

**AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDIA AND THE
GOVERNMENT OF THE HASHEMITE KINGDOM OF JORDAN
ON COOPERATION AND MUTUAL ADMINISTRATIVE ASSISTANCE IN
CUSTOMS MATTERS**

The Government of the Republic of India and the Government of the Hashemite Kingdom of Jordan, hereinafter referred to individually as "Contracting Party", and jointly as "the Contracting Parties",

Considering the necessity of developing the commercial and economic relations between the two countries;

Convinced that more effective co-operation between Customs Administrations can be achieved through the exchange of information and that such exchange of information should be based on clear legal provisions;

Considering that offences against Customs legislation are prejudicial to the economic, commercial, fiscal, social, cultural, industrial and agricultural interests of their respective countries as well as to the legitimate trade;

Considering the importance of assuring the accurate assessment of Customs duties, taxes, fees and charges on importation or exportation of goods, as well as the proper implementation of Customs legislations relating to prohibition, restriction and control of goods, including that on counterfeit goods, registered trademarks and intellectual property rights;

Convinced that action against Customs offences and efforts to ensure accurate collection of import and export duties, taxes, fees or other charges can be rendered more effective through cooperation between their Customs Administrations;

Considering that illicit trafficking in narcotic drugs and psychotropic substances represents a danger for public health and society;

Taking into account the International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences, adopted at Nairobi on 9 June 1977 under the auspices of the Customs Co-operation Council, which lays down a framework to facilitate mutual administrative assistance in Customs matters;

Having regard also to the provisions of the Single Convention on Narcotic Drugs of 1961 amended by the Protocol of 1972 and the Convention on Psychotropic Substances of 1971 drawn up under the auspices of the United

Nations Organization as well as the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

HAVE AGREED AS FOLLOWS:

The preamble is an integral part of this Agreement.

DEFINITIONS

Article 1

For the purposes of this Agreement:

1. "Customs Administration" shall mean in the Republic of India, Central Board of Excise and Customs; and in the Hashemite Kingdom of Jordan, Jordan Customs Department;
2. "Customs legislations" shall mean laws ,regulations and instructions applicable by the Customs administration in respective Contracting Parties concerning processes of importation, exportation, transshipment, transport of goods in transit or storage and movement of goods, as well as provisions for the purpose of collection of customs duties and taxes and other charges that impose upon such processes collected by Customs Authority including measures of prohibition, restriction , prevention , procedures and control adopted by Parties;
3. "Customs offence" shall mean any violation or attempted violation of the Customs legislation of a Contracting Party;
4. "Requesting Customs Administration" shall mean the Customs Administration of a Contracting Party, which makes a request for assistance in Customs matters;
5. "Requested Customs Administration" shall mean the Customs Administration of a Contracting Party, which receives a request for assistance in Customs matters;
6. "Narcotic drugs " shall mean substances or products containing such materials listed in the Single Convention on Narcotic Drugs of 1961 amended by the Protocol of 1972 and any other substances or products specified in the national legislation of the parties;
7. "Psychotropic substance " shall mean any substance, natural or synthetic, or any natural material in Schedule I,II,III or IV of the United Nations

Convention on Psychotropic Substances, 1971 and other substances or products listed in the national legislation of the parties;

8. "Precursors" shall mean the substances used in the production of drugs and psychotropic substances listed in the Table I and in the Table II annexed to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;
9. "Information" shall mean any data (whether processed or analysed or not), documents, reports or other communications in any format including electronic, or certified or authenticated copies thereof;
10. "Person" shall mean both natural and legal person, unless the context otherwise requires;
11. "Customs duties": shall mean all duties, taxes and/or other charges which are levied and collected in the territories of the respective States of the Contracting Parties, in application of the customs legislation on the import and export of goods, with the exception of allowances, benefits and charges for services rendered by the administration;
12. "Personal data" :shall mean all information relating to an identified or identifiable individual.

SCOPE OF THE AGREEMENT

Article 2

1. The Contracting Parties shall, through their Customs Administrations and in accordance with the provisions set out in this Agreement, afford each other mutual assistance:
 - a) in order to ensure the proper application of the Customs legislation;
 - b) in order to prevent, investigate and combat Customs offences;
 - c) In order to facilitate legitimate trade.
2. Assistance within the framework of this Agreement shall be rendered in accordance with the legislation in force in the territory of the State of the Requested Customs Administration and within the competence and resources of the Requested Customs Administration.
3. In case the Customs Administration of the requested Contracting Party is not the appropriate authority to comply with a request, it shall transmit the

request to the appropriate authority without delay, which shall execute the request according to its power under the law, or advise the requesting Customs Administration of the appropriate procedure to be followed regarding such a request.

4. This Agreement shall be without prejudice to any mutual legal assistance agreements between the Contracting Parties, that may exist prior to or come into existence subsequent to this Agreement coming into force.

EXCHANGE OF INFORMATION

Article 3

1. The Customs Administrations shall, upon request or its on initiative, supply to each other all information which may help to ensure accuracy in:
 - a) the collection of due Customs duties, taxes, fees and charges levied by Customs Administrations and, in particular, to assess the Customs value of goods and to establish their tariff classification;
 - b) the implementation of import and export prohibitions and restrictions;
 - c) the application of national rules of origin not covered by other contract agreements concluded by one of or both Contracting Parties;
 - d) preventing, combating or investigating the illicit traffic of weapons, ammunitions and explosive, as well as other substances dangerous for environment and public health and dual-use items which can be used for their production;
 - e) preventing, combating or investigating the illicit traffic of works of art of significant historical, cultural or archaeological value;
 - f) preventing, combating or investigating the smuggling of goods subject to high rates of Customs duties or taxes;
 - g) exchange of relevant statistical information concerning Customs activities;
 - h) new methods used in committing contraventions of customs legislation;
 - i) techniques and improved methods of facilitating passengers and cargo procedures;
 - j) observations and findings resulting from the successful application of new enforcement aids and techniques.

2. If the requested Customs Administration does not have the information asked for, it shall seek that information by all means available in accordance with the legislation in force in the territory of its State.
3. The requested Customs Administration shall seek the information as if it was acting on its own account.

Article 4

The Customs Administrations shall, upon request, supply to each other any information relating to:

- a) the exportation from the territory of the state of the Requested Customs Administration, of goods imported into the territory of the State of the Requesting Customs Administration;
- b) the importation into the territory of the State of the Requested Customs Administration, of goods exported from the territory of the State of the Requested Customs Administration, and the nature of the procedure, if any, under which the goods have been placed;
- c) transit of goods through the territory of the State of the Requested Customs Administration.

Article 5

The Customs Administration of one Contracting Party shall, on its own initiative or upon request, supply to the Customs Administration of the other Contracting Party all information likely to be of use to it relating to offences against Customs legislation and in particular regarding:

- a) persons known or suspected of committing or having committed Customs offences in the territory of the State of the other Contracting Party;
- b) movements of goods known to be imported and entered into the state party territory illegally;
- c) means of transport and containers, known to be or suspected of being used in committing Customs offences in the territory of the State of the other Contracting Party;
- d) new methods and means employed in committing Customs offences;

- e) places where goods in violation of the Customs legislation are stored.

Article 6

1. The Customs Administration of one Contracting Party shall, on its own initiative or upon request, supply to the Customs Administration of the other Contracting Party reports, records of evidence or certified copies of documents giving all available information on activities, detected or planned, which constitute or appear to constitute Customs offence in the territory of the State of that Contracting Party.
2. Original files and documents shall be requested only in cases where certified copies would be insufficient. Originals, which have been transmitted, shall be returned without delay as soon as the reason for which they had been provided to the Customs Administration of the other Contracting Party ceases to exist. And in any case, without delay, upon request by the Requested Customs Administration. The rights of the Requested Customs Administration or of third parties relating thereto shall remain unaffected.

Article 7

1. The documents provided for in this Agreement may be replaced by electronic information produced in any form for the same purpose. All relevant information for the interpretation or utilisation of the material should be supplied at the same time. The application, legal consequence and demonstrative force of electronic information shall be determined in accordance with the national legal and administrative provisions of the State of the Contracting Party receiving the information.
2. The Requested Customs Administration shall, upon request, supply to the Requesting Customs Administration the relevant documents concerning the requested electronic information sent beforehand in accordance with the domestic legislation in force in the territories of the parties.

PARTICULAR FORMS OF COOPERATION

Article 8

According to this Agreement the Contracting Parties shall, in accordance with the national legislations, cooperate to simplify the Customs control of cargo and passenger transportation, and mail deliveries, for improving the methods and ways of that control as well as for the purpose of preventing the illicit

importation, exportation, and transit of cargo, by means of transport, passengers, and mail deliveries, in the territories of the States of the Contracting Parties.

Article 9

The Contracting Parties, according to legislation in force in their States, within the framework of this Agreement, shall cooperate for the purpose of investigation of Customs offences as well as prevention of illicit trafficking of narcotic drugs, psychotropic substances and precursors, weapons, ammunition, poisonous gases, and explosives and dual-use items which can be used for their production.

Article 10

The Customs Administrations of the Contracting Parties according to the legislation in force in their States within the framework of this Agreement shall cooperate in the fight against the illicit traffic of art, of archaeological and cultural value.

SURVEILLANCE OF PERSONS, GOODS AND MEANS OF TRANSPORT

Article 11

The Customs Administration of one Contracting Party shall, within its competence and resources, on its own initiative or upon request of the Customs Administration of the other Contracting Party, maintain surveillance over:

- a) the movements, particularly entry into and exit from its territory, of persons known or suspected of committing or having committed Customs offences in the territory of the State of the other Contracting Party;
- b) any means of transport and containers, known or suspected to be used in committing Customs offences in the territory of the State of the other Contracting Party;
- c) movements of goods reported by the other Customs Administration, as giving rise to substantial illicit traffic to or from the territory of its State or suspicion thereof.

CAPACITY BUILDING

Article 12

1. The Customs Administrations of the Contracting Parties shall co-operate with each other in Customs matters including:
 - a) the exchange of Customs officers or experts when mutually beneficial for the purpose of advancing the understanding of each other's Customs techniques;
 - b) the exchange of information and experience in the use of interdiction and detection equipment;
 - c) the exchange of professional, scientific and technical data relating to Customs legislation and procedures;
 - d) the exchange of information to promote the modernization, simplification and harmonisation of their Customs procedures.
2. The Customs Administrations of the Contracting Parties will carry out mutual cooperation in the above-mentioned areas through the following methods, among other things:
 - a) Exchange of experts and trainees in line with the modalities and timing decided by the Customs Administrations; and
 - b) Exchange and appropriate use of each other's training materials without prejudice to copyright and related rights held by each Customs Administration.

TRADE FACILITATION

Article 13

1. The Customs Administrations of the Contracting Parties shall endeavour to facilitate trade and agree that the following principles, in particular, are the basis for the development, and administration of trade facilitation measures:
 - a) transparency, efficiency, simplification, harmonisation and consistency of Customs procedures;
 - b) promotion of international standards and consistency with applicable multilateral instruments;
 - c) use of information technology and controls based on risk management;

- d) cooperation within each Contracting Party among Customs and other border authorities; and
 - e) appropriate consultations with their respective business communities.
2. Each Contracting Party shall adopt simplified Customs procedures for the efficient clearance of goods declared by importers or their authorized agents who have proven to be reliable.

RISK MANAGEMENT

Article 14

Each Contracting Party' shall apply automation and risk management systems to the extent possible, for risk analysis and targeting, to enable its Customs authorities to focus their inspection activities effectively on high risk transactions and to facilitate the clearance and movement of legitimate trade.

TRANSPARENCY

Article 15

Each Contracting Party shall ensure that its Customs and other trade-related laws, regulations, and general administrative procedures and other requirements are readily available to all interested parties including in an electronic manner.

INQUIRIES

Article 16

1. Upon request, the Requested Customs Administration shall initiate official inquiries concerning operations, which are or appear to be contrary to the Customs legislation in force in the territory of the State of the requesting Customs Administration. It shall communicate the results of such inquiries to the Requesting Customs Administration.
2. These inquiries shall be conducted under the legislation in force in the territory of the State of the Requested Customs Administration.
3. The Requested Customs Administration may allow, subject to such conditions as it may impose, officials of the Requested Customs Administration to:
 - a) examine, in the offices of the Requested Customs Administration,

documents and any other information related to a request for assistance, and be supplied with copies thereof;

- b) be present, in an advisory role, during any inquiry conducted by the Requested Customs Administration in the territory of the State of the Requested Customs Administration - which is relevant to the Requesting Customs Administration.
4. When officials of the Requesting Customs Administration are present in the territory of the State of the other Contracting Party, pursuant to this Agreement, they must at all times be able to furnish proof of their official capacity. They shall not be in uniform nor carry arms.
 5. Officials shall, while present in the territory of the other Contracting Party, enjoy the same protection as that accorded by such Contracting Party to its own Customs officials, in accordance with its national legislation in force.

EXPERTS AND WITNESSES

Article 17

1. Upon request, the Requested Customs Administration may authorise its officials according to their agreement and in accordance with established procedures and domestic legislation of the parties to appear as experts or witnesses in trials or administrative proceedings regarding Customs offences prosecuted by the Requesting Contracting Party and to produce objects, deeds and other documents or certified copies of the latter needed for the proceedings. Such officials shall give evidence regarding facts established by them in the course of their duties. The request for appearance must clearly indicate in what case and in what capacity the official is to appear.
2. The official requested to appear as witness or expert shall have the privilege to refuse giving evidence, statement or advisement if he is entitled or obliged to do so by virtue of the legislation of his own State or those of the Contracting Party to which the Requesting Customs administration belongs.
3. During the presence of such authorized officials in the territory of the State of the Requesting Customs administration, the provisions of Article 16 (4) and 16 (5) shall apply.

USE OF INFORMATION

Article 18

1. Any information received within the framework of assistance under this Agreement shall be used solely for the purposes of this Agreement.
2. Such information may be disclosed to governmental bodies other than those provided for in this Agreement only if the Requested Customs Administration grants express permission, and on condition that the national legislation of the Requested Customs Administration do not prohibit such disclosure.
3. The provisions of the paragraph 2 of this Article are not applicable to information concerning offences relating to narcotic drugs and psychotropic substances. Such information may be communicated to other authorities of the contracting party directly involved in the combating of illicit drug trafficking.
4. Any information communicated in whatever form pursuant to this agreement shall enjoy the same level of confidentiality and protection as is extended to the same kind of information under the national legislation, in force of the territory of the State of the Contracting party that received it.
5. Personal data may only be transmitted if the level of personal data protection afforded by the legislation of the Contracting Parties is equivalent.

FORM AND SUBSTANCE OF REQUESTS FOR ASSISTANCE

Article 19

1. Requests pursuant to the present Agreement shall be made in writing or electronically. Documents necessary for the execution of such requests shall accompany the request; when required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing or electronically, without delay.
2. Requests pursuant to paragraph 1 of this Article shall include the following information:
 - a) the requesting Customs Administration;
 - b) the measure or assistance requested;
 - c) the object of and the reason for the request;

- d) the legislation and other legal elements involved;
 - e) indications as exact and comprehensive as possible on the natural or legal persons being the target of the inquiries;
 - f) a summary of the relevant facts, except in cases provided for in Article 17;
 - g) the connection between the assistance sought and the matter to which it relates.
3. Requests and relevant answers shall be submitted in the English language.
 4. If a request does not meet the formal requirements its correction or completion may be required, and the adoption of precautionary measures shall not be affected thereby.
 5. The information referred to in this Agreement shall be communicated to officials and communication information among them who are specifically designated for this purposes by each Customs Administrations. A list of officials so designated shall be exchanged and kept up to date by the Customs Administrations of the Contracting Parties in accordance with the provisions of paragraph 2 of Article 22 of this Agreement.
 6. The Requested Customs Administration shall endeavour to provide the information requested by for the Requesting Customs Administration at the earliest, preferably within six (6) months of its receipt by the Requested Customs Administration.

EXCEPTIONS FROM THE LIABILITY TO RENDER ASSISTANCE

Article 20

1. If the Requested Customs Administration considers that the assistance sought would infringe upon the sovereignty, public order, or could lead to disclosure of confidential information, or is contrary to the national legislations, security, or other essential interest of the Contracting Party to which it belongs, it may refuse to provide such assistance, provide it partly or provide it subject to certain conditions or requirements.
2. If a request for assistance cannot be complied with, the requesting Customs Administration shall be notified without delay and shall be informed of the reasons for the refusal to provide assistance.
3. Assistance may be postponed by the Requested Customs Administration on the grounds that it will interfere with an ongoing investigation,

prosecution or proceeding. In such a case the Requested Customs Administration shall consult with the Requesting Customs Administration to determine if assistance can be given subject to such terms or conditions as the Requested Customs Administration may require.

4. Where assistance is denied or postponed, reasons for the denial or postponement shall be given.

COSTS

Article 21

1. The Customs Authorities shall waive all claims and costs incurred in the execution of the present Agreement, except for expenses and allowances paid to experts and to witnesses, as well as costs of translators and interpreters other than Government employees, which shall be borne by the requesting Customs Authority.
2. If expenses of a substantial or extraordinary nature are required to fulfil the request, the Contracting Parties shall consult to determine the terms and conditions under which the request will be executed as well as the manner in which the costs shall be borne.
3. Reimbursement of any other expenses incurred in the implementation of this Agreement may be subject to mutual arrangement between the customs administrations.

IMPLEMENTATION

Article 22

1. Implementation of this Agreement shall be entrusted directly to the Customs Administrations of the Contracting Parties. They shall make the necessary practical arrangements and procedures for this purpose.
2. The Customs Administrations of the Contracting Parties shall arrange for their services to be in direct communication with each other.
3. A Joint Customs Cooperation Committee shall be established, comprising officers from and to be nominated by the Customs Administrations of the Contracting Parties. The Joint Customs Cooperation Committee will meet, at such place and time and with such agenda as may be mutually agreed, in order to supervise the implementation of this Agreement as well as to find solutions to problems which might arise.

4. All conflicts and disputes that may arise between the Parties concerning the interpretation and application of this Agreement shall be settled through consultations and negotiations between the Contracting Parties.

TERRITORIAL APPLICABILITY

Article 23

This Agreement shall apply to the territories of the Contracting Parties.

ENTRY INTO FORCE AND DENUNCIATION

Article 24

1. This Agreement shall enter into force on the first day of the second month following the date of receipt of the last notification in writing through diplomatic channels by which the Contracting Parties have officially notified each other that respective internal requirements for the entry into force of this Agreement have been met.
2. This Agreement may be amended by mutual written consent of both Contracting Parties. Amendments shall be arranged by a separate protocol, which shall be an integral part of this Agreement and enter into force according to provisions of paragraph 1 of this Article.
3. This Agreement shall be concluded for an indefinite period of time, unless terminated by one of the Contracting Parties through diplomatic channels. The Agreement shall cease to apply three months following the receipt of such notification and the termination made in accordance with this article shall not affect measures taken prior to the termination and have not been completed and shall be concluded in accordance with the provisions of the Agreement.

In witness whereof the undersigned Representatives, duly authorized thereto by their respective Governments, have signed this Agreement.

Done at New Delhi on 1st March, 2018, in two originals, each in the Hindi, Arabic and English languages, each of these texts being equally authentic. In case of divergences of interpretation, the English text shall prevail.



For the Government
of the Republic of India



For the Government
of the Hashemite Kingdom of Jordan