

AGREEMENT
Between the Government of the Republic of Armenia and the Government of the Republic of
Latvia regarding mutual assistance in customs matters

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

Considering that offences against customs legislation are prejudicial to the economic and social interests of their respective countries as well as to the legitimate interests of trade;

Considering the importance of assuring the accurate assessment and collection of customs duties, other taxes, fees or charges on importation or exportation of goods, as well as the proper implementation of provisions of prohibition, restriction and control;

Convinced that efforts to prevent offences against customs legislation and efforts to ensure accurate assessment of import and export duties, taxes, fees or charges can be rendered 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;

Having regard also to the provisions of the Single Convention on Narcotic Drugs (New York, 30 March 1961), the Convention on Psychotropic Substances (Vienna, 21 February 1971) 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 (Vienna, 19 December 1988);

Have agreed as follows:

Definitions
Article 1

For the purposes of the present Agreement:

1. "Customs legislation" shall mean provisions laid down by law or regulation concerning the importation, exportation, transit of goods or any other customs procedure, whether relating to customs duties, other taxes, fees or charges levied by Customs Authorities, or to measures or to prohibition restriction or control.

2. "Customs offence" shall mean any violation of customs legislation as well as any attempted violation of such legislation.

3. "Customs Authority" shall mean:

- for the Republic of Armenia, the Customs State Committee of the Government of the Republic of Armenia.

- for the Republic of Latvia, the State Revenue Service National Customs Board, and

4. "Requesting Customs Authority" shall mean Customs Authority of a Contracting Party, which makes a request for assistance in customs matters.

5. "Requested Customs Authority" shall mean Customs Authority of a Contracting Party, which receives a request for assistance in customs matters.

6. "Information" shall mean data in any form, documents, reports, certified or authenticated copies thereof or other communications.

7. "Person" shall mean any natural or legal person.

8. "Personal data" shall mean any data concerning an identified or identifiable person.

9. "Controlled delivery" shall mean the technique of allowing illicit or suspect consignments of narcotic drugs, psychotropic substances and precursors or substances substituted for them, weapons, ammunition, poisonous gas, explosive and radioactive materials, to pass out of, through or into the territory of one or more countries, with the knowledge and under the supervision of their competent authorities, with a view to identifying persons involved in the commission of such offences.

Scope of Agreement
Article 2

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

- a) on questions about the conditions of implementation of customs legislation requirements in the territories of their States;
- b) in order to prevent, investigate and combat offences against customs legislation;
- c) in cases concerning delivery/notification of documents regarding application of customs legislation.

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 resources of the requested Customs Authority. If necessary, a Customs Authority can arrange for assistance to be provided by another competent authority, in accordance with the legislation in force in the territory of the State of the requested Contracting Party.

Exchange of information

Article 3

1. The Customs Authorities shall, on their own initiative or upon request, supply to each other all information, which may help to clear in the following circumstances:

- a) the collection of customs duties, other taxes, fees and charges levied by Customs Authorities and, in particular, information which may help to assess the value of goods for customs purposes and to establish their tariff classification;
- b) the implementation of import and export prohibitions and restrictions;
- c) the application of national rules of origin not covered by other arrangements concluded by one or both Contracting Parties.

2. If the requested Customs Authority does not have the information asked for, it shall seek that information in accordance with the legislation in force in the territory of the State of the requested Contracting Party.

3. The requested Customs Authority shall seek the information as if it was acting on its own account.

Article 4

The Customs Authorities shall upon request, supply to each other the following information:

- a) whether goods imported into the territory of one Contracting Party have been legally exported from the territory of the other Contracting Party;
- b) whether goods exported from the territory of one Contracting Party have been legally imported into the territory of the other Contracting Party;
- c) whether goods which are granted a favourable treatment upon exportation from the territory of one Contracting Party have been duly imported into the territory of the other Contracting Party, it being understood that information shall also be provided on any customs control measures to which the goods have been subjected.
- d) whether goods which are transited through the territory of the State of each Contracting Party have been legally transited.

Article 5

The Customs Authority of each Contracting Party shall, on its own initiative or upon request, supply to Customs Authority of the other Contracting Party all information likely to be of use to it relating to offences against customs legislation and particularly regarding:

- a) persons known or suspected of committing or having committed offences against the customs legislation in force in the territory of the State of the other Contracting Party;
- b) new means and methods used in illicit traffic of goods;
- c) goods known to be the subject of illicit traffic;
- d) means of transport and containers known to be or suspected of being used in committing offences against the customs legislation in force in the territory of the State of the other Contracting Party;
- e) premises known to be or suspected of being used in committing offences against the customs legislation in force in the territory of the State of the other Contracting Party.

Article 6

1. The Customs Authority of one Contracting Party shall, on its own initiative or upon request, supply the Customs Authority of the other Contracting Party with reports, records of evidence or certified copies of documents giving all available information on transactions, detected or planned, which constitute or appear to constitute an offence against the customs legislation in force in the territory of the State of the Contracting Party.

2. Original information shall be requested only in cases where certified copies would be insufficient. Original information, which has been transmitted, is subject to return as soon as possible.

Article 7

The documents provided for in this Agreement may be replaced by computerised information produced in any form for the same purpose. All relevant information for the interpretation or utilisation of the materials should be supplied at the same time.

Surveillance of persons, goods and means of transport

Article 8

The Customs Authority of one Contracting Party shall, within its competence and resources, on its own initiative or upon request of the Customs Authority of the other Contracting Party, maintain surveillance over:

- a) the movements, particularly entry into and exit from its territory, of persons known or suspected of committing or having committed offences against the customs legislation in force in the territory of the State of the other Contracting Party;
- b) any means of transport and containers known to be or suspected of being used in committing offences against the customs legislation in force in the territory of the State of the other Contracting Party.
- c) movement of goods reported by the Customs Authority of the other Contracting Party as giving rise to substantial illicit traffic to or from the territory of its State or suspicions thereof.

Controlled delivery

Article 9

1. The Contracting Parties proceeding from their national legislative requirements shall undertake the necessary measures, within their possibilities, to allow for the appropriate use of controlled delivery at the international level, on the basis of agreements and/or arrangements mutually consented to, with a view to identifying persons involved in the illicit traffic of narcotic drugs, psychotropic substances and precursors or substance substituted for them, weapons, ammunition, poisonous gas, explosive and radioactive materials, and to taking legal actions against them.

2. Decision to use controlled delivery shall be made on a case-by-case basis.

They may, if necessary, and provided that it is in conformity with the national legislation of States of the Contracting Parties, take into account financial arrangements and understandings reached.

3. Illicit consignments, subject to controlled delivery, may, by mutual consent of the competent authorities, be intercepted and allowed to continue with the narcotic drugs, psychotropic substances and precursors or substances substituted for them, weapons, ammunition, poisonous gas, explosive and radioactive materials, intact or removed or replaced in whole or in part.

Inquiries

Article 10

1. Upon request, the requested Customs Authority shall initiate official inquiries concerning operations, which are or appear to be contrary to the customs legislation in force in the territory of the State of the requesting Contracting Party. It shall communicate the results of such inquiries to the requesting Customs Authority.

2. Those inquiries shall be conducted under the legislation in force in the territory of the State of the requested Contracting Party.

3. The requested Customs Authority may allow officials of the requesting Contracting Party to be present at such inquiries.

4. When representatives of the Customs Authority of one Contracting Party present in the territory of the State of the other Contracting Party, pursuant this Agreement, they must at all times be able to furnish proof of the official capacity. They shall not be in uniform nor carry arms.

5. They shall, while present, enjoy the same protection as accorded to officials of the other Customs Authority, in accordance with their national legislation in force, and be responsible for any offence they may commit.

Experts and witnesses

Article 11

1. If the court or the authorities of one Contracting Party so request in connection with offences against the customs legislation brought before them, the Customs Authority of the other Contracting Party may authorise its officials to appear as experts or witnesses before those courts or authorities. Such officials shall give evidence regarding facts established by them in the course of their duties and in what capacity the official is to appear.

2. The request authorising the experts and witnesses is to designate clearly the essence of the matter and competence of summoned officials. The invitation of customs officials as experts and witnesses shall be made in accordance with the legislation in force of the State of the Contracting Party.

3. The requesting Customs Authority 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.

Use of information

Article 12

1. The information received under this Agreement shall not be used for purposes other than those specified in this Agreement, without the written consent of the Customs Authority, which furnished them. These provisions are not applicable to information concerning offences relevant to narcotic drugs, psychotropic substances and precursors, or substances substituted for them, weapons, ammunition, poisonous gas, explosive and radioactive materials.

2. Any information communicated in whatever form pursuant to this Agreement shall be of a confidential nature. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to the same kind of information under the national legislation in force in the territory of the State of the Contracting Party that received it.

3. The Customs Authority of the Contracting Party may, however, in accordance with the purpose and within the scope of this Agreement, in its records of evidence, reports and testimonies and in proceeding and charges brought before courts, use information obtained in accordance with this Agreement as evidence.

The use of such information as evidence in court and the importance shall be determined in accordance with the national legislation in force.

Delivery/notification

Article 13

Upon request, the requested Customs Authority shall, in accordance with the legislation in force in the territory of the State of the requested Contracting Party, deliver/notify to the natural or legal persons concerned, residing or established in its territory, all documents and decisions falling within the scope of this Agreement, which emanate from the requesting Customs Authority.

Form and substance of request for assistance

Article 14

1. Request pursuant to this Agreement shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. When required, because of the urgency of the situation, oral request may be accepted, but must be confirmed in writing without delay.

2. Requests pursuant to paragraph 1 of this Article shall include the following information:

a) the requesting Customs Authority;

b) the measure requested;

c) the object of and the reason for the request;

d) the legislation and other legal elements involved;

e) indications as exact and comprehensive as possible on the natural or legal persons being the target of the inquiries;

f) a summary of the relevant facts, except in cases provided for in Article 12 of this Agreement.

3. Requests shall be submitted either in Russian language or in English language.

4. If a request does not meet the formal requirements, its correction or completion may be demanded; the ordering of precautionary measures shall not be affected thereby.

5. The answers to the inquiries shall be submitted in Russian language or in English language.

Exceptions from the liability to render assistance

Article 15

1. If the requested Customs Authority considers that the assistance sought would infringe upon the sovereignty, public order, security or other essential interests of the State of the requested Contracting Party or would involve violation of an industrial, commercial or professional secrecy in the territory of the State of the Contracting Party, it may refuse such assistance or may provide the assistance only if certain conditions are met.

2. If a request for assistance cannot be complied with, the requesting Customs Authority shall be notified without delay and shall be informed of the reasons for the refusal to provide assistance.

Costs

Article 16

1. Each Customs Authority shall waive all claims for reimbursement of costs incurred in the execution of this Agreement, with the exception of expenses for experts, witnesses, interpreters and translators not being State employees.

2. If expenses of a substantial and extraordinary nature are or will be required to execute the request, the Contracting Parties shall consult to determine the terms and conditions under which the request will be executed as well as the manner in which the costs shall be borne.

Implementation

Article 17

1. The assistance provided for under this Agreement shall be supplied directly between the Customs Authorities of the Parties.

2. The Customs Authorities of the Contracting Parties shall jointly decide the detailed arrangements for the implementation of this Agreement.

3. For the purposes of this Agreement the Customs Authorities shall designate the customs officials and shall exchange lists indicating the names, titles, telephone/fax numbers, e-mail addresses of those officials.

4. The Customs Authorities of the Contracting Parties shall endeavour to resolve by mutual consent any differences or doubts arising from the interpretation or application of this Agreement. Differences for which no solutions are found shall be settled through diplomatic channels.

Territorial applicability

Article 18

This Agreement shall be applicable to the customs territories of both Contracting Parties.

Entry into force and termination

Article 19

1. This Agreement shall be of unlimited duration. In order to review this Agreement the Contracting Parties shall negotiate on request or at the end of three years from the date of its entry into force, unless they notify each other that no such review is necessary.

2. Each Contracting Party shall notify one another through diplomatic channels when all necessary national legal requirements for entry into force have been fulfilled. The Agreement shall enter into force 60 (sixty) days after the last notification has been received.

3. This Agreement may be terminated by written notice through diplomatic channels and shall cease to be in force 6 (six) months after the other Contracting Party has received such notice.

4. Ongoing proceedings at the time of termination shall nonetheless be completed in accordance with the provisions of this Agreement.

Done at Yerevan on 7 October 2005, in two originals, in the Armenian, Latvian and English languages, all texts being equally authentic. In case of any divergence of interpretation of the provisions of this Agreement, the English text shall prevail.

The Agreement has entered into force on 22.04.2006