

No. 16334

**FRANCE
and
MADAGASCAR.**

**Convention on mutual administrative assistance. Signed at
Paris on 15 December 1961**

Authentic text: French.

Registered by France on 31 January 1978.

**FRANCE
et
MADAGASCAR**

**Convention d'assistance administrative mutuelle. Signée à
Paris le 15 décembre 1961**

Texte authentique : français.

Enregistrée par la France le 31 janvier 1978.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON MUTUAL ADMINISTRATIVE ASSISTANCE
BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC
AND THE GOVERNMENT OF THE MALAGASY REPUBLIC

PREAMBLE

The Government of the French Republic and the Government of the Malagasy Republic,

Considering that offences against customs laws are an obstacle to co-operation in monetary, economic and financial matters as set forth in the Agreement of 27 June 1960,²

Convinced that these offences are prejudicial to the economic and fiscal interests of each Contracting State and to legitimate commercial interests,

Convinced that action against these offences could 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 assist each other, under the conditions laid down below, for the purpose of preventing, investigating and punishing offences against the customs laws of their respective countries.

Article 2. For the purposes of this Convention:

(a) “Customs laws” means all legal provisions and regulations which may be applied when goods, capital or monetary instruments are imported, exported or in transit, whether these laws concern the collection of duties or taxes, the application of measures of prohibition, restriction or inspection, or exchange control;

(b) “Customs administrations” means the administrations responsible for applying the provisions referred to in subparagraph (a) above.

Article 3. In each Contracting State, consignments of goods destined for the other Contracting State shall give rise to the preparation of an additional copy of the exit customs declaration, which shall accompany the goods and shall be presented in support of the import declaration in the State of destination.

The additional copy of the declaration, annotated by the customs administration of the State of dispatch, shall provide all the information relating to the goods which is available to the aforesaid administration and which is required by the customs administration of the State of destination in order to enforce scrupulously the customs legislation of that State and to prevent any fraudulent activity.

Article 4. The customs administration of each Contracting State shall strive, by all appropriate means and, in particular, by strictly applying its regulations, to prevent the clandestine export of goods which presumably are to be smuggled into the other State.

¹ Came into force on 15 December 1961 by signature.

² United Nations, *Treaty Series*, vol. 820, p. 247.

Article 5. The customs administrations of the Contracting States shall, following an express request, keep special watch over:

- (a) the movements, and more particularly the entry into and departure from its territory, of persons suspected by the requesting State of being professionally or habitually involved in fraud in respect of its customs laws;
- (b) 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;
- (c) boats, aircraft or other means of transport suspected of being used for smuggling.

Article 6. The customs administrations of the Contracting States shall communicate to each other:

- (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 Contracting State;
 - new means or methods of smuggling;
 - categories of goods known to be the subject of fraudulent import, export or transit traffic;
 - individuals, boats, aircraft or other means of transport suspected of being involved in or being used for smuggling;
- (b) following a written request, and as speedily as possible, all information, other than that already given in the document provided for by article 3 above, available from documents in their possession (records, registers, declarations and other customs documents) concerning their external trade, or duly certified or authenticated copies of the aforesaid records, registers, declarations or documents.

Article 7. The customs administrations of the Contracting States shall send to each, following an express request:

- (a) confirmation of the authenticity of the additional copies of exit declarations referred to in article 3 above;
- (b) the certificate of entry for consumption into their territory of goods which on leaving the other State benefitted from favourable treatment because of their destination.

Article 8. (1) The customs administrations of the Contracting States shall take steps to ensure that the services 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 countries.

(2) The information referred to in articles 6 and 7 shall be communicated to the officials designated for this purpose by each customs administration, a list of whom shall be provided to the customs administration of the other Contracting State.

In urgent cases, information may be exchanged direct between them by the local heads of the customs administrations.

Article 9. (1) Duly authorized officials of the customs administration of one Contracting State may, following a written request, collect in the offices that exercise

the customs administration control of the other Contracting State any of the information and evidence relating to offences against customs laws contained in the records, registers and other documents in the possession of those offices.

(2) The requesting officials shall be authorized to take copies of the records, registers and other documents referred to in the preceding paragraph.

Article 10. In order to facilitate the punishment of offences against customs laws of the other Contracting State, each customs administration, at the request of the other customs administration, shall institute or cause to be instituted, to the extent permitted by its own domestic legislation, inquiries or investigations, shall interrogate suspects, shall examine witnesses and shall notify the requesting administration of the results of these proceedings under the conditions laid down in article 8 above.

Article 11. The customs administrations of the Contracting States may take into account, as proof, in their records, reports and evidence and during court proceedings and prosecutions, information collected or provided and documents (or duly authenticated or certified copies) consulted or produced under the conditions laid down in articles 3, 6, 7, 9 and 10 above.

Article 12. The customs administrations of the Contracting States shall assist each other in the recording and the enforcement of settlements awarded in favour of persons resident in the territory of the other Contracting State and in recovery of the penalties imposed by the settlements.

Article 13. The sphere of application of this Convention shall be extended to:

- on the one hand, to French customs territory according to French customs law as well as to the Principality of Monaco and to its territorial waters;
- on the other hand, to Malagasy customs territory according to Malagasy customs law and its territorial waters.

Article 14. The practical procedures for applying this Convention shall be arranged jointly by the representatives of the customs administrations of the Contracting States in the Mixed Commission provided for in article 20 of the Agreement on co-operation in economic, monetary and financial matters.

Article 15. This Convention is concluded for an indefinite period, either Contracting State 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.

DONE at Paris, on 15 December 1961, in duplicate.

For the Government
of the Malagasy Republic:
[PROSPER RAJAobelina]

For the Government
of the French Republic:
[J. FOYER]