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**Republic of Korea
and
Ukraine**

Agreement between the Government of the Republic of Korea and the Cabinet of Ministers of Ukraine concerning co-operation and mutual assistance in customs matters. Seoul, 30 May 2003

Entry into force: *27 April 2004, in accordance with article 15*

Authentic texts: *English, Korean and Ukrainian*

Registration with the Secretariat of the United Nations: *Republic of Korea, 6 July 2012*

**République de Corée
et
Ukraine**

Accord entre le Gouvernement de la République de Corée et le Cabinet des Ministres de l'Ukraine sur la coopération et l'assistance mutuelle en matière douanière. Séoul, 30 mai 2003

Entrée en vigueur : *27 avril 2004, conformément à l'article 15*

Textes authentiques : *anglais, coréen et ukrainien*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *République de Corée, 6 juillet 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF KOREA
AND THE CABINET OF MINISTERS OF UKRAINE
CONCERNING CO-OPERATION AND MUTUAL
ASSISTANCE IN CUSTOMS MATTERS**

The Government of the Republic of Korea and the Cabinet of Ministers of Ukraine (hereinafter referred to as “the Contracting Parties”);

Considering that offences against customs legislation are prejudicial to the economic, fiscal and social interests of their respective countries;

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

Convinced that efforts to prevent offences against customs legislation and to ensure the collection of customs duties, taxes, fees or other charges would be made more effective through close co-operation between their customs authorities;

Having regard to the Recommendation of the Customs Co-operation Council of 5 December 1953 on Mutual Administrative Assistance;

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of this Agreement:

- (a) “legislation” means the laws and regulations concerning the importation, exportation, transit of goods or any other customs procedure, whether relating to customs duties, taxes, fees or other charges levied by customs authorities, or to measures of prohibitions, restrictions or control;
- (b) “customs authority” means, for the Republic of Korea, Korea Customs Service and for Ukraine, the State Customs Service of Ukraine;
- (c) “offence” means any violation or attempted violation of customs legislation;

- (d) “person” means either a physical human being or a legal entity;
- (e) “personal data” means any information relating to an identified or identifiable physical human being;
- (f) “requesting customs authority” means the customs authority which makes requests for assistance in customs matters; and
- (g) “requested customs authority” means the customs authority which receives requests for assistance in customs matters.

Article 2

SCOPE

1. The Contracting Parties shall, through their customs authorities and in accordance with the provisions set out in this Agreement, provide each other with assistance in order to:

- (a) ensure that customs legislation is properly observed;
- (b) prevent and investigate offences against customs legislation; and
- (c) exchange information or documents regarding the application of customs legislation.

2. Assistance within the framework of this Agreement shall be provided in accordance with the laws and regulations of the requested Contracting Party and within the competence and available resources of the customs authority.

3. Under no circumstances shall the provisions of this Agreement prejudice the laws and regulations of either Contracting Party governing mutual legal assistance in criminal matters.

Article 3

SURVEILLANCE OF PERSONS, GOODS AND MEANS OF TRANSPORT

1. The customs authorities of the Contracting Parties shall, within their competence and resources, either on their own initiative or upon request, maintain special surveillance over:

- (a) persons known to be, or suspected of, committing offences against the customs legislation of the other Contracting Party;
- (b) movements of goods and means of payment which are reported by the customs authority of the other Contracting Party as giving rise to substantial illicit traffic into or from its territory;
- (c) any means of transport which is known to be, or suspected of being used in committing offences against the customs legislation of the other Contracting Party; and
- (d) places used for storing goods which may constitute substantial illicit traffic in the territory of the other Contracting Party.

2. The customs authorities of the Contracting Parties, within their competence and resources, shall prevent:

- (a) the exportation of goods which are known to be, or suspected on reasonable grounds of being, exported into the territory of the other Contracting Party to be used for purposes other than in the legitimate trade between the Contracting Parties; and
- (b) the exportation of goods which are forbidden to be imported into the territory of the other Contracting Party.

Article 4

EXCHANGE OF INFORMATION

1. The customs authorities of the Contracting Parties shall, either on their own initiative or upon request, supply to each other all information which may help to assure accuracy in:

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