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**Law N. (5) of 2020 Ratifying the Convention regarding Cooperation in Customs Matters Between the Government of the Kingdom of Bahrain and the Government of the Arab Republic of Egypt**

**We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.**

Having reviewed the Constitution;

And the Convention regarding Cooperation in Customs Matters Between the Government of the Kingdom of Bahrain and the Government of the Arab Republic of Egypt, signed in Manama city on 11 November 2018;

The Shura Council and the Council of Representatives have approved the following Law, which we have ratified and enacted:

**Article One**

The Convention regarding Cooperation in Customs Matters Between the Government of the Kingdom of Bahrain and the Government of the Arab Republic of Egypt, signed in Manama on 11 November 2018, and attached to this Law, has been ratified.

**Article Two**

The Prime Minister and the Ministers -each within his jurisdiction- shall implement the provisions of this Law, and it shall come into force from the day following the date of its publication in the Official Gazette.

**King of the Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa**

Issued in Riffa Palace:

On: 6 Rajab 1441 A.H. Corresponding to: 1 March 2020

**Convention regarding Cooperation in Customs Matters Between the Government of the Kingdom of Bahrain and the Government of the Arab Republic of Egypt**

The Government of the Kingdom of Bahrain represented by the "Customs Affairs" and the Government of the Arab Republic of Egypt represented by the "Egyptian Customs Authority", hereinafter referred to as the "Contracting Parties";

Expressing concern over the scale and growth of illicit trafficking in narcotic drugs and psychotropic substances, as they pose a threat to public health and society, and stressing that the smuggling of explosives, weapons and ammunition poses a serious threat to national security, and violations of customs laws that harm the economic, commercial, financial, social and cultural interests of the two countries.

Reflecting the historical ties between the Kingdom of Bahrain and the Arab Republic of Egypt, and in support of joint efforts to expand the areas of cooperation to include the customs sector in its various aspects in order to benefit from their experience and expertise in this field, in line with the common interest between the two countries.

Considering the importance of ensuring accuracy in the estimation and collection of customs duties, taxes and any other fees that can be activated through cooperation between the customs authorities of the contracting countries.

In Desire to regulate the means of joint cooperation in the aforementioned fields, and also taking into account the relevant international conventions that encourage bilateral mutual assistance, as well as the recommendations of the Customs Cooperation Council (World Customs Organization), in accordance with the laws and regulations in force in both countries.

Have agreed as follows:

**Article One**

**Definitions**

For the purposes of the present Convention:

Customs Legislation: The customs law and the total laws and regulations that shall be applied in the Customs Administrations of both countries.

Customs Administration: The administrations concerned with the application of the provisions referred in Paragraph "1" above.

For the government of the Kingdom of Bahrain: Customs Affairs.

For the government of the Arab Republic of Egypt: Egyptian Customs Authority.

Customs Violation: Each breach or attempted breach of Customs Legislation.

Request: Any written request submitted by the Customs Administration of one Party to the Customs Administration of the other Party.

Requesting Administration: The Customs Administration submitting the request for assistance.

Requested Administration: The Customs Administration receiving the request for assistance.

**Article Two**

**Scope of Application of the Convention**

The two Contracting Parties shall, through the Customs Administration, provide assistance between them in accordance with the provisions of this Convention, for the purpose of proper application: Customs Legislations, and that is through:

Taking the necessary measures to facilitate the movement of passengers and the flow of goods.

Cooperation in order to prevent and track Customs Violations.

Information Exchange: At the request of one of the Parties, to be used in the implementation of Customs Legislation.

Seeking cooperation in the field of developing new customs procedures, developing them and applying them in the field of training and exchanging customs experiences and in other affairs of common interest.

Assistance shall be granted within the competence of the Customs Administration of the other Party in accordance with the provisions of its national legislations.

**Article Three**

**Cooperation and Mutual Assistance**

Each of the two Customs Administrations -automatically or upon request- shall provide the other Customs Administration with the necessary information, especially with regard to the following:

Cooperation in the field of customs science training; exchange of experiences in customs control means, customs inspection skills, risk analysis, economic operator applications, customs value, customs tariffs, rules of origin and electronic customs clearance systems.

Exchange of training curricula and expert trainers of the two Parties.

Cooperation in the application and implementation of international conventions in the aspect related to customs affairs.

Exchange of expertise regarding the principles of customs control and the information and techniques developed in the means of prevention and investigation of Customs Violations.

Notifying each other of changes in Customs Legislation, modern customs controls, their application and other customs matters of mutual interest.

**Article Four**

**Combating Illicit Traffic of Goods**

Each of the two Customs Administrations shall provide the other Customs Administration, at its request, with all necessary information on any organized operations that have been carried out or planned, and which represent or may represent a violation of the Customs Legislation of the Contracting Party with regard to the import, export or transit of the following materials:

Weapons, rockets, explosives and nuclear materials.

Historical, cultural or heritage works.

Narcotic drugs, psychotropic substances, substances essential to their production, poisonous substances and substances dangerous for the environment and public health.

**Article Five**

**Exchange of Information**

Each Customs Administration of the Contracting Parties -automatically or upon request- shall exchange any information useful in raising the efficiency of the application of customs procedures in terms of:

Determining the customs value and verifying the documents submitted in the case of import or export, and verifying the validity of the data received.

‎Classification of goods in accordance with the customs tariff.

Conducting analyses related to the goods.

Determining the country of origin of the goods, controlling the certificate of origin in the case of exporting the goods abroad, controlling the customs system in which the goods are carried out in the country of export. The control shall be for transit, warehouses, temporary permit, free zones and other recognized international customs systems.

Each Customs Administration of the Contracting Parties -automatically or upon request- shall submit customs documents, shipping documents, registered evidence and certified copies thereof, which show information on the operations carried out or planned, and represent or may represent a violation of the Customs Legislation in force in the other country in a manner that does not conflict with the national security of the country.

**Article Six**

**Information of Goods**

Each Customs Administration of the Contracting Parties shall provide each other -automatically or upon request- with the following information:

Whether goods imported into the country of one Contracting Party have been legally exported from the country of the other Contracting Party.

Whether goods exported from the country of one Contracting Party have been legally imported from the territory of the other Contracting Party.

**Article Seven**

**Customs Violations and Smuggling**

The two Customs Administrations shall provide each other -automatically or upon request- with any information regarding Customs Violations and smuggling committed against the Customs Legislation in force in both countries, especially information related to:

Natural or legal persons who have committed or are suspected of committing Customs Violations against the Customs Legislation in force in the two countries.

Goods that violate or are suspected of violating Customs Legislation.

Means of transportation that are used or suspected of being used to commit a violation of the Customs Legislation in force in the two countries.

**Article Eight**

**Provision of Information**

In the event that the required information is not available with the Customs Administration, which is required to do so, it shall endeavour to provide such information and take the necessary steps to do so in accordance with the legislation in force in its country.

**Article Nine**

**Information Exchange Mechanism**

It shall be permissible for the requested information to be transmitted by electronic means instead of the documents stipulated in this Convention, provided that it contains useful data that allows its interpretation or use.

**Article Ten**

**Serving Notice of the Requests**

Requests for cooperation shall be exchanged in writing in accordance with the provisions of this Convention, provided that all documents deemed useful shall be attached to such requests. It shall be permissible for such requests to be submitted orally if necessary, provided that they shall be subsequently proven in writing as soon as possible.

Requests submitted under Paragraph (1) of this Article shall contain the following data:

Name of the Requesting Administration.

Nature of the actions required.

Subject and reasons for the request.

A brief presentation of the issue and its related legal elements.

Accurate and separate data regarding the natural and legal persons covered by the application.

**Article Eleven**

**Customs Investigations**

At the request of the Customs Administration of one of the Contracting Parties, the Customs Administration of the other Contracting Party shall conduct an investigation within the scope of its customs territory, especially operations that violate or may violate the Customs Legislation in force in the territory of the requesting Contracting Party, and shall submit to it the results of those investigations in detail.

Such investigations shall be carried out in accordance with the legislation in force, in the territory of the Administration requesting assistance in such investigations as if it were carrying them out for its own benefit.

In certain cases, customs officers of one Contracting Party shall be able to be present in the territory of the other Contracting Party with its express consent to carry out investigations of Customs Violations committed against its Customs Legislation, in which case they shall prove their official capacity.

When customs officers of one Contracting Party are present in the territory of the other Contracting Party under Paragraph (3) of this Article, they shall only have advisory capacity, and under no circumstances shall they have the right to participate in investigations, to meet with persons being questioned or to engage in any such activity.

**Article Twelve**

**Use of Information and Documents**

The information, documents and data exchanged under this Convention shall be used only for the purposes described herein and by the Customs Administrations unless the Customs Administration that provided them expressly authorizes their use for other purposes in writing.

Information and documents related to the illicit trafficking of narcotic drugs, psychotropic substances and essential substances in their production shall be delivered to government agencies of the Contracting Parties, provided that they shall be competent to control the fraud in narcotic drugs and the smuggling of narcotic drugs, psychotropic substances and essential substances involved in their production.

Requests made under this Convention and information obtained in the framework of cooperation shall be treated with strict confidentiality, and such information shall have the same degree of protection as information and documents of a similar nature under the legislation in force in the territory of the Administration requesting the information.

**Article Thirteen**

**Use of information**

The Customs Administration of the Contracting Parties shall be permitted to use the information and documents obtained in accordance with this Convention before the judicial authorities and within the limits of their respective Customs Legislation, after the Party obtaining such information and documents obtains the written consent of the other Party.

**Article Fourteen**

**Reciprocity**

The two Parties shall waive and condition the reciprocity of the claim for the reimbursement of the expenses resulting from the application of this Convention unless these expenses are represented in the compensation granted to the employees referred to in Article (11), which in this case shall be at the expense of the country or the private Party that requested their attendance as witnesses or experts.

**Article Fifteen**

**Suspension of the Convention**

It shall be permissible to refrain from providing the assistance stipulated in this Convention when it would prejudice sovereignty, public security, public order, national fundamental interests, impede the enforcement of laws and regulations, be contrary to the public interest, prejudice the legitimate commercial interests of any project, public or private or disclose secrets to one of the Contracting Parties.

**Article Sixteen**

**Confidentiality**

The information and documents obtained shall be considered highly confidential and shall be treated as information and documents by the Requesting Party and shall not be used by various institutions except with the express consent of the authorities that provided them.

**Article Seventeen**

**Cooperation Mechanisms**

The Customs Administration of the Contracting Parties shall cooperate and provide mutual assistance. The necessary documents shall be agreed upon between these authorities.

Representatives of the Customs Administration of the Contracting Parties shall meet as necessary, and such meeting shall be held at least once a year, alternately, in each country, for the purpose of following up on the application of the provisions of this Convention and resolving practical issues in relation to cooperation and mutual assistance between the Customs Administrations of the Parties.

Each of the two Customs Administrations of the Contracting Parties shall determine the practical manner of application of this Convention.

For the purposes of the present Convention, the Customs Administration of each of the Contracting Parties shall identify the personnel responsible for communication, and lists of names, jobs, telephone numbers, faxes and e-mails shall be exchanged for them.

**Article Eighteen**

**Settlement of Disputes**

Any dispute arising out of the interpretation or implementation of this Convention shall be settled amicably between the Parties by negotiations through diplomatic channels.

**Article Nineteen**

**Amendment of the Convention**

It shall be permissible for the provisions of this Convention to be amended at the request of one of the Contracting Parties and after the written consent of the other Party, taking into account the legal proceedings in force in the territory of both Contracting Parties: the amendments shall enter into force in accordance with the procedures stipulated in this Convention.

**Article Twenty**

**General Provisions**

This Convention shall enter into force from the date of receipt of the second notification through diplomatic channels regarding the completion of all constitutional procedures necessary for the Parties to enter into force of the Convention as stipulated in their national legislations.

This Convention shall remain in force for a period of two years and shall be automatically renewed, unless one of the Parties notifies the other Contracting Party, in writing, through diplomatic channels of its desire to terminate it six months prior to the date of termination. The termination of this Convention shall not affect the implementation of the previously agreed projects that have been started until completion.

In witness whereof, the plenipotentiaries below have signed the present Convention on behalf of their respective governments.

This Convention has been drawn up and signed in Manama city on 11 November 2018, in two original copies in the Arabic language, each of which has the same legal authority, and each Party shall be delivered a copy to act accordingly.

**For the Government of the Kingdom of Bahrain**

**For the Government of the Arab Republic of Egypt**

**Khalid bin Ahmed bin Mohammed Al Khalifa**

**Sameh Shoukry**

**Minister of Foreign Affairs**

**Minister of Foreign Affairs**