



AGREEMENT

BETWEEN

THE GOVERNMENT OF THE SULTANATE OF OMAN

AND

THE GOVERNMENT OF THE REPUBLIC OF TURKEY

ON

CO-OPERATION AND MUTUAL ASSISTANCE IN CUSTOMS MATTERS



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The Government of the Sultanate of Oman and the Government of the Republic of Turkey, hereinafter referred to as the "Parties";

Considering that offences against Customs legislation are prejudicial to the economic, commercial, financial, social and cultural interests of their respective States;

Considering the importance of assuring the accurate assessment and collection of Customs duties, taxes and other charges and fees on the importation or exportation of goods, as well as the implementation of the provisions on 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 the Customs Administrations of the Parties;

Concerned at the scale and growth tendencies of the illicit traffic of narcotic drugs and psychotropic substances and considering that it constitutes a danger to public health and the society;

Having regard also to the relevant international conventions encouraging bilateral mutual assistance as well as the Recommendations of the Customs Co-operation Council (World Customs Organisation);

Have agreed, as follows:

DEFINITIONS

ARTICLE 1

For the purposes of this Agreement:

- a) "Customs legislation" shall mean provisions laid down by laws and regulations concerning the importation, exportation, transit of goods or any other customs procedures whether relating to customs duties, taxes or any other charges collected by the Customs Administrations, or to measures of prohibition, restrictions or control enforced by the Customs Administrations.
- b) "Customs duties and taxes" shall mean any charges which are collected in connection with the importation or exportation of goods but not including fees limited in amount to the approximate cost of services rendered;
- c) "Customs offence" shall mean any violation or attempted violation of Customs legislation;
- d) "Narcotic drugs" shall mean any natural or synthetic substance enumerated in List 1 and List II of the 1961 Single Convention on Narcotic Drugs; and any other drugs or psychotropic substances prohibited under the laws of both Parties.
- e) "Psychotropic substances" shall mean any natural or synthetic substance enumerated in Lists 1, II, III and IV of the 1971 UN Convention on Psychotropic Substances; and also any psychotropic substances prohibited under the laws of both Parties;
- f) "Precursors" shall mean controlled chemical substances used in the production of narcotic drugs and psychotropic substances enumerated in Lists 1 and II of the 1988 UN Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances; and any precursors prohibited under the laws of both Parties;

- g) "Customs Administration" shall mean: for the Government of the Republic of Turkey, the Prime Ministry Undersecretariat of Customs; and for the Government of the Sultanate of Oman the Customs General Administration of the Royal Oman Police.

SCOPE OF THE AGREEMENT

ARTICLE 2

- 1) This Agreement shall apply to the customs areas of both Parties, identified in their domestic laws.
- 2) All assistance under the present Agreement by either Party will be performed in accordance with its domestic laws and within the competence of and resources available to the Customs Administrations.
- 3) The Customs Administrations of the Parties shall co-operate and assist each other in the prevention, investigation and combating of customs offences in accordance with the provisions of the present Agreement.

SCOPE OF ASSISTANCE

ARTICLE 3

1. At the request of the Customs Administration of a Party, the Customs Administration of the other Party shall communicate all available information which may help in ensuring the enforcement of customs legislation, particularly;
 - (a) to ensure the proper assessment of customs duties and taxes;
 - (b) accurate assessment of the value of goods for Customs purposes;
 - (c) to determine the tariff classification and the origin of goods.
2. Assistance, as provided in this Agreement, shall include, but not be limited to information related to the prevention and combating of customs offenses, including:

- (a) Enforcement actions that might be useful in preventing offences and, in particular, special means of combating offences;
- (b) New methods used in committing offences;
- (c) Observations and findings resulting from the successful application of new enforcement aids and techniques; and
- (d) Techniques and improved methods of travel and cargo.

EXCHANGE OF INFORMATION AND DOCUMENTS

ARTICLE 4

1. Upon the request of a Customs Administration of a Party, the Customs Administration of the other Party shall provide copies of the customs and shipment documents, certified copies thereof if requested, as well as information on action carried out or intended which constitute or may constitute an offence against the Customs legislation in force in the state of the requesting Party.
2. At the request of the Customs Administration of a Party, the Customs Administration of the other Party shall provide information concerning the authentication of official documents produced in support of a declaration made to the Customs Administration of the requesting Party.

ARTICLE 5

1. At the request of the Customs Administration of a Party, the Customs Administration of the other Party shall provide information concerning on whether the goods imported into the territory of the requesting Party have been lawfully exported from the territory of the other Party and whether the goods exported from the territory of the requesting Party have been lawfully imported into the territory of the requested Party.
2. Such information shall also specify the customs procedures used for clearing the goods.

ARTICLE 6

1. If the Customs Administration of the requested Party does not have the requested information, it shall take steps to obtain such information, as if it were acting on its own behalf and in compliance with the legislation in force in the territory of its State.
2. If the Customs Administration of the requesting Party would be unable to comply if a similar request was made by the requested Party, it shall draw attention to that fact in its request. Compliance with such a request shall then be at the discretion of the Customs Administration of the requested Party.

ARTICLE 7

1. Originals of documents shall only be requested in cases where certified or authenticated copies would be insufficient. The originals provided shall be returned as soon as possible.
2. The requested information may be transmitted through electronic means, unless the requesting Party specifically requests originals or copies. When computer based information is provided, it shall contain explanations necessary for the interpretation and use of this information.

SPECIAL INSTANCES OF ASSISTANCE

ARTICLE 8

At the request of a Customs Administration of a Party, the Customs Administration of the other Party shall, within the competence of and resources available to it, conduct control over:

- a) persons known to be or suspected to commit offences under Customs legislation;
- b) goods known or suspected to be subjects of Customs offences;
- c) means of transport known to be or suspected of being used for committing Customs offences.

INFORMATION ON ILLICIT TRAFFIC OF SENSITIVE GOODS

ARTICLE 9

1. The Customs Administration shall, on its own initiative or upon request, provide each other with all relevant information on any action, intended or carried out, which constitute or may constitute an offence against the Customs legislation of a Contracting Party, concerning the illicit traffic of:
 - a) Weapons, missiles, explosives and nuclear materials.
 - b) Works of art of significant historical, cultural or archaeological value;
 - c) Narcotic drugs, psychotropic substances, precursors, poisonous substances and substances harmful to the environment and public health.
2. Information received under this Article might be transferred to the relevant government department of the requesting Party. However, it is prohibited to transfer them to third countries.

COMMUNICATION OF THE REQUESTS

ARTICLE 10

1. Co-operation and assistance laid down in this Agreement shall be rendered by the Customs Administrations of the Parties. The Customs Administrations shall mutually agree on the documentation for that purpose.
2. Requests made pursuant to the present Agreement shall be made in a written form. Requests shall contain enclosures necessary for its realization. In all cases, requests must include the following data:
 - a. The Customs Administration making the request;
 - b. The measures requested, if any;
 - c. The subject of and reason for the request;
 - d. The laws and other legislation referring to the object of request;
 - e. A summary of the facts relevant to the object of the request.
4. Assistance requests made pursuant to this Agreement shall be submitted in English.



5. For the purpose of this Agreement, the Customs Administrations of the Parties shall name or designate the officials responsible for communication and shall exchange a list indicating the names, titles, telephones and fax numbers of those officials. They may also arrange for their investigative divisions to be in direct contact with one another.

CUSTOMS INVESTIGATIONS

ARTICLE 11

1. If the Customs Administration of one of the Parties requests the performance of a customs investigation of one crime, the Customs Administration of the other Party shall initiate the investigation of the operations which violate the Customs legislation in force in the territory of the requesting Party. It shall bring the results of such investigation to the attention of the requesting Party.
2. These investigations shall be conducted in accordance with the legislation in force in the territory of the state of the requested Party. The Customs Administration of the requested Party shall proceed in the investigation as if it were acting on its own behalf.
3. In special cases, the officials of the Customs Administration of a Party, with the consent of the Customs Administration of the other Party may be present in the territory of the latter at investigations of offences of Customs legislation of the requesting Party.

USE OF INFORMATION AND DOCUMENTS

ARTICLE 12

1. Information and documents received under this Agreement may be used during the administrative, judicial and investigative proceedings. They shall not be used for purposes other than those specified in this Agreement except with the written consent of the Customs Administration which has furnished them.
2. Any requests made and information delivered in whatever form pursuant to this Agreement shall be kept confidential, and shall enjoy the protection extended to the same kind of information and documents under the legislation in force in the state of the requesting Party.

EXPERTS AND WITNESSES

ARTICLE 13

1. Upon request by the Customs Administration of one of the Parties, the Customs Administration of the other Party may authorize its officials to appear as experts or witnesses in judicial or administrative proceedings in the territory of the state of the other Party, and to provide files, documents or other materials or authenticated copies thereof as may be considered essential for the proceedings.
2. The Customs Administration of the requesting Party is obliged to take all necessary measures for the protection of the security personnel of the officials during their stay in the territory of its State under Paragraph (1) of this Article. The transport and daily expenses of these officials shall be covered by the Customs Administration of the requesting Party.

EXCEPTIONS FROM ASSISTANCE

ARTICLE 14

1. If the requested Customs Administration considers that assistance would infringe upon the sovereignty, security or any other essential interests of its State, or would be inconsistent with its domestic laws, it may refuse to provide assistance requested under this Agreement, completely or partially, or to make the rendering of the requested assistance dependent on certain circumstances. If the assistance is refused, the reason for the refusal shall be notified in a written form to the Requesting Party without delay.
2. The Customs Administration of the requested Party may suspend the providing of assistance for reasons relating to current investigations or other investigations conducted by the requested Party, and the Customs Administration of the requested Party may commence investigation and undertake procedures which it sees appropriate according to the laws of its country, provided that the Customs Administration of the requesting Party shall be informed of the result of such investigations.

TECHNICAL ASSISTANCE

ARTICLE 15

The Customs Administrations, through a mutually agreed programme, shall provide each other with technical assistance, including:

- a) The exchange of information and experience in the use of technical equipment for control;
- b) Training of Customs officials;
- c) Exchange of experiences in Customs matters.
- d) Exchange of technical and scientific information related to the effective application of Customs legislation.

EXPENSES

ARTICLE 16

1. The Parties shall ordinarily waive all claims for reimbursement of costs incurred in the execution of the present Agreement, with the exception of expenses for witnesses, fees of experts, and costs of interpreters other than government employees.
2. If expenses of a substantial and extraordinary nature are or will be required to execute the request, the 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.
3. Expenses incurred in the implementation of Article 15 of this Agreement shall be subject to additional negotiations between the Customs Administrations of the Parties.

**INTERPRETATION & DISPUTE
RESOLUTION**

ARTICLE 17

Any dispute arising out of the interpretation or application of this Agreement shall be settled by direct communication between the parties through diplomatic channels.

ENTRY INTO FORCE AND TERMINATION

ARTICLE 18


1. This Agreement shall enter into force on the day following the latter notification by a Party to the other Party in writing through diplomatic channels that the necessary legal formalities for the entry into force of this Agreement have been completed.
2. This Agreement shall remain in force for an unspecified period of time unless one Party informs the other in writing through diplomatic channels of its desire to terminate it. In this case, the termination of the Agreement shall be effective three months following notification.
3. Ongoing proceedings at the time of termination shall nonetheless be completed in accordance with the provisions of this Agreement.

Done in **Tuesday on 13 April 2010** in two originals in the Arabic and English languages, all texts being legally authentic. In case of a divergence in interpretation, the English text shall prevail.



**FOR THE GOVERNMENT OF THE
SULTANATE OF OMAN**

**Lt. General Malik sulaiman AL-Maamary
Inspector General of Police and Customs**



**FOR THE GOVERNMENT OF THE
REPUBLIC OF TURKEY**

**Mehdi Eker
Minister of Agriculture and Rural Affairs**