

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE STATE OF ISRAEL

AND

THE GOVERNMENT OF THE RUSSIAN FEDERATION

REGARDING COOPERATION AND MUTUAL ASSISTANCE

IN CUSTOMS MATTERS

The Government of the State of Israel and the Government of the Russian Federation, hereinafter referred to as "the Parties";

CONSIDERING that offences against Customs Legislation are prejudicial to the economic, fiscal, and social interests of their respective countries, as well as to the legitimate interests of trade;

CONSIDERING that illicit trafficking in narcotic drugs and psychotropic substances constitutes a danger to public health and to society;

CONSIDERING the importance of assuring the accurate assessment of Customs duties, taxes, and other charges collected on the importation or exportation of goods and the proper implementation of the provisions of prohibition, restriction and control;

CONVINCED that efforts to prevent offences against Customs Legislation and efforts to ensure accurate collection of import and export duties and taxes can be made more effective through co-operation 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, 1953 and the Convention on Psychotropic Substances, 1971; and

RECALLING the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

HAVE AGREED as follows:

DEFINITIONS

Article 1

For the purposes of this Agreement:

1. "Customs Legislation" means provisions laid down by laws or regulations, enforced by the Customs Authorities and concerning the importation, exportation and transit of goods, and means of payment concerning the actual or alleged movement of goods between the Parties, whether relating to Customs duties, taxes, and other charges, or to measures of prohibition, restriction, or control.

2. "Offence" means any violation of Customs Legislation as well as any attempted violation of such legislation.
3. "Customs Authority" means in the State of Israel the Department of Customs and Value Added Tax of the Ministry of Finance, in the Russian Federation, the State Customs Committee of the Russian Federation.
4. "Controlled delivery" shall mean the technique of allowing illicit or suspected consignments of narcotic drugs, psychotropic substances or substances substituted for them, and other unlawful goods, to pass out of, through or into the territories of the Contracting Parties, with the knowledge and under the supervision of their competent authorities, with a view to identifying persons involved in the illicit trafficking of narcotic drugs and psychotropic substances and other unlawful goods.

SCOPE OF AGREEMENT

Article 2

1. The Parties, through their Customs Authorities, shall in accordance with the provisions set out in this Agreement:
 - a) undertake measures for the development of improved methods and techniques for processing passengers and cargo;
 - b) assist each other in the prevention, investigation, repression, and prosecution of offences against Customs Legislation;
 - c) assist each other by providing information to be used in administering and enforcing the Customs Legislation;
 - d) endeavour to co-operate in the research, development, and testing of new Customs procedures, in the training and exchange of personnel, and in other matters that may require their joint efforts; and
 - e) strive for harmony, uniformity, and simplification in their respective customs systems, in improving customs techniques and in resolving problems of customs administration and enforcement.

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.

FACILITATION OF CUSTOMS FORMALITIES

Article 3

1. The Customs Authorities shall, upon mutual consent, undertake necessary measures to facilitate Customs procedures in order to facilitate and expedite the movement of goods between the territories of the States of both Parties.
2. The Customs Authorities can, upon mutual consent, recognize applicable forms of customs documents in either Russian, or Hebrew, or English.

FORMS OF COOPERATION AND MUTUAL ASSISTANCE

Article 4

1. The Customs Authorities shall provide each other, on their own initiative or upon request, with all necessary information in accordance with the provisions of this Agreement.
2. The Customs Authorities shall:
 - a) exchange experience relating to their activities and information about new means and methods of committing offences against Customs Legislation;
 - b) inform each other about substantial changes of their Customs Legislation, as well as about technical means of control and methods of their application, and also discuss other matters of mutual interest.

SURVEILLANCE OF PERSONS, GOODS, AND MEANS OF TRANSPORT

Article 5

The Customs Authority of one Party shall, on its own initiative, upon confirmation in writing with the Customs Authority of the other Party, or upon request of the Customs Authority of the other Party, maintain surveillance over:

- a) the movements, particularly entry into and exit from the territory of its State, of particular persons known or suspected of committing offences against Customs Legislation of the State of the other Party;
- b) the movement of goods and any other violations of Customs Legislation which are reported by the Customs Authority of the other Contracting Party as giving rise to substantial illicit traffic into or from the territory of the State of the other Party or are suspected thereof;
- c) any means of transport known to be, or suspected of being used for committing offences against Customs Legislations of the State of the other Party;
- d) places used for storing goods which may cause substantial illicit traffic into the territory of the State of the other Party.

CONTROLLED DELIVERY

Article 6

1. The Customs Authorities may, by mutual agreement and arrangement, carry out the method of controlled delivery of unlawful goods and items with the aim of bringing to light persons involved in the illicit trafficking of those goods and items.
2. Unlawful consignments in respect of which controlled deliveries are carried out in accordance with the arrangements made, may, with the agreement of both Customs Authorities, be intercepted and left for onward transportation with the unlawful consignment intact or removed, or wholly or partially replaced.

3. Decisions concerning the use of controlled deliveries are to be taken on a case-by-case basis and may, if necessary, take into account financial arrangements and understandings reached by both Customs Authorities as regards its implementation.

ACTION AGAINST ILLICIT TRAFFIC IN SENSITIVE GOODS

Article 7

1. The Customs Authorities shall, on their own initiative or upon request and without delay, supply to each other all relevant information on activities, detected or planned, which constitute an offence against the Customs Legislation in force in the territory of the State of one of the Parties inter alia in the field of:
 - a) the movement of arms, ammunition, explosives, and explosive devices;
 - b) the movement of objects of art and antiquity, which are of significant historical, cultural, or archeological value for one of the Parties;
 - c) the movement of poisonous materials as well as dangerous substances or substances which may endanger the environment and/or the public health;
 - d) the movement of goods subject to substantial Customs duties or other taxes imposed by the Customs Authorities;
 - e) the movement of other goods subject to non-tariff limitations in accordance with the lists agreed upon by the Customs Authorities.
2. In addition to paragraph 1 of this Article, the Customs Authorities of the Parties shall furnish each other with all available information regarding activities which may result in offences within the territory of the other Party. In cases which could involve substantial damage to the economy, public health, public security, or any other vital interest of the other Party, such information shall be supplied without being requested.

COMMUNICATION OF INFORMATION

Article 8

1. The Customs Authorities shall, on their own initiative or upon request, supply to each other all information which may help to ensure accuracy in:
 - a) the collection of Customs duties, taxes, and other charges imposed by the Customs Authorities and, in particular, information which may help to assess the value of goods for customs purposes and to establish their tariff classification and origin;
 - b) the implementation of import, export, and transit prohibitions and restrictions or exemptions or partial exemptions from Customs duties, taxes and other charges;
2. If the Requested Customs Authority does not have the information requested, it shall, in accordance with its national legal provisions, initiate inquiries to obtain that information.

Such enquiries may include, among other things, the questioning of other competent authorities, experts and witnesses or persons suspected of having committed a Customs Offence, and undertaking verifications, inspections, and fact-finding enquiries in connection with the matters referred to in the present Agreement.

INFORMATION ON THE MOVEMENT OF GOODS

Article 9

The Customs Authority of one Party shall, on its own initiative or upon request, supply to the Customs Authority of the other Party the following information:

- a) whether goods imported into the territory of the State of the requesting Party have been lawfully exported from the territory of the State of the other Party;
- b) whether goods exported from the territory of the State of the requesting Party have been lawfully imported into the territory of the State of the other Party.

INFORMATION ON OTHER ACTIVITIES

Article 10

The Customs Authority of one Party shall, on its own initiative or upon request, supply to the Customs Authority of the other Party all information relating to offences against Customs Legislation in force in the territory of the State of the other Party and, in particular, regarding:

- a) particular natural or legal persons known to be, or suspected of, committing offences against Customs Legislation in force in the territory of the State of the other Party;
- b) goods known to be, or suspected of being, the subject of substantial illicit traffic; into, through, or from the territory of the State of the other Party;
- c) means of transport known to be, or suspected of being, used in committing offences against Customs Legislation in force in the territory of the State of the other Party.

FILES AND DOCUMENTS

Article 11

1. The Customs Authority of one Party shall, on its own initiative or upon request, supply to the Customs Authority of the other Party reports, records of evidence, or certified copies of documents giving all available information on activities, completed or planned, which constitute or appear to constitute an offence against the Customs Legislation in force in the territory of the State of that Party. This may include, inter alia, documentation relating to the transportation and shipment of goods showing the value, disposition, and destination of those goods.

Procedures relating to the provision of such materials shall be as follows:

- a) Originals of files, documents, and other materials shall be requested only in cases where copies would be insufficient. Upon specific request, copies of such files, documents, and other materials shall be appropriately authenticated.

- b) Originals of files, documents, and other materials which have been transmitted shall be returned at the earliest opportunity; rights of the Requested Party or of third parties relating thereto shall remain unaffected. Upon request, originals necessary for adjudicative or similar purposes shall be returned without delay.
2. 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 utilization of the material should be supplied at the same time.

INVESTIGATIONS

Article 12

1. If the Customs Authority of one Party so requests, the Customs Authority of the other Party shall initiate all official inquiries concerning acts which are, or appear to be, contrary to the Customs Legislation in force in the territory of the State of the requesting Customs Authority. It shall communicate the results of such inquiries to the requesting Customs Authority.
2. These inquiries shall be conducted in accordance with the laws in force in the territory of the State of the requested Customs Authority.
3. The officials of the Customs Authority of one party may, in particular cases, with the agreement of the Customs Authority of the other Party, and subject to conditions the latter may impose, be present in the territory of the latter when offences against Customs legislation in force in the territory of the State of the requesting Customs Administration are being investigated. Such officials may consult with officials of the Requested Administration in the offices of the Requested Administration and ask that the latter examine the documents, registers, and other relevant data in respect of that Customs Offence and provide them with copies thereof.
4. If the Customs Authority of one Party so requests, it shall be advised of the time and place of an action to be taken by the other Customs Authority in response to its request so that such action may be coordinated.

ARRANGEMENTS FOR VISITING OFFICIALS

Article 13

When, in the circumstances provided for under this Agreement, officials of the Customs Authority of one party are present in the territory of the State of the other Party, they must at all times be able to furnish proof of their official capacity. They must not wear uniforms nor carry arms.

EXPERTS AND WITNESSES

Article 14

Upon the request of the Customs Authority of one Party, the Customs Authority of the other Party may authorize its officials, if such officials consent to do so, to appear as witnesses in judicial or administrative proceedings in the territory of the other State, and to produce such files, documents, or other materials, or authenticated copies thereof, as may be considered essential for the proceedings. The request for the appearance must clearly indicate, in what case and in what capacity the official is to appear and the time and date of the appearance.

USE OF INFORMATION AND DOCUMENTS

Article 15

1. Information, communications, and documents received under this Agreement shall be used solely for the purposes of this Agreement, including the use in judicial, administrative, and investigative proceedings in matters concerning the Customs Legislation. They shall not be communicated or used for any other purposes unless the Customs Authority providing such information, communications, and documents expressly approves.
2. The provisions of paragraphs 1 and 4 of this Article are not applicable to information concerning offences relating to narcotic drugs and psychotropic substances. Such information may be communicated to other authorities of the Requesting Party directly involved in the combat of illicit drug traffic.

3. Requests, information, reports of experts, and other communications received by the Customs Authority of one of the Parties in whatever form, pursuant to this Agreement, shall be afforded the same protection in respect of confidentiality as is afforded by the receiving Customs Authority to documents and information of the same kind under the national laws of the State of that Party.
4. Information, communications and documents received under this Agreement may not be used for purposes other than those stated in the request without the prior written consent of the requested Customs Authority.
5. Where personal data is exchanged under this Agreement, the Customs Authorities of the Parties shall ensure that it is used only for the purposes indicated and according to any conditions that the Requested Customs Authority may impose.
6. The use made of such information and documents as evidence in courts and the weight to be attached thereto shall be determined in accordance with national law.

EXCEPTIONS FROM THE LIABILITY TO RENDER ASSISTANCE

Article 16

1. If compliance with a request would be prejudicial to the sovereignty, security, public order, or any other essential national interest of the State of a Party, that Party may refuse to provide the assistance requested under this Agreement, wholly or partially, or provide it subject to certain conditions or requirements.
2. If assistance is refused, the decision and the reasons for the refusal shall be communicated in writing by the requested Customs Authority to the requesting Customs Authority without delay.
3. If the Customs Authority of one of the Parties requests assistance which it would not itself be able to provide, it shall draw attention to that fact in the request. Compliance with such a request shall be within the discretion of the requested Customs Authority.

4. Assistance may be postponed by the requested Customs Authority on the ground that it will interfere with an ongoing investigation, prosecution, or proceeding. In such a case, the requested Customs Authority shall consult with the requesting Customs Authority to determine if assistance can be given subject to such terms or conditions as the requested Customs Authority may require.

FORM AND SUBSTANCE OF REQUESTS FOR ASSISTANCE

Article 17

1. Requests pursuant to the present 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 requests may be accepted, but must be confirmed in writing immediately.
2. Requests pursuant to paragraph 1 of this Article shall include the following information:
 - a) the Customs Authority making the request;
 - b) the measure requested;
 - c) the object of and the reason for the request;
 - d) a brief description of the matter under consideration and the legal elements involved;
 - e) indications as exact and comprehensive as possible on the natural or legal persons being the target of the investigations including the names, addresses, and other relevant information concerning the parties involved in the matter if known;
 - f) a summary of the relevant facts and the connection between the assistance requested and the matter to which it relates.
3. Requests shall be submitted in Hebrew, Russian, or English.

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. In case the requested Customs Authority is not the appropriate agency to comply with a request, it shall, after appropriate consultation, either promptly transmit the request to the appropriate agency, who shall act upon the request according to its powers under the law, or advise the requesting Customs Authority of the appropriate procedure to be followed regarding such a request.

TECHNICAL ASSISTANCE

Article 18

Customs Authorities shall provide each other with technical assistance in the area of customs matters including:

- a) the exchange of Customs officers when mutually beneficial for the purpose of advancing the understanding of each other's techniques;
- b) training and assistance in developing specialized skills of the Customs officers;
- c) the exchange of information and experience in the use of interdiction and detection equipment;
- d) the exchange of experts knowledgeable in the field of customs matters; and
- e) the exchange of professional, scientific, and technical data relating to Customs Legislation, regulations, and procedures.

COSTS

Article 19

1. The Parties shall ordinarily waive all claims for reimbursement of costs incurred in the execution of the present Agreement, with the exception of expenses for witnesses, fees of experts, and costs of interpreters other than government employees.

If expenses of a substantial and extraordinary nature are or will be required to execute the request, the 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 20

1. Cooperation and mutual assistance provided pursuant to this Agreement shall be rendered directly by the Customs Authorities. The Customs Authorities shall mutually agree on detailed arrangements for that purpose.
2. The Customs Authorities shall, in particular, but not limited to:
 - a) hold regular consultations on matters of cooperation within the framework of this Agreement;
 - b) communicate directly for the purpose of dealing with, matters arising out of this Agreement;
 - c) after consultation, take any measures necessary for the implementation of this Agreement; and
 - d) endeavour by mutual accord to resolve problems or questions arising from the interpretation or application of this Agreement.
3. The Customs Authorities may arrange for their central and local enforcement, investigation, and other Customs services to be in direct communication with each other.

TERRITORIAL APPLICABILITY

Article 21

This Agreement shall be applicable to the Customs territories of the States of both Parties.


ENTRY INTO FORCE AND TERMINATION

Article 22

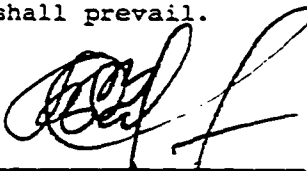
1. This Agreement shall enter into force on the thirtieth day from the date of the last written notification that all national legal procedures necessary for its entry into force have been completed by the Parties.
2. The representatives of Customs Authorities shall meet in case of necessity, but not less than one time a year, alternately in the State of Israel and in the Russian Federation for the overview of the implementation of this Agreement and for resolving other practical matters of co-operation and interaction of Customs Authorities of the Parties.
3. This Agreement shall be of unlimited duration but may be terminated by either Party at any time by written notice through diplomatic channels. In such a case it shall cease to be in force six months after such notice has been received by the other Party.

IN WITNESS THEREOF, the undersigned, being duly authorized by their respective governments, have signed this Agreement.

Done at Moscow on 11 March 1997, which corresponds to the 2 day of the month of Adar B 5757, in duplicate, in the Hebrew, Russian and English languages, all texts being equally authentic. In case of divergency of interpretation the English text shall prevail.



For the Government
of the State of Israel



For the Government
of the Russian Federation

Treaties Department - Ministry Of Foreign Affairs - Israel