

**No. 23493**



**FRANCE  
and  
SWEDEN**

**Convention on mutual administrative assistance in customs matters. Signed at Stockholm on 27 October 1983**

*Authentic texts: French and Swedish.*

*Registered by France on 27 August 1985.*



**FRANCE  
et  
SUÈDE**

**Convention d'assistance administrative mutuelle en matière douanière. Signée à Stockholm le 27 octobre 1983**

*Textes authentiques : français et suédois.*

*Enregistrée par la France le 27 août 1985.*

[TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> ON MUTUAL ADMINISTRATIVE ASSISTANCE  
IN CUSTOMS MATTERS BETWEEN THE GOVERNMENT OF  
THE FRENCH REPUBLIC AND THE GOVERNMENT OF  
THE KINGDOM OF SWEDEN

The Government of the French Republic and  
The Government of the Kingdom of Sweden,

Considering that offences against customs laws are prejudicial to the economic, fiscal and social interests of their respective countries and to legitimate commercial interests, and that action against customs offences can be made more effective through co-operation between their customs administrations,

Having regard to the Recommendation of the Customs Co-operation Council on mutual administrative assistance of 5 December 1953,

Have agreed as follows:

*Article 1.* 1. The Contracting States agree that their customs administrations shall assist each other under the conditions specified in this Convention:

- (a) For the purpose of ensuring the proper collection of customs duties and other import or export duties and charges,
- (b) For the purpose of preventing, investigating and punishing offences against the customs laws.

2. The administrative assistance referred to in paragraph 1 shall not include the recovery of customs duties, taxes, charges, fines and other sums on behalf of the other State.

3. The assistance provided for in this Convention shall be carried out in accordance with the legislation of the requested State and within the limits of the competence of the customs administration of that State.

*Article 2.* For the purposes of this Convention,

1. "Customs Laws" means all legal provisions and regulations which may be applied by the customs administrations on goods, capital or monetary instruments, which are imported, exported or in transit whether these laws concern the collection of duties or charges or the application of measures of prohibition, restriction or inspection.

2. "Customs administration" means in the case of the French Republic, the Director-General of Customs and Indirect Duties of the Ministry of the Economy, Finance and the Budget and, in the case of the Kingdom of Sweden, the Swedish Board of Customs.

<sup>1</sup> Came into force on 1 April 1985, i.e., the first day of the third month following the date of the last of the notifications by which the Parties had informed each other (on 16 April 1984 and on 31 January 1985) of the completion of the required constitutional procedures, in accordance with article 14 (1).

*Article 3.* At the request of the customs administration of one State the customs administration of the other State shall, under its legislation and in accordance with its administrative practices, keep special watch over:

- The movements and more particularly the entry into and departure from its territory of persons suspected in the requesting State of being professionally or habitually involved in offences against the customs laws;
- Suspicious movements of goods which the requesting State has indicated as being intended for large-scale traffic into or out of its territory;
- Means of transport which the requesting State has reason to believe may be used to commit offences against the customs laws in its territory.

*Article 4.* 1. The customs administrations of the two States shall communicate to each other:

(a) Voluntarily and immediately all information which they have concerning:

- Actual or planned irregular 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 who, there is reason to believe, are committing or may commit offences against the customs laws of the other State;
- Means of transport which, there is reason to believe, are being used to commit offences against the customs laws of the other State.

(b) Following a written request, and as speedily as possible, all information which can be obtained from the customs documents or from other material in lieu thereof, in their possession, concerning trade in goods between the two States or duly certified copies of such documents.

2. The customs administrations of the two States shall, in accordance with article 12, take steps to ensure that their services exclusively or mainly responsible for investigating fraud are in personal and direct contact with each other for the purpose of facilitating, through the exchange of information, the prevention, investigation and punishment of offences against the customs laws of their respective States.

*Article 5.* 1. At the request of the customs administration of one State, the customs administration of the other State shall take all necessary measures and in particular shall arrange for inquiries to be instituted to ensure the investigation and punishment of offences. It shall communicate the results of such measures to the requesting administration.

2. Such inquiries shall be undertaken in accordance with the legal rules of the requested State.

3. The customs administration of the requested State may authorize representatives of the requesting State to be present when such inquiries are undertaken.

*Article 6.* At the request of the courts or authorities of one State, dealing with cases involving offences against the customs laws, the customs administra-

tion of the other State may authorize its officials to appear in the requesting State as witnesses or experts before the aforesaid courts or authorities. Any request for such an appearance shall specify, in particular, in what case and in what capacity the official is to be questioned.

*Article 7.* The customs administrations of the two States may take into account as evidence, in their records, reports and testimony and during court procedures and proceedings, information and documents obtained under the conditions laid down in this Convention. The evidentiary value of this information and the right to use it in court shall be governed by national legislation.

*Article 8.* At the request of the customs administration of one State, the customs administration of the other State shall notify, or arrange for the competent authorities, to notify the persons concerned, who are residing in its territory, of any acts or decisions emanating from the requesting State concerning the application of the customs laws. Such notification shall take place in accordance with the regulations in force in the requested State.

*Article 9.* The Contracting States both renounce any claim for reimbursement of costs resulting from the application of this Convention, except in the case of fees paid to witnesses, experts and interpreters.

*Article 10.* 1. The customs administrations of the two States shall not be required to render the assistance provided for in this Convention in cases where such assistance may be prejudicial to the sovereignty, security, public policy (*ordre public*) or other vital interests of their State.

2. When it is not possible to comply with all or part of an application by the requesting State, that State should be so notified. In such cases an account shall be given of any facts which may be of importance to the further disposition of the case. Any refusal of assistance shall be accompanied by a statement of reasons.

3. Where the customs administration of a State requesting assistance would itself be unable to comply with a similar request from the other State, it shall mention the fact when formulating its request. In such cases, the requested administration shall have full discretion in determining what action shall be taken on that request.

*Article 11.* 1. Information, documents and other material obtained in application of this Convention may be used only for the purposes of the Convention. The aforesaid material may be used for other purposes only if the customs administration providing it gives its express consent. This reservation does not apply to information, documents and other material relating to offences involving narcotics and psychotropic substances.

2. Information, documents and other material which the customs administration of one State has at its disposal through the application of the Convention shall be treated with the same confidentiality as that accorded under the national legislation of that State to documents or information of the same kind.

*Article 12.* The procedures for applying this Convention shall be arranged jointly by the customs administrations of the two States.

*Article 13.* The sphere of application of this Convention shall comprise the customs territory of the French Republic as defined by the French customs code

and the customs territory of the Kingdom of Sweden as defined by Swedish customs law.

*Article 14.* 1. Each of the two States shall notify the other of the fulfilment of its constitutional requirements for the entry into force of this Convention. The Convention shall enter into force on the first day of the third month following the date of the last such notification.

2. This Convention is concluded for an indefinite period. Either Contracting State may terminate it at any time by giving written notice of denunciation through the diplomatic channel to the other Contracting State. The denunciation shall take effect six months after the date on which such notice is given.

DONE at Stockholm, on 27 October 1983, in duplicate, in the French and Swedish languages, both texts being equally authentic.

For the Government  
of the French Republic:

[Signed]

JACQUES CAMPET  
Director-General of Customs  
and Indirect Duties

For the Government  
of the Kingdom of Sweden:

[Signed]

CARL JOHAN ÅBERG  
Secretary of State  
for Foreign Trade