

FORMS OF MUTUAL COOPERATION AND ASSISTANCE

1- The Customs Administrations shall provide each other, either on request or on their own initiative, with all of the necessary information in conformity with the provisions of this Agreement.

2- The Customs Administrations shall:

- a) exchange information on amendments to the Customs Legislation of the Parties, and discuss any relevant matters of common interest.
- b) cooperate in determining the Customs value and authentication of documentation submitted on importation or exportation, as well as the authenticity of data contained therein;
- c) cooperate in determining the origin of goods and control of the certificate of origin submitted on exportation, and control of Customs procedure the goods are placed under in the country of exportation (transit under Customs surveillance, Customs warehousing, temporary admission, free trade zone, export after inward processing, etc).

3- Each Customs Administration shall, in conducting investigations on behalf of the other Party, act as if they were being made on its own account or at the request of another competent authority in that Contracting Party.

Article (4)

CONTROL OF PERSONS, GOODS AND MEANS OF TRANSPORTATION

The Customs Administrations of the Parties - either on request or on their own initiative - shall maintain special surveillance or shall order for a special surveillance to be maintained, insofar as possible, on persons reasonably giving rise to a suspected committed offence, or presently suspected of being committing, or of having taken preparatory steps to commit a Customs offence. Likewise, special surveillance shall be maintained over premises, means of transport and goods related to operations, that could contravene the Customs Legislation.

Article (5)

SENSITIVE GOODS

The Customs Administrations shall provide each other without delay, either on request or on their own initiative, with all of the necessary information on actions, completed or planned, which constitute or appear to constitute a breach of the Customs Legislation in force in the territory of either Party in the fields of:

- a) operations - whether completed or suspected of being prepared - involving illegal trafficking of all sorts of narcotic drugs and psychotropic substances.
- b) transportation of weapons, ammunition, explosive substances and devices;
- c) transportation of antiques and works of art having an important historical, artistic or archaeological value for either Party;
- d) transportation of poisonous substances, as well as any other substances hazardous to the environment and the health of individuals;
- d) transportation of highly dutiable or levied goods;

Article (6)

PROVISION OF INFORMATION

1- The Customs Administrations - either on request or on their own initiative - shall provide each other with all the necessary information enabling to ensure the accuracy in:

- a) collecting Customs claims;
- b) complying with prohibitions and restrictions measures for importation, exportation and transit of goods, or for the exemption of taxes, duties and other amounts payable to Customs;
- c) enforcing the national legislation regarding the rules of origin of the goods.

2- In the event that the requested Customs Administration should not have available the requested information it may take the decision to procure such an information, acting on its own behalf and in accordance with its national legal provisions.

3- The Customs Administrations of the Parties, either on request or on their own initiative, shall furnish each other with the primary or analytical information on actions completed or planned where a Customs offence should be deemed to exist or have existed.

In serious cases where the offence could involve substantial damage to the economy, public health, public security or any other vital interest of one of the Parties, the Customs Administration of the other Party shall, wherever possible, furnish the relevant primary and analytic information on its own initiative.

4- The Customs Administrations shall co-operate with respect to the execution of provisional measures and actions such as seizing, freezing or forfeiture of goods and other assets related to proceedings initiated in connection with Customs administrative offences.

Article (7)

INFORMATION ON THE TRANSPORTATION OF GOODS

The Customs Administrations, either on request or on their own initiative, shall provide each other information on:

- a) whether there have been goods imported into the Customs territory of the requesting Party which have been lawfully exported from the Customs territory of the requested Party;
- b) whether there have been goods exported from the Customs territory of the requesting Party which have been lawfully imported from the Customs territory of the requested Party;
- c) Customs procedures, if any, under which the goods have been placed.

Article (8)

INFORMATION ON OTHER ACTIONS

The Customs Administration of one of the Parties shall provide the Customs Administration of the other Party all the information that could be used regarding offences against the Customs Legislation in force in the territory of that Party, and referred in particular to:

- a) persons known to have violated or suspected of having violated the Customs Legislation in force in the territory of the other Party in respect of the national legislation in the field of data protection;
- b) goods stored in warehouses or stores, known or giving rise to suspected illicit traffic;
- c) means of transport, including containers, known or suspected of being used to commit Customs offences in the territory of either Party.
- d) premises suspected of being used to commit Customs offences in the territory of either Party.

Article (9)

DOCUMENTS

1- The Customs Administration of either Party, either on request or on their own initiative, shall facilitate the minutes, testimonies or authenticated copies thereof of documents containing all the information regarding actions leading or capable of leading to commit an offence regarding the Customs Legislation in force in the territory of the other Party.

2- The documents referred to in this Agreement may be replaced with computerized information supplied for the same purposes in any form. All

relevant information for the interpretation of the material should be supplied at the same time,

3- Original documents and files shall only be requested in cases where certified or attested copies would be insufficient, and provided that it is so permitted under the national legislation of the Party of the requested Customs Administration.

4- The original documents and files provided to either Party shall be returned as soon as possible.

Article (10)

INVESTIGATIONS

1- If so requested by the Customs Administration of either Party, the requested Customs Administration shall, insofar as possible, initiate all official investigations regarding actions which are or could be contrary to the Customs Legislation of the requesting Customs Administration. The results of such investigations shall be notified to the requesting Customs Administration without delay.

2- The aforementioned investigations shall be conducted under the laws and regulations of the requested Customs Administration which shall act on its own behalf.

Article (11)

PRESENCE OF AUTHORIZED OFFICERS

1- Officials specially designated by the requesting Customs Administration may, with the written request or authorization of the requested Customs Administration, and observing all the conditions mentioned for the investigation of a Customs offence, proceed as follows:

a) consult with the requested Customs Administration regarding the documents, registers and other data relevant for obtaining information on the Customs offence;

b) take copies of the documents, registers and other relevant data on that Customs offence;

c) be present during the inquiries conducted by the requested Customs Administration in the Customs territory of the requested Party regarding offences of interest for the requesting Customs Administration.

2- When officials of the requesting Customs Administration are to be present in the territory of the other Party in the circumstances provided for in this Agreement, they must at all time be able to furnish proof of their official capacity, and they shall not wear uniforms or carry weapons.

These officials shall, while in the territory of the requested Party, enjoy the same protection as accorded by national laws to Customs officials of the other Party, and shall be responsible for any social offence in which they might incur.

3- Officials of the requested Party shall at all times be in charge of conducting the investigations.

Article (12)

EXPERTS

1- Upon request the Customs Administration of the requested Party may authorise its officials, with their consent, to appear as experts before the requesting Party's legal or administrative authorities in the matter of Customs offences. Such officials shall provide evidence obtained by them in the exercise of their duties.

2- The Customs Administration of the requesting Party is duty bound to take all necessary measures for the protection of the personal security of the officials during their stay on the territory of its State, under Paragraph (1) of this Article. The transport and daily expenses of these officials shall be covered by the Customs Administration of the requesting Party.

3- The request for the appearance must clearly indicate, in what case and in what qualification the official is to appear.

4- The request for appearance of Customs officials as experts shall be made in accordance with the legislation of the Contracting Parties.

Article (13)

UTILIZATION OF INFORMATION AND DOCUMENTS

1- The Customs Administrations may, pursuant to the purposes and scope of this Agreement, utilize the objective information and documents on the basis thereof, as oral evidence in their protocols, minutes and acquittals, as well as in legal and administrative proceedings.

2- The use of such information and documents as evidence before the judiciary, as well as their value as evidence, shall be defined pursuant to the legislation in force in the respective States.

Article (14)

INFORMATION CONFIDENTIALITY

1- The information, documents and any other data received in conformity with this Agreement shall only be utilized for the purposes indicated herein. Such documents may be supplied or utilized for any other purposes only with the prior written consent of the Customs Administration providing them.

2- All requests, information, experts reports and any other notifications supplied to the Customs Administration of either Party under this Agreement shall be accorded by the other Party the same protection it accords to documents and information of the same nature under its national legislation.

3- Where personal data are exchanged under this Agreement, the Parties shall ensure the confidentiality of the information pursuant to their national law.

Article (15)

EXEMPTIONS TO THE OBLIGATION TO PROVIDE ASSISTANCE

1- The Customs Administrations of the Parties shall not be bound to provide the assistance under this Agreement in cases where assistance would be of prejudice to public order, for ongoing investigations, judicial cases or proceedings, as well as to other vital interests of the Parties, in particular when entailing a violation of professional, industrial or commercial secrecy.

2- Where assistance is denied, the decision and reasons for the denial should be provided in writing, without delay, to the requesting Party.

3- Should the requesting Customs Administration be unable to comply if a similar request was to be made by the requested Customs Administration, it shall draw attention to that fact in its request. Compliance with such a request shall be at the discretion of the requested Party.

Article (16)

FORM AND CONTENT OF ASSISTANCE REQUESTS

1- Assistance under this Agreement shall be exchanged directly between the Customs Administrations.

2- Requests for assistance under this Agreement shall be made in writing and shall be accompanied by any documents deemed useful in order to comply with the requests. In the event of extraordinary circumstances so requiring requests may also be made verbally. Such requests shall be promptly confirmed in writing.

3- Requests made pursuant to paragraph (2) of this Article shall include the following details:

a) Customs Administration making the request;

b) Type of investigation requested;

c) Subject and cause of the request;

d) Legal provisions related to the issue;

e) The most accurate and comprehensive as possible data in respect of physical human beings or legal entities subject of the request for investigation;

f) Brief description of the circumstances associated with the issue;

4- Requests shall be submitted in the official language of the Customs Administration to which it is addressed, or in English language.

5- Correction or complementary details could be required in the case when a request fails to meet the requirements set herein.

Article (17)

TECHNICAL ASSISTANCE

The Customs Administrations shall, within the limits of available resources, provide each other with technical assistance in Customs matters, under the economic conditions to be determined for each given case. Such a technical assistance shall include:

- a) exchange of Customs officials for the purpose of learning on the technical equipment applied by both Customs Administrations;
- b) training and support for the perfection of Customs officials skills;
- c) exchange of information and expertise in the use of technical means of control;
- d) exchange of experts in Customs matters.

Article (18)

COSTS

1- The Customs Administrations shall, in general and without prejudice to the provisions of Article XVII, waive all claims for reimbursement of costs incurred in the execution of this Agreement, except for expenses and allowances paid to experts and interpreters other than Government employees. The aforementioned expenses shall be borne by the requesting Customs Administration.

2- Reimbursement of expenses related to the fulfillment of Article XVII of this Agreement may be the subject of a separate agreement between the Customs Administrations.

Article (19)

IMPLEMENTATION OF THE AGREEMENT

1- Cooperation provided for in this Agreement shall be fulfilled directly by the Customs Administrations. The Customs Administrations shall agree on the necessary specific actions for the implementation of this Agreement.

2- The Customs Administrations could take provisions for the establishment of direct communications channels between their local and central enforcement, struggle against contraband and Customs offences departments, and also, if need be, with other national departments.

3- The Customs Administrations shall endeavor to resolve by mutual accord any problem or doubt arising from the interpretation or application of this Agreement. Conflicts for which no solutions are found shall be settled through diplomatic channels.

Article (20)

TERRITORIAL SCOPE OF THE AGREEMENT

This Agreement shall be applicable to the Customs territories of the Republic of Cuba and of the State of Qatar.

Article (21)

ENTRY INTO FORCE AND TERMINATION

1- This Agreement shall enter into force thirty (30) calendar days after the Parties have notified each other in writing through diplomatic channels that the legal requirements for the entry into force have been met.

2- This Agreement is intended to be of unlimited duration. The Parties shall meet in order to review this Agreement on request or at the end of five years from the date of its entry into force, unless they notify one another in writing that no such review is necessary

3- The termination of this Agreement shall take effect six months from the date of the notification to the other Party, in writing through diplomatic channels, the intention of denouncing this Agreement. Ongoing proceedings at the time of termination shall nonetheless be completed in accordance with the provisions of this Agreement.

4- In witness whereof the undersigned, being duly authorized thereto, have signed this Agreement.

Done at Havana on this 7th day of November, 2006, in three originals in the Arabic, Spanish, and English languages, the three texts being equally authentic. In case of discrepancy in regards of the interpretation or implementation of this Agreement, the English text shall prevail.

FOR AND ON BEHALF OF
THE REPUBLIC OF CUBA

FOR AND ON BEHALF OF
THE STATE OF QATAR

Pedro Ramon Pupo Perez
Head of General Customs

Mr. Yousef Bin Hussain Kamal
Minister of Finance
and Chairman a.i. of Economy and
Commerce of the State of Qatar