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**Law No. 17 of 2012 ratifying the convention between the Government of the Kingdom of Bahrain and the Government of the Republic of Turkey regarding cooperation and Mutual assistance in customs matters**

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

Having reviewed the Constitution;

The Convention between the Government of the Kingdom of Bahrain and the Government of the Republic of Turkey regarding cooperation and mutual assistance in customs matters signed in Ankara on 15 February 2006,

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

**Article One**

The Convention between the Government of the Kingdom of Bahrain and the Government of the Republic of Turkey regarding cooperation and mutual assistance in customs matters, signed in Ankara on 15 February 2006, and attached to this law, has been ratified.

**Article Two**

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

**kingdom of Bahrain**

**Hamad bin Isa Al Khalifa,**

Issued at Riffa Palace:

On: 17 Jamadi Al Ula 1433 A.H.

Corresponding to: 9 April 2012

**The Convention between the Government of the Kingdom of Bahrain and the Government of the Republic of Turkey regarding cooperation and Mutual assistance in customs matters**

**The Convention between the Government of the Kingdom of Bahrain and the Government of the Republic of Turkey regarding cooperation and Mutual assistance in customs matters**

The Government of the Kingdom of Bahrain and the Government of the Republic of Turkey hereinafter referred to as the "Parties";

Considering that offences against Customs legislation are prejudicial to the economic, commercial, financial, social and cultural interests of both parties;

Considering the importance of having an accurate assessment and collection of Customs duties, taxes and other charges and fees on the importation or exportation of goods, as well as the implementation of the provisions on prohibitions, restrictions and control;

Considering that efforts to prevent offences against Customs legislation and efforts to ensure accurate collection of import and export duties, taxes and any other charges may be rendered more effective through co-operation between the Customs Administration of the Parties;

Concerned at the scales and growth in the tendencies of the illicit traffic of narcotic drugs and psychotropic substances and considering that it poses a danger to the public health and the society;

And considering also the relevant international conventions encouraging bilateral mutual assistance and , as well as the Recommendations of the Customs Cooperation Council "World Customs Organization";

Have agreed as follows:

**DEFINITIONS**

**Article (1)**

For the purposes of this Convention:

a) "Customs legislation" means the provisions laid down by the laws and regulations concerning the importation, exportation, transit of goods or any other customs procedures whether relating to customs duties, taxes or any other charges collected by the Customs Administrations, or the measures of prohibitions, restrictions or control enforced by the Customs Administrations.

b)"Customs duties and taxes" means Customs duties and all other duties, taxes, fees or other charges which are collected on or in connection with the importation or exportation of goods provided it does not include fees and charges which are limited in amount to the approximate cost of services rendered.

c) "Customs offence" means any violation or attempted violation of Customs legislation.

d) "Narcotic drugs" means any substance of natural of synthetic, included in the Lists (1) and (2) of the 1961 Unified Convention on Narcotic Drugs.

e) "Psychotropic substance" means any substance of natural of synthetic, included in the Lists (1), (2), (3) and (4) of the 1971 UN Convention on Psychotropic Substances.

f)"Precursors" means controlled chemical substances used in the production of narcotic drugs and psychotropic substances, included in the Lists (1) and (2) of the 1988 UN Convention against the illicit Traffic in Narcotic Drugs and Psychotropic Substances.

h) "Customs Administration" refer to the Kingdom of Bahrain..., and for the Republic of Turkey, the Undersecretary of the Prime Ministry for Customs.

**Scope of the Convention**

**Article (2)**

1-All assistance under the present Convention by either party will be performed in accordance with its domestic laws and within the competence and available resources of the Customs Administrations.

2-The Customs Administrations of the Parties shall co-operate and assist each other in the prevention, investigation and combating customs offences in accordance with the provisions of the present Convention.

**Scope of Assistance**

**Article (3)**

1- At the request of the Customs Administration of either Party, the Customs Administration of the other Party shall communicate all available information which may help in ensuring the enforcement of the customs legislation, including:

a) Ensuring the proper assessment of customs duties and taxes;

b) Accurate assessment of the value of goods for Customs purposes;

C) Determining the custom tariff classifications and the origin of goods.

2- Assistance, as provided in this Convention, shall include, but not be limited to information related to:

a) The execution procedures that might be useful in preventing offences and, in particular, the special means of combating offences;

b) New methods used in committing offences;

c) Observations and findings resulting from the optimal application of new enforcement aids and techniques in the enforcement of the customs legislation.

d) Techniques and improved methods of processing passengers and cargo procedures.

**Exchange of Information and Documents**

**Article (4)**

1- Upon a request of the Customs Administration of either parties, the Customs Administration of the other Party shall provide the copies of the customs and shipment documents, certified copies thereof if requested, information regarding actions, carried out or intended, which constitute or may constitute an offence against the Customs legislation in force in the requesting Party.

2- At the request of the Customs Administration of either parties, the Customs Administration of the other Party shall provide the information concerning the authenticity of official documents promulgated in support of a declaration made to the Customs Administration of the requesting Party.

**Article (5)**

1- At the request of the Customs Administration of either parties, the Customs Administration of the other Party shall provide the information concerning the following matters:

a) Whether goods imported into the territory of the requesting Party of the information have been lawfully exported from the territory of the other Party;

b) Whether goods exported from the territory of the requesting Party of the information have been lawfully imported into the territory of the requested Party.

2- Such information shall also specify the customs procedures used for clearing the goods.

**Article (6)**

1- If the Customs Administration of the Requested Party does not have the requested information, it shall take all the necessary steps to obtain such information, as if it were acting for its own and in compliance with the legislations in force in the territory of its State.

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

**Article (7)**

1-Originals of documents shall only be requested in case the certified or authenticated copies would be insufficient, and the originals provided shall be returned as soon as possible.

2-The requested information may be transmitted in a computer based form, unless the Requesting Party specifically requests the original documents or copies. If the computer stored information is provided, it shall contain the necessary explanations for the interpretation and use of this information.

**Special Instances of Assistance**

**Article (8)**

At the request of the Customs Administration of either parties, the Customs Administration of the other Party shall, within their competence and available resources, conduct control over:

a) Persons, known to be or suspected to commit offences against customs legislations;

b) Goods, known or suspected to be subject of Customs offences;

c) Means of transport known to be or suspected of being used for committing Customs offences.

**Information on Illicit Traffic of Sensitive Goods**

**Article (9)**

1- The Customs Administrations shall, on their own initiative or upon request from either, provide each other with all relevant information on any action, intended or carried out, which constitute or may constitute an offence against the Customs legislations of either Parties, concerning illicit traffic of:

a) Weapons, missiles, explosive and nuclear materials,

b) Works of art of significant historical, cultural or archaeological value;

c) Narcotic drugs, psychotropic substances, precursors and poisonous substances, as well as of substances dangerous for the environment and public health,

d) Pirated or counterfeit goods.

2- Information received under this Article might be transferred to the relevant governmental departments of the requesting Party. However, they shall not be transferred to third countries.

**Serving Notice of the Requests**

**Article (10)**

1-Cooperation and assistance laid down in this Convention shall be rendered by the Customs Administrations of the Parties, and the Administrations shall mutually agree on the documentations for that purpose.

2-Requests, pursuant to the current Convention shall be made in a written form, provided they contain the necessary attachments to fulfil the purpose of these requests. In exceptional cases, Submission of Requests may be made orally but shall be confirmed immediately in writing.

3- Requests under Paragraph (1) of this Article shall contain:

a) The Customs Administration making the request;

b) The measures requested, if any;

c) The subject of and reason for the request;

d) The laws and Procedures, referring to the object of the request;

e) Information on the natural and legal persons involved in the investigation;

f) A summary of the facts, relevant to the object of the request.

4- Requests shall be submitted in the official language of the Requested Party or in English or French .

5-For the purposes of this Convention, the Customs Administrations of the Parties shall designate the officials responsible for Serving notice of the requests and shall exchange a list indicating the names, titles, telephone and fax numbers of those officials. They may arrange for their investigation sections to be in direct contact with each other.

**Customs Investigations**

**Article (11)**

1- If the Customs Administration of one of the Parties so requests, the Customs Administration of the other Party shall initiate investigation of the operations which offend or may offend the Customs legislations in force in the territory of the Requesting Party It shall inform the Requesting Party of the investigation results.

2-These investigations shall be conducted under the legislations in force in the territory of the State of the Requested Party. The Requested Customs Administration shall take Legal Procedures as if it were acting on its own behalf.

3- In special cases, the officials of the Customs Administration of a Party with the consent of the Customs Administration of the other Party, may be present in the territory of the latter at investigations of offences regarding Customs legislation of the requesting Party.

4-An official of the Customs Administration of the Requesting Party present in the territory of the Requested Party pursuant to Paragraph (3) of this article shall act in an advisory capacity only and shall under no circumstances actively participate in the investigation, neither shall meet with the people being questioned nor take part in any investigative activity.

**Use of Information and Documents**

**Article (12)**

1- Information and documents received under this Convention may be used during the administrative, investigative and judicial proceedings. They shall not be used for purposes other than those specified in this Convention. They may be used for other purposes solely with the written consent of the Customs Administration which has provided them.

2- Any requests made and information delivered in any form pursuant to this Convention shall be confidential.

It shall be kept confidential and have the protection extended to the same kind of information and documents under the legislations in force in the Requesting Party.

**Experts and Witnesses**

**Article (13)**

1- Upon a request by the Customs Administration of one of the Parties, the Customs Administration of the other Party may authorise its officials to appear as experts or witnesses in judicial lawsuits in the territory of the other Party and to provide the files, documents or other materials or authenticated copies thereof, as may be considered essential for the proceedings.

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 in 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.

**Exceptions From Assistance**

**Article (14)**

1- If the Requested Customs Administration considers that assistance would infringe upon the sovereignty, security or any other essential interests of its State, or would be inconsistent with its domestic laws, it may refuse to provide the assistance requested under this Convention completely or partially, or to make the rendering of the requested assistance dependent on certain circumstances.

2- If the assistance is refused, the reason for the refusal shall be notified in a written form to the Requesting Party without delay.

**Technical Assistance**

**Article (15)**

The Customs Administrations, by a mutual programme To be agreed upon shall provide each other with technical assistance, including:

a) Exchange of Information and experience in the use of technical equipment for control;

b) Training of Customs officials;

c) Exchange of experts in Customs matters;

d) Exchange of specific, scientific and technical information related to the effective application of Customs legislations.

**Expenses**

**Article (16)**

1- The Parties shall waive all claims for reimbursement of costs incurred in the execution of the present Convention, with the exception of expenses for witness, fees of experts, and costs of interpreters other than government employees.

2- If expenses of a substantial and extraordinary nature are or will be required to execute the request, the 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- Expenses incurred in the implementation of Article (15) of this Convention shall be subject to additional negotiations between the Customs Administrations.

**Entry Into Force and Termination**

**Article (17)**

1- This Convention shall enter into force on the thirtieth day following the day on which the Parties exchange the notes informing each other through diplomatic channels that the necessary formal procedures have been completed for the entry into force of this Convention.

2-This Convention shall remain in force for an unspecified period of time. It shall be terminated three months from the date on which either Party present a written notice through the diplomatic channels of this desire for the termination of this Convention to the other Party. Ongoing proceedings at the time of termination shall nonetheless be completed in accordance with the provisions of this Convention.

Done in Ankara on the 15th of February 2006 in two originals in Arabic, Turkish, and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

**For the Government of Kingdom of Bahrain**

**Khalid bin Ahmed bin Mohammed Al-Khalifa**

**Minister of Foreign Affairs**

**For the Government of The Republic of Turkey**

**Kürsad Tüzmen**

**Minister of State**