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**INTERNATIONAL CONVENTION  
ON MUTUAL ADMINISTRATIVE ASSISTANCE  
IN CUSTOMS MATTERS**

**Brussels – 27 June, 2003**

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WORLD CUSTOMS ORGANIZATION

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I. INTERNATIONAL CONVENTION  
ON MUTUAL ADMINISTRATIVE ASSISTANCE  
IN CUSTOMS MATTERS

Preamble

THE CONTRACTING PARTIES to this Convention, established under the auspices of the Customs Co-operation Council, now known as the World Customs Organization;

Recognizing that closer co-operation between Customs administrations is a principal aim of the Convention establishing a Customs Co-operation Council;

Convinced that more effective co-operation between Customs administrations can be achieved through the goodwill of the Contracting Parties;

Considering the importance of the accurate assessment of Customs duties and other taxes and of ensuring proper enforcement by Customs administrations of prohibitions, restrictions and measures of control in respect of specific goods;

Considering that offences against Customs law are prejudicial to the security of the Contracting Parties and their economic, commercial, fiscal, social, public health and cultural interests;

Taking into account the threat of transnational organized crime and terrorist groups with their substantial resources and the need to effectively combat them;

Recognizing the increased global concern for the security and facilitation of the international trade supply chain and the Customs Co-operation Council's Resolution of June 2002 to that effect;

Recognizing the importance of achieving a balance between compliance and facilitation to ensure the free flow of legitimate trade and to meet the needs of governments for the protection of society and revenues;

Convinced that international trade will be facilitated by the adoption of modern control techniques, such as risk management, by Customs administrations;

Recognizing that the international exchange of information is an essential component of effective risk management and that such exchange of information should be based on clear legal provisions;

Taking into account the International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences, adopted at Nairobi on 9 June 1977 under the auspices of the Customs Co-operation Council, which lays down a framework to facilitate mutual administrative assistance in Customs matters;



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Taking into account the United Nations Convention against Transnational Organized Crime, adopted at New York on 15 November 2000 and for which the High-Level Political Signing Conference was held in Palermo from 12 to 15 December 2000, which lays down a framework for international mutual assistance in criminal matters with a view to preventing and combating transnational organized crime;

Having regard to international Conventions containing prohibitions, restrictions and measures of control in respect of specific goods;

Having regard to the United Nations Universal Declaration of Human Rights of 1948;

Have agreed as follows :

## CHAPTER I

Definitions

## Article 1

For the purposes of this Convention :

- (a) "Administrative Committee" shall mean the Committee responsible for the management of this Convention as established in Article 45;
- (b) "Council" shall mean the organization set up by the Convention establishing a Customs Co-operation Council, done at Brussels on 15 December 1950 and entered into force on 4 November 1952;
- (c) "Council officer" shall mean any officer or employee of the Council and any other person designated by the Secretary General to perform functions for the purposes of this Convention;
- (d) "cross-border co-operation" shall mean the co-operation between the Customs administrations of the Contracting Parties across their respective borders;
- (e) "Customs administration" shall mean the Customs authority and any other authority of a Contracting Party authorized under national law and designated by that Contracting Party to apply any provision of this Convention;
- (f) "Customs claim" shall mean any amount of Customs duties that cannot be collected in one of the Contracting Parties;
- (g) "Customs duties" shall mean all duties, taxes, fees or any other charges which are levied in the territories of the Contracting Parties in application of Customs law, but not including fees and charges for services rendered;
- (h) "Customs law" shall mean any legal and administrative provisions applicable or enforceable by the Customs administration of a Contracting Party in connection with the importation, exportation, transshipment, transit, storage and movement of goods, including legal and administrative provisions relating to measures of prohibition, restriction and control, and to combating money laundering;
- (i) "Customs offence" shall mean any breach, or attempted breach, of a Contracting Party's Customs law;
- (j) "Customs or Economic Union" shall mean a Union, constituted by and composed of Members, which has competence to adopt its own regulations that are binding on those Members in respect of matters governed by this Convention, and has competence to decide, in accordance with its internal procedures, to sign, ratify or accede to this Convention;
- (k) "Enforcement Committee" shall mean the Enforcement Committee of the Council;

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- (l) "information" shall mean any data, whether or not processed or analysed, and documents, reports, and other communications in any format, including electronic, or certified or authenticated copies thereof;
- (m) "international trade supply chain" shall mean all processes involved in the cross-border movement of goods from the place of origin to the place of final destination;
- (n) "official" shall mean any Customs officer or other government agent designated by a Customs administration;
- (o) "person" shall mean both natural and legal persons, unless the context otherwise requires;
- (p) "personal data" shall mean any data concerning an identified or identifiable natural person;
- (q) "ratification" shall include acceptance or approval;
- (r) "requesting administration" shall mean the Customs administration which requests assistance;
- (s) "requested administration" shall mean the Customs administration from which assistance is requested;
- (t) "requesting Contracting Party" shall mean the Contracting Party whose Customs administration requests assistance;
- (u) "requested Contracting Party" shall mean the Contracting Party whose Customs administration is requested to provide assistance;
- (v) "Secretary General" shall mean the Secretary General of the Council.

## CHAPTER II

### Scope of the Convention

#### Article 2

1. Contracting Parties shall, through their Customs administrations, provide each other with administrative assistance under the terms set out in this Convention, for the proper application of Customs law, for the prevention, investigation and combating of Customs offences and to ensure the security of the international trade supply chain.
2. Any activity carried out under this Convention by a Contracting Party shall be in accordance with its legal and administrative provisions and within the limits of its Customs administration's competence and available resources.
3. Each Contracting Party shall notify the Secretary General of the authorities, referred to in Article 1 (e), authorized under national law and designated by that Contracting Party to apply any provision of this Convention. The Secretary General shall communicate this information and any updates thereof to the other Contracting Parties.
4. This Convention only covers mutual administrative assistance between the Contracting Parties and is not intended to have an impact on mutual legal assistance agreements between them. If mutual assistance is to be provided by other authorities of a requested Contracting Party, the requested administration shall indicate those authorities and, where known, the relevant agreement or arrangement applicable.
5. The provisions of this Convention shall not give rise to a right on the part of any person to impede the execution of a request for assistance.

## CHAPTER III

### General Assistance Procedures

#### Article 3

#### Communication of Requests

1. Requests for assistance under this Convention shall be communicated directly between the Customs administrations concerned. Each Customs administration shall designate an official contact point for this purpose and shall provide details thereof to the Secretary General. The Secretary General shall communicate this information and any updates thereof to the other Customs administrations.
2. Requests for assistance under this Convention shall be made in writing or electronically, and shall be accompanied by any information deemed useful for the purpose of complying with such requests. The requested administration may require written confirmation of electronic requests. Where the circumstances so require, requests may be made verbally. Such requests shall be confirmed as soon as possible either in writing or, if acceptable to the requested and requesting administrations, by electronic means.
3. Requests shall be made in a language acceptable to the Customs administrations concerned. Any documents accompanying such requests shall be translated, to the extent necessary, into a mutually acceptable language. The requested administration shall in any case accept requests for assistance and accompanying documents in one of the official languages of the Council which it may specify.
4. Requests made pursuant to paragraph 2 of this Article, shall include the following details :
  - (a) the name of the requesting administration;
  - (b) the matter at issue, type of assistance requested, and reasons for the request;
  - (c) a brief description of the case under review and the legal and administrative provisions that apply;
  - (d) the names and addresses of the persons to whom the request relates, if known;
  - (e) a reference in accordance with paragraph 2 of Article 42, if applicable;
  - (f) the verifications made in accordance with paragraph 2 of Article 7.
5. Where the requesting administration requests that a certain procedure or methodology be followed, the requested administration shall comply with such a request, subject to its national legal and administrative provisions.

Article 4

Spontaneous Assistance

In cases that could involve substantial damage to the economy, public health, public security, including the security of the international trade supply chain, or other vital interests of any Contracting Party, the Customs administration of any Contracting Party shall, wherever possible, supply assistance on its own initiative without delay.

## CHAPTER IV

### Information

#### Article 5

##### Information for the Application and Enforcement of Customs Law

The Customs administrations shall provide each other, either on request or on their own initiative, with information which helps to ensure proper application of Customs law and the prevention, investigation and combating of Customs offences and to ensure the security of the international trade supply chain. Such information may include :

- (a) new 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) any other data that can assist Customs administrations with risk assessment for control and facilitation purposes.

#### Article 6

##### Information Relating to Customs Offences

The Customs administration of a Contracting Party shall provide the Customs administration of any other Contracting Party concerned, either on its own initiative or on request, with information on activities, planned, ongoing, or completed which provide reasonable grounds to believe that a Customs offence has been committed or will be committed in the territory of the Contracting Party concerned.

#### Article 7

##### Information for the Assessment of Import or Export Duties and Taxes

1. On request, the requested administration shall, without prejudice to Article 42, in support of the proper application of Customs law or in the prevention of Customs fraud, provide information to assist a requesting administration that has reasons to doubt the truth or accuracy of a declaration.
2. The request shall specify the verification procedures that the requesting administration has undertaken or attempted and the specific information requested.

## Article 8

### Particular Types of Information

On request, the requested administration shall provide the requesting administration, who has reason to doubt the accuracy of information provided to it in a Customs matter, with information relative to :

- (a) whether goods imported into the territory of the requesting Contracting Party have been lawfully exported from the territory of the requested Contracting Party;
- (b) whether goods exported from the territory of the requesting Contracting Party have been lawfully imported into the territory of the requested Contracting Party and the Customs procedure, if any, under which the goods have been placed.

## Article 9

### Automatic Exchange of Information

Contracting Parties may, by mutual arrangement in accordance with paragraph 2 of Article 48, exchange any information covered by this Convention on an automatic basis.

## Article 10

### Advance Exchange of Information

1. Contracting Parties may, by mutual arrangement in accordance with paragraph 2 of Article 48, exchange specific information in advance of the arrival of consignments in their respective territories to ensure, in particular, the security of the international trade supply chain.
2. Such information shall, to the extent possible, comprise the following data elements :
  - i. consignor or consignor code or exporter or exporter code;
  - ii. description of goods or tariff code number;
  - iii. UNDG number (dangerous goods code);
  - iv. type of packages identification;
  - v. number of packages;
  - vi. measure unit qualifier;
  - vii. total gross weight;
  - viii. total invoice amount;
  - ix. currency code;
  - x. place of loading or place of loading code;
  - xi. carrier identification or carrier name;
  - xii. equipment identification number;
  - xiii. equipment size and type identification;
  - xiv. seal number;



- xv. identification of means of transport crossing the border of the territory of the Contracting Party or code;
  - xvi. nationality of means of transport crossing the border of the territory of the Contracting Party or code;
  - xvii. conveyance reference number;
  - xviii. transport charges method of payment or code;
  - xix. Customs office of exit or code;
  - xx. country(ies) of routing or code;
  - xxi. first port of arrival or code;
  - xxii. date and time of arrival at first port of arrival in the territory of the Contracting Party or code;
  - xxiii. consignee or consignee code or importer or importer code;
  - xxiv. notify party or notify party code;
  - xxv. delivery destination;
  - xxvi. agent or agent code;
  - xxvii. Unique Consignment Reference Number.
3. The Administrative Committee shall have the authority to modify the list referred to in paragraph 2 of this Article.

## CHAPTER V

### Special Types of Assistance

#### Article 11

##### Surveillance

1. On request, the requested administration shall, to the extent possible, maintain surveillance over and provide the requesting administration with information on :
  - (a) goods either in transport or in storage known to have been used or suspected of being used to commit a Customs offence in the territory of the requesting Contracting Party;
  - (b) means of transport known to have been used or suspected of being used to commit a Customs offence in the territory of the requesting Contracting Party;
  - (c) premises known to have been used or suspected of being used in connection with the commission of a Customs offence in the territory of the requesting Contracting Party;
  - (d) persons known to have committed or suspected of being about to commit a Customs offence in the territory of the requesting Contracting Party, particularly those moving into and out of the territory of the requested Contracting Party.
2. The Customs administration of any Contracting Party may maintain such surveillance on its own initiative if it has reason to believe that activities planned, ongoing or completed appear to constitute a Customs offence in the territory of another Contracting Party.

#### Article 12

##### Controlled Delivery

1. Contracting Parties may, by mutual arrangement in accordance with paragraph 2 of Article 48, permit the movement of unlawful or suspect goods out of, through, or into their territories, with the knowledge and under the control of the Customs administration, with a view to investigating and combating Customs offences.
2. If such movements cannot be carried out under the control of the Customs authority, that authority shall endeavour to initiate co-operation with the national authorities that have such competence or shall transfer the case to them.

### Article 13

#### Notification

1. On request, the requested administration shall, if permissible under its national law, take all necessary measures to notify a person residing or established in its territory of all decisions taken by the requesting administration in application of Customs law concerning that person, that fall within the scope of this Convention.
2. Such notification shall be made in accordance with the procedures applicable in the territory of the requested Contracting Party for similar national decisions.

### Article 14

#### Recovery of Customs Claims

1. On request, Customs administrations may afford each other assistance with a view to the recovery of Customs claims.
2. Detailed arrangements for assistance in recovering Customs claims shall be made between the Contracting Parties concerned, in accordance with paragraph 2 of Article 48.

### Article 15

#### Experts and Witnesses

On request, the requested administration may authorize its officials to appear before a court or tribunal in the territory of the requesting Contracting Party as experts or witnesses in a matter related to the application of Customs law.

### Article 16

#### Presence of Officials in the Territory of Another Contracting Party

On request, officials specially designated by a requesting administration may, with the authorization of the requested administration and subject to conditions the latter may impose, for the purpose of investigating a Customs offence :

- (a) examine, in the offices of the requested administration, documents and any other information in respect of that Customs offence, and be supplied with copies thereof;
- (b) be present during an inquiry conducted by the requested administration in the territory of the requested Contracting Party which is relevant to the requesting administration; these officials shall only have an advisory role.

Article 17

Presence of Officials of the Requesting Administration  
at the Invitation of the Requested Administration

1. Where the requested administration considers it appropriate for an official of the requesting administration to be present when, pursuant to a request, measures of assistance are carried out, it may invite the participation of the requesting administration subject to any terms and conditions it may specify.
2. The Customs administrations concerned may, by mutual arrangement in accordance with paragraph 2 of Article 48, expand the role of the visiting official beyond an advisory one.

Article 18

Arrangements for Visiting Officials

1. Without prejudice to Articles 19, 20, 21, 22 and 23, when officials of a Contracting Party are present in the territory of another Contracting Party under the terms of this Convention, they must at all times be able to furnish, in a language acceptable to the requested administration, proof of their official identity and status in their Customs administration and of their official status as granted in the territory of the requested administration.
2. Officials shall, while in the territory of another Contracting Party under the terms of this Convention, be responsible for any offence they may commit and shall enjoy, to the extent provided by that Party's national laws, the same protection as accorded to its own Customs officers.

## CHAPTER VI

### Cross-Border Co-operation

#### Article 19

#### General Provisions

Officials of a Contracting Party may, by mutual arrangement in accordance with paragraph 2 of Article 48, engage in any of the activities set out in this Chapter in the territory of another Contracting Party and in accordance with any additional conditions as may be stipulated by the Contracting Party in whose territory these activities take place. Any of these activities shall cease as soon as the Contracting Party in whose territory the activities are taking place so requests.

#### Article 20

#### Hot Pursuit

1. Officials of a Contracting Party pursuing in their Party's territory an individual observed in the act of committing a Customs offence that could give rise to extradition, or participating in such an offence, may continue pursuit in the territory of another Contracting Party, subject to a prior request, authorization and any conditions the requested Contracting Party may impose.
2. If, for particularly urgent reasons, it has not been possible to inform the competent authorities of another Contracting Party prior to entry into its territory or where those authorities have not been able to engage in active pursuit, the pursuit may be continued without prior authorization.
3. Where pursuit is continued without prior authorization, the competent authorities of the Contracting Party in whose territory the pursuit is continued, shall be immediately informed of the crossing of the border and a formal request for authorization, outlining the grounds for crossing the border without prior authorization, shall be submitted as soon as possible.
4. At the request of the pursuing officials, the competent authorities of the Contracting Party where the pursuit is taking place shall challenge the pursued individual so as to establish his or her identity or to detain him or her.
5. Where the pursuit takes place on the sea, it shall, where it extends to the high sea, be carried out in conformity with the international law of the sea as reflected in the United Nations Convention on the Law of the Sea.

## Article 21

### Cross-Border Surveillance

1. Officials of a Contracting Party, keeping under surveillance in their Party's territory a person about whom there are serious grounds to believe that he or she is involved in a Customs offence, may continue the surveillance in the territory of another Contracting Party subject to a prior request, authorization and any conditions the requested Contracting Party may impose.
2. If, for particularly urgent reasons, prior authorization cannot be requested, surveillance pursuant to paragraph 1 of this Article may be continued provided that the competent authorities of the Contracting Party in whose territory the surveillance is to be continued, are immediately informed of the crossing of the border and a formal request for authorization, outlining the grounds for crossing the border without prior authorization, is submitted as soon as possible.

## Article 22

### Covert Investigations

1. A requested Contracting Party may authorize officials of a requesting Contracting Party to investigate in its territory, under cover of false identities, to ascertain or clarify facts about a Customs offence where it would be extremely difficult to do so otherwise. The officials in question shall be authorized to collect information and to make contact with the subjects of investigations or other persons associated with them in the course of their investigative activities.
2. Such investigations shall be carried out in accordance with the law and procedures of the Contracting Party in whose territory the investigations are being conducted.

## Article 23

### Joint Control and Investigation Teams

1. Contracting Parties may establish joint control or investigation teams to detect and prevent particular types of Customs offences requiring simultaneous and co-ordinated activities.
2. Such teams shall operate in accordance with the law and procedures of the Contracting Party in whose territory the activities are being carried out.

## CHAPTER VII

### Use, Confidentiality and Protection of Information

#### Article 24

##### Use of Information

1. Without prejudice to Article 36, any information communicated under this Convention shall be used only by the Customs administration for which it was intended and solely for the purpose of administrative assistance under the terms set out in this Convention.
2. On request, the Contracting Party that supplied the information may, notwithstanding paragraph 1 of this Article, authorize its use for other purposes or by other authorities, subject to any terms and conditions it may specify. Such use shall be in accordance with the legal and administrative provisions of the Contracting Party which seeks to use the information. The use of information for other purposes includes its use in criminal investigations, prosecutions or proceedings.

#### Article 25

##### Confidentiality and Protection of Information

1. Any information communicated under this Convention shall be treated as confidential and shall, at least, be subject to the same protection and confidentiality as the same kind of information is subject to under the national legal and administrative provisions of the Contracting Party where it is received.
2. Personal data exchange between two or more Contracting Parties under this Convention shall not begin until the Contracting Parties concerned have, by mutual arrangement in accordance with paragraph 2 of Article 48, decided that such data will be afforded, in the territory of the receiving Contracting Party, a level of protection that satisfies the requirements of the national law of the supplying Contracting Party.
3. In the absence of a mutual arrangement as referred to in paragraph 2 of this Article, personal data may only be supplied when the supplying Contracting Party is satisfied that such personal data will be protected in the territory of the receiving Contracting Party in accordance with the provisions of this Convention.
4. Contracting Parties shall, at the time of signature, ratification of or accession to this Convention, inform the Secretary General in writing of their national legal and administrative provisions in respect of confidentiality of information and protection of personal data. They shall make a written declaration to the Secretary General, at the time of signature, ratification of or accession, of their commitment to, at least, abide by the confidentiality of information and data protection provisions of this Convention.

Article 26

Personal Data Protection

1. Personal data shall only be supplied to a Customs administration. The supply of personal data to any other authority shall only be allowed after prior approval by the Customs administration supplying the data concerned.
2. On request, the Customs administration receiving personal data shall inform the Customs administration which supplied that data of the use made of it and the results achieved.
3. Personal data supplied under this Convention shall be kept only for the time necessary to achieve the purpose for which it was supplied.
4. The Customs administration supplying personal data shall, to the extent possible, ensure that this data has been collected fairly and lawfully and that it is accurate and up to date and not excessive in relation to the purposes for which it is supplied.
5. If personal data supplied is found to be incorrect or should not have been exchanged, this shall be notified immediately. The Customs administration that has received such data shall amend or delete it.
6. The Customs administrations shall record the supply or receipt of personal data exchanged under this Convention.
7. The Customs administrations shall take the necessary security measures to protect personal data exchanged under this Convention from unauthorized access, amendment or dissemination.
8. A Contracting Party shall be liable, in accordance with its legal and administrative provisions, for damage caused to a person through the use of personal data exchanged under this Convention. This shall also be the case where the damage was caused by a Contracting Party supplying inaccurate data or supplying data that is contrary to this Convention.
9. If the Contracting Party found liable for damage under paragraph 8 of this Article is not the Contracting Party that supplied the personal data, the Contracting Parties concerned shall agree on the terms and conditions of reimbursement to the liable Contracting Party of any sums it paid out in compensation.



## CHAPTER VIII

### Centralization of Information

#### Article 27

##### Purpose of Centralization

1. The information referred to in Articles 28, 29 and 30 shall be placed in a secure central automated information system for the purpose of risk assessment to ensure the proper application of Customs law, to prevent, investigate and combat Customs offences and to ensure the security of the international trade supply chain.
2. Personal data shall also be placed in a secure central automated information system for the purpose of providing information on persons known to have committed a Customs offence or suspected of being about to commit a Customs offence.

#### Article 28

##### Non-Personal Information

1. For the purposes of Articles 27 and 31 and if permissible under their national laws, Customs administrations shall communicate to the central automated information system the following non-personal information :
  - i. case reference information, where appropriate;
  - ii. commodities;
  - iii. quantities and unit of measurement;
  - iv. means of transport;
  - v. means of concealment;
  - vi. indication whether commodities are detected at importation, exportation, in transit or inland;
  - vii. routing;
  - viii. means of detection.
2. The Administrative Committee shall have the authority to modify the list in paragraph 1 of this Article.

Article 29

Information on Natural and Legal Persons

1. For the purposes of Articles 27 and 31 and if permissible under their national laws, Customs administrations may communicate to the central automated information system the following information :

(A) On natural persons :

- i. family name, maiden name, given names and aliases, and former names, as appropriate;
- ii. date and place of birth;
- iii. nationality;
- iv. type and number of identity paper(s);
- v. sex;
- vi. country of residence;
- vii. nature of offence;
- viii. occupation;
- ix. distinguishing features;
- x. prior history or information on suspects;
- xi. registration numbers of the means of transport;
- xii. indicators of level of danger that a person may pose;
- xiii. specific reason for inclusion of data;
- xiv. criminal organization belonged to;
- xv. known associates.

(B) On legal persons :

- i. name, trade name;
- ii. country of registration;
- iii. registration number;
- iv. date of registration;
- v. registered office;

- vi. trading address;
  - vii. nature of business;
  - viii. nature of offence;
  - ix. prior history or information on suspected legal persons;
  - x. specific reason for inclusion of data;
  - xi. names of principal officers or employees and, if appropriate, any other identifying information as indicated under paragraphs (A) i to xv.
2. The Administrative Committee shall have the authority to modify the lists in paragraphs 1 (A) and (B) of this Article.

#### Article 30

##### Other Information

Customs administrations may communicate to the central automated information system, if permissible under their national laws, any other information that may be relevant for the proper application of Customs law, for the prevention, investigation and combating of Customs offences, and for ensuring the security of the international trade supply chain.

#### Article 31

##### Central Automated Information System

1. The information referred to in Articles 28, 29 and 30 shall be placed in a secure central automated information system for Customs purposes. This system shall be managed from the Headquarters of the Council and be accessible under the provisions laid down in Article 38.
2. The communication of information by a Contracting Party to the central automated information system shall be subject to that Contracting Party's legal and administrative provisions, unless this Convention lays down more stringent provisions.
3. Each Contracting Party shall designate a competent authority in its Customs administration to be responsible at the national level for the correct operation of the central automated information system and for the measures necessary to ensure compliance with the provisions of Chapters VIII and X.
4. The Secretary General shall designate Council officers to be responsible at the Council level for the correct operation and maintenance of the central automated information system and for the measures necessary to ensure compliance with the provisions of Chapters VIII and X.

5. Each Contracting Party shall notify the Secretary General of the competent authority it has designated under paragraph 3 of this Article, who shall make this information available to the other Contracting Parties, along with any relevant information regarding Council officers designated under paragraph 4 of this Article. The information referred to in this paragraph shall be included in the central automated information system, but not be subject to the provisions of Chapter VII.

## Article 32

### Management of the Central Automated Information System

1. A team shall be set up to manage the central automated information system with regard to technical, operational and procedural matters. It shall consist of representatives from the Customs administrations of the Contracting Parties and Council officers. The composition of the Management Team shall be decided by the Administrative Committee.
2. The Management Team shall establish procedures for all technical and operational matters including procedures relating to :
  - (a) communication of information, in accordance with Articles 28, 29 and 30;
  - (b) access to the central automated information system and to the information it contains, in accordance with Article 38; and
  - (c) modification of information, in accordance with the provisions of Articles 39 and 40.
3. Following the approval by the Administrative Committee of the procedures referred to in paragraph 2 of this Article, the Management Team shall ensure their implementation.
4. The Management Team shall report at least annually to the Administrative Committee on the management of the central automated information system under paragraphs 1, 2 and 3 of this Article, making recommendations as necessary.

CHAPTER IX

Security of the Central Automated Information System

Article 33

Responsibility for Security Measures

1. The Contracting Parties and the Secretary General shall be responsible for the implementation of all necessary measures for the security of the central automated information system. The objectives of these measures shall include, but not be limited to :
  - (a) preventing unauthorized access to equipment used for the processing of information in the system;
  - (b) preventing unauthorized access to the system;
  - (c) preventing unauthorized entry, reading, copying, amending or deletion of any information in the system;
  - (d) ensuring that it is possible to check and establish which designated competent authorities and Council officers, referred to in paragraph 1 of Article 38, have access to the central automated information system, and which designated officials and Council officers, referred to in paragraph 2 of Article 38, have access to the information in the system;
  - (e) ensuring that it is possible to check and establish which information has been introduced into the system, by whom, and to monitor queries;
  - (f) preventing the unauthorized reading, copying, amendment or deletion of information during the communication of data and the transport of data media.
2. The independent representative or representatives appointed under paragraph 1 (f) of Article 45 shall carry out verifications of access to and queries about personal data to ensure that access and queries made were admissible and were made by authorized users. A record of all verifications shall be maintained in the system for reporting to the Administrative Committee and deleted after twelve months.

Article 34

Implementation of Security Measures

1. Each Contracting Party shall designate a competent authority in its Customs administration to implement, at the national level, the security measures referred to in paragraph 1 of Article 33.
2. The Secretary General shall designate Council officers to implement, at the

Council level, the security measures referred to in paragraph 1 of Article 33.

3. Each Contracting Party shall notify the Secretary General of the competent authority it has designated under paragraph 1 of this Article, who shall make this information available to the other Contracting Parties, along with any relevant information regarding designated Council officers under paragraph 2 of this Article. The information referred to in this paragraph shall be included in the central automated information system, but not be subject to the provisions of Chapter VII.

## CHAPTER X

### Protection of Information in the Central Automated Information System

#### Article 35

##### Inclusion of Information

The inclusion of information in the central automated information system shall be governed by the legal and administrative provisions of the supplying Contracting Party unless this Convention lays down more stringent provisions.

#### Article 36

##### Use of Information

1. The use of information obtained from the central automated information system shall be governed by the legal and administrative provisions of the Contracting Party using such information, unless this Convention lays down more stringent provisions.
2. Contracting Parties may only use information obtained from the central automated information system in order to achieve the purposes stated in Article 27. However, on request, the Contracting Party that supplied the information may authorize its use for other purposes, subject to any terms and conditions it may specify. Such other use shall be in accordance with the legal and administrative provisions of the Contracting Party which seeks to use the information. The use of information for other purposes includes its use in criminal investigations, prosecutions or proceedings.
3. Under the responsibility of the Secretary General, Council officers may use information obtained from the central automated information system only to carry out tasks as required under this Convention, subject to any conditions the Administrative Committee may impose.
4. Personal data may only be used if obtained from the central automated information system in accordance with paragraph 7 of Article 38.

#### Article 37

##### Retention of Personal Data

1. Personal data included in the central automated information system shall be kept only for the time necessary to achieve the purpose for which it was supplied. Contracting Parties shall specify the period of retention in the system of any personal data they supply.

2. A supplying Contracting Party may extend the period of retention referred to in paragraph 1 of this Article if the retention of its personal data is necessary for the purposes for which it was supplied. If there is no extension of this period, the data shall be deleted from the central automated information system at the initiation of the Contracting Party that supplied the personal data.
3. The Secretary General shall inform the supplying Contracting Party of the imminent deletion of personal data under paragraph 2 of this Article, giving one month's notice.
4. The independent representative or representatives appointed under paragraph 1 (f) of Article 45 shall carry out verifications to ensure that the period of retention of personal data in the central automated information system is being complied with. A record of all verifications shall be maintained in the system for reporting to the Administrative Committee and deleted after twelve months.

### Article 38

#### Access

1. The competent authorities and Council officers designated in accordance with paragraphs 3 and 4 of Article 31 shall have access to the central automated information system.
2. For the purposes of Article 27 and without prejudice to paragraph 7 of this Article, Contracting Parties shall designate officials in their Customs administrations, and the Secretary General shall designate Council officers, who shall have access to information in the central automated information system.
3. Access to the system shall be in accordance with the procedures referred to in paragraph 2 of Article 32. For the purpose of applying Article 32, the Management Team shall have access to the central automated information system.
4. The Administrative Committee may permit access to the non-personal information in the central automated information system by international and regional governmental organizations on the basis of reciprocity and subject to any conditions the Administrative Committee may specify.
5. The representative or representatives appointed by the Administrative Committee under paragraph 1 (f) of Article 45 shall have access to the central automated information system.
6. Each Contracting Party shall notify the Secretary General of the officials it has designated under paragraph 2 of this Article. The Secretary General shall make this information available to all Contracting Parties along with any relevant information regarding Council officers designated under the same paragraph. The information referred to in this paragraph shall be included in the central automated information system, but not be subject to the provisions of Chapter VII.
7. Contracting Parties may stipulate who shall have access, or who shall not have access, to the personal data they supply.



8. The rights of natural persons with regard to personal data in the central automated information system, in particular their right of access, shall be put into effect in accordance with the legal and administrative provisions of the Contracting Party in whose territory such rights are invoked.

#### Article 39

##### Modification of Non-Personal Information in the Central Automated Information System

1. Non-personal information in the central automated information system shall only be amended, supplemented, corrected or deleted at the initiation of the supplying Contracting Party.
2. Non-personal information shall be amended, supplemented, corrected or deleted in accordance with the procedures established and implemented by the Management Team under paragraphs 2 and 3 of Article 32.

#### Article 40

##### Modification of Personal Data in the Central Automated Information System

1. Personal data in the central automated information system shall only be amended, supplemented, corrected, or deleted at the initiation of the supplying Contracting Party.
2. If a Contracting Party notes that the personal data it supplied is inaccurate, or was included or is stored in the central automated information system contrary to this Convention, it shall arrange for the amendment, supplementation, correction or deletion of this personal data without delay. The Contracting Party concerned shall arrange with the Secretary General to notify those who have been stipulated to have access to personal data, as referred to in paragraph 7 of Article 38, of such amendment, supplementation, correction or deletion.
3. If a Contracting Party has information to suggest that any personal data is inaccurate, or was included or is stored in the central automated information system contrary to this Convention, it shall advise the supplying Contracting Party as soon as possible. The latter shall check the data concerned and, if necessary, arrange for its amendment, supplementation, correction or deletion without delay. The supplying Contracting Party shall arrange with the Secretary General to notify those who have been stipulated to have access to personal data, as referred to in paragraph 7 of Article 38, of such amendment, supplementation, correction or deletion.
4. If, at the time of including personal data in the central automated information system, a Contracting Party realizes that its personal data conflicts with personal data supplied by another Contracting Party, it shall immediately advise the Contracting Party which supplied that data. The Contracting Parties concerned shall attempt to resolve the matter. If resolving the matter results in an

amendment, supplementation, correction or deletion of personal data, the Contracting Party which had supplied the data shall arrange with the Secretary General to notify those who have been stipulated to have access to personal data, as referred to in paragraph 7 of Article 38, of such amendment, supplementation, correction or deletion.

5. Where a court or other competent authority within the territory of any Contracting Party makes a final decision regarding the amendment, supplementation, correction or deletion of personal data in the central automated information system, the Contracting Party in whose territory the decision is made shall arrange, if it supplied the data, for the amendment, supplementation, correction or deletion of this data without delay, or, if the data was supplied by another Contracting Party, it shall advise the supplying Contracting Party of the decision. The supplying Contracting Party shall then arrange for the amendment, supplementation, correction or deletion of the data without delay.

#### Article 41

##### Responsibilities and Liabilities

1. A Contracting Party shall be responsible, to the extent possible, for the accuracy, currency and lawfulness of the information it has included in the central automated information system.
2. A Contracting Party shall be liable, in accordance with its legal and administrative provisions, for damage caused to a person through the use of information obtained from the central automated information system by that Contracting Party. This shall also be the case where the damage was caused by the supplying Contracting Party entering inaccurate data or entering data that is contrary to this Convention.
3. If the Contracting Party found liable for damage under paragraph 2 of this Article is not the Contracting Party that supplied the information, the Contracting Parties concerned shall agree on the terms and conditions of reimbursement to the liable Contracting Party of any sums it paid out in compensation.
4. A Contracting Party shall be liable, in accordance with its legal and administrative provisions, for damage caused to a person through the use of information by Council officers obtained from the central automated information system contrary to this Convention, to the extent that this information had been included in the system by that Contracting Party.
5. If damage is established by a competent judicial authority with respect to paragraph 4 of this Article, the Contracting Party concerned may refer the decision to the Administrative Committee who will make a recommendation to the Council regarding any reimbursement.

## CHAPTER XI

### Exemptions and Reservations

#### Article 42

##### Exemptions

1. Where any assistance requested under this Convention may infringe the sovereignty, laws and treaty obligations, security, public policy or any other substantive national interest of a requested Contracting Party, or prejudice any legitimate commercial or professional interests, such assistance may be declined by that Contracting Party or provided subject to any terms or conditions it may require.
2. Where a requesting administration would be unable to comply if a similar request were made by the requested administration, it shall draw attention to that fact in its request. Compliance with such a request shall be at the discretion of the requested administration.
3. Assistance may be postponed if there are grounds to believe that it will interfere with any ongoing investigation, prosecution or proceeding. In such a case, the requested administration shall consult with the requesting administration to determine if assistance can be given subject to such terms or conditions as the requested administration may specify.
4. If the requested administration considers that the effort required to fulfill a request is clearly disproportionate to the perceived benefit to the requesting administration, it may decline to provide the requested assistance.
5. Where assistance is declined or postponed, reasons for declining or postponement shall be given.

#### Article 43

##### Reservations

1. Articles 9, 10, 12, 14, 15, 16, 17, 19, 20, 21, 22, 23, 29 and 30 may, in whole or in part, be subject to reservations.
2. A Contracting Party shall be deemed to have accepted all provisions in Articles 9, 10, 12, 14, 15, 16, 17, 19, 20, 21, 22, 23, 29 and 30 unless at the time of signature, ratification of, or accession to the Convention, it has notified the Secretary General of any reservations referring to these provisions.
3. A Contracting Party that has entered reservations may withdraw them, in whole or in part, at any time by notification to the depositary specifying the date on which such withdrawal takes effect.

## CHAPTER XII

### Costs

#### Article 44

1. Subject to paragraphs 2 and 3 of this Article, the costs incurred in the application of this Convention shall be borne by the requested Contracting Party.
2. Expenses and allowances paid to experts and witnesses, as well as costs of translators and interpreters, other than Government employees, shall be borne by the requesting Contracting Party.
3. If the execution of a request requires expenses of a substantial or extraordinary nature, 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.

## CHAPTER XIII

### Final Provisions

#### Article 45

##### Management of the Convention

1. An Administrative Committee shall be established to :
  - (a) consider issues relating to the implementation and administration of this Convention, and any amendments proposed thereto;
  - (b) recommend to Contracting Parties amendments to this Convention;
  - (c) recommend to Contracting Parties measures to secure the uniform interpretation and application of this Convention;
  - (d) decide the composition of the Management Team referred to in paragraph 1 of Article 32;
  - (e) examine and approve the technical and operational procedures referred to in paragraph 2 of Article 32 relating to the central automated information system;
  - (f) appoint one or more independent representatives to carry out the verifications referred to in paragraph 2 of Article 33 and paragraph 4 of Article 37 and determine the scope, frequency and other terms and conditions for such verifications;
  - (g) determine the conditions referred to in paragraph 3 of Article 36 relating to the use by Council officers of information obtained from the central automated information system;
  - (h) determine the conditions referred to in paragraph 4 of Article 38 relating to permitting access to non-personal information in the central automated information system by international and regional governmental organizations;
  - (i) make recommendations to the Council regarding reimbursement under paragraph 5 of Article 41;
  - (j) maintain relations with other international organizations concerned;
  - (k) consider any other issues of relevance to this Convention that may be referred to it;
  - (l) inform the Enforcement Committee and the Council of its decisions.
2. The Administrative Committee shall take decisions regarding the modification of the lists in Articles 10, 28 and 29, as required, without recourse to Article 49 and

regarding implementation of these decisions.

3. All Contracting Parties to this Convention shall be members of the Administrative Committee.
4. Any entity qualified to become a Contracting Party to this Convention under the provisions of Article 46 may be invited to attend the sessions of the Administrative Committee as an observer. The status and rights of such observers shall be determined by the Administrative Committee. The Administrative Committee may invite the representatives of international organizations to attend its sessions as observers.
5. The Administrative Committee shall establish its own rules of procedure by a majority of not less than two-thirds of the Contracting Parties to this Convention. In the absence of rules of procedure of the Administrative Committee at the time of the entry into force of this Convention, the rules of procedure of the Council shall be applicable until the Administrative Committee adopts its own rules.
6. Without prejudice to paragraph 5 of this Article, matters related to this Convention before the Administrative Committee shall be decided by consensus of those present. Where a decision cannot be arrived at by consensus, the matter shall be decided by a simple majority vote of those present. In any case, for the purpose of modifying the lists in paragraph 2 of Article 10, paragraph 1 of Article 28, paragraph 1 of Article 29, as well as for the purpose of appointing one or more representatives under paragraph 1(f) of this Article, the decision shall be taken by a majority of not less than two-thirds of the Contracting Parties present and entitled to vote. In the case of permitting access to non-personal information referred to in paragraph 4 of Article 38, the decision shall be taken by unanimous vote of those present.
7. Each Contracting Party shall be entitled to one vote. Where paragraphs 3 and 4 of Article 46 apply, the Customs or Economic Unions which are Contracting Parties shall have, in the case of voting, only a number of votes equal to the total votes allocated to their Members which are Contracting Parties.
8. The Administrative Committee shall meet at least once each year. It shall annually elect a Chairperson and a Vice-Chairperson. The Customs administrations of the Contracting Parties shall communicate to the Secretary General any requests for the inclusion of items on the Agenda of the sessions of the Administrative Committee. The Secretary General shall circulate the invitation and the draft Agenda to the Customs administrations of the Contracting Parties and to the observers referred to in paragraph 4 of this Article at least six weeks before the Administrative Committee meets.
9. The Council shall provide the Administrative Committee with secretariat services.

#### Article 46

##### Signature, Ratification and Accession

1. Any Member of the Council and any Member of the United Nations or its

specialized agencies may become a Contracting Party to this Convention :

- (a) by signing it without reservation of ratification;
  - (b) by depositing an instrument of ratification after signing it subject to ratification; or
  - (c) by acceding to it.
2. This Convention shall be open until 28 June 2004 for signature at the Headquarters of the Council in Brussels by the Members referred to in paragraph 1 of this Article. Thereafter, it shall be open for accession by such Members.
  3. Any Customs or Economic Union may become a Contracting Party to this Convention in accordance with paragraphs 1 and 2 of this Article. Such Customs or Economic Union shall inform the Secretary General of the Members forming the Union, as well as of its competence with respect to the matters governed by this Convention. Such Customs or Economic Union shall also inform the Secretary General of any substantial modification in the extent of its competence.
  4. A Customs or Economic Union which is a Contracting Party to this Convention shall, for the matters within its competence, exercise in its own name the rights, and fulfil the responsibilities, which the Convention confers on the Members of such a Union which are Contracting Parties to this Convention. In such a case, the Members of such a Union shall not be entitled to individually exercise these rights, including the right to vote.
  5. Any Contracting Party which ratifies this Convention or accedes thereto shall be bound by any amendments to this Convention which have entered into force at the date of deposit of its instrument of ratification or accession.

#### Article 47

##### Territorial Application of the Convention

1. Any Contracting Party may at any time declare by notification given to the depositary that this Convention shall extend to all or any of its territories for whose international relations it is responsible. Such notifications shall take effect three months after the date of the receipt thereof by the depositary. However, this Convention shall not apply to any territories named in the notification before this Convention has entered into force for the Contracting Party concerned.
2. Any Contracting Party which has made notification under paragraph 1 of this Article extending this Convention to any territory for whose international relations it is responsible may notify the depositary, under the procedure of Article 52 of this Convention, that the territory in question will no longer apply this Convention.

## Article 48

### Implementation and Application of the Convention

1. In applying this Convention, Contracting Parties shall take the necessary measures to ensure, to the extent possible, that their officials who are responsible for investigating or combating Customs offences maintain personal and direct relations with each other.
2. Two or more Contracting Parties may decide on the mutual arrangements to facilitate the implementation and application of this Convention between them.

## Article 49

### Amendments to the Convention

1. The text of any amendment recommended to the Contracting Parties by the Administrative Committee in accordance with paragraph 1(b) of Article 45, shall be communicated by the Secretary General to all Contracting Parties and to those Members of the Council that are not Contracting Parties.
2. Any proposed amendment to this Convention shall enter into force three months after the expiry of a period of twenty four months from the date of communication of the proposed amendment in accordance with paragraph 1 of this Article, provided that no objection to the proposed amendment has been communicated by a Contracting Party to the Secretary General during this period.
3. If an objection to the proposed amendment has been lodged by a Contracting Party before the expiry of the period of twenty four months specified in paragraph 2 of this Article, the amendment shall be deemed not to have been accepted.

## Article 50

### Settlement of Disputes

1. Without prejudice to paragraph 1 (c) of Article 45, any dispute between two or more Customs administrations concerning the interpretation or application of this Convention shall so far as possible be settled by negotiation between them.
2. Any dispute that is not settled by negotiation shall be referred by the Contracting Parties to the Administrative Committee which shall thereupon consider the dispute and make recommendations for its settlement.
3. The Contracting Parties in dispute may agree in advance to accept the recommendations of the Administrative Committee as binding.
4. Disputes for which no solutions are found shall be settled by diplomatic means.



Article 51

Entry into Force

1. This Convention shall enter into force three months after five of the entities referred to in paragraphs 1 and 3 of Article 46 thereof have signed the Convention without reservation of ratification or have deposited their instrument of ratification or accession.
2. After entry into force in accordance with paragraph 1 of this Article, this Convention shall enter into force for any other Contracting Party three months after it has become a Contracting Party in accordance with the provisions of Article 46.

Article 52

Denunciation

1. This Convention is of unlimited duration but any Contracting Party may denounce it at any time after the date of its entry into force under Article 51 thereof.
2. The denunciation shall be notified in writing, deposited with the depositary.
3. The denunciation shall take effect six months after the receipt of the instrument of denunciation by the depositary.

Article 53

Depositary of the Convention

1. This Convention, all signatures with or without reservation of ratification and all instruments of ratification or accession shall be deposited with the Secretary General.
2. The depositary shall :
  - (a) receive and keep custody of the original texts of this Convention;
  - (b) prepare certified copies of the original texts of this Convention and transmit them to the Contracting Parties and those Members of the Council which are not Contracting Parties and to the Secretary General of the United Nations;
  - (c) receive any signature with or without reservation of ratification, ratification or accession to this Convention and receive and keep custody of any instruments, notifications and communication relating to it;
  - (d) receive and keep custody of national legal and administrative provisions and written declarations in respect of paragraph 4 of Article 25;

- (e) receive and keep custody of any notifications of reservations by Contracting Parties in accordance with Article 43;
  - (f) examine whether the signature or any instrument, notification or communication related to this Convention is in due and proper form and, if need be, bring the matter to the attention of the Contracting Party in question;
  - (g) notify the Contracting Parties, those Members of the Council that are not Contracting Parties, and the Secretary General of the United Nations of :
    - the date of entry into force of this Convention in accordance with Article 51 of this Convention;
    - notifications received in accordance with Articles 43, 46, 47 and 51 of this Convention;
    - denunciations under Article 52 of this Convention;
    - any amendments accepted or objected to in accordance with Article 49 of this Convention and the date of their entry into force; and
    - any decisions taken by the Administrative Committee referred to under paragraph 2 of Article 45;
  - (h) notify the Contracting Parties of the authorities referred to in paragraph 3 of Article 2;
  - (i) notify the Customs administrations of the official contact points referred to in paragraph 1 of Article 3.
3. In the event of any difference appearing between a Contracting Party and the depositary as to the performance of the latter's function, the depositary or that Contracting Party shall bring the question to the attention of the other Contracting Parties and to the signatories or, as the case may be, the Administrative Committee.

#### Article 54

##### Registration and Authentic Texts

In accordance with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Secretary General.

In witness hereof the undersigned, being duly authorized thereto, have signed this Convention.

Convention

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Done at Brussels, this twenty-seventh day of June two thousand and three in the English and French languages, both texts being equally authentic, in a single original which shall be deposited with the Secretary General who shall transmit certified copies to all the entities referred to in paragraphs 1 and 3 of Article 46 of this Convention.

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