

No. 10938

**FRANCE
and
SPAIN**

**Convention on mutual assistance in the investigation and
punishment of customs frauds. Signed at Paris on 30 May
1962.**

Authentic texts: French and Spanish.

Registered by France on 3 February 1971.

**FRANCE
et
ESPAGNE**

**Convention sur l'assistance mutuelle pour la recherche et la
répression des fraudes douanières. Signée à Paris le
30 mai 1962**

Textes authentiques: français et espagnol.

Enregistrée par la France le 3 février 1971.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON MUTUAL ASSISTANCE IN THE INVESTIGATION AND PUNISHMENT OF CUSTOMS FRAUDS BETWEEN FRANCE AND SPAIN

Preamble

The French Government and the Spanish Government,

Considering that offences against customs laws are prejudicial to the economic, fiscal and commercial interests of their respective countries,

Convinced that action against these offences could be made more effective through co-operation between the customs administrations, and pursuant to the Recommendation of the Customs Co-operation Council in Brussels on mutual administrative assistance,

Have agreed as follows:

Article 1

The customs administrations of the two States shall assist each other under the conditions laid down in this Convention, for the purpose of preventing, investigating and punishing offences against the customs laws which they are respectively responsible for applying.

Article 2

For the purposes of this Convention,

- (a) "Customs laws" mean all legal provisions and regulations which may be applied by customs administrations when goods, capital or monetary instruments are imported, exported, in transit or in circulation, whether these laws concern the collection or guarantee of duties or taxes, the application of measures of prohibition, restriction or inspection, or exchange control;
- (b) "Customs administrations" mean those administrations which are under the jurisdiction of the Ministry of Finance in France and the Ministry of Finance in Spain and which are responsible for applying the provisions referred to in subparagraph (a) above;

¹ Came into force on 1 September 1963, the first day of the month following the last of the notifications by which each Government had notified the other that it had completed, for its part, the procedures constitutionally required, in accordance with article 17.

- (c) "Customs area" means zones on land or at sea defined as such in the laws of each State for the purpose of subjecting the storage and circulation of goods to regulation and inspection with a view to preventing, investigating and punishing customs frauds;
- (d) "Prohibited goods" mean goods the importation of which, under the legislation of either State, is absolutely forbidden because of their nature, for reasons of health, monopoly, public safety or because of special laws.

Article 3

The customs administration of each State shall strive to prevent the export of goods which presumably are to be smuggled into the other State over the common frontier. For this purpose, the administrations shall strictly apply their own regulations, particularly as regards the circulation and storage of goods in the customs area, and they shall keep special watch over the transport of such goods towards the frontier.

Article 4

Industrial or commercial installations which, in accordance with the laws of each State, are established or may be established in the customs area shall be subject, in so far as is necessary, to special watch by the customs authorities of that State.

Likewise, in the customs area these authorities shall not permit, the storage of goods which presumably are to be exported fraudulently into the other State.

Article 5

The customs administration in each State shall, at the express request of the other, keep special watch, within the zone for which it is responsible, over:

- (a) The movements and more particularly the entry into and departure from its territory of persons which the requesting State suspects of being professionally or habitually involved in fraud in respect of its customs laws.
- (b) Places where there are unusual stores of goods, establishing the presumption that these stores are intended solely as a source of illegal imports into the requesting State.
- (c) Suspicious movements of goods which the requesting State has indicated as being intended for large-scale traffic into that State in violation of the customs laws.
- (d) Vehicles, ships or aircraft suspected of being used for smuggling.

Article 6

1. The customs administrations of the two States shall communicate:
 - (a) Voluntarily and immediately, all information which they might have on the subject of:
 - actual or planned illegal operations which are or seem to be of a fraudulent nature in respect of the customs laws of the other State;
 - new means or methods of smuggling;
 - categories of goods known to be the subject of fraudulent import, export or transit traffic;
 - individuals, vehicles, boats and aircraft suspected of being involved in or being used for smuggling.
 - (b) Following a written request, and as speedily as possible, all information available from customs documents in their possession relating to trade in goods between the two States or duly certified or authenticated copies of the aforesaid documents.

2. This information shall be communicated to the officials appointed for this purpose by each customs administration; a list of these officials shall be communicated to the administration of the other State.

3. The customs administrations of the two States shall take steps to ensure that the officials in their service, who are exclusively or mainly responsible for investigating fraud, are in personal and direct contact with each other for the purpose of exchanging information in order to prevent or expose offences against the customs laws of their respective States.

Article 7

The exportation and importation of goods shall be effected only through the competent customs offices and via authorized routes.

For that purpose, the General Customs Directorates of the two States shall communicate to each other a list indicating the frontier offices and their fields of competence and a list of prohibited goods or goods subject to special restrictions.

The establishment of new customs offices in either State and any change in the fields of competence of these offices shall be notified as soon as possible to the other State.

Article 8

The customs administrations of the Contracting States shall keep each other informed of the working hours of the customs offices at their common frontier and shall strive to co-ordinate these working hours.

In so far as is possible, the goods exported during working hours shall be escorted by the customs of the country of exit and, in cases to be specified under the conditions laid down in article 15 below, they shall be accompanied by a document intended for the customs of the importing country.

Article 9

The customs authorities of one State shall not authorize the export of goods when their importation into the other State is prohibited or when the importing office of that other State is not competent to clear them.

Article 10

In order to facilitate the punishment of offences against customs laws in their respective States and in so far as is possible under the legislation of each State, each customs administration shall institute or cause to be instituted, at the request of the other customs administration, inquiries or investigations, shall interrogate suspects, shall examine witnesses and shall notify the requesting administration of the results of these proceedings.

Article 11

The customs administrations of the two States may take into account, in their records, reports and evidence and during court procedures and investigations, information received and documents (or duly authenticated copies) produced under the conditions laid down in article 6 above.

Article 12

The customs officials of either Contracting State referred to in article 6, and specially appointed for this purpose, may visit the customs offices of the other State and request any information relating to trade in goods between the two States.

Article 13

When customs officials in either Contracting State are obliged to visit the other State in the performance of their duties within the framework of this Convention, the customs authorities of the other State shall strive to obtain for them any authorizations which may be required.

Article 14

The sphere of application of this Convention shall be extended, on the one hand, to French customs territory, i.e. to the territories of metropolitan France, Corsica, the French off-shore islands, the Algerian, Saharan and overseas departments of the French Republic together with their territorial waters, and to the Principality of Monaco, and, on the other hand, to Spanish customs territory, i.e. to the territories of peninsular Spain, the Balearic Islands, the Canary Islands, the provinces of Ifni, Sahara, Fernando Póo and Río Muni and the places under Spanish sovereignty in North Africa together with their territorial waters.

Article 15

The procedures for applying this Convention shall be arranged jointly by the customs administrations of the two States.

Article 16

A joint Franco-Spanish Customs Commission shall be established, consisting of the Chief Customs Officers of the two countries or their representatives, assisted by experts, which shall meet at least once a year to consider and settle any problems arising from the application of this Convention.

Article 17

Each Government shall notify the other when it has completed, for its part, the procedures constitutionally required for the entry into force of this Convention. It shall enter into force on the first day of the month following the last such notification.

Article 18

This Convention is concluded for an indefinite period, either of the two Contracting States being able to denounce it at any time.

The denunciation shall take effect upon expiry of a period of six months starting from the date of the notification of denunciation to the Ministry of Foreign Affairs of the other State.

IN WITNESS WHEREOF, the representatives of the French Government and of the Spanish Government, appointed for this purpose, have signed this Convention.

DONE at Paris on 30 May 1962, in duplicate in French and Spanish, both texts being equally authentic.

For the French Government:

[*Signed*]

F. LEDUC

Director of the Ministry
of Foreign Affairs

For the Spanish Government:

[*Signed*]

Count MOTRICO

Spanish Ambassador to France
