

Mutual Administrative Assistance

1. On the 5th December, 1963, the Customs Co-operation Council of Brussels adopted a Recommendation on Mutual Administrative Assistance.
2. The aim of this Recommendation is to encourage Customs Administrations to co-operate between them in the adoption of certain measures for the prevention, investigation and repression of offences against Customs laws and thus protect more effectively the economic and fiscal interests of Member States and the legitimate interests of trade.
3. The Recommendation therefore enjoins Member States to communicate to each other, on request, any information on goods, persons and means of transport which are **suspected** to be involved in smuggling and on any Customs offence which is being investigated.
4. Member States would also exchange information on new methods of Customs fraud and on any special reports of studies which are prepared by their Investigation Services on particular types of fraud and likely to be of material assistance to each other; they would also arrange for their Investigation Services to maintain direct personal relations in order to make the objectives of the Recommendation more practicable.
5. All information would be treated as confidential and would be communicated to the officials directly concerned.
6. Although the Council does not give a precise definition of offences against customs laws, the following are regarded as such, for the purpose of the application of the Recommendation:
 - a. Smuggling and other evasions of duties and taxes charged on importation or exportation;
 - b. Evasion of prohibitions and restrictions imposed for the purpose of ensuring more effective customs control

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(for example, limitation of importation of certain substances to prescribed places);

c. Evasion of import or export licensing;
d. Breaches of exchange control legislation or regulations (only insofar as the goods themselves are concerned).

7. Acceptance of this Recommendation would entail the adoption of measures of co-operation indicated above with other Customs Administrations. No difficulties are envisaged in their application.

8. Again, Malta would stand to benefit especially where the prevention and detection of smuggling is concerned, more so in view of Government's increasing efforts to fight these offences.

9. Acceptance of this Recommendation would not require any legislation.

10. The Crown Advocate General has been consulted on the matter under reference and has advised that the Malta Government may adhere to the Recommendation in question.

11. Hon. Ministers are requested to signify their approval of Malta's acceptance of this Recommendation.