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**South Africa
and
Zimbabwe**

Agreement between the Government of the Republic of South Africa and the Government of the Republic of Zimbabwe regarding mutual assistance between their customs administrations. Pretoria, 8 April 2015

Entry into force: *22 September 2015 by notification, in accordance with article 21*

Authentic text: *English*

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**Afrique du Sud
et
Zimbabwe**

Accord entre le Gouvernement de la République sud-africaine et le Gouvernement de la République du Zimbabwe concernant l'assistance mutuelle entre leurs administrations douanières. Pretoria, 8 avril 2015

Entrée en vigueur : *22 septembre 2015 par notification, conformément à l'article 21*

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AGREEMENT

BETWEEN

**THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA**

AND

**THE GOVERNMENT OF THE
REPUBLIC OF ZIMBABWE**

REGARDING MUTUAL ASSISTANCE

**BETWEEN THEIR CUSTOMS
ADMINISTRATIONS**

PREAMBLE

The Government of the Republic of South Africa and the Government of the Republic of Zimbabwe (hereinafter jointly referred to as the “Parties” and in the singular as a “Party”);

CONSIDERING the importance of ensuring the accurate assessment of customs duties, taxes and other charges collected on the importation or exportation of goods and a proper implementation of provisions of prohibition, restriction and control;

CONSIDERING that contravention of customs law is detrimental to the economic, fiscal and social interests of their respective countries;

CONSIDERING that trafficking in narcotic drugs and psychotropic substances constitutes a danger to public health and to society;

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

RECOGNISING that the implementation of the Protocol on Trade in the Southern African Development Community will bring, at regional level, a greater need for such co-operation, particularly in relation to the confirmation of origin and regional transit of goods;

RECOGNISING the need to protect the interest of legitimate trade within the Southern African Development Community (SADC) Region;

CONVINCED that efforts to prevent the contravention of customs law and to achieve greater accuracy in the collection of customs duties would be made more effective by close co-operation between their customs administrations;

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 July 2000, respectively, by the Customs Co-operation Council, now known as the World Customs Organization;

HEREBY AGREE AS FOLLOWS:

ARTICLE 1

DEFINITIONS

For the purposes of this Agreement, unless the context otherwise requires:

- (a) “customs administration” means, for the Government of the Republic of South Africa, the South African Revenue Service and for the Government of the Republic of Zimbabwe, the Zimbabwe Revenue Authority;
- (b) “customs claim” means any amount of duties and taxes to which the Agreement applies and of increases, surcharges, overdue payments, interests, costs and other charges pertaining to the said duties and taxes that cannot be collected in one of the Parties;
- (c) “customs law” means all the legal and administrative provisions applicable or enforceable by the customs administrations in connection with the importation, exportation, transshipment, transit, storage, and movement of goods, including:
 - (i) the collection, guaranteeing or repayment of duties, taxes and other charges;
 - (ii) action in relation to measures of prohibition, restriction or control; and
 - (iii) action in relation to illegal trafficking in narcotic drugs and psychotropic substances;
- (d) “customs offence” means any violation or attempted violation of customs law;
- (e) “information” means any data, whether or not processed or analyzed, any documents, reports, and other communications in any format, including electronic, or certified or authenticated copies thereof;
- (f) “official” means any customs officer or other government agent designated by either customs administration;
- (g) “person” means both natural and legal persons, unless the context otherwise requires;
- (h) “personal data” means any data concerning an identified or identifiable natural person;
- (i) “requested administration” means the customs administration from which assistance is requested;
- (j) “requesting administration” means the customs administration which requests assistance;

- (k) “requested Party” means the Party whose customs administration is requested to provide assistance; and
- (l) “requesting Party” means the Party whose customs administration requests assistance.

ARTICLE 2

SCOPE OF THE AGREEMENT

1. The Parties shall, through their customs administrations and in accordance with the provisions set out in this Agreement, afford each other mutual assistance:
 - (a) to ensure that the customs law in force in their respective territories is properly observed;
 - (b) to prevent, investigate and combat customs offences; and
 - (c) in cases concerning the delivery of documents regarding the application of customs law.
2. Assistance within the framework of the Agreement shall be rendered in accordance with the domestic law and administrative provisions of the country of the requested Party and within the competence and available resources of the customs administration.
3. The Agreement is intended solely for mutual assistance between the Parties. The provisions of the 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.
4. The Agreement shall apply to the territory of the Republic of South Africa and to the territory of the Republic of Zimbabwe.

ARTICLE 3

COMMUNICATION OF INFORMATION

1. Each customs administration shall supply to the other, either on request or on its own initiative, all available information that may help to ensure proper application of customs law and the prevention, investigation and combating of customs offences.
2. Assistance provided in accordance with this Agreement shall, on request, include the provision of information to ensure the correct determination of customs value.