

JORDAN



Decision of 26.3.2002
[OJL 129/1 of 15.5.2002](#)

Agreement: art. 76
[OJL 129/19](#)

Protocol No 4
[OJL 129/162](#)

II

(Acts whose publication is not obligatory)

COUNCIL AND COMMISSION

COUNCIL AND COMMISSION DECISION

of 26 March 2002

on the conclusion of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part

(2002/357/EC, ECSC)

THE COUNCIL OF THE EUROPEAN UNION and

HAVE DECIDED AS FOLLOWS:

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 1

Having regard to the Treaty establishing the European Community, and in particular Article 238 in conjunction with the second sentence of Article 228(2) and the second subparagraph of Article 228(3) thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 95 thereof,

After consultation of the Consultative Committee and the unanimous agreement of the Council,

Having regard to the assent of the European Parliament ⁽¹⁾,

Whereas:

The Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, signed in Brussels on 24 November 1997, should be approved,

The Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, the Protocols annexed thereto and the declarations attached to the Final Act are hereby approved on behalf of the European Community and the European Coal and Steel Community.

The texts of the Agreement, the Protocols annexed thereto and the Final Act are attached to this Decision.

Article 2

1. The position to be taken by the Community within the Association Council and the Association Committee shall be laid down by the Council, on a proposal from the Commission, or, where appropriate, by the Commission, each in accordance with the corresponding provisions of the Treaties establishing the European Community and the European Coal and Steel Community.

⁽¹⁾ OJ C 226, 20.7.1998, p. 26.

2. The President of the Council shall, in accordance with Article 90 of the Agreement, preside over the Association Council and present the position of the Community. A representative of the President of the Council shall preside over the Association Committee, in accordance with Article 93 of the Agreement, and present the position of the Community.

Article 3

The President of the Council shall deposit the act of notification provided for in Article 106 of the Agreement on behalf of the

European Community. The President of the Commission shall deposit that act on behalf of the European Coal and Steel Community.

Done at Brussels, 26 March 2002.

For the Council

The President

A.M. BIRULÉS Y BERTRÁN

For the Commission

The President

R. PRODI

EURO-MEDITERRANEAN AGREEMENT

establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the European Community and the Treaty establishing the European Coal and Steel Community,

hereinafter referred to as the 'Member States', and

THE EUROPEAN COMMUNITY,

THE EUROPEAN COAL AND STEEL COMMUNITY,

hereinafter referred to as 'the Community',

of the one part, and

THE HASHEMITE KINGDOM OF JORDAN,

hereinafter referred to as 'Jordan',

of the other part,

CONSIDERING the importance of the existing traditional links between the Community, its Member States and Jordan, and the common values that they share,

CONSIDERING that the Community, its Member States and Jordan wish to strengthen those links and to establish lasting relations based on reciprocity and partnership and to further integrate Jordan's economy into the European economy,

- the establishment and enforcement of operating standards comparable to those prevailing in the Community,
- the upgrading of technical equipment to bring it up to Community standards for road/rail transport, container traffic and transshipment,
- the gradual easing of transit requirements,
- the improvement of management of airports, railways and air traffic control, including cooperation between the relevant national bodies.

Article 73

Information infrastructures and telecommunications

Cooperation shall focus on:

- (a) telecommunications in general;
- (b) standardisation, conformity testing and certification for information technology and telecommunications;
- (c) dissemination of new information technologies, particularly in relation to networks and the interconnection of networks (ISDN (integrated services digital networks) and EDI (electronic data interchange));
- (d) stimulating research on and development of new communication and information technology facilities to develop the market in equipment, services and applications related to information technology and to communications, services and installations.

Article 74

Energy

The priority areas of cooperation will be:

- the promotion of renewable energies and indigenous energy sources,
- the promotion of energy-saving and energy efficiency,
- applied research into databank networks in the economic and social sectors, linking Community and Jordanian operators in particular,
- support for the modernisation and development of energy networks and for their link-up to Community networks.

Cooperation will also focus on facilitating transit of gas, oil and electricity.

Article 75

Tourism

Priorities for cooperation in this sphere shall be:

- improving the knowledge of the tourist industry and ensuring greater consistency of policies affecting tourism,
- promoting a good seasonal spread of tourism,
- promoting cooperation between regions and cities of neighbouring countries,
- improving information for tourists and the protection of their interests,
- highlighting the importance of the cultural heritage for tourism,
- ensuring that the interaction between tourism and the environment is suitably maintained,
- making tourism more competitive through support for increased professionalism, in particular with regard to hotel management,
- exchanging information on planned tourism development and tourism marketing projects, tourism shows, exhibitions, conventions and publications.

Article 76

Customs

1. The Parties commit themselves to developing customs cooperation to ensure that the provisions on trade are observed. Cooperation will focus in particular on:

- (a) the simplification of controls and procedures concerning the customs clearance of goods;
- (b) the use of the single administrative document and a system to link up the Community's and Jordan's transit arrangements.

2. Without prejudice to other forms of cooperation envisaged in this Agreement, notably for the fight against drugs and money laundering, the Parties' administrations will provide mutual assistance in accordance with the provisions of Protocol 4.

PROTOCOL 4

on mutual assistance between administrative authorities in customs matters

Article 1

Definitions

For the purposes of this Protocol:

- (a) 'customs legislation' shall mean any legal or regulatory provisions applicable on the territories of the Parties and governing the import, export, transit of goods and their placing under any customs procedure, including measures of prohibition, restriction and control adopted by the said Parties;
- (b) 'applicant authority' shall mean a competent administrative authority which has been appointed by a Party for this purpose and which makes a request for assistance in customs matters;
- (b) 'requested authority' shall mean a competent administrative authority which has been appointed by a Party for this purpose and which receives a request for assistance in customs matters;
- (d) 'personal data' shall mean all information relating to an identified or identifiable individual.

Article 2

Scope

1. The Parties shall assist each other, in the areas within their jurisdiction, in the manner and under the conditions laid down in this Protocol, in preventing, detecting and investigating operations in breach of customs legislation.

2. Assistance in customs matters, as provided for in this Protocol, shall apply to any administrative authority of the Parties which is competent for the application of this Protocol. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of the judicial authorities, unless those authorities so agree.

Article 3

Assistance on request

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant information which

may enable it to ensure that customs legislation is correctly applied, including information regarding operations noted or planned which are or could be in breach of such legislation.

2. At the request of the applicant authority, the requested authority shall inform it whether goods exported from the territory of one of the Parties have been properly imported into the territory of another Party, specifying, where appropriate, the customs procedure applied to the goods.

3. At the request of the applicant authority, the requested authority shall, within the framework of its laws, take the necessary steps to ensure that a special watch is kept on:

- (a) natural or legal persons of whom there are reasonable grounds for believing that they are breaching or have breached customs legislation;
- (b) places where goods are stored in a way that gives grounds for suspecting that they are intended to supply operations in breach of customs legislation;
- (c) movements of goods notified as possibly giving rise to breaches of customs legislation;
- (d) means of transport for which there are reasonable grounds for believing that they have been, are or might be used in operations in breach of customs legislation.

Article 4

Spontaneous assistance

The Parties shall provide each other, in accordance with their laws, rules and other legal instruments, with assistance if they consider that to be necessary for the correct application of customs legislation, particularly when they obtain information pertaining to:

- operations which are, or appear to be in breach of such legislation and which may be of interest to the other Party,

- new means or methods employed in carrying out such operations,
 - goods known to be subject to breaches of customs legislation,
 - natural or legal persons of whom there are reasonable grounds for believing that they are breaching or have breached customs legislation,
 - means of transport for which there are reasonable grounds for believing that they have been, are or might be used in operations in breach of customs legislation.
- (e) indications as exact and comprehensive as possible on the natural or legal persons who are the target of the investigations;
 - (f) a summary of the relevant facts and of the enquiries already carried out, except in cases provided for in Article 5.
3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to that authority.

Article 5

Delivery/notification

At the request of the applicant authority, the requested authority shall, in accordance with its legislation, take all necessary measures in order:

- to deliver all documents,
- to notify all decisions,

falling within the scope of this Protocol to an addressee, residing or established in its territory. In such a case Article 6(3) shall apply as far as the request is concerned.

Article 6

Form and substance of requests for assistance

1. Requests pursuant to this Protocol shall be made in writing. They shall be accompanied by the documents necessary to enable compliance with the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing as soon as possible.
2. Requests pursuant to paragraph 1 shall include the following information:
 - (a) the applicant authority making the request;
 - (b) the measure requested;
 - (c) the object of and the reason for the request;
 - (d) the laws, rules and other legal elements involved;

4. If a request does not meet the formal requirements, its correction or completion may be requested; precautionary measures may, however, be ordered.

Article 7

Execution of requests

1. In order to comply with a request for assistance, the requested authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out. This provision shall also apply to the administrative department to which the request has been addressed by the requested authority when the latter cannot act on its own.
2. Requests for assistance shall be executed in accordance with the laws, rules and other legal instruments of the requested Party.
3. Duly authorised officials of a Party may, with the agreement of the other Party involved and subject to the conditions laid down by the latter, obtain from the offices of the requested authority or other authority for which the requested authority is responsible, information relating to operations which are or may be in breach of customs legislation which the applicant authority needs for the purposes of this Protocol.
4. Officials of a Party may, with the agreement of the other Party involved and subject to the conditions laid down by the latter, be present at enquiries carried out in the latter's territory.

*Article 8***Form in which information is to be communicated**

1. The requested authority shall communicate results of enquiries to the applicant authority in the form of documents, certified copies of documents, reports and the like.
2. The documents provided for in paragraph 1 may be replaced by computerised information produced in any form for the same purpose.

*Article 9***Exceptions to the obligation to provide assistance**

1. The Parties may refuse to give assistance as provided for in this Protocol, where to do so would:
 - (a) be likely to prejudice the sovereignty of Jordan or that of a Member State of the Community which has been asked for assistance under this Protocol; or
 - (b) be likely to prejudice public policy, security or other essential interests, in particular in the cases referred to under Article 10(2); or
 - (c) involve currency or tax regulations other than customs legislation; or
 - (d) violate an industrial, commercial or professional secret.
2. Where the applicant authority requests assistance which it would itself be unable to provide if so asked, it shall draw attention to that fact in its request. It shall then be left to the requested authority to decide how to respond to such a request.
3. If assistance is refused, the decision and the reasons therefor must be notified to the applicant authority without delay.

*Article 10***Information exchange and confidentiality**

1. Any information communicated in whatsoever form pursuant to this Protocol shall be of a confidential or restricted nature. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to like information under the relevant laws of the Party which received it and the corresponding provisions applying to the Community institutions.

2. Personal data may be exchanged only where the receiving Party undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the supplying Party.

3. Information obtained shall be used solely for the purposes of this Protocol. Where one of the Parties requests the use of such information for other purposes, it shall ask for the prior written consent of the authority which furnished the information. Moreover, it shall be subject to any restrictions laid down by that authority.

4. Paragraph 3 shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with customs legislation. The competent authority which supplied that information shall be notified of such use.

5. The Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Protocol.

*Article 11***Experts and witnesses**

1. An official of a requested authority may be authorised to appear, within the limitations of the authorisation granted, as an expert or witness in judicial or administrative proceedings regarding the matters covered by this Protocol in the jurisdiction of the other Party, and produce such objects, documents or authenticated copies thereof, as may be needed for the proceedings. The request for an appearance must indicate specifically on what matters and by virtue of what title or qualification the official will be questioned.

2. The authorised official shall enjoy the protection guaranteed by existing legislation to officials of the applicant authority on its territory

*Article 12***Assistance expenses**

The Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Protocol, except, as appropriate, for expenses to experts, witnesses, interpreters and translators who are not public service employees.

*Article 13***Application**

1. The application of this Protocol shall be entrusted to the central customs authorities of Jordan, on the one hand, and the competent services of the Commission of the European Communities and, where appropriate, the customs authorities of the Member States of the Community, on the other. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration rules in force in the field of data protection. They may, through the Customs Cooperation Committee, propose to the Association Council amendments which they consider should be made to this Protocol.

2. The Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Protocol.

*Article 14***Complementarity**

Without prejudice to Article 10, the agreements on mutual assistance which have been or may be concluded between one or more Member States of the Community and Jordan do not prejudice Community provisions governing the communication between the competent services of the Commission and the customs authorities of the Member States of any information obtained in customs matters which could be of Community interest.
