

The Protocol,  
Convention and  
Additional Protocol  
were previously  
published as  
European  
Communities No. 151  
(1975), Cmnd. 6331.

EUROPEAN  
COMMUNITIES



Treaty Series No. 93 (1980)

## Protocol

on the Accession of Greece to the  
Convention on the Provision of Mutual  
Assistance by their Customs Authorities,  
concluded between the Member States  
of the European Economic Community  
(with text of Convention and Additional Protocol)

Rome, 7 September 1967

[The United Kingdom instrument of approval was deposited on 21 June 1976 and the Protocol entered into force for the United Kingdom on that date]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
November 1980*

LONDON

HER MAJESTY'S STATIONERY OFFICE

£1·40 net

Cmnd. 8080

## PROTOCOL

### ON THE ACCESSION OF GREECE TO THE CONVENTION ON THE PROVISION OF MUTUAL ASSISTANCE BY THEIR CUSTOMS AUTHORITIES, CONCLUDED BETWEEN THE MEMBER STATES OF THE EUROPEAN ECONOMIC COMMUNITY

The Governments of the Member States of the European Economic Community,

Having regard to the Agreement of Association between the European Economic Community and Greece, signed at Athens on 9 July 1961<sup>(1)</sup>;

Considering that such Association involves in particular the creation of a customs union between the Contracting Parties;

Having regard to the Convention on the provision of mutual assistance by customs authorities, signed at Rome on 7 September 1967;

Convinced that the accession of Greece to that Convention can contribute to the achievement and to the functioning of that customs union;

Have agreed as follows:

#### ARTICLE 1

Greece may accede to the Convention concluded between Belgium, the Federal Republic of Germany, France, Italy, Luxembourg and the Netherlands on the provision of mutual assistance by their customs authorities, signed at Rome on 7 September 1967 (hereinafter called the "Convention").

#### ARTICLE 2

The instrument of accession for Greece shall be deposited with the Ministry for Foreign Affairs of the Italian Republic, which shall notify the deposit to the other States signatories to the Convention.

The accession of Greece shall become effective on the first day of the third month following that of the deposit of the instrument if the Convention has entered into force by that date; if not, it shall become effective upon the entry into force of the Convention.

The Accession shall take effect in respect of States for which the Convention has entered into force in accordance with Article 24 thereof.

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<sup>(1)</sup> For texts in English and Danish see Official Journal of the European Communities, Special Edition, Second Series—I. External Relations (1), January 1974 and for texts in Dutch, French, German and Italian see Official Journal No. 26 of 18 February 1963, available through Agency Section, Her Majesty's Stationery Office, P.O. Box 569, London, SE1 9NY. Tel. 01-928 6977, ext. 410.

ARTICLE 3

This Protocol shall be ratified or approved and the instruments of ratification or approval shall be deposited with the Ministry for Foreign Affairs of the Italian Republic, which shall notify the other Signatory States of that deposit.

This Protocol shall enter into force, for each Contracting State, on the day on which its own instrument of ratification or approval is deposited.

This Protocol, drawn up in a single original, in the Dutch, French, German, and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which shall transmit a certified copy to each of the Signatory States.

In witness whereof the undersigned, duly authorised, have signed this Protocol.

Done at Rome on 7 September 1967.

*[For signatures, ratifications and approvals, see page 12.]*

**CONVENTION**  
**BETWEEN BELGIUM, THE FEDERAL REPUBLIC OF GERMANY,**  
**FRANCE, ITALY, LUXEMBOURG AND THE NETHERLANDS**  
**ON THE PROVISION OF MUTUAL ASSISTANCE**  
**BY THEIR CUSTOMS AUTHORITIES**

The Governments of the Member States of the European Economic Community,

Considering that contravention of customs laws is detrimental to the economic and fiscal interests of their respective countries and to the legitimate interests of trade, industry and agriculture and prejudicial to the aims of the Treaties establishing the European Communities;(2)

Considering that it is important, in order to secure the uniform application of the tariff arrangements provided for by those Treaties that customs duties are accurately collected;

Convinced that efforts to prevent contravention of customs laws and to achieve greater accuracy in the collection of customs duties would be made more effective through co-operation between their customs authorities;

Anxious to further the development and the functioning of the customs union between the Contracting States through close co-operation between their customs authorities;

Have agreed as follows:

**ARTICLE 1**

1. The Contracting States shall, through their customs authorities and in accordance with the conditions set out below, assist each other in ensuring accuracy in the collection of customs duties and other import and export charges and in preventing, investigating and prosecuting contravention of customs laws.

2. If, however the responsibility of implementing certain provisions of this Convention in a Contracting State rests with an authority other than the customs authority, that authority shall be deemed to be a customs authority for the purposes of this Convention. The Contracting States shall supply each other with all relevant information on this subject.

**ARTICLE 2**

For the purposes of this Convention, "customs laws" means provisions laid down by law or regulation concerning the importation, exportation and transit of goods, whether relating to customs duties or any other charges, or to measures of prohibition, or restriction or control. The expression "customs duties" applies also to levies introduced in implementation of the Treaty establishing the European Economic Community.

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(2) Treaty Series No. 15 (1979), Cmnd. 7460 (E.E.C.), Treaty Series No. 16 (1979), Cmnd. 7461 (ECSC), Treaty Series No. 17 (1979), Cmnd. 7462 (EURATOM) and Treaty Series No. 18 (1979), Cmnd. 7463 (Treaty of Accession).

### ARTICLE 3

The customs authorities of the Contracting States shall endeavour to co-ordinate the functions and the working hours of customs offices situated at their common frontiers.

### ARTICLE 4

1. The customs authorities of the Contracting States shall, on request, supply to each other all information which may help to ensure accuracy in the collection of customs duties and other import and export charges and, in particular, information which may help to assess the value of goods for customs purposes and to establish their tariff classification.

2. If the authority so requested does not have the information asked for, it shall initiate inquiries in accordance with the provisions which by law or regulation apply in its country to the collection of customs duties and other import and export charges.

### ARTICLE 5

The customs authorities of the Contracting States shall exchange lists of goods which are known to be the subject of contravention of customs laws on importation, exportation or in transit.

### ARTICLE 6

The customs authorities of each Contracting State shall, on their own initiative or on request, do everything possible to keep a special watch in the area for which they have responsibility over:

- (a) the movements and, in particular, the entry into and exit from their area, of persons suspected of being professional or habitual contraveners of the customs laws of another Contracting State;
- (b) places where abnormal stocks of goods have been assembled, suggesting that they are only intended as supplies for trafficking in contravention of the customs laws of another Contracting State;
- (c) movements of goods notified by another Contracting State as constituting substantial imports into that State in contravention of its customs laws;
- (d) vehicles, vessels and aircraft suspected of being used in contravening the customs laws of another Contracting State.

### ARTICLE 7

The customs authorities of the Contracting State shall supply to each other, on request, any certificate showing that goods exported from one Contracting State to another have been properly imported into the territory of that State and indicating the nature of the customs control, if any, under which the goods have been placed.

## ARTICLE 8

The customs authorities of each Contracting State shall, on their own initiative or on request, supply to the customs authorities of another Contracting State reports, records of evidence or certified copies of documents giving all available information on transactions, detected or planned, which constitute or appear to constitute a contravention of the customs laws of that State.

## ARTICLE 9

The customs authorities of each Contracting State shall supply to the customs authorities of the other Contracting States all information likely to be of use to them relating to contravention of the customs laws and, in particular, regarding new ways and means employed in committing such contravention and shall supply the other authorities with copies of, or extracts from, reports prepared by their investigating services describing the methods used.

## ARTICLE 10

The customs authorities of the Contracting States shall arrange for their investigation services to be in direct communication with each other so that, through exchange of information, the prevention, investigation and prosecution of contraventions of the customs laws of their respective countries may be facilitated.

## ARTICLE 11

The duly authorised customs officials of a Contracting State may, with the agreement of the customs authorities of another Contracting State and for the purposes of this Convention, obtain from the offices of those authorities any information derived from accounts, registers and other documents kept in those offices for the implementation of customs laws. Those officials shall be permitted to take copies of such accounts, registers and other documents.

## ARTICLE 12

If the courts or the authorities of a Contracting State so request in connection with contraventions of customs laws brought before them, the customs authorities of the other Contracting States may authorise their officials to appear as witnesses or experts before those courts or authorities. Such officials shall, within the limits of their authorisation, give evidence regarding facts established by them in the course of their duties. The request for appearance must clearly indicate in what case and in what capacity the official is to be examined.

## ARTICLE 13

1. If the customs authorities of a Contracting State so request, the customs authorities of the State to whom the request is made shall initiate all official inquiries and in particular the examination of persons sought for

contravention of customs laws, and of witnesses or experts. They shall communicate the results of such inquiries to the authorities making the request.

2. These inquiries shall be conducted under the laws and regulations of the State which has been requested to make them.

#### ARTICLE 14

Customs officials of a Contracting State, authorised to investigate contraventions of customs laws may, with the agreement of the authorised officials of the customs authorities of another Contracting State, be present in the territory of that State when those officials are investigating contraventions which are of concern to the authorities first mentioned.

#### ARTICLE 15

The customs authorities of Contracting States may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the Courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Convention. The weight to be attached to such information and documents as evidence and the use made thereof in the Courts shall be determined in accordance with national laws.

#### ARTICLE 16

When in the circumstances provided for by this Convention customs officials of a Contracting State are present in the territory of another Contracting State, they must at all times be able to furnish proof of their official capacity. They shall, while there, enjoy the protection accorded to customs officials of that other State in accordance with national laws and regulations. They shall be treated in the same way as those officials as regards penal sanctions for offences committed against them or by them.

#### ARTICLE 17

The customs authorities of a Contracting State shall, at the request of the customs authorities of another Contracting State, in accordance with the rules in force in the former State, notify the parties concerned either direct or through the competent authorities, of all measures and decisions taken by its administrative authorities relating to the application of customs laws.

#### ARTICLE 18

The Contracting States shall renounce all claims upon each other for the reimbursement of expenses incurred pursuant to this Convention, except for fees paid to experts.

#### ARTICLE 19

1. The customs authorities of the Contracting States shall not be bound to grant the assistance provided for under this Convention where such assistance is liable to be prejudicial to public policy or to other essential interests of the State whose assistance is requested.

2. Reasons must be given for any refusal to provide assistance.

#### ARTICLE 20

1. Information, communications and documents obtained shall be used solely for the purposes of this Convention. They shall not be communicated to persons other than those required to use them for such purposes unless the authorities supplying them expressly agree and the law governing the authorities which receive them allow such communication.

2. Requests, information, reports of experts and other communications in the possession of the customs authorities of a Contracting State pursuant to this Convention shall be accorded the same protection as is afforded under the national law of that State to documents and information of like nature.

#### ARTICLE 21

The customs authorities of a State may not request assistance of a kind which they are not themselves able to give.

#### ARTICLE 22

The assistance provided for under this Convention shall be exchanged direct between the customs authorities of the Contracting States. These authorities shall mutually agree the detailed arrangements for implementation.

#### ARTICLE 23

1. More extensive assistance which certain Contracting States grant or may grant each other under agreements or arrangements shall not be precluded by this Convention.

2. This Convention shall apply only to the European territories of the Contracting States.

#### ARTICLE 24

1. This Convention shall be ratified or approved and the instruments of ratification or approval shall be deposited with the Ministry for Foreign Affairs of the Italian Republic which shall advise all Signatory States of the deposit thereof.

2. For Contracting States which have deposited the instruments of ratification or approval, this Convention shall enter into force on the first day of the third month following the deposit of the second instrument of ratification or approval.<sup>(\*)</sup>

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(\*) The Convention entered into force on 1 February, 1970.



3. For any State which subsequently ratifies or approves this Convention, it shall enter into force on the first day of the third month following the deposit of its instrument of ratification or approval.

#### ARTICLE 25

1. This Convention is concluded for an unlimited period.

2. A Contracting State may denounce this Convention at any time after three years from its entry into force for that State by notifying the Ministry for Foreign Affairs of the Italian Republic which shall notify such denunciation to the other Contracting States.

3. Any denunciation shall take effect six months from the day on which its notification is received by the Ministry for Foreign Affairs of the Italian Republic.

This Convention, drawn up in a single original in the Dutch, French, German and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which shall transmit a certified copy to each of the Signatory States.

In witness whereof the undersigned, being duly authorised, have signed the Convention.

Done at Rome on 7 September, 1967.

*[For signatures, ratifications and accessions, see page 12.]*

## ADDITIONAL PROTOCOL

At the time of signature of the Convention between Belgium, the Federal Republic of Germany, France, Italy, Luxembourg and the Netherlands on mutual assistance between their customs authorities, the undersigned Plenipotentiaries have agreed the following declaration which forms an integral part of this Convention.

1. This Convention shall not place customs authorities under an obligation to supply information obtained from banks or institutions assimilated thereto.

2. The customs authorities of a Contracting State may refuse to supply information which, in the opinion of that State, would involve violation of an industrial, commercial or professional secret. Reasons must be given for any refusal to provide assistance; if the State seeking information so desires, such refusal shall be orally discussed between the authorities concerned.

In witness whereof the undersigned, duly authorised, have signed this Protocol.

Done at Rome on 7 September, 1967.

*[For signatures, ratifications and accessions see page 12.]*

SIGNATURES, RATIFICATIONS AND APPROVALS OF  
PROTOCOL

**Signatures and Ratifications**

<i>Government of:</i>	<i>Date of Deposit of Instrument of Ratification</i>
Belgium	
France	
Germany, Federal Republic of	
Italy	
Luxembourg	13 May 1975
Netherlands	10 May 1976

**Approval**

	<i>Date of Notification</i>
Denmark	4 June 1975
Ireland, Republic of	4 June 1976
United Kingdom*	21 June 1976

SIGNATURES, RATIFICATIONS AND ACCESSIONS IN RESPECT  
OF THE CONVENTION AND ADDITIONAL PROTOCOL

**Signatures and Ratifications**

<i>Government of:</i>	<i>Date of Deposit of Instrument of Ratification</i>
Belgium	11 July 1969
France	12 December 1969
Germany, Federal Republic of	16 March 1970
Italy	27 October 1971
Luxembourg	11 November 1969
Netherlands	12 March 1970

**Accessions**

	<i>Date of Deposit</i>
Denmark	7 June 1973
Greece	21 April 1975
Ireland, Republic of	15 May 1974
United Kingdom*	23 January 1974

\* Includes Jersey, Guernsey and the Isle of Man.

Printed in England by Her Majesty's Stationery Office

20983—315 312751 Dd 0592997 K10 11/80

ISBN 0 10 180800 3