

**AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF
THE PHILIPPINES AND THE GOVERNMENT OF THE RUSSIAN
FEDERATION REGARDING COOPERATION AND MUTUAL
ADMINISTRATIVE ASSISTANCE IN CUSTOMS MATTERS**

The Government of the Republic of the Philippines and the Government of the Russian Federation, hereinafter referred to as the Parties,

Considering that offences against customs legislation of the Parties are prejudicial to the economic, social and cultural interests of states Parties,

Considering the importance of ensuring the accurate assessment of customs duties, taxes and other charges collected on the importation or exportation of goods and of ensuring proper enforcement of measures of prohibition, restriction and control of import and export of goods,

Recognizing the need for international cooperation in matters related to the application of Customs legislation of each Parties,

Convinced that efforts to prevent customs offences can be made more effective through cooperation between the Customs Services of the Parties,

Recognizing the need to activate the cooperation in the field of interdiction of international trade of counterfeit goods.

Considering that illicit trafficking in narcotic drugs, psychotropic substances and their precursors constitutes a danger to public health and to society.

Recognizing the provisions of the Single Convention on Narcotic Drugs of March 30, 1961 with subsequent changes and amendments. Convention on Psychotropic Substances of February 21, 1971 with subsequent changes and amendments, UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of December 20, 1988.

Having regard to the Recommendation of the Customs Cooperation Council on Mutual Administrative Assistance of December 5, 1953.

Have agreed as follows:

Article 1
Definitions

Terms for the purposes of this Agreement.

"Requesting Customs Service" shall mean the Customs Service, which makes a request for assistance in customs matter according to the Agreement or receive such assistance.

"Requested Customs Service" shall mean the Customs Service, which receives a request for assistance in customs matters according to the Agreement, or render such assistance;

"Information" shall mean any data, documents, reports and their attested copies or any other communications;

"Controlled delivery" shall mean the method, which allows the export, import or transit through the territory of the Parties to be illicit or suspicious consignment of narcotic drugs, psychotropic substances or substitutes, and other substances illegally transported goods with the knowledge and under the supervision of the competent authorities of the Russian Federation and Republic of the Philippines with the view of identification of persons involved in its commission.

"Person" shall mean any natural or legal person.

<<Narcotic drugs>> shall mean any natural or synthetic substance, enumerated in the Schedules I and II of the Single Convention on Narcotic Drugs of March 30, 1961.

<<precursors>> shall mean controlled chemical substances under control used in the illicit production of narcotic drugs and psychotropic substances, enumerated in the Schedules I or II of the addendum to the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of December 20, 1988.

"Psychotropic substances" shall mean any natural or synthetic substance or any natural material enumerated in the Schedules I, II, III and IV of the Convention on Psychotropic Substances of February 21, 1971.

"Customs Service" means:

in the Russian Federation - the Federal Customs Service,

in the Republic of the Philippines, the Bureau of Customs.

"Customs offence" shall mean any violation of Customs legislation as well as any attempt to violate such legislation:

"Customs legislation" shall mean international agreements, laws and acts of secondary legislation statutory and regulatory of the states of the Parties administered and issued by the Customs Services, as well as any legal acts prepared by the Customs Services within their responsibility, concerning moving of goods through the customs border, storage of goods, placing of goods under the customs procedures;

Article 2

Scope of the Agreement

1. The Parties shall through the Customs Services of their states in accordance with the provisions of this Agreement:

- a) undertake measures in order to facilitate and expedite movement of goods between the territory of the Parties;
- b) assist each other in the prevention, investigation and repression of Customs offences;
- c) exchange information for the purposes of ensuring compliance with the Customs legislation, collection of customs duties and taxes including information that may contribute to ensure the correct determination of the classification, customs value and origin of goods;
- d) cooperate in research, development and testing of new customs procedures, in the training and exchange of personnel and in any other matters that may require their joint efforts;

e) strive for harmony and uniformity of their customs procedures and to improve customs techniques

2. Mutual assistance within the framework of this Agreement shall be rendered in accordance with the legislation of the state of the Requested Customs Service and within its competence and resources.

3. If the Requested Customs Service does not have the information requested it shall seek the information as if acting on its own account according to the legislation of the state of the Requested Customs Service.

Article 3

Facilitation of customs formalities

1. The Customs Services shall, upon mutual consent, undertake necessary measures to simplify customs procedures in order to facilitate and expedite movement of goods between the territories of the states of the Parties.

2. The Customs Services acknowledge the means of customs identification of each other (lead seals, impresses of seals, stamps, and other identification means as agreed upon by the Customs Services), customs documents of each other and if it is necessary for customs purposes the Customs Services put their own means of customs identification on transported goods.

Article 4

Forms of cooperation and mutual assistance

1. The Customs Services shall provide each other on their own initiative or upon request, with all information necessary to ensure proper application of customs legislation including information which is likely to be of assistance in the accurate assessment and collection of customs duties and taxes.

The Customs Services shall provide each other with the information on:

a) new methods of struggling against Customs offences, demonstrated their efficiency.

b) new trends, means and methods of committing Customs offenses.

c) results of successful implementation of new means and technologies in enforcement area.

d) technologies and methods of customs clearance of goods.

2. The Customs Services in accordance with the legislation of their states shall cooperate for the following purposes:

a) creating, working out and improving training programs for their customs officials;

b) organization and supporting of communication channels between each other for the purpose of safety and operative information exchange;

c) efficient cooperation, including exchange of visits of customs officials and designation of liaison officers,

- d) examination and testing of new equipments and procedures,
- e) consideration of any issues which can require their mutual efforts.

Article 5

Special assistance cases

1. The Customs Services shall, on its own initiative or upon request, supply each other with the following information:

- a) whether goods imported into the territory of the state of the Requesting Customs Service have been legally exported from the territory of the state of the Requested Customs Service;
- b) whether goods exported from the territory of the state of the Requesting Customs Service have been legally imported into the territory of the state of the Requested Customs Service.

2. The Customs Services shall, on its own initiative or upon request, maintain surveillance over:

- a) persons known or suspected of committing Customs offences in, the state of the Customs Service, including their entry into and exit from the territory of the state of the Customs Service,
- b) movements of goods and means of payment which are reported by the Requesting Customs Service as giving rise to their illicit traffic into or from the territory of the State of the Requesting Customs Service or are suspicious thereof;
- c) any means of transport, known to be, or suspected of being, used for committing Customs offences in the state of the Customs Service;
- d) places used for storing goods, which may cause illicit traffic into the territory of the state of the Customs Service.

Article 6

Controlled delivery

1. The Customs Services may by mutual agreement and in accordance with the legislation of their states carry out the method of controlled delivery

2. Decisions concerning the use of controlled deliveries are to be taken on a case-by-case basis and if necessary, taking into account financial arrangements reached by the Customs Services.

Article 7

Exchange of the Information

1. The Customs Service of the state of one Party, shall on its own initiative or upon request, supply to the Customs Service of the state of other Party with reports, records of evidence or certified copies of documents and other available