, and investigation in order to find out facts related to cases falling under the scope of this Agreement and for which the requested Administration is competent.

5. With the consent of the Requested Administration, officials of the Requesting Administration may have consultation with officials in the territory of the Requested Administration in relation to customs investigations or reports about customs offences of interest to the Requesting Administration and may examine the relevant data.

6. In cases where the requesting Administration submits a request for assistance which itself would be unable to execute, it shall then be to the discretion of the requested Administration to decide about its execution and inform the requesting Administration about this fact.

Article 7

Spontaneous assistance

1. The Customs Administrations of the Contracting Parties shall provide mutual assistance, without prior request, when they consider that this is necessary for the correct application of customs legislation when they receive information concerning:

- a) Illegal operations.
- b) New means or methods used in conducting such operations.
- c) Goods known to be the object of customs offences.
- d) Persons for which there are founded reasons that they are involved in customs offences.
- e) Means of transport known or suspected of being used in customs offences.

2. The above mentioned spontaneous assistance shall be supplied by the Contracting Parties especially in cases which could involve substantial damage to the economy, public health, public security or any other vital interest of the other Contracting Party, such as the illicit traffic of arms, explosives and ammunition, nuclear material, narcotic drugs and psychotropic substances, archaeological treasures, works of art or other cultural treasures.

Article 8

Confidentiality

1. Intelligence, documents and other information received in the framework of the provision of mutual assistance may be used by the receiving Contracting Party solely for the purposes defined in the present Agreement and only by the competent authorities, including their use in judicial or administrative proceedings. Such intelligence, documents and other information may be used by the receiving Contracting Party for other purposes only with the consent of the providing Contracting Party for that.

2. At the request of the providing Contracting Party, intelligence, documents and other information supplied to the other Contracting Party under this Agreement shall be regarded as confidential by the receiving Contracting Party.

3. Intelligence, documents or other information provided on the basis of this Agreement shall be accorded, in the receiving country, the same degree of confidentiality that this country applies as regards intelligence, documents and other information obtained in its territory.

4. In cases where personal data are exchanged under this Agreement, the Contracting Parties shall provide the same protection as that applied by the Contracting Party furnishing them, in accordance with the legislation, in force in its territory.

Article 9

Files and Documents

1. Originals of files, documents and other data shall be requested only in case where certified copies are insufficient. Upon specific request, copies of such files, documents and other data shall be properly certified.

2. Originals of files, documents and other data, which have been transmitted, shall be returned at the earliest opportunity.

3. The rights of the requested Administration or of third Parties mentioned in the files and documents shall remain unaffected.

Article 10

Experts and witnesses

1. The Customs Administration of one Contracting Party may authorize its officials upon request of the Customs Administration of the other Contracting Party, to appear as experts or witnesses in judicial or administrative proceedings relating to the issues covered by the present Agreement in the territory of the other Contracting Party and produce files, documents or certified copies thereof, as may be needed for the proceedings.

The request for appearance must indicate specifically before which judicial or administrative authority the official will have to appear, on what

matters and by virtue of what title or qualification the official will be questioned.

2. The requesting Administration shall take all necessary measures for the full protection of the personal security of the officials during their stay in its territory and the confidentiality of the testimony, under paragraph (1) of this article. The transport and the daily expenses of these officials shall be covered by the Requesting Administration.

3. The request for appearance of Customs officials as experts and witnesses shall be made in accordance with the legislation of the Contracting Parties.

Article 11

Exceptions to the obligation to provide assistance

1. In cases where the Contracting Party to which the assistance request is addressed, considers that responding to the request may be prejudicial to its sovereignty, security, public order or other essential areas of its national interests, it may refuse to provide the assistance or subject the satisfaction of this request to certain conditions.

2. If the assistance is refused, the reason for the refusal shall be given in a written form to the requesting Administration without delay.

Article 12

Costs of assistance

The Contracting Parties mutually waive any claim for reimbursement of costs incurred during the implementation of this Agreement except for expenses for witnesses and fees for experts and translators who are not government officials, which shall be covered by the requesting Party.

Article 13

Implementation of the Agreement

1. Competent authorities for the implementation of this Agreement are the Customs Department of the Republic of Armenia and the Customs Administration of the Hellenic Republic which shall communicate directly in order to settle matters arising from this Agreement and which after consultations issue administrative directives for the implementation of this Agreement and endeavor by mutual accord to resolve problems or questions arising from its interpretation or during its implementation.

2. The Contracting Parties agree to meet at least once a year in order to review the implementation of this Agreement, unless they mutually agree in writing that such meetings are not necessary.

Article 14

Entry into force

1. This Agreement shall enter into force on the thirtieth day following the date on which the Contracting Parties have notified each other through the exchange of verbal notes that they accept its terms and that all internal requirements for its entry into force have been met.

2. This Agreement may be terminated on written notification of one of the Parties through diplomatic channels in which case it shall cease to exist six months after receipt of such notification.

Done in Yerevan on May 12, 1999 in two original copies in the Armenian, Greek and English languages, both texts being equally authentic. In case of divergence the English text shall prevail.

The Agreement has entered into force on December 10, 2001.