



**World Customs  
Organization**

# Revised Model Bilateral Agreement

**Model Bilateral Agreement  
(Revised 2004)**

**5 March 2020**

# Model Bilateral Agreement

(Revised 2004)



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# ➤ 1. BACKGROUND



The traditional task of Customs :

**Collection of Customs duties on imported goods, primarily to contribute to the revenue of Governments.**

## Over time

- **Due to increase in global trade volumes**
  - **Includes the protection of society**
  - **Fighting of transnational crime.**
  - **Ensuring the security of the international trade supply chain.**
  - **Central governmental agency for controlling and facilitating the international movement of goods, means of transport, and passengers.**

# 1. BACKGROUND ....



To deal with those

*Customs administrations have implemented :*

- *modern control techniques that rely increasingly on risk analysis and selective checks.*
- *Supplemented by random controls where necessary, enable Customs' efforts to be concentrated on high-risk consignments*

# 1. BACKGROUND ....



Effective risk assessment and selectivity rely:

1. On the availability of information from a variety of sources, including Customs, exporting countries, trade and transport.
2. Legal basis for the exchange of information among Customs administrations
3. Instrument for bilateral or multilateral exchange of information
4. Other types of assistance to ensure the proper application of Customs laws and to prevent, investigate and combat Customs offences.

## Note

This range of assistance is normally referred to as "mutual administrative assistance" and differs from "mutual legal assistance" which is used, for instance, when information is required in evidential form for the purposes of criminal proceedings.

## 2. THE MODEL BILATERAL AGREEMENT



### The Model Bilateral Agreement

Constitutes a sound basis for negotiation of bilateral agreements for mutual administrative assistance in Customs matters.

The revised Model contains a number of new provisions and, while these are not intended to affect existing agreements, Members are invited to take the new provisions into account in any future review.

# B. TEXT OF THE MODEL BILATERAL AGREEMENT

## MODEL BILATERAL AGREEMENT ON MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS MATTERS



Preamble

Chapter I : Definitions – Article 1

Chapter II : Scope of the Agreement – Article 2

Chapter III : Information

Article 3 – Information for the Application and Enforcement  
of Customs Law

Article 4 – Information for the Assessment of Customs Duties

Article 5 – Information Relating to Customs Offences

Article 6 – Automatic Exchange of Information

Article 7 – Advance Exchange of Information

Chapter IV : Special Types of Assistance

Article 8 – Spontaneous Assistance

Article 9 – Notification

Article 10 – Recovery of Customs Claims

Article 11 – Surveillance and Information

Article 12 – Controlled Delivery

Article 13 – Experts and Witnesses

Chapter V : Cross Border Co-operation

Article 14 – General Provisions

Article 15 – Hot Pursuit

Article 16 – Cross-Border Surveillance

Article 17 – Covert Investigations

Article 18 – Joint Control and Investigation Teams

## **B. TEXT OF THE MODEL BILATERAL AGREEMENT**

### **MODEL BILATERAL AGREEMENT ON MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS MATTERS .....**



- Chapter VI : Communication of Requests – Article 19
- Chapter VII : Execution of Requests
  - Article 20 – Means of Obtaining Information
  - Article 21 – Presence of Officials in the Territory of the Other Contracting Party
  - Article 22 – Presence of Officials of one Contracting Party at the Invitation of the Other Contracting Party
  - Article 23 – Arrangements for Visiting Officials
- Chapter VIII : Use, Confidentiality and Protection of Information
  - Article 24 – Use of Information
  - Article 25 – Confidentiality and Protection of Information
- Chapter IX : Exemptions – Article 26
- Chapter X : Costs – Article 27
- Chapter XI : Implementation and Application of the Agreement – Article 28
- Chapter XII : Territorial Application of the Agreement – Article 29
- Chapter XIII : Settlement of Disputes – Article 30
- Chapter XIV : Final Provisions
  - Article 31 – Entry into Force
  - Article 32 – Duration and Termination
  - Article 33 – Review



# **3. RECOMMENDATION OF THE CUSTOMS CO-OPERATION COUNCIL CONCERNING BILATERAL AGREEMENTS ON MUTUAL ADMINISTRATIVE ASSISTANCE (June 1995)**



**RECOMMENDS** that Members of the Council and members of the United Nations Organization or its specialized agencies, and Customs or Economic Unions should :

1. Conclude bilateral agreements on mutual administrative assistance for the proper application of Customs law, and for the prevention, investigation and combating of Customs offences
2. Use the Customs Co-operation Council's Model Bilateral Agreement as a basis for the negotiation of any such Agreement
3. Use the Customs Co-operation Council as an intermediary, as necessary, for the conclusion of any such Agreement.

# 4. CORE PROVISIONS



Core Provisions of the the Model Bilateral Agreement :

- Articles 1 to 5, 8 to 11, 19, 20, 24 to 33 and should form part of a bilateral agreement.

Apart from the core provisions

- Members may choose from non-core articles or adapt them to suit their own purposes.
- They can also add new articles as required.
- The Model should therefore be seen as a flexible checklist to assist Members in negotiating bilateral agreements.

Members are strongly encouraged to consider all provisions in the Model during such negotiations, while showing due regard for their national legislation.



<http://www.wcoomd.org/en/topics/enforcement-and-compliance/instruments-and-tools/wco-and-international-instruments-on-mutual-administrative-assistance.aspx>



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**Thank You  
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