

**Agreement
on Cooperation and Mutual Assistance in Customs Affairs between the
Governments of the Member States of the Shanghai Cooperation
Organization**

The Governments of the Member States of the Shanghai Cooperation Organization (hereinafter referred to as “the Parties”),

Desiring to develop friendly relations, in particular, through cooperation in customs affairs,

Seeking to promote the development of passenger and cargo traffic between the States of the Parties through cooperation between the customs services,

Taking into account that the customs offenses harm the economic interests of the States of the Parties,

Convinced that the observance of the customs legislation and the fight against crimes in the field of customs can be more successful through the cooperation of the customs services of the Parties,

In order to support and promote regional economic cooperation in various formats, facilitate favourable conditions for trade and investment towards the gradual implementation of the free movement of goods, capital, services and technologies between the States of the Parties

Have agreed as follows:

Article 1

The following definitions shall be used for the purposes of this Agreement:

The "customs legislation" is a set of normative legal acts of the States of the Parties governing the import, export and transfer of goods, compliance with which is ensured by the customs authorities of the Parties;

The "customs services" are the central customs authorities of the States of the Parties;

"Offenses in the area of customs" are any violations of the customs legislation of the States of the Parties;

The "person" is any natural or legal person;

The "narcotic drug" is any substance of natural or synthetic origin included in Schedules I and II of the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961 (as amended);

The "psychotropic substance" is any substance of natural or synthetic origin included in Schedule I, II, III or IV of the Convention on Psychotropic Substances of 1971 (as amended);

The "precursors" are substances frequently used in the production, processing of narcotic drugs and psychotropic substances subject to the control by the Parties in accordance with their legislation, international agreements of the Parties, including the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

The "requesting service" is the customs service sending a requests for

assistance in customs matters;

The "requested service" is the customs service that have received a request for assistance in customs matters;

"Customs payments" are customs duties, taxes, customs fees and other charges levied by the customs authorities of the Party in accordance with its law;

The "controlled delivery" is the method of allowing export, transit or import into the territory of one or more Parties of illicit or suspicious consignments of narcotic drugs, psychotropic substances and their precursors or substitute substances with the knowledge and under the supervision of the competent authorities of these Parties to identify the individuals involved in crimes related to illicit trafficking in narcotic drugs, psychotropic substances and their precursors.

Article 2

1. On the basis of this Agreement, within its competence and in compliance with the laws of their states, the customs services shall cooperate with a view of:

a) ensuring the correct calculation, payment and collection of customs duties, as well as the legality of the application of customs privileges;

b) preventing, suppressing and investigating crimes in the area of customs.

2. This Agreement shall not affect the obligations of either Party arising from other international treaties which it is a party to.

Article 3

Within their competence, the customs services shall:

a) take the necessary measures to simplify customs clearance;

b) recognize the customs identification means (seals, seal impressions, stamps), and customs standard documents used by the Parties, inform of the changes in sample documents, stamps and seals, and, if necessary, use their own customs means of identification on the goods being transported;

c) take measures to mutually simplify the procedure and terms of the transit of goods and vehicles through the territories of the Parties.

Article 4

1. In order to intensify efforts to suppress the illicit traffic in narcotic drugs, psychotropic substances and their precursors, without prior request and in the most expeditious manner, the customs services shall inform each other of details on:

a) persons known to be engaged in illicit trafficking in narcotic drugs, psychotropic substances and their precursors, or are suspected of doing so;

b) means of transport, including containers and mail, known to be used for illicit trafficking in narcotic drugs, psychotropic substances and their precursors or suspicious of such use.

2. Without prior request, the customs services shall communicate to each other information about the methods used for illicit trafficking in narcotic drugs,

psychotropic substances and their precursors, as well as about new methods of control over them.

3. Information and documents obtained by any of the Parties in accordance with paragraphs 1 and 2 of this Article may be released to the law enforcement authorities of the Party in charge of combating trafficking in narcotic drugs, psychotropic substances and their precursors.

4. In accordance with the laws of the Parties and by their mutual consent, the customs services shall use the method of controlled delivery of narcotic drugs, psychotropic substances and their precursors, as appropriate.

Article 5

1. The customs services as soon as possible provide each other with information on potential violations in the area of customs, including cases without prior request.

2. On their own initiative or upon request, in the shortest possible time the customs services shall transmit all relevant information about planned or committed violations of the customs laws of the State of one of the Parties in respect of the movement of:

- a) goods that may pose a threat to the environment or public health;
- b) weapons, ammunition, explosives and poisonous substances, explosive devices and nuclear materials;
- c) literature, audio and video materials of terrorism and/or extremist nature or having elements of incitement of hatred and hostility on ethnic and/or inter-confessional basis;
- d) works of art representing significant historical, artistic, cultural or archaeological value;
- e) goods subject to high customs duties or taxes in accordance with the legislation of the Parties;
- e) goods of particular importance included in the lists of goods subject to non-tariff restrictions agreed between the Parties;
- g) goods in respect of which there are grounds to believe that they are counterfeit;
- h) narcotic drugs, psychotropic substances and their precursors, as well as substances dangerous for the environment and public health;
- i) endangered plant and animal species, their parts and derivatives.

Article 6

1. Within 3 months following the entry of this Agreement into force, the customs services shall send each other a copy of the legislative and other normative legal acts of their states on customs issues and in the future promptly inform each other of any changes to the customs legislation of their states.

2. The receipt of documents shall be confirmed by the customs service of the Party with the indication of the date of receipt.

Article 7

1. The customs services shall:

- a) exchange with each other their experience, new means and methods of offenses in the area of customs, and other information on issues of common interest;
- b) inform each other on the use by Customs services of technical aids.

2. The customs services shall assist each other in the field of customs, including:

- a) exchanging their employees in cases of mutual interest in getting acquainted with the technical means used by the customs authorities;
- b) training and assisting in improving the specialized skills of their employees, as well as exchanging experts in customs matters;
- c) exchanging professional, scientific and technical data relating to customs matters.

Article 8

1. The customs administrations shall assist each other in responding to requests in accordance with their national legislation and within their competence.

2. The request may be refused if its execution is likely to prejudice the sovereignty, national security, economic interests of the requested Party or contrary to its legislation or international obligations.

In case of failure or refusal to fulfill the request, the requested service shall immediately notify the requesting the service accordingly in writing and report the reasons preventing the execution of the request.

3. If the customs office of one Party makes a request for assistance that in the case of a similar request of the customs service of the other Party it was unable to provide, the request shall mention it. In such a case, the requested service may refuse to execute the request.

Article 9

According to order established in Article 11 of this Agreement at the request of the customs service of one Party, the customs service of the other Party shall forward:

- a) information in writing confirming the accuracy of the official documents submitted for customs purposes and attached to the customs declaration;
- b) information confirming that the goods and vehicles conveyed through the customs border of the Parties are imported into the territory of the Parties and exported from this territory in accordance with the requirements of the customs legislation of the Parties..

Article 10

1. Any information communicated in whatever form pursuant to this Agreement shall be confidential.

2. Information and documents obtained by the customs authorities in accordance with this Agreement shall be used only for the purposes specified in this Agreement, and may be transferred or used for other purposes only with the written consent of the providing customs service.

In respect of information and documents obtained in accordance with this Agreement, the receiving Party shall accord the same degree of protection against disclosure, as for the information and documents of a similar nature obtained in the territory of that Party.

Article 11

1. The requesting service shall send a request directly to the requested service.

The request shall be in writing. The documents necessary for the execution of the request shall be attached in original or as officially certified copies.

In exceptional cases, an oral request may be accepted that should be immediately confirmed in writing.

2. The request must contain the following information:

- a) name of the requested service;
- b) names, addresses and other information on the persons covered by the request;
- c) subject matter and reason for the request;
- d) brief description of the merits of the case and its legal qualification.

3. Requests shall be forwarded in the languages that are the working languages of the Shanghai Cooperation Organization in accordance with the Charter of the Shanghai Cooperation Organization on June 7, 2002

Article 12

Each Party shall bear its own costs associated with the implementation of this Agreement, unless agreed otherwise in each specific case.

Article 13

Representatives of the customs services shall consult to discuss matters related to the execution of this Agreement, as appropriate.

Article 14

With the consent of the Parties, this Agreement may be changed and

amended by way of separate protocols that form an integral part of this Agreement.

Article 15

In the event of disputes between the Parties and differences in the interpretation or application of this Agreement, the Parties shall settle them through consultations and negotiations.

Article 16

1. This Agreement is concluded for an indefinite period and shall enter into force from the date of the receipt by the Depositary through diplomatic channels of the last written notification on the completion by the Parties of the internal procedures necessary for its entry into force.

2. Each Party may withdraw from this Agreement by notifying the Depositary in writing at least 6 months prior to the date of withdrawal. The Depositary shall notify the other Parties of this intention within 30 days of receipt of the notification of withdrawal.

The Secretariat of the Shanghai Cooperation Organization shall be the depositary of this Agreement that will send a certified copy thereof to the Parties within 30 days after the signing of this Agreement.

Done at the city of Tashkent, on November 2, 2007, in a single original, in the Russian and Chinese languages, both texts being equally authentic.

signatures