

No. 25678

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**FRANCE  
and  
ALGERIA**

**Convention on international mutual administrative assistance for the prevention, investigation and punishment, by the customs administrations of the two countries, of customs fraud. Signed at Algiers on 10 September 1985**

*Authentic texts: French and Arabic.*

*Registered by France on 23 February 1988.*

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**FRANCE  
et  
ALGÉRIE**

**Convention d'assistance administrative mutuelle internationale visant la prévention, la recherche et la répression des fraudes douanières par les administrations douanières des deux pays. Signée à Alger le 10 septembre 1985**

*Textes authentiques : français et arabe.*

*Enregistrée par la France le 23 février 1988.*

## [TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> ON INTERNATIONAL MUTUAL ADMINISTRATIVE ASSISTANCE BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA FOR THE PREVENTION, INVESTIGATION AND PUNISHMENT, BY THE CUSTOMS ADMINISTRATIONS OF THE TWO COUNTRIES, OF CUSTOMS FRAUD

The Government of the French Republic and

The Government of the People's Democratic Republic of Algeria,

Considering that violations of customs laws are prejudicial to the economic, fiscal, social and cultural interests of their respective States,

Convinced that action against violations of customs laws will be made more effective through co-operation between their customs administrations,

Have agreed as follows:

*Article 1.* For the purposes of this Convention,

1. "Customs laws" shall mean the legal provisions and regulations applied by the customs administrations of the two States with respect to the import, export or transit of goods, whether these provisions refer to customs duties or to duties, taxes, fees or sundry charges of any other kind or to prohibitions, restrictions or other measures of control;

2. "Customs violation" shall mean any offence or attempted offence against customs laws;

3. "Person" shall mean any individual or body corporate;

4. "Customs administrations" shall mean:

— In France, the General Directorate of Customs and Excise Duties in the Ministry of Economy, Finance and Budget;

— In Algeria, the General Directorate of Customs in the Ministry of Finance.

*Article 2.* The customs administrations shall assist each other under the conditions laid down in this Convention for the purpose of preventing, investigating and punishing violations of the customs laws with whose enforcement they are respectively entrusted.

*Article 3.* The administrations of the two States shall communicate to each other:

(a) Voluntarily and immediately all information which they may have on the subject of:

— Actual or planned illegal operations which are or seem to be of a fraudulent nature in respect of their customs laws;

<sup>1</sup> Came into force on 1 October 1986, 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 7 January and 15 July 1986) of the completion of the required constitutional procedures, in accordance with article 11 (1).

- New means or methods of smuggling;
- Categories of goods recognized as being the subject of fraudulent traffic;
- Individuals, vehicles, vessels and aircraft suspected of being involved in or used for smuggling;

(b) Upon written request and as quickly as possible, all information:

- (i) Obtained from customs documents relating to trade in goods between the two countries which may infringe the customs laws of the requesting State, where necessary in the form of duly certified or authenticated copies of such documents;
- (ii) Likely to be of use in detecting false declarations of, *inter alia*, value, type and origin.

*Article 4.* At the express request of one of the two customs administrations, the other administration shall keep special watch, within the framework of its legislation and in conformity with its administrative practices, over:

- (a) The movements and, more particularly, the entry into and departure from its territory of persons suspected or known to be habitually or professionally involved in activities contrary to customs laws;
- (b) Suspicious movements of goods which the requesting State has indicated as being intended for large-scale traffic into its territory in violation of its customs laws;
- (c) Places where goods are stored in unusual quantities and which the requesting State has reason to believe that such goods are to be illegally imported into its territory;
- (d) Vehicles, ships or aircraft which the requesting State has reason to believe may be used for smuggling in its territory.

*Article 5.* 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 produced under the conditions set forth in this Convention.

*Article 6.* 1. The customs administrations of the two States shall take the necessary steps to ensure that those of their officials who are responsible for investigating customs fraud are in direct personal contact with each other for the purposes of exchanging information in order to prevent, investigate or punish violations of the customs laws of their respective States.

2. A list of the officials specially appointed by each customs administration to receive messages of information shall be provided to the customs administration of the other State.

*Article 7.* 1. The customs administrations of the two States shall not be required to extend the assistance provided for in this Convention if such assistance is likely to have an adverse effect on public order or other vital interests of their States or would involve the disclosure of an industrial, trade or professional secret.

2. Reasons must be given for any refusal of assistance. The requested State shall immediately inform the requesting State, and may propose alternatives.

*Article 8.* 1. The information, communications and documents obtained may be used only for the purposes of this Convention. They may not be

transmitted to persons other than those who are called upon to use them for these purposes unless the authority which has provided them has given its express consent.

2. The requests, information and other communications available to the customs administration of one State in implementation of this Convention shall enjoy the protection accorded by the national law of that State to information and documents of the same nature.

*Article 9.* The procedures for applying this Convention shall be arranged jointly by the administrations of the two States.

A Mixed Commission, consisting of representatives of customs administrations of the two States, shall be established for this purpose, to consider problems arising in connection with the implementation of this Convention.

*Article 10.* The scope of this Convention shall comprise the customs territory defined by the laws of each of the two States.

*Article 11.* 1. Each Contracting State shall notify the other when it has completed the procedures required under its Constitution for the entry into force of this Convention. The Convention shall enter into force on the first day of the third month after the date of the last such notification.

2. This Convention is concluded for an indefinite period. Either of the Contracting States may denounce it at any time by so notifying the other Contracting State in writing through the diplomatic channel. The denunciation shall take effect six months after the date of such notification.

DONE at Algiers on 10 September 1985, in the French and Arabic languages, both texts being equally authentic.

For the Government  
of the French Republic:

[BERNARD GAUDILLÈRE]

For the Government  
of the People's Democratic Republic  
of Algeria:

[CRISHEM]