

**No. 14873**

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**FEDERAL REPUBLIC OF GERMANY  
and  
YUGOSLAVIA**

**Treaty concerning mutual assistance in the prevention, investigation and prosecution of offences against customs regulations. Signed at Bonn on 2 April 1974**

*Authentic texts: German and Serbo-Croatian.*

*Registered by the Federal Republic of Germany on 21 July 1976.*

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**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
et  
YOUGOSLAVIE**

**Accord relatif à l'assistance mutuelle pour la prévention, la recherche et la répression des infractions aux lois et règlements douaniers. Signé à Bonn le 2 avril 1974**

*Textes authentiques : allemand et serbo-croate.*

*Enregistré par la République fédérale d'Allemagne le 21 juillet 1976.*

## [TRANSLATION — TRADUCTION]

**TREATY<sup>1</sup> BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA CONCERNING MUTUAL ASSISTANCE IN THE PREVENTION, INVESTIGATION AND PROSECUTION OF OFFENCES AGAINST CUSTOMS REGULATIONS**

The Federal Republic of Germany and the Socialist Federal Republic of Yugoslavia,

Considering that offences against customs regulations are prejudicial to their economic, fiscal and commercial interests,

Convinced that action against these offences can be made more effective through co-operation between their customs administrations,

Have agreed as follows:

*Article 1.* The customs administrations of the Contracting States shall render mutual assistance in accordance with the provisions of this Treaty:

- (a) in preventing, investigating and prosecuting offences against customs regulations for the enforcement of which the customs administrations are responsible;
- (b) in serving or arranging the service of notices, orders and other documents issued by customs authorities for the enforcement of customs regulations relating, in particular, to customs duties or other import and export taxes or to fines and pecuniary penalties.

*Article 2.* For the purposes of this Treaty:

(a) The term “customs regulations” means all legislative and administrative provisions relating to the import, export or transit of goods, whether concerning the levying of customs duties and other import or export taxes or the enforcement of prohibitions, restrictions or controls;

(b) The term “customs administrations” means in the Socialist Federal Republic of Yugoslavia the Federal Customs Administration and in the Federal Republic of Germany the Federal Customs Administration.

*Article 3.* The customs administrations of the Contracting States shall exchange lists of goods which, it is known, are being imported, exported or conveyed in transit in contravention of customs regulations.

*Article 4.* The customs administration of each Contracting State shall, spontaneously or at the request of the customs administration of the other Contracting State, keep special watch within its area of jurisdiction, so far as it is able to do so, over:

- (a) the movements, and in particular the entry and exit, of certain persons suspected of professionally or habitually committing offences against the customs regulations of the other State;

<sup>1</sup> The instruments of ratification were exchanged at Belgrade on 1 August 1975. The Treaty came into force on 1 September 1975, as agreed upon by the Contracting Parties, notwithstanding the provisions of article 17 (2).

- (b) suspicious traffic of certain goods which, according to information supplied by the other Contracting State, are being imported on a large scale in contravention of its customs regulations;
- (c) certain vehicles, ships and aircraft suspected of being used for the commission of offences against the customs regulations of the other Contracting State.

*Article 5.* The customs administration of each Contracting State shall communicate to the customs administration of the other Contracting State as speedily as possible:

- (a) spontaneously, all information available to it concerning:
  - offences, committed or planned, which contravene or appear to contravene the customs regulations of the other Contracting State;
  - new means and methods of committing offences against customs regulations;
  - goods known to be the subject of offences against customs regulations;
  - persons suspected of committing offences against customs regulations, and vehicles, ships or aircraft suspected of being used for that purpose;
- (b) upon request, all information available to it from customs documents in its possession, or obtainable with the assistance of other parties, relating to any traffic of goods apparently aimed at contravening the customs regulations of the other Contracting State, and in particular the category, quantity or value of the goods.

*Article 6.* The customs administrations of the Contracting States shall, upon request, communicate to each other information on whether official documents emanating from the requested State, which have been produced as evidence to the customs authorities of the requesting State, are genuine.

*Article 7.* (1) The customs administrations of the Contracting States shall, spontaneously or upon request, communicate to each other as speedily as possible all information concerning offences against customs regulations in the suppression of which there is an especially strong mutual interest. This shall apply to the customs regulations of a Contracting State, which are aimed at the prevention, investigation and prosecution of illegal trading in narcotic drugs and psychotropic substances, arms, ammunition and explosives, goods subject to heavy customs duties, such as alcohol and tobacco, and objects of cultural, historical, archaeological or artistic value.

(2) The customs administrations of the Contracting States may, by mutual agreement, expand the categories of goods specified in paragraph 1 and also determine the persons for whom and the quantities of goods for which information will be provided spontaneously.

*Article 8.* If a request for assistance is submitted and the requesting State is unable, in the contrary case, to render the desired assistance, the requesting State shall so indicate in the request. Compliance with such a request shall be at the discretion of the requested State.

*Article 9.* Assistance may be refused if the requested State considers that compliance with the request might prejudice the sovereignty, security, public policy (*ordre public*) or other vital interests of that State.

*Article 10.* (1) The information, communications and documents which are received shall be used only for the purposes of this Treaty. They may be transmitted to persons other than those entrusted to use them for that purpose only with the express consent of the sending customs administration and provided that the laws applicable to the receiving customs administration do not stipulate to the contrary.

(2) Requests, information, expert opinions and other communications available to the customs administration of a Contracting State by virtue of this Treaty shall enjoy the protection which the domestic law of that State provides for documents and information of the same kind.

*Article 11.* The customs administrations of the Contracting States may cite as evidence in their seconds, reports and depositions, and in the course of judicial proceedings and prosecutions, information received and documents consulted under this Treaty. The evidentiary value of such information and documents and their use before the courts shall be determined according to domestic law

*Article 12.* (1) In implementation of this Treaty, correspondence may also be conducted directly between the customs administrations.

(2) The customs administrations of the Contracting States shall draw up requests and other documents in their own official language.

Such documents shall be accompanied by translations in an official language of the other Contracting State.

*Article 13.* In the processing of requests, the laws of the requested State shall be applied.

*Article 14.* Charges and expenses incurred in the processing of requests for assistance shall not be reimbursed.

*Article 15.* (1) The customs administrations of the Contracting States shall, by mutual agreement, issue the necessary regulations for the application of this Treaty.

(2) There shall be established a Mixed Commission composed of representatives of the customs administrations of the Contracting States, which shall be entrusted with questions arising from the application of this Treaty.

*Article 16.* This Treaty shall also apply to *Land Berlin* provided that the Government of the Federal Republic of Germany has not made a contrary declaration to the Government of the Socialist Federal Republic of Yugoslavia within three months from the date of entry into force of this Treaty.

*Article 17.* (1) This Treaty shall be ratified; the instruments of ratification shall be exchanged at Belgrade as soon as possible.

(2) This Treaty shall enter into force 30 days after the exchange of the instruments of ratification.

(3) The Treaty shall remain in force until the expiry of a period of one year from the date on which it is denounced by either Contracting Party.

DONE at Bonn on 2 April 1974 in two original copies, each in the German and Serbo-Croatian languages, both texts being equally authentic.

For the Federal Republic of Germany:

PAUL FRANK  
HANS HUTTER

For the Socialist Federal Republic of Yugoslavia:

KEMAL TARABAR

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