

No. 55514*

**Turkey
and
Montenegro**

Agreement between the Government of the Republic of Turkey and the Government of Montenegro regarding mutual assistance in customs matters. Podgorica, 19 September 2013

Entry into force: *1 August 2018, in accordance with article 21*

Authentic texts: *English, Montenegrin and Turkish*

Registration with the Secretariat of the United Nations: *Turkey, 8 November 2018*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Turquie
et
Monténégro**

Accord entre le Gouvernement de la République turque et le Gouvernement du Monténégro relatif à l'assistance mutuelle en matière douanière. Podgorica, 19 septembre 2013

Entrée en vigueur : *1^{er} août 2018, conformément à l'article 21*

Textes authentiques : *anglais, monténégrin et turc*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Turquie, 8 novembre 2018*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF TURKEY
AND
THE GOVERNMENT OF MONTENEGRO
REGARDING
MUTUAL ASSISTANCE IN CUSTOMS MATTERS**

The Government of the Republic of Turkey and the Government of Montenegro hereinafter referred to as the "Contracting Parties";

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

Considering the importance of assuring the accurate assessment and collection of customs duties, taxes and other charges and fees on the importation and exportation of goods, the correct determination of the tariff classification, value and origin of goods, as well as proper implementation of provisions relating to 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 Customs Administration of the Parties;

Being concerned about the scales and growth tendencies of the illicit traffic of narcotic drugs and psychotropic substances, which constitute a danger to public health and the society;

Having regard to the Single Convention on Narcotic Drugs of 30 March 1961 amended by the Protocol of 25 March 1972, the Convention on Psychotropic Substances of 21 February 1971, as well as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988;

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

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of this Agreement:

- a) "Customs legislation" shall mean laws and other legal acts of the States of the Contracting Parties concerning the importation, exportation and transit of goods or any other customs procedure whether relating to customs duties, taxes or any other charges or fees collected by the Customs Authorities, or to the measures of prohibitions, restrictions and control enforced by the Customs Authorities;
- b) "Customs duties" 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 costs of services rendered;
- c) "Requesting Authority" shall mean the Customs Authority which makes a request for assistance pursuant to this Agreement or which receives such assistance;
- d) "Requested Authority" shall mean the Customs Authority which receives a request for assistance pursuant to this Agreement or which renders such assistance;
- e) "Customs offence" shall mean any violation of the customs legislation as well as any attempted violation of such legislation;
- f) "Customs Authority" shall mean in the Republic of Turkey – Ministry of Customs and Trade; in Montenegro –Ministry of Finance, Customs Administration;
- g) "Person" shall mean both natural and legal person;
- h) "Personal data" shall mean any information on natural and legal person identified or natural and legal person that can be identified in any violation or attempted violation of customs legislation;
- i) "Narcotic drugs" shall mean any substance, natural or synthetic, enumerated in the Lists I and List II of the 1961 Single Convention on Narcotic Drugs;
- j) "Psychotropic substances" shall mean any substance, natural or synthetic, enumerated in the Lists I, II, III and IV of the 1971 Convention on Psychotropic Substances;
- k) "Precursors" shall mean chemical substances used under control in the production of narcotic drugs and psychotropic substances, enumerated in the Lists I and II of the 1988 United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

- l) "Controlled delivery" shall mean the method for the exportation from, passing through or the importation in the territory of one or more countries of illegally consigned or suspected to be illegally consigned cigarettes, narcotic drugs, psychotropic substances and precursors or any substances substituted for them as well as other high risk goods which constitute a danger to economic and social interests of their respective countries, with the knowledge or under the control of the competent authorities in these countries, and for the purpose of detecting the persons committing the customs offence.

Article 2

SCOPE OF THE AGREEMENT

1. The Customs Authorities of the Contracting Parties shall assist each other, in the manner and under the conditions laid down in this Agreement, in ensuring that customs legislation is correctly applied, in particular by the prevention, detection, combating and investigation of customs offences.
2. All assistance rendered pursuant to the present Agreement shall be rendered in accordance with the national legislation in force of the State of the requested Contracting Party and within the limits of its Customs Authority's competence and available resources.
3. The provisions of this Agreement shall not give rise to a right on the part of any person to impede the execution of a request.

Article 3

ASSISTANCE ON REQUEST

1. Upon request of the requesting Authority, the requested Authority shall furnish it with all relevant information to enable it to ensure that customs legislation is correctly applied, including, inter alia, information regarding the transportation and shipment of goods, the disposition and destination of such goods, their tariff classification, value and origin, as well as information regarding acts committed or planned which offence or would offence customs legislation.
2. Upon request of the requesting Authority, the requested Authority shall inform it whether goods exported from or imported into the territory of the State of the requesting Contracting Party have been properly imported into or exported from the territory of the State of the requested Contracting Party, specifying, where appropriate, the customs procedure applied to the goods.

3. Upon request of the requesting Authority, the requested Authority within its competence shall take the necessary steps to ensure a surveillance of:
 - a) Particular natural or legal persons of whom there are reasonable grounds for believing that they are committing or have committed customs offences in the territory of the State of the requesting Contracting Party;
 - b) Places where goods are stored in a way that gives ground for suspecting that they are intended to be illicitly imported into the territory of the State of the requesting Contracting Party;
 - c) Movement of goods notified by the requesting Authority as possibly giving rise to customs offences in the territory of the State of the requesting Contracting Party;
 - d) Means of transport for which there are responsible grounds for believing that they have been, are or may be used in committing customs offences in the territory of the State of the requesting Contracting Party.

Article 4

SPONTANEOUS ASSISTANCE

The Customs Authorities of the Contracting Parties shall within their competences provide each other with assistance, which they consider to be necessary for the correct application of customs legislation, particularly when they obtain information pertaining to:

- Acts which have offended, offend or could offend customs legislation and which may be of interest to the other Contracting Party;
- New means or methods employed in committing customs offences;
- Goods known or suspected to be the subject of customs offences in the territory of the State of the other Contracting Party;
- Particular persons known to be or suspected of committing customs offences in the territory of the State of the other Contracting Party;
- Means of transport and containers, about which information or suspicion exists that they were, are, or could be used in committing customs offences in the territory of the State of the other Contracting Party.