

AGREEMENT BETWEEN
THE GOVERNMENT OF MONGOLIA
AND
THE GOVERNMENT OF THE REPUBLIC OF KOREA
FOR MUTUAL ASSISTANCE CONCERNING
CUSTOMS CO-OPERATION

The Government of Mongolia and the Government of the Republic of Korea (hereinafter referred to as "the Parties"),

Acknowledging their desire to co-operate to the maximum possible extent in taking action to prevent or detect drugs and other customs offences,

Having regard to the considerable contacts that have taken place on customs matters to the mutual benefit of their respective countries,

Wishing to maximize contact between their respective Customs Administrations including regular bilateral discussions,

Have agreed as follows:

Article 1

Definitions

For the purposes of this Agreement,

- a) "Customs Administrations" means in the case of Mongolia, Customs General Administration and in the case of the Republic of Korea, the Korean Customs Administration;
- b) "Customs laws" means laws and regulations administered by the Customs Administrations; and
- c) "Offence" means any violation or attempted violation of customs laws.

Article 2

Scope of Co-operation

Subject to the laws of the respective countries and within the limits of the authority of their Customs Administrations, the Parties through their Customs Administrations will in accordance with the provisions of this Agreement,

- a) assist each other in the prevention, investigation and repression of offences in their respective jurisdictions and to assist in the assessment of customs duties and other taxes. Assistance will be provided in accordance with the laws applicable of both Customs Administrations and will not include the arrest, detention or search of any person or the seizure, detention or search of property or the collection of customs duties, taxes, fines or other moneys;
- b) co-operate in the research, development and testing of new systems and procedures and in other matters that may from time to time require their joint efforts.

Article 3

Technical Co-operation

The Customs Administrations of the Parties will provide each other the widest range of assistance possible in the area of technical co-operation in customs matters including:

- a) exchange of personnel when mutually beneficial for the purpose of advancing the understanding of each other's customs techniques;
- b) training and assistance in developing specialized skills for customs personnel;
- c) exchange of information and experience in the use of technical interdiction and detection equipment;

- d) exchange of experts knowledgeable in the field of customs problems, interdiction and detection practices; and
- e) exchange of professional, scientific and technical data relating to customs laws, regulations and procedures.

Article 4

Exchange of Information

The Customs Administrations of the Parties will notify each other, at the earliest opportunity of the availability of information relating to:

- a) circumstances that may result in the commission of an offence in the jurisdiction of the other Customs Administration;
- b) types of enforcement actions which might be useful to suppress offences in the other Customs Administration jurisdiction and, in particular, special means of combating offences;
- c) methods found to have been used in committing offences;
- d) observations and findings resulting from the successful application of new enforcement techniques;
- e) techniques for, and improved methods of, processing passengers and cargo;
- f) goods exported from the jurisdiction of one Customs Administration and imported to the jurisdiction of the other Customs Administration and the customs procedures used for clearing the goods; and
- g) the movement of targetted persons, goods, vessels, vehicles and aircrafts between the jurisdictions of the Customs Administrations.

Article 5

Form and Substance of a Request for Assistance

1. Subject to paragraph 3 of this Article, a request shall be made in writing and shall be accompanied by all documents necessary for responding to the request.
2. A request shall include the following information:
 - a) the identity of the authority making the request;
 - b) the nature of the proceedings in respect of which the request is made;
 - c) the object of and the reason for the request;
 - d) the names and addresses of the parties to whom the request relates, if known; and
 - e) a brief description of the subject of the request and the legal issues involved.
3. Urgent requests may be made by telecommunication, but oral requests shall, upon request, be confirmed in writing without delay.

Article 6

Forms of Communication

All requests relating to this Agreement will be communicated between officials authorized for that purpose by the Chief Executives of the two Customs Administrations.

Article 7

Exemption from the Obligation to Provide Assistance

1. Where a request is made for assistance that the requesting Customs Administration itself would for any reason be unable to provide,

the requesting Customs Administration will draw attention to this fact in its request. The response to such a request will be at the discretion of the Customs Administration whose assistance is requested.

2. The Customs Administration whose assistance is requested may decline to provide assistance in whole or in part or may stipulate that provision of assistance will be dependent upon the fulfilment of certain conditions or requirements in response to a request where the relevant authorities of that country consider that to provide such assistance would be detrimental to the sovereignty, security, public policy or contrary to the laws or other important interests of the country.

Article 8

Costs

In the absence of any agreement to contrary, the Customs Administration requesting assistance will meet the costs incurred in providing it.

Article 9

Confidentiality

Inquiries made and information supplied will, regardless of their form, upon the request of either Customs Administration be treated as being made or supplied in confidence for the reasons accompanying each such inquiry or provision of information, and such information, documents and other communications may be used for other purposes only when the supplying party has given its consent.

Article 10

Entry into Effect, Amendment and Termination

1. This Agreement shall enter into force thirty (30) days after the signature and it may be amended by an Exchange of Notes through diplomatic channels after the mutual consent between the Customs Administrations.
2. This Agreement may be terminated by either Party on six months notice in writing to the other Party.

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

Done in duplicate at Ulaanbaatar, on the 28 th day of July, 1993 in the Mongolian, Korean and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF
MONGOLIA



FOR THE GOVERNMENT OF
THE REPUBLIC OF KOREA

