

**No. 13566**

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**FEDERAL REPUBLIC OF GERMANY  
and  
SWEDEN**

**Treaty concerning mutual assistance in customs matters.  
Signed at Stockholm on 18 December 1972**

*Authentic texts: German and Swedish.*

*Registered by the Federal Republic of Germany on 8 October 1974.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
SUÈDE**

**Traité relatif à l'assistance mutuelle en matière de douanes.  
Signé à Stockholm le 18 décembre 1972**

*Textes authentiques : allemand et suédois.*

*Enregistré par la République fédérale d'Allemagne le 8 octobre 1974.*

## [TRANSLATION — TRADUCTION]

TREATY<sup>1</sup> BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND  
THE KINGDOM OF SWEDEN CONCERNING MUTUAL  
ASSISTANCE IN CUSTOMS MATTERS

The Federal Republic of Germany and the Kingdom of Sweden, desiring to regulate mutual assistance in customs matters, have agreed as follows:

*Article 1. SCOPE*

The Contracting States shall, through their customs administrations, assist each other pursuant to the provisions of this Treaty:

- (a) in preventing, detecting and prosecuting offences against the customs laws;
- (b) in effecting service of rulings, decisions, orders and other documents issued by the customs authorities pursuant to the customs laws, particularly in respect of customs duties and other import and export charges and in respect of fines.

*Article 2. DEFINITIONS*

(1) For the purposes of this Treaty, the term “customs laws” means legal and administrative import, export and transit regulations relating to customs duties or other charges or to prohibitions, restrictions and control of goods traffic or currency operations. In so far as relates to the Federal Republic of Germany, they shall also be deemed to include the regulations of agricultural marketing organizations concerning import charges and export refunds.

(2) For the purposes of this Treaty, the term “customs administration” means, in the case of the Federal Republic of Germany, the Federal Customs Administration and, in the case of the Kingdom of Sweden, the Central Customs Office and the customs authorities under its jurisdiction.

*Article 3. SCOPE OF ASSISTANCE IN RESPECT OF OFFENCES*

(1) Assistance shall be provided in all proceedings in respect of offences against the customs laws provided that the customs authorities are competent to conduct investigations in such proceedings in the applicant State.

(2) In proceedings in respect of offences against currency regulations, assistance shall, however, be provided only if the offences in question are punishable under the laws of the State applied to.

(3) The customs administrations of the Contracting States shall, by forwarding reports, minutes and certified copies of documents, provide each other, on application, with all available information concerning contemplated acts and acts already committed which are or appear to be contrary to the customs laws of the other Contracting State.

(4) The customs administration of the Contracting State applied to shall take such administrative or judicial measures as are required for the execution of the application. It shall inform the applicant customs administration of the results of the investigation.

<sup>1</sup> Came into force on 19 January 1974, i.e., one month after the exchange of the instruments of ratification, which took place at Bonn on 19 December 1973, in accordance with article 16 (2).

(5) No arrest may be made on the basis of this Treaty; the same shall apply to provisional detention with a view to arrest.

(6) Application for assistance may not be made if the applicant State would not, if the case were reversed, be in a position to provide the requested assistance.

*Article 4. EXCEPTIONS TO THE OBLIGATION TO PROVIDE ASSISTANCE*

Assistance may be refused if, in the opinion of the State applied to, execution of the application might be prejudicial to its sovereignty, security, public order or other vital interests.

*Article 5. MORE EXTENSIVE ASSISTANCE IN COMBATING THE TRAFFIC IN NARCOTICS AND PSYCHOTROPIC SUBSTANCES*

(1) The customs administrations of the Contracting States shall inform each other forthwith, even if no request to that effect has been made, of any observations and suspicious circumstances

- (a) where nationals or residents of the other Contracting State are involved in contemplated acts or acts already committed which are or might be contrary to the laws of one of the Contracting States concerning the prevention, detection and prosecution of the traffic in narcotics and psychotropic substances;
- (b) where persons other than those referred to in (a) above are involved in contemplated acts or acts already committed which are or might be contrary to the laws of the other Contracting State concerning the prevention, detection and prosecution of the traffic in narcotics and psychotropic substances;
- (c) where land, water or air transport licensed in other Contracting State is or may be used for purposes of the traffic in narcotics and psychotropic substances;
- (d) where transport other than that referred to in (c) above is used for purposes of contemplated acts or acts already committed which are or might be contrary to the laws of the other Contracting State concerning the prevention, detection and prosecution of the traffic in narcotics and psychotropic substances.

(2) The customs administrations of the Contracting States shall, even if no request to that effect has been made, communicate to each other all information concerning smuggling methods and procedures employed in the traffic in narcotics and psychotropic substances and concerning the results of new control methods.

(3) Information, communications and documents received pursuant to paragraphs 1 and 2 may be transmitted to other authorities concerned with combating the traffic in narcotics and psychotropic substances and with combating drug addiction.

*Article 6. CONFIDENTIALITY REQUIREMENT*

Inquiries, information, notifications and expert opinions as well as other communications received by a Contracting State pursuant to this Treaty shall be subject to the requirement of confidentiality in accordance with the laws of the Contracting State in question.

*Article 7. FORM AND CONTENTS OF APPLICATION FOR ASSISTANCE*

(1) Applications shall be made in writing. They shall be accompanied by the original, a duplicate copy or a certified photocopy or other certified copy of the documents required for their execution, including any relevant orders or decisions of the competent authority.

(2) Applications or the documents accompanying them pursuant to paragraph 1 shall contain the following particulars:

1. the applicant authority;
2. the nature of the proceedings;
3. the subject of and reason for the application;
4. the names and addresses of the parties to the proceedings;
5. a brief description of the facts in the case together with a legal assessment of them.

(3) In urgent cases, applications may first be made orally or by telephone. Such applications shall be immediately confirmed in writing.

#### *Article 8. CHANNEL OF COMMUNICATION AND COMPETENCE*

(1) Written communications shall be exchanged directly between the customs administrations. The central customs authorities of the Contracting States shall decide on the particulars.

(2) Where the authority applied to is not competent to execute the application, it shall forward the application to the competent authority and so inform the applicant authority.

#### *Article 9. EXECUTION OF APPLICATIONS*

(1) Applications shall be executed in accordance with the laws of the State applied to; the authority applied to shall take such administrative or judicial measures as are required for the execution of applications. A request by the applicant authority that a certain procedure should be followed or that its representative should be permitted to be present when a given measure is taken may be granted if that is not prohibited by the laws of the State applied to.

(2) The applicant authority shall, if it so requests, be informed of the time and place of the measure to be taken pursuant to the application.

(3) Where an application cannot be complied with, the applicant authority shall be immediately so notified and shall, at the same time, be informed of the reasons for non-compliance and of any circumstances which may be of importance to the further disposition of the matter.

#### *Article 10. LEGAL AND OTHER DOCUMENTS*

(1) Transmittal of the original of legal and other documents shall be requested only if the transmittal of information or of copies (photocopies) is not sufficient.

(2) The original of legal and other documents shall be returned to the authority applied to as soon as possible; the rights of the State applied to or of third persons in respect of such documents shall not be affected.

#### *Article 11. COSTS*

Charges and costs arising in connexion with the execution of applications for assistance shall, except for fees paid to experts, translators and interpreters, not be reimbursed.

#### *Article 12. ASSISTANCE IN EFFECTING SERVICE*

(1) On application by the customs administration of either Contracting State, the customs administration of the other Contracting State shall, pursuant to the regulations in force in its State, effect service to the persons concerned of all rulings, decisions, orders and other documents of administrative authorities relating to the

application of the customs laws or cause service thereof to be effected by the competent authorities.

(2) Notwithstanding the provisions of article 7, paragraph 2, a description of the facts in the case shall not be required in an application for service.

(3) Proof of the service of a document shall consist of a confirmation of receipt by the recipient indicating the date of service or a certificate of the authority applied to indicating the manner and date of service.

*Article 13. ASSISTANCE IN EXECUTION PROCEEDINGS*

Assistance shall also be provided in the form of execution in respect of debt-claims pursuant to the customs laws. Articles X and XI of the Convention of 14 May 1935<sup>1</sup> between the German Reich and the Kingdom of Sweden regarding Administrative and Legal Assistance in Matters of Taxation or any provisions which supersede the said articles shall apply in this regard.

*Article 14. APPLICATION OF THE TREATY*

The competent authorities of the Contracting States shall, by agreement between them, issue such regulations as are required for the application of this Treaty.

*Article 15. SPHERE OF APPLICATION*

This Treaty shall also apply to *Land* Berlin unless the Government of the Federal Republic of Germany delivers a statement to the contrary to the Government of the Kingdom of Sweden within three months of the entry into force of the Treaty.

*Article 16. RATIFICATION, ENTRY INTO FORCE, AND DENUNCIATION*

(1) This Treaty is subject to ratification; the instruments of ratification shall be exchanged at Bonn as soon as possible.

(2) This Treaty shall enter into force one month after the exchange of the instruments of ratification.

(3) This Treaty may be denounced by giving notice to that effect at least six months before the end of any calendar year; the Treaty shall in that case cease to have effect at the end of the calendar year in question.

DONE at Stockholm on 18 December 1972, in duplicate in the German and Swedish languages, both texts being equally authentic.

For the Federal Republic  
of Germany:

DIETRICH STOECKER

For the Kingdom  
of Sweden;

SVERKER ÅSTRÖM

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<sup>1</sup> League of Nations, *Treaty Series*, vol. CLXIII, p. 425.