

N° 3900.

ROUMANIE ET TCHÉCOSLOVAQUIE

Convention concernant le règlement du secours mutuel en matière de dédouanement, d'empêchement, de poursuite, de répression des contraventions aux prescriptions douanières et d'assistance judiciaire réciproque en matière pénale douanière, avec annexe. Signées à Bucarest, le 22 décembre 1930.

ROUMANIA AND CZECHOSLOVAKIA

Convention concerning the Regulation of Mutual Assistance in the Matter of Customs Clearance, the Prevention, Prosecution and Punishment of Infringements of the Customs Regulations and Judicial Co-operation in Criminal Cases relating to the Customs, with Annex. Signed at Bucharest, December 22nd, 1930.

¹ TRADUCTION. -- TRANSLATION.

No. 3900. — CONVENTION ² BETWEEN THE KINGDOM OF ROUMANIA AND THE CZECHOSLOVAK REPUBLIC CONCERNING THE REGULATION OF MUTUAL ASSISTANCE IN THE MATTER OF CUSTOMS CLEARANCE, THE PREVENTION, PROSECUTION AND PUNISHMENT OF INFRINGEMENTS OF THE CUSTOMS REGULATIONS AND JUDICIAL CO-OPERATION IN CRIMINAL CASES RELATING TO THE CUSTOMS. SIGNED AT BUCHAREST, DECEMBER 22ND, 1930.

French official text communicated by the Roumanian Envoy Extraordinary and Minister Plenipotentiary to the League of Nations and by the Permanent Delegate of the Czechoslovak Republic to the League of Nations. The registration of this Convention took place May 26th, 1936.

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC
and

HIS MAJESTY THE KING OF ROUMANIA,

Being desirous of reaching an agreement for the regulation of mutual assistance in the matter of Customs clearance, the prevention, prosecution and punishment of infringements of the Customs regulations and judicial co-operation in criminal cases relating to the Customs, have resolved to conclude a Convention for this purpose and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Monsieur R. KÜNZL-JIZERSKÝ, Envoy Extraordinary and Minister Plenipotentiary of the Czechoslovak Republic at Bucarest ;

HIS MAJESTY THE KING OF ROUMANIA :

Monsieur Georges G. MIRONESCO, Prime Minister, Minister for Foreign Affairs ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following provisions :

Article I.

(1) The High Contracting Parties undertake to grant each other reciprocal assistance in the matter of Customs clearance, the prevention, prosecution and punishment of infringements of the Customs regulations, and also judicial assistance in connection with criminal proceedings in Customs matters, in accordance with the following provisions :

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Prague, February 26th, 1936.
Came into force May 26th, 1936.

(2) Each of the High Contracting Parties shall request its Customs authorities and Customs officials at the common frontier to make themselves acquainted with and to respect as far as possible the laws and regulations relating to the Customs service of the other Contracting Party, including import, export and transit prohibitions and the regulations concerning foreign trade returns.

I.

MUTUAL ASSISTANCE IN REGARD TO CUSTOMS CLEARANCE.

Article 2.

The Customs offices on one side of the common frontier shall give the chief Customs officials on the other side full information regarding goods traffic and shall endeavour, if circumstances permit, to assist the frontier Customs officials on the other side in the performance of their duties.

Article 3.

(1) Each of the High Contracting Parties undertakes not to allow goods which are to be conveyed by road to leave its territory and to enter the territory of the other Party except by a Customs road leading to an authorised import Customs office, and to allow such goods to leave only at hours which will enable them to arrive in all probability at the office on the other side during working hours, unless the carrier has obtained the consent of the Customs officials on the other side to clear the goods outside working hours.

(2) The Customs roads and the working hours of the Customs offices on roads crossing the common frontier shall be fixed by mutual agreement, and each Party shall communicate to the other the facilities granted for crossing the frontier.

Article 4.

(1) The transport of passengers, goods and baggage across the Customs frontier may be effected by day and night, including Sundays and holidays, on railways open to public traffic.

(2) The railways must notify the Customs offices and the Customs posts in stations (station Customs offices) of the scheduled times at which all trains are due to cross the frontier and of any alteration in these times before the time-table or the alteration comes into force. Adequate notice must also be given to the station Customs offices of trains which are more than half an hour late, of the cancellation of trains, and also of the running of special trains and detached locomotives.

Article 5.

(1) The two High Contracting Parties shall take steps to ensure that, as regards reciprocal railway traffic, all goods despatched are accompanied by declarations of origin to be given up to the respective Customs offices of the other Party. In the case of goods with a through waybill, in transit to a third country, a declaration of origin intended for the Customs office in the country of destination shall be sufficient. If this declaration is not attached, the Customs office shall accept in lieu thereof the information contained in the waybill.

(2) Upon the arrival of any train with loaded wagons in addition to the service car, the administration of the railway whose line crosses the frontier must deliver to the Customs officials of the other Party a train list made out in accordance with the specimen form attached. In addition

to this list a detailed specification of the goods contained in the various wagons, with their respective documents, shall be required if the wagon contains several consignments.

(3) The issue by the railway administration of the other Party of any other Customs document to accompany trains is unnecessary.

Article 6.

(1) On frontiers where there are through railway communications and across which rolling-stock is conveyed, the High Contracting Parties shall exempt from unloading and examination at the frontier and from the affixing of seals such goods as are contained in properly closed coaches and go forward in those coaches to some place inland where there is an authorised Customs clearing office, provided that the said goods have been duly declared on entry.

(2) Goods exported in properly closed wagons and passing in transit from the territory of one of the High Contracting Parties, without being transferred, through the territory of the other Party, shall be exempted from unloading and Customs examination and also from the affixing of seals, both within the country and at the frontier, provided the goods have been duly declared to be for transit.

(3) The same facilities shall be granted to goods from a third State passing, without being transferred, through the territory of one of the Parties and consigned to the other Contracting Party.

(4) The question of responsibility to the Customs authorities and consignors shall be settled by a special convention to be concluded between the general managements of the railways of the two High Contracting Parties.

(5) The above provisions shall only apply provided the wagons are duly delivered — in accordance with the regulations — with fastenings intact by the railway administrations concerned to the inward or outward Customs office and that there is no obstacle to such transit facilities in the form of existing transit prohibitions.

(6) Even non-dutiable goods arriving at frontier Customs offices for final clearance shall, as a rule, be exempt from unloading and weighing, provided it is possible to examine them at the Customs without unloading. The weight of such goods shall be established by the Customs on the basis of the weight given in the documents covering the railway transport.

(7) As an exception, the facilities provided for in paragraphs 1 to 3 shall also be granted in cases where, owing to the difference in the railway gauge or for other reasons, transfer is necessary or unavoidable, without actual clearance being necessary. The transfer must be effected under the supervision of the Customs authorities.

(8) Goods which do not completely fill a wagon may also enjoy the facilities indicated in paragraphs 1 to 3 and 5 to 7, provided they are conveyed in a compartment which is securely fastened and conforms to the international traffic requirements as regards wagons laid down by the Berne Conference of May 15th, 1886.

(9) The above-mentioned facilities shall not be granted where there is good reason to suspect that an infringement of the Customs regulations has been committed.

(10) More extensive advantages granted by one of the High Contracting Parties to other States with regard to Customs clearance shall also be extended — subject to reciprocity — to traffic with the other Party.

Article 7.

(1) When the frontier is crossed, passengers' hand baggage only shall be allowed in passenger coaches, with the exception of the compartments of those coaches intended for the transport of baggage and goods.

(2) The clearance of hand baggage and registered baggage and also of baggage consigned to another Customs office must be speedily effected so as to allow it to go forward by the connecting train, unless this is materially impossible.

(3) Goods conveyed by passenger train are subject to the same conditions and formalities as apply to similar articles conveyed by goods train. The question of responsibility shall be settled by the additional convention referred to in Article 6.

(4) Nevertheless, goods sent by "grande vitesse" and also live animals registered as goods sent by "grande vitesse" and perishable goods carried by passenger train must be cleared with the same rapidity as baggage.

(5) It is understood that goods sent by "grande vitesse" to an inland destination shall not be cleared at the frontier Customs office but shall be consigned to the inland Customs office.

Article 8.

Wagons must conform to the regulations laid down by the Berne Conference of May 15th, 1886, for wagons subject to Customs control employed in international traffic, and to any subsequent modifications thereof or additions thereto.

Article 9.

(1) Goods crossing or cleared at the common frontier must be accompanied by the necessary Customs documents. If any goods cannot be cleared through the frontier Customs office owing to the absence of the necessary Customs documents, this fact must in every case be mentioned by the Customs office concerned in the accompanying railway documents, if the railway so requests.

(2) To secure the release of the deposit furnished with a view to the re-export of uncleared goods and the return or refunding of sums due in respect of exported goods, each of the High Contracting Parties shall, upon request, confirm to the other Party that the goods have entered the country across the common frontier. The official stamp of the inward frontier office on the accompanying documents shall suffice to prove that the goods have crossed the frontier.

Article 10.

Certificates, fastenings, seals, stamps and other Customs marks, measurement marks and stamps on casks and on other outside packings, tonnage marks and certificates of vessels employed for inland navigation — the latter being based on special conventions — and the weights indicated on wagons by the railway authorities shall be recognised by both Parties as valid for the purposes of Customs procedure.

II.

MEASURES TO PREVENT INFRINGEMENTS OF THE CUSTOMS REGULATIONS.

Article 11.

(1) The frontier revenue officials of the two Parties must assist each other in preventing smuggling on both sides, must communicate to each other as rapidly as possible all matters coming to their notice and must maintain friendly official relations.

(2) In order to ensure effective co-operation for this purpose, the heads of the Customs and frontier guard (revenue) stations of the two Parties shall meet together from time to time.

Article 12.

The revenue officials of the two Parties who are responsible for the prevention and prosecution of infringements of the Customs regulations must also prevent, by all the legal means available, infringements of the Customs regulations of the other Party and must act in the same manner in regard thereto as in the case of infringements of the Customs regulations of their own country.

Article 13.

The competent revenue authorities of one of the Parties shall communicate without delay to the competent authorities of the other Party such infringements of the Customs regulations of that Party as have come to their knowledge and shall forward to them upon request the relevant papers and documentary evidence.

Article 14.

(1) Each of the High Contracting Parties shall at the request of the other Party cause persons suspected of smuggling goods regularly or habitually into the country of the other Party to be kept under observation.

(2) Where there is reason to suppose that goods have been accumulated in the frontier zone in quantities in excess of normal requirements in order to be smuggled into the territory of the other Party, the latter shall be entitled to request that such stocks be placed under special supervision.

III.

PROSECUTION AND PUNISHMENT OF INFRINGEMENTS OF THE CUSTOMS REGULATIONS.

Article 15.

(1) Each of the High Contracting Parties shall give instructions, at the request of a competent authority of the other Party, for a search to be made for persons infringing the Customs regulations of that Party, and for them to be punished by the same courts and authorities and under the same rules as persons infringing its own Customs law :

(a) Where the accused is a national of the State which is to institute the enquiry and inflict a penalty ;

(b) Where the accused is not a national of that State, but is resident there, whether permanently or temporarily, or commits the offence in that territory, or was arrested there on or after the arrival of the application for prosecution.

(2) If the fine is based on the amount of the Customs duties and charges which the offender has sought to evade, the penalty must be calculated according to the tariffs of the State whose rights have been infringed.

(3) The foregoing provisions shall not prejudice the prosecution of other infringements or offences which may have been committed in violation of the Customs regulations of the other Party.

Article 16.

The same weight shall be attached to the official statements of the authorities or agents of the other Party.

Article 17.

(1) In the case of enquiries into infringements of the Customs regulations of the other Contracting Party, the costs and expenses of the proceedings and of the execution of the penalty

shall be fixed according to the same principles as apply to enquiries held in respect of infringements of the Party's own Customs regulations.

(2) The cost of the enquiry shall be borne provisionally by the State in whose territory it is held.

(3) The State whose authorities have asked for proceedings to be instituted and an enquiry to be held shall refund the costs and expenses of the proceedings and the execution of the penalty in cases where the laws provide that such expenses shall be borne by the State, owing to the impossibility of recovering them from the offender or of defraying them out of sums paid by third persons or out of the proceeds of the sale of the articles.

Article 18.

(1) In addition to the penalty, the duties which the offender has sought to evade must also be collected by the authorities.

(2) Sums recovered from the offender or obtained from the sale of the articles shall be employed to cover, first, the costs and expenses ; secondly, the duties due to the other Party, and, lastly, the fine imposed.

(3) Fines collected and articles confiscated shall be retained by the State in whose territory the proceedings have taken place.

(4) The reward granted to persons informing against or apprehending the offender shall be fixed according to the regulations of each Contracting Party.

Article 19.

The State in whose territory the person was convicted has the right to remit or refuse the penalty.

Article 20.

For the purposes of the present Convention, the expression "infringements of the Customs regulations" is understood to apply also to infringements of import, export and transit prohibitions.

IV.

JUDICIAL ASSISTANCE.

Article 21.

(1) The courts and revenue authorities of the two High Contracting Parties shall, in so far as their powers extend, render judicial assistance to each other in criminal matters relating to Customs. For this purpose they shall, if requested to do so, hear witnesses and sworn experts, furnish official expert opinions and notify offenders who are not nationals of the State to which application is made of judgments and summonses. The latter shall not contain any indication of the legal consequences of non-appearance.

(2) The costs and expenses arising from proceedings must be refunded by the State making the application.

V.

FINAL PROVISIONS.

Article 22.

The Customs administrations of the two Contracting Parties shall, in accordance with requirements, make the necessary arrangements by direct consultation for applying the provisions of the present Convention.

Article 23.

This Convention shall be ratified and the instruments of ratification shall be exchanged at Prague. It shall come into force three months after the exchange of the instruments of ratification and shall remain in force for three months from the date of its denunciation by either High Contracting Party.

In faith whereof the respective Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done at Bucharest, in two original copies, this 22nd day of December, 1930.

(L. S.) (*Signed*) Rudolf KÜNZL-JIZERSKÝ. (L. S.) (*Signed*) G. G. MIRONESCO.

ANNEX.

(Transport undertaking)

Serial No.

TRAIN LIST.

Train No. arriving on
 at the frontier station of

Entry number	Mark of ownership	Numbers	Description of contents	Remarks of Customs authorities
	of loaded wagons			

Note : Only the heading, with the exception of the serial number, and the columns enclosed in heavy lines are to be filled up by the railways.

(Signed) Rudolf KÜNZL-JIZERSKÝ.

(Signed) G. G. MIRONESCO.