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**Turkey
and
Afghanistan**

Agreement between the Government of the Republic of Turkey and the Government of the Islamic Republic of Afghanistan on co-operation and mutual assistance in customs matters. Ankara, 26 April 2005

Entry into force: *18 August 2011, in accordance with article 17*

Authentic text: *English*

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**Turquie
et
Afghanistan**

Accord entre le Gouvernement de la République turque et le Gouvernement de la République islamique d'Afghanistan relatif à la coopération et à l'assistance mutuelle en matière douanière. Ankara, 26 avril 2005

Entrée en vigueur : *18 août 2011, conformément à l'article 17*

Texte authentique : *anglais*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**A G R E E M E N T
B E T W E E N
THE GOVERNMENT OF THE REPUBLIC OF TURKEY
AND
THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF
AFGHANISTAN
ON CO-OPERATION AND MUTUAL ASSISTANCE
IN CUSTOMS MATTERS**

The Government of the Republic of Turkey and the Government of the Islamic Republic of Afghanistan hereinafter referred to as the "Parties";

Considering that offences against Customs legislation are prejudicial to the economic, commercial, financial, social and cultural interests of their respective States;

Considering the importance of assuring the accurate assessment and collection of Customs duties, taxes and other charges and fees on the importation or exportation of goods, as well as the implementation of the provisions on prohibitions, restrictions and control;

Considering that efforts to prevent offences against Customs legislation and efforts to ensure accurate collection of import and export duties, taxes and any other charges may be rendered more effective through co-operation between the Customs Administration of the Parties;

Concerned at the scales and growth tendencies of the illicit traffic of narcotic drugs and psychotropic substances and considering that it constitutes a danger to public health and the society;

Having regard also to the relevant international conventions encouraging bilateral mutual assistance as well as the Recommendations of the Customs Co-operation Council (World Customs Organisation);

have agreed, as follows:

DEFINITIONS

ARTICLE 1

For the purposes of this Agreement:

- a) "Customs legislation" shall mean provisions laid down by laws and regulations concerning the importation, exportation, transit of goods or any other customs procedures whether relating to customs duties, taxes or any other charges collected by the Customs Administrations, or to measures of prohibitions, restrictions or control enforced by the Customs Administrations;
- b) "Customs duties and taxes" shall mean Customs duties and all other duties, taxes, fees or other charges which are collected on or in connection with the importation or exportation of goods but not including fees and charges which are limited in amount to the approximate cost of services rendered;
- c) "Customs offence" shall mean any violation or attempted violation of Customs legislation;
- d) "Narcotic drugs" shall mean any substance of natural or synthetic, enumerated on the List I and List II of the 1961 Single Convention on Narcotic Drugs;
- e) "Psychotropic substances" shall mean any substance of natural or synthetic, enumerated on the Lists I, II, III and IV of the 1971 UN Convention on Psychotropic Substances;
- f) "Precursors" shall mean controlled chemical substances used in the production of narcotic drugs and psychotropic substances, enumerated in the Lists I and II of the 1988 UN Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
- g) "Customs Administration" shall mean: for the Republic of Turkey, the Prime Ministry Undersecretariat of Customs, for the Islamic Republic of Afghanistan, General Directorate of Afghan Customs, Ministry of Finance;

SCOPE OF THE AGREEMENT

ARTICLE 2

1. All assistance under the present Agreement by either party will be performed in accordance with its domestic laws and within the competence and available resources of the Customs Administrations.
2. The Customs Administrations of the Parties shall co-operate and assist each other in the prevention, investigation and combating of customs offences in accordance with the provisions of the present Agreement.

SCOPE OF ASSISTANCE

ARTICLE 3

1. At the request of the Customs Administration of a Party, the Customs Administration of the other Party shall communicate all available information which may help in ensuring the enforcement of customs legislation, including;
 - a) to ensure the proper assessment of customs duties and taxes;
 - b) accurate assessment of the value of goods for Customs purposes;
 - c) to determine the tariff classification and the origin of goods.
2. Assistance, as provided in this Agreement, shall include, but not be limited to information related to:
 - a) Enforcement actions that might be useful in preventing offences and, in particular, special means of combating offences;
 - b) New methods used in committing offences;
 - c) Observations and findings resulting from the successful application of new enforcement aids and techniques; and
 - d) Techniques and improved methods of processing passengers and cargo.

EXCHANGE OF INFORMATION AND DOCUMENTS

ARTICLE 4

1. Upon request of a Customs Administration of a Party, the Customs Administration of the other Party shall provide the copies of the customs and shipment documents, certified copies thereof if requested, information on actions, carried out or intended, which constitute or may constitute an offence against the Customs legislation in force in the requesting Party.

2. At the request of the Customs Administration of a party, the Customs Administration of the other Party shall communicate information concerning the authenticity of official documents produced in support of a declaration made to the Customs Administration of the requesting Party.

ARTICLE 5

1. At the request of the Customs Administration of a party, the Customs Administration of the other Party shall communicate information concerning the following matters:

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

2. Such information shall also specify the customs procedures used for clearing the goods.

ARTICLE 6

1. If the Customs Administration of the Requested Party does not have the requested information, it shall take steps to obtain such information, as if it were acting on its own behalf and in compliance with the legislation in force in the territory of its State.

2. If the Customs Administration of the requesting Party would be unable to comply if a similar request was made by the requested Party, it shall draw attention to that fact in its request. Compliance with such a request shall then be at the discretion of the Customs Administration of the requested Party.