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**Philippines
and
Netherlands (for the European and the Caribbean part of the
Netherlands and Aruba, Curaçao and Sint Maarten)**

**Agreement between the Kingdom of the Netherlands and the Republic of the Philippines on
mutual administrative assistance in customs matters. Manila, 4 February 2011**

Entry into force: *1 May 2016, in accordance with article 22*

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**Philippines
et
Pays-Bas (à l'égard de la partie européenne et de la partie
caribéenne des Pays-Bas et Aruba, Curaçao et Saint-Martin)**

**Accord entre le Royaume des Pays-Bas et la République des Philippines sur l'entraide
administrative en matière douanière. Manille, 4 février 2011**

Entrée en vigueur : *1^{er} mai 2016, conformément à l'article 22*

Texte authentique : *anglais*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**Agreement between the Kingdom of the Netherlands and the
Republic of the Philippines on mutual administrative assistance in
customs matters**

The Kingdom of the Netherlands

and

the Republic of the Philippines,

hereafter referred to as the Contracting Parties;

Considering the importance of accurate assessment of customs duties and other taxes collected at importation or exportation and of ensuring proper enforcement of measures of prohibition, restriction and control;

Considering that offences against customs law are prejudicial to their economic, fiscal, social, cultural, public health and commercial interests;

Considering that cross-frontier trafficking in narcotic drugs and psychotropic substances, hazardous goods, endangered species and toxic waste constitutes a danger to society;

Considering that illegal cross-border trafficking in weapons, explosives, chemical, biological and nuclear substances constitutes a danger to society;

Considering that both the business community as customs administrations will benefit from the development of facilitation and security in the international trade supply chain;

Recognizing the need for international co-operation in matters related to the application and enforcement of their customs laws;

Convinced that action against customs offences can be made more effective by close co-operation between their customs administrations based on clear legal provisions;

Having regard to the Recommendation on Mutual Administrative Assistance and the Declaration on the Improvement of Customs Co-operation and Mutual Administrative Assistance (the Cyprus Declaration), adopted in December 1953 and June 2000 respectively by the Customs Co-operation Council, now known as the World Customs Organization;

Having Regard also to international conventions containing prohibitions, restrictions and special measures of control in respect of specific goods;

Have agreed as follows:

CHAPTER I

DEFINITIONS

Article 1

For the purposes of this Agreement:

a) the term “customs administration” shall mean:

– for the Kingdom of the Netherlands: the central administration responsible for the implementation of customs law in each part of the Kingdom of the Netherlands mentioned in the second paragraph of Article 21;

– for the Republic of the Philippines: the Bureau of Customs;

b) the term “customs law” shall mean: any legal and administrative provisions applicable or enforceable by the customs administrations in connection with the importation, exportation, transshipment, transit, storage and circulation of goods, including legal and administrative provisions relating to measures of prohibition, restriction and control;

c) the term “customs offence” shall mean: any breach or attempted breach of customs law as defined by the legislation of each Contracting Party;

d) the term “customs claim” shall mean: any amount of Customs duties that cannot be collected in one of the Contracting Parties;

e) the term “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;

f) the term “person” shall mean: both natural and legal persons, unless otherwise required;

g) the term “personal data” shall mean: any data concerning an identified or identifiable natural person;

h) the term “information” shall mean: any data, documents, reports, certified or authenticated copies thereof or other communications in any format, including electronic;

i) the term “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;

j) the term “official” shall mean: any Customs officer or other government agent designated to apply Customs law;

k) the term “requesting administration” shall mean: the customs administration which requests assistance;

l) the term “requested administration” shall mean: the customs administration from which assistance is requested.

CHAPTER II

SCOPE OF THE AGREEMENT

Article 2

1. The Contracting Parties shall through their customs administrations afford each other administrative assistance under the terms set out in this Agreement, for the proper application of customs law and for the prevention, investigation and combating of customs offences, as well as for the recovery of customs claims.

2. All assistance under this Agreement by either Contracting Party shall be performed in accordance with its legal and administrative provisions and within the limits of its customs administration’s competence and available resources.

3. This Agreement is without prejudice to the present and future obligations of the Contracting Parties resulting from other international agreements.

4. This Agreement is intended solely for the mutual administrative assistance between the Contracting Parties; the provisions of this Agreement shall not give rise to a right on the part of any private person to obtain, suppress or exclude any evidence or to impede the execution of a request.

5. This Agreement is without prejudice to rules governing mutual assistance in criminal matters. If mutual assistance should be afforded in accordance with another agreement in force between the Contracting Parties, the requested administration shall indicate which relevant authorities are concerned.

CHAPTER III

SCOPE OF ASSISTANCE

Article 3

1. The customs administrations shall provide each other, either on request or on their own initiative, with information which helps to ensure the proper application of customs law and the prevention, investigation and combating of customs offences and the security of the international supply chain as well as the recovery of customs claims.

2. Either customs administration shall, in making inquiries on behalf of the other customs administration, act as if the inquiries were being made on its own account or at the request of another authority of its own state.

Article 4

1. On request, the requested administration shall provide all information about customs law and procedures applicable in that Contracting Party and relevant to inquiries relating to a customs offence.

2. Either customs administration shall communicate, on its own initiative and without delay, any available information relating to:

- a) new customs law enforcement techniques having proved their effectiveness;
- b) new trends, means or methods of committing customs offences;
- c) other data that can assist Customs administrations with risk assessment for control and facilitation purposes.

Article 5

The customs administrations may provide each other technical assistance in customs matters including:

- a) 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 customs officers;
- c) exchange of information and experience relating to the usage of interdiction and detection equipment;