

No. 32508

**BRAZIL
and
FRANCE**

Agreement on mutual administrative cooperation for the prevention, investigation and suppression of customs offences. Signed at Brasília on 18 March 1993

Authentic texts: Portuguese and French.

Registered by Brazil on 1 February 1996.

**BRÉSIL
et
FRANCE**

Accord de coopération administrative mutuelle pour la prévention, la recherche et la répression des infractions douanières. Signé à Brasília le 18 mars 1993

Textes authentiques : portugais et français.

Enregistré par le Brésil le 1^{er} février 1996.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON MUTUAL ADMINISTRATIVE COOPERATION
BETWEEN THE GOVERNMENT OF THE FEDERATIVE RE-
PUBLIC OF BRAZIL AND THE GOVERNMENT OF THE
FRENCH REPUBLIC FOR THE PREVENTION, INVESTIGA-
TION AND SUPPRESSION OF CUSTOMS OFFENCES

The Government of the Federative Republic of Brazil and
The Government of the French Republic
(Hereinafter referred to as “the Parties”),

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

Convinced that action against such infringements would be made more effective by cooperation between their customs administrations,

Have agreed as follows:

Article I

The customs administrations of the two Parties agree to mutual cooperation on the terms set out in the present Agreement for the purpose of preventing, investigating and suppressing offences against their respective customs laws.

Article II

For the purposes of this Agreement:

(1) The term “customs laws” means the statutory and regulatory provisions applied to the import, export or transit of goods and vehicles;

(2) The term “customs administration” means, in the case of Brazil, the Secretariat of the Federal Revenue Office of the Ministry of Finance; in the case of France, the Directorate-General of Customs and Excise Duties;

(3) The term “customs territory” means, in the case of Brazil, the territorial expanse the boundaries of which coincide with the physical territory of the State and in which are included the territorial waters and the corresponding air space, in conformity with specific domestic laws; in the case of France, customs territory as defined by article 1 of the customs code.

Article III

At the express request of the customs administration of the other Party, each administration shall maintain special surveillance, within the scope of its legislation and in accordance with its administrative practices, over the following:

¹ Came into force on 1 September 1995, i.e., the first day of the third month following the date of the last of the notifications by which the Contracting Parties had informed each other of the completion of the procedures required by their constitution, in accordance with article 13 (1).

(1) 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;

(2) Suspicious movements of goods destined for the territory of the requesting Party and reported by it as constituting a large volume of traffic in violation of its customs laws;

(3) Places wherein the goods stored are of a quantity or nature such that the requesting Party has grounds for suspecting that those goods are intended for illegal import into its territory;

(4) Vehicles, vessels or aircraft which the requesting Party has reason to believe may be used to commit customs fraud in its territory.

Article IV

The customs administrations of the two Parties shall communicate to each other:

(1) Spontaneously and without delay, all the information they may have regarding:

(a) Actual or planned irregular operations which are or seem to be of a fraudulent nature in respect of the customs laws of the other Party;

(b) New means or methods of committing customs fraud;

(c) Categories of goods known to be the subject of fraudulent import, export or transit traffic;

(d) Persons, vehicles, vessels and aircraft suspected of being involved in or used for the commission of customs fraud;

(2) Upon written request, and as expeditiously as possible, all information obtained from customs documents, or duly authenticated copies thereof, relating to trade in goods between the two Parties that is or might be the subject of traffic that is fraudulent according to the customs laws of the requesting Party.

Article V

(1) No request for assistance may be made by either customs administration unless the customs administration of the requesting Party is able, in the reverse situation, to respond to a similar demand.

(2) Any refusal of assistance must be based on serious grounds, and the customs administration of the requested Party shall immediately inform the customs administration of the requesting Party of the reasons for the refusal.

Article VI

(1) The customs administrations of the two Parties shall arrange for the officials and/or services responsible for the investigation of customs fraud to maintain direct personal contact with a view to exchanging information to prevent, investigate or suppress offences against the customs laws of their respective States.

(2) A list of officials and/or services specially authorized by each customs administration to receive and communicate such information shall be furnished to the customs administration of the other Party.

Article VII

The customs administrations of the two Parties shall not be required to extend the assistance provided for in this Agreement if such assistance could be prejudicial to the sovereignty, security, public order or other interests of the State, including legitimate commercial interests considered vital by the requested Party, disclosure of an industrial, trade or professional secret.

Article VIII

(a) The information, documents and other material obtained by the requesting Party are confidential and may be used only for the purposes of this Agreement except with the express consent of the customs authority.

(b) The information and other communications placed at the disposal of the customs administration of one Party in implementation of this Agreement shall enjoy the same confidentiality protection measures as those afforded by the domestic laws of that Party to information and documents of the same nature.

Article IX

The customs administrations of both Parties may use as evidence, in their minutes, reports and testimonies, and during proceedings and prosecutions before the courts, information received and documents produced under the conditions provided for by this Agreement.

Article X

The procedures for the implementation of this Agreement shall be determined jointly by the customs administrations of the two Parties.

Article XI

The scope of this Agreement shall comprise the customs territory of each of the two Parties.

Article XII

In order to discuss and review the implementation of this Agreement and to adopt the directives and recommendations they deem necessary, the customs administrations of the two Parties shall meet as required, alternately in the territory of each Party.

Article XIII

(1) Each Contracting Party shall notify the other when it has completed the procedures required under its Constitution for the entry into force of this Agreement. The Agreement shall take effect on the first day of the third month after the date of the last such notification.

(2) This Agreement is of unlimited duration. Either Contracting Party may denounce it at any time by so notifying the other Party in writing through the diplomatic channel. The denunciation shall take effect three months after the date of such notification.

DONE at Brasília on 18 March 1993 in duplicate in the Portuguese and French languages, both texts being equally authentic.

For the Government
of the Federative Republic of Brazil:

ELIZEU REZENDE

For the Government
of the French Republic:

JEAN-BERNARD OUVRIEU
