



**MULTILATERAL AGREEMENT
AMONG D-8 MEMBER COUNTRIES
ON ADMINISTRATIVE ASSISTANCE
IN CUSTOMS MATTERS**



HAVING REGARD TO the United Nations Universal Declaration of Human Rights of 1948;

ALSO HAVING REGARD TO the joint efforts of Customs administrations for capacity building in enhancing their skills for carrying out their responsibilities, increasing their revenue and protecting their economy and society.

Have agreed as follows:

CHAPTER-I Definitions

Article 1

For the purposes of this Agreement,

- a. "Customs administration" shall mean the Customs authority and any other authority of a Contracting Party authorized under national law and designated by that Contracting Party to apply any provision of this Agreement.
- b. "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;
- c. "Customs claim" shall mean any amount of Customs duties that cannot be collected in one of the Contracting Parties;
- d. "Customs law" shall mean any legal and administrative provisions applicable or enforceable by either Customs administration in connection with the importation, exportation, transshipment, transit, storage, and movement of goods, including legal and administrative provisions relating to measures of prohibition, restriction, and control;
- e. "Customs offence" shall mean any breach or attempted breach of Customs law;
- f. "information" shall mean any data, whether or not processed or analyzed, and documents, reports, and other communications in any format, including electronic, or certified or authenticated copies thereof;



- g. "official" shall mean any Customs officer or other government agent designated by a Customs administration;
- h. "person" shall mean both natural and legal persons, unless the context otherwise requires;
- i. "personal data" shall mean any data concerning an identified or identifiable natural person;
- j. "requesting administration" shall mean the Customs administration which requests assistance;
- k. "requested administration" shall mean the Customs administration from which assistance is requested;
- l. "requesting Contracting Party" shall mean the Contracting Party whose Customs administration requests assistance;
- m. "requested Contracting Party" shall mean the Contracting Party whose Customs administration is requested to provide assistance.

CHAPTER-II Scope of the Agreement

Article 2

1. Exchange of Information

Contracting Parties shall, through their Customs administrations, provide each other with relevant information under the terms set out in this Agreement, for the proper application of Customs laws, for the prevention, investigation and combating of Customs offences and to ensure the security of trade supply chain.

2. Capacity Building

Member countries shall initiate Customs training program to enhance the knowledge and skills of the Customs personnel, provide expertise and share training facilities and programs with each other.

3. Administrative Assistance

- a. The Contracting Parties shall through their Customs administrations provide among themselves administrative assistance under the terms set out in this Agreement, for the proper application of Customs laws and for the prevention, investigation and combating of Customs offences;



- b. All assistance under this Agreement by either Contracting Party shall be provided in accordance with its national legal and administrative provisions and within the limits of its Customs administration's competence and available resources;
- c. This Agreement only covers multilateral administrative assistance among the Contracting Parties and is not intended to impact mutual/multilateral legal assistance agreements between/among them. If mutual assistance is to be afforded by other authorities of the requested Contracting Party, the requested administration shall indicate those authorities and, where known, the relevant agreement or arrangement applicable;
- d. 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.

4. Transit Facilitation

For the promotion of trade among themselves, the Contracting Parties shall facilitate the transit movements by simplifying and harmonizing the Customs procedures and compliance mechanism.

5. Customs Data Bank (CDB)

Member countries shall consider establishing a centralized Customs Data Bank for effective information sharing.

CHAPTER III Scope of Assistance

Article 3 Information for the Application and Enforcement of Customs Law

The Customs administrations shall, to the extent possible, provide each other, either on request or on their own initiative, with information which helps to ensure proper application of Customs Law and the prevention, investigation and combating of Customs offences. Such information may include:

- a. new Customs law enforcement techniques having proved their effectiveness;
- b. new trends, means or methods of committing Customs offences;



- c. goods known to be the subject of Customs offences, as well as transport and storage methods used in respect of those goods;
- d. any other data that can assist Customs administration in risk assessment for control and facilitation purposes.

CHAPTER IV
Special Instances of Assistance

Article 4
Information Relating To Customs Offences

1. The Customs administration of a Contracting Party shall provide the Customs administration of any other Contracting Party concerned, either on its own initiative or on requests, with information on activities, planned, ongoing or completed which provide reasonable grounds to believe that a Customs offence has been committed or will be committed in the territory of the Contracting Party concerned.
2. In serious cases that could involve substantial damage to the economy, public health, public security or any other vital interest of either Contracting Party, the Customs administration of the other Contracting Party shall, wherever possible, supply such information on its own initiative without delay.

Article 5
Particular Types of Information

On request, the requested administration shall provide the requesting administration, who has reason to doubt the accuracy of information provided to it in a Customs matter, with information relative to:

- a. whether goods imported into the territory of the requesting Contracting Party have been lawfully exported from the territory of the requested Contracting Party;
- b. whether goods exported from the territory of the requesting Contracting Party have been lawfully imported into the territory of the requested Contracting Party and in accordance with the Customs procedure, if any, under which the goods have been placed.



Article 6 Notification

1. On request, the requested administration shall, if permissible under its national law, take all necessary measures to notify a person residing or established in its territory of all decisions taken by the requesting administration in application of Customs law concerning that person, that fall within the scope of this Agreement;
2. Such notification shall be made in accordance with the procedures applicable in the territory of the requested Contracting Party for similar national decisions.

Article 7 Assistance in the Recovery of Customs Claims

1. On request, the Customs administrations shall afford each other assistance with a view to the recovery of Customs claims, provided that both Contracting Parties have enacted the necessary legal and administrative provisions at the time of the request;
2. Assistance in recovering Customs claims shall be arranged in accordance with Article 20 of this Agreement.

Article 8 Surveillance and Information

1. On request, the requested administration shall, to the extent possible, maintain surveillance over and provide the requesting administration with information on:
 - a. goods either in transport or in storage known to have been used or suspected of being used to commit a Customs offence in the territory of the requesting Contracting Party;
 - b. means of transport known to have been used or suspected of being used to commit a Customs offence in the territory of the requesting Contracting Party;
 - c. premises known to have been used or suspected of being used in connection with the commission of a Customs offence in the territory of the requesting Contracting Party;



- d. persons known to have committed or suspected of being about to commit a Customs offence in the territory of the requesting Contracting Party, particularly those moving into and out of the territory of the requested Contracting Party.
2. The Customs administration of any Contracting Party may maintain such surveillance on its own initiative if it has reason to believe that activities planned, ongoing or completed appear to constitute a Customs offence in the territory of another Contracting Party.

CHAPTER V

Joint Control and Investigation Teams

Article 9

1. Contracting Parties may establish joint control or investigation teams to detect and prevent particular types of Customs offences requiring simultaneous and coordinated activities.
2. Such teams shall operate in accordance with the law and procedure of the Contracting Party in whose territory the activities are being carried out.
3. The working of these teams shall be arranged in accordance with Article 20 of this Agreement.

CHAPTER VI

Communication of Requests

Article 10

1. Requests for assistance under this Agreement shall be addressed directly to the Customs administration of the other Contracting Party. Requests shall be made in writing or electronically, and shall be accompanied by any information deemed useful to comply with the request. The requested administration may require written confirmation of electronic requests. Where the circumstances so require, requests may be made orally. Such requests shall be confirmed in writing as soon as possible.
2. Requests made pursuant to paragraph 1 of this Article, shall include the following details:
 - (a) the name of the requesting administration;



- (b) the Customs matter at issue, type of assistance requested, and reason for the request;
 - (c) a brief description of the case under review and its administrative and legal elements;
 - (d) the names and addresses of the persons to whom the request relates, if known.
3. Where the requesting administration requests that a certain procedure or methodology be followed, the requested administration shall comply with such a request, subject to its national, legal and administrative provisions.
 4. On request, the requested administration shall provide certified copies of the requisite documents. Any document exchanged shall be accompanied by, to the possible extent, all relevant information for the interpretation and use thereof.
 5. The information referred to in this Agreement shall be communicated to officials who are specially designated for this purpose by either Customs administration. A list of those officials shall be supplied to the Customs administration of the other Contracting Party in accordance with Article 20 of this Agreement.

CHAPTER VII Execution of Requests

Article 11 Means of Obtaining Information

Each Contracting Party shall develop its own mechanism in obtaining information.

Article 12 Presence of Officials in the Territory of the Other Contracting Party

On written request, officials specially designated by the requesting administration may, with the authorization of the requested administration and subject to conditions the latter may impose, for the purpose of investigating a Customs offence:



- (a) examine, in the offices of the requested administration, documents and any other information in respect of that Customs offence, and be supplied with copies thereof;
- (b) be present during an inquiry conducted by the requested administration in the territory of the requested Contracting Party which is relevant to the requesting administration; these officials shall only have an advisory role.

Article 13
**Presence of Official of the Requesting Administration at
the Invitation of the Requested Administration**

Where the requested administration considers it appropriate for an official of the requesting administration to be present when, pursuant to a request, measures of assistance are carried out, it may invite the participation of the requesting administration subject to any terms and conditions it may specify.

Article 14
Arrangement for Visiting Officials

1. When officials of either Contracting Party are present in the territory of another Contracting Party under the terms of this Agreement, they must at all times be able to furnish, in a language acceptable to the requested administration, proof of their official identity and status in their Customs administration and of their official status as granted in the territory of the requested administration;
2. Officials designated by the requesting administration to be present in the territory of the requested Contracting Party, as provided for in Article 12 and 13, shall have a purely advisory role;
3. They shall, while in the territory of another Contracting Party under the terms of this Agreement, enjoy the protection accorded to Customs officers of the other Contracting Party to the extent provided by the laws in force there, and be responsible for any offence they commit.



Article 15
Experts and Witnesses

On request, the requested administration may authorize its officials to appear before a court or tribunal in the territory of the other Contracting Party as experts or witnesses in the matter related to the application of Customs law.

CHAPTER VIII
Confidentiality of Information

Article 16

1. Any information received under this Agreement shall be used only by the Customs administrations and solely for the purposes of this Agreement except in cases where the Customs administration supplying the information has authorized its use by other authorities or for other purposes.
2. Any information received under this Agreement shall be treated as confidential and shall, at least, be subject to the same protection and confidentiality as the same kind of information is subject to under the national law of the Contracting Party where it is received.

CHAPTER IX
Protection of Personal Data

Article 17

1. Personal data exchanged under this Agreement shall not begin until the Contracting Parties have mutually agreed, in accordance with Article 20 of this Agreement, that such data will be afforded a level of protection that satisfies the requirements of national law of the providing Contracting Party.
2. In the context of this Article, the Contracting Parties shall provide each other with their relevant legislation concerning the protection of personal data.



CHAPTER X Exemptions

Article 18

Where any assistance requested under this Agreement may infringe the sovereignty, laws and treaty obligations, security, public policy or any other substantive national interest of a requested Contracting Party, or prejudice any legitimate commercial or professional interests, such assistance may be declined by that Contracting Party or provided subject to any terms or conditions it may require.

CHAPTER XI Costs

Article 19

1. Subject to paragraphs 2 and 3 of this Article, the requested Customs administration shall waive all claims for reimbursement of costs incurred in the execution of this Agreement.
2. Expenses and allowances paid to experts and witnesses, as well as costs of translators and interpreters, other than Government employees, shall be borne by the requesting administration.
3. If the execution of request requires expenses of a substantial or extraordinary nature, the Contracting Parties shall consult to determine the terms and conditions under which the request will be executed as well as the manner in which the costs shall be borne.

CHAPTER XII Implementation and Application of the Agreement

Article 20

The Customs administrations shall jointly decide on detailed arrangements to facilitate the implementation and application of this Agreement.



CHAPTER XIII Territorial Application

Article 21

This Agreement shall be applicable in the territories of all the Contracting Parties as defined in their national legal and administrative provisions.

CHAPTER XIV Settlement of Disputes

Article 22

1. The Customs administrations shall endeavor to resolve disputes or other difficulties concerning the interpretation or application of this Agreement by mutual accord.
2. Unresolved disputes or difficulties shall be settled by diplomatic means.

CHAPTER XV Final Provisions

Article 23 Entry into Force

1. This Agreement shall enter into force for each Contracting Party on the first day of the second month after each of the Contracting Parties has notified D-8 Executive Office in writing through diplomatic means that the constitutional or internal requirements for the entry into force of this Agreement have been met.
2. The instrument of acceptance or notification of this Agreement shall be deposited in the Secretariat of D-8 Executive Office in Istanbul.
3. This Agreement shall enter into force 90 days after the deposition of instrument of ratification of five (5) Member States of D-8 Countries.

Article 24 Duration and Termination

1. This Agreement is intended to be of unlimited duration but any Contracting Party may terminate it at any time by notification through diplomatic means.



2. The termination shall take effect three months from the date of the notification of termination to the depository. Ongoing proceedings at the time of termination shall, nonetheless, be completed in accordance with the provisions of this Agreement.

Article 25 Review

The Contracting Parties shall meet in order to review this Agreement on request or at the end of five years from the date of its entry into force, unless they notify the Secretariat of the D-8 Executive Office in Istanbul in writing that no such review is necessary.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

DONE at Bali, Indonesia on the 13th day of May 2006 in the English language in one original copy.

For the Government of the People's Republic of Bangladesh

(H.E. M. Morshed Khan, MP)
Minister of Foreign Affairs

For the Government of the Arab Republic of Egypt

(H.E. Fayza Abounaga)
Minister of International Cooperation

For the Government of the Republic of Indonesia

(H.E. Sri Mulyani Indrawati)
Minister of Finance



For the Government of the Islamic Republic of Iran

(H.E. Manouchehr Mottaki)
Minister of Foreign Affairs

For the Government of Malaysia

(H.E. Dato' Seri Syed Hamid Albar)
Minister of Foreign Affairs

For the Government of the Federal Republic of Nigeria

(H.E. Fidelis N. Tapgun)
Minister of Industries

For the Government of the Islamic Republic of Pakistan

(H.E. Humayun Akhtar Khan)
Minister for Commerce

For the Government of the Republic of Turkey

(H.E. Kürşad Tüzmen)
Minister of State