

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CUSTOMS AND MONOPOLIES AGENCY OF THE REPUBLIC OF  
ITALY  
AND  
THE CUSTOMS CONTROL COMMITTEE OF THE MINISTRY OF  
FINANCE OF THE REPUBLIC OF KAZAKHSTAN**

The Customs and Monopolies Agency of the Republic of Italy and the Customs Control Committee of the Ministry of Finance of the Republic of Kazakhstan, hereinafter referred to as the Parties,

**HAVING REGARD TO** the Partnership and Cooperation Agreement between the European Community and their Member State, of the one part, and the Republic of Kazakhstan, of the other part and its Protocol on Mutual Assistance between administrative authorities in customs matters (Brussels, 12 May 1999);

**CONSIDERING** the importance of assuring the accurate assessment of duties, taxes and other charges collected on the importation of goods, and, in particular, the accurate determination of the value and origin of goods, as well as the proper implementation of the provisions of prohibition, restriction and control;

**HAVING REGARD TO** the Recommendation of the Customs Cooperation Council on mutual administrative assistance of December 5, 1953;

**ACKNOWLEDGING** the importance to enhance adequate information and sharing of experience between the Parties;

**AIMING** at proper application of customs legislation on exportation, importation, transit, storage and movement of goods between the customs territories of the two Parties;

**ACKNOWLEDGING** the need to strengthen international cooperation in the field of customs legislation;

**CONSIDERING** that the enforcement action against customs offences can be made more effective through a close cooperation between the two Parties;

**RECOGNIZING** that mutual assistance and cooperation between the Parties will increase the efficiency of customs control;

through frank and friendly discussion have reached a consensus and agreed:

### **Article 1 - Scope of the cooperation**

1. In order to ensure safety and security, and facilitation of trade as well as effectiveness in fighting against illegal and criminal acts, the Parties, according to the terms and conditions set out in this Memorandum shall cooperate and share their experience for the proper application of their customs legislation and to facilitate prevention, investigation and prosecution of customs offences.
2. The Parties exchange information under the Memorandum in compliance with the agreements that both of them have signed or will sign with other international organizations.

### **Article 2 - Objectives of cooperation**

1. The Parties, within their competence and in accordance with the respective national legislation, within the limits and the resources available encourage

exchange of information and direct communication between them through their officials.

2. The Parties may cooperate exchanging information regarding, but not limited to:
  - causes and conditions that contribute to committing customs offences, including ways and methods of committing them;
  - application and improvement of risk management;
  - new trends, methods or means employed in customs offences;
  - new enforcement techniques which have proved effective against customs fraud;
  - goods known to be involved in customs offences, together with the methods of transport and storage used for these goods.

### **Article 3 - Ways of cooperation**

1. The Parties, in accordance with their respective national legislation, may exchange information on their own initiative or at the request of the other Party.
2. Requests shall be made in writing in English, also by e-mail, and shall be accompanied by any information deemed useful.
3. If the circumstances so require, requests may be made verbally; in this case, they shall be confirmed immediately in writing.
4. Requests as mentioned in this article shall include the name of the requesting Authority, the customs matter, the nature of assistance and a description of the framework of the request.
5. Information, received in accordance with this Memorandum, shall be used only for customs objectives and cannot be used as evidence in judicial proceedings, cannot be transferred for use to other agencies or entities.

## **Article 4 - Contents of cooperation**

1. In order to improve risk management, the Parties may cooperate in:
  - analyzing their risk management systems, sharing the results by means of visits and assessments;
  - learning from each other's best practice, so as to develop a joint risk assessment model over the trade flow, and to establish criteria through which to exchange the details included in the joint assessment model.
  
2. In order to strengthen customs control, the Parties will undertake the following cooperation:
  - to exchange information on the technologies and techniques of customs controls on shipments;
  - to exchange their know-how and experience in customs control;
  - to carry out joint customs operations;
  - to improve risk management, including information on application results of customs controls and transportation of goods;
  - to develop training and assistance activities.
  
3. The Parties may organize mutual customs visits; the payment of the relevant costs will be agreed upon for each visit.

## **Article 5 - The status of Memorandum**

1. This Agreement does not infringe the rights and obligations resulting from the international agreements to which the Italian Republic and the Republic of Kazakhstan are parties and/or from their membership of international organisations and, in particular, as far as the Italian Party is concerned, from the obligations deriving from its membership of the European Union.

2. This Memorandum is not considered as an international treaty and does not create for Parties any kind of rights and obligations regulated by international law.
3. This Memorandum does not deal with the implementation of bilateral treaties, signed by every Party, but encourages the development of objective bilateral cooperation between Parties, if the necessity arises.

### **Article 6 - Final dispositions**

1. Amendments to the present Memorandum can be made only by mutual consent of the Parties.
2. All the questions arising in relation to this Memorandum should be settled in a spirit of friendship and cooperation through consultations.
3. The present Memorandum shall enter into force from the date of signature.
4. Either Parties may terminate this Memorandum by sending to the other a written notification; in this case the Memorandum shall be terminated six months after the date of the receipt of this notification. The termination of this Memorandum shall not affect the ongoing cooperation activities, undertaken prior to the date of termination.

Done in Rome on 14 marzo 2013 in two originals, in the English language.

**For the Customs and Monopolies  
Agency of the Republic of Italy**

firmato  
Giuseppe Peleggi

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**For the Customs Control  
Committee of the Ministry of  
Finance of the Republic of  
Kazakhstan**

firmato  
Dina Mamasheva

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