

# LEBANON



Decision of 14.2.2006  
[\*OJ L 143/1 of 30.5.2006\*](#)

Agreement: art. 56  
[\*OJ L 143/13\*](#)

Protocol No 5  
[\*OJ L 143/175\*](#)

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 14 February 2006

**concerning the conclusion of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States of the one part, and the Republic of Lebanon, of the other part**

(2006/356/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310 thereof, in conjunction with the second sentence of the first subparagraph of Article 300(2) and the second subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament,

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an association between the European Community and their Member States, of the one part, and the Republic of Lebanon, of the other part, has been signed on behalf of the European Community, in Luxembourg on 17 June 2002, subject to the reserve of an eventual conclusion at a later date.
- (2) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, the annexes and protocols to the Agreement, as well as the joint declarations and the declarations of the European Community included in the final act, are approved on behalf of the European Community.

2. The texts mentioned in paragraph 1 form part of this Decision.

*Article 2*

1. The position to be taken by the Community in the context of the Association Council and of the Association Committee, is to be defined by the Council, on the proposal of the Commission, or, if the case arises, by the Commission, in conformity with the relevant provisions of the Treaties.

2. In conformity with Article 75 of the Euro-Mediterranean Association Agreement, the President of the Council will chair the Association Council. A representative of the Commission will chair the Association Committee, according to the agreed procedural rules.

3. The decision to publish the decisions of the Association Council and of the Association Committee in the *Official Journal of the European Communities* will be taken in each case respectively by the Council and the Commission.

*Article 3*

The President of the Council is authorised to designate the person(s) empowered to proceed, in behalf of the European Community, to deposit the act of notification foreseen in Article 91 of the Agreement.

Done at Brussels, 14 February 2006.

*For the Council*  
*The President*  
K.-H. GRASSER

**EURO-MEDITERRANEAN AGREEMENT**

**establishing an Association between the European Community and its Member States, of the one part,  
and the Republic of Lebanon, 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, hereinafter referred to as the 'Member States', and

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

THE REPUBLIC OF LEBANON, hereinafter referred to as 'Lebanon',

of the other part,

CONSIDERING the proximity and interdependence which historic links and common values have established between the Community, its Member States and Lebanon;

CONSIDERING that the Community, its Member States and Lebanon wish to strengthen those links and to establish lasting relations, based on reciprocity, solidarity, partnership and co-development;

CONSIDERING the importance which the Parties attach to the principles of the United Nations Charter, particularly the observance of human rights, democratic principles and economic freedom, which form the very basis of the Association;

CONSIDERING recent political and economic developments both on the European continent and in the Middle East, and the resulting common responsibilities with regard to the stability, security and prosperity of the Euro-Mediterranean region;

CONSIDERING the importance for the Community and Lebanon of free trade, as guaranteed by the General Agreement on Tariffs and Trade of 1994 (GATT) and by the other multilateral agreements annexed to the Agreement establishing the WTO;

*Article 54***Energy**

Cooperation shall focus on:

- (a) promotion of renewable energy;
- (b) promotion of energy-saving and energy efficiency;
- (c) applied research relating to networks of databases linking the two Parties' economic and social operators;
- (d) supporting modernisation and development of energy networks and the interconnection of such networks with Community networks.

*Article 55***Tourism**

Cooperation shall aim to:

- (a) promote investment in tourism;
- (b) improve the knowledge of the tourist industry and ensure greater consistency of policies affecting tourism;
- (c) promote a good seasonal spread of tourism;
- (d) highlight the importance of the cultural heritage for tourism;
- (e) ensure that the interaction between tourism and the environment is suitably maintained;
- (f) make tourism more competitive through support for increased standards and professionalism;
- (g) enhance information flows;
- (h) intensify training activities in hotel management and administration, and training in other hotel trades;
- (i) organise exchanges of experience so as to ensure balanced, sustainable development of tourism, notably through exchanges of information, exhibitions, conventions and publications on tourism.

*Article 56***Customs cooperation**

1. The Parties shall develop customs cooperation to ensure that the provisions on trade are observed. For this purpose they shall establish a dialogue on customs matters.

2. Cooperation will focus in particular on:

- (a) the simplification of controls and procedures concerning the customs clearance of goods;
- (b) the possibility of interconnection between the transit systems of the Community and of Lebanon;
- (c) the exchange of information among experts and vocational training;
- (d) technical assistance where appropriate.

3. Without prejudice to other forms of cooperation provided for in this Agreement, particularly in the fields of combating drug abuse and money laundering, the Contracting Parties' administrative authorities shall provide mutual assistance in accordance with the terms of Protocol 5.

*Article 57***Cooperation in statistics**

The aim of cooperation shall be to harmonise methodology used by the Parties and to put to use data, including data-banks, on all areas covered by this Agreement for which statistics can be collected.

*Article 58***Consumer protection**

Cooperation in this field should be geared to making consumer protection schemes in the Community and Lebanon compatible and should, as far as possible, involve:

- (a) increasing the compatibility of consumer legislation in order to avoid barriers to trade;
- (b) establishment and development of systems of mutual information on dangerous food and industrial products and interconnecting them (rapid alert systems);
- (c) exchanges of information and experts;
- (d) organising training schemes and supplying technical assistance.

*Article 59***Cooperation in reinforcement of institutions and rule of law**

The Parties reiterate the importance of the rule of law and the proper functioning of institutions at all levels in the areas of administration in general, and law enforcement and the machinery of justice in particular. An independent and effective judiciary and well-trained legal profession are of particular importance in this context.

**PROTOCOL 5****on mutual administrative assistance in customs matters***Article 1***Definitions**

For the purposes of this Protocol:

- (a) 'customs legislation' shall mean any legal or regulatory provisions adopted by the Community or Lebanon governing the import, export and transit of goods and their placing under any other customs regime or procedure, including measures of prohibition, restriction and control;
- (b) 'applicant authority' shall mean a competent administrative authority which has been designated by a Contracting Party for this purpose and which makes a request for assistance on the basis of this Protocol;
- (c) 'requested authority' shall mean a competent administrative authority which has been designated by a Contracting Party for this purpose and which receives a request for assistance on the basis of this Protocol;
- (d) 'personal data' shall mean all information relating to an identified or identifiable individual;
- (e) 'operation in breach of customs legislation' shall mean any violation or attempted violation of customs legislation.

*Article 2***Scope**

1. The Contracting Parties shall assist each other, in the areas within their competence, in the manner and under the conditions laid down in this Protocol, to ensure the correct application of the customs legislation, in particular by preventing, investigating and combating operations in breach of that legislation.

2. Assistance in customs matters, as provided for in this Protocol, shall apply to any administrative authority of the Contracting 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 a judicial authority, except where communication of such information is authorised by that authority.

3. Assistance to recover duties, taxes or fines is not covered by this Protocol.

*Article 3***Assistance on request**

1. At the request of the applicant authority, the requested authority shall provide it with all relevant information which may enable it to ensure that customs legislation is correctly applied, including information regarding activities noted or planned which are or could be operations in breach of customs legislation.

2. At the request of the applicant authority, the requested authority shall inform it:

- (a) whether goods exported from the territory of one of the Contracting Parties have been properly imported into the territory of the other Contracting Party, specifying, where appropriate, the customs procedure applied to the goods;
- (b) whether goods imported into the territory of one of the Contracting Parties have been properly exported from the territory of the other 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 legal or regulatory provisions, take the necessary steps to ensure special surveillance of:

- (a) natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;
- (b) places where stocks of goods have been or may be assembled in such a way that there are reasonable grounds for believing that these goods are intended to be used in operations in breach of customs legislation;
- (c) goods that are or may be transported in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation;
- (d) means of transport that are or may be used in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation.

*Article 4***Spontaneous assistance**

The Contracting Parties shall assist each other, at their own initiative and in accordance with their legal or regulatory provisions, if they consider that to be necessary for the correct application of customs legislation, particularly by providing information obtained pertaining to:

- activities which are or appear to be operations in breach of customs legislation and which may be of interest to the other Contracting Party,
- new means or methods employed in carrying out operations in breach of customs legislation,
- goods known to be subject to operations in breach of customs legislation,
- natural or legal persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation,
- means of transport in respect of which there are reasonable grounds for believing that they have been, are, or may be used in operations in breach of customs legislation.

*Article 5***Delivery, notification**

At the request of the applicant authority, the requested authority shall, in accordance with legal or regulatory provisions applicable to the latter, take all necessary measures in order:

- to deliver any documents,

or

- to notify any decisions,

emanating from the applicant authority and falling within the scope of this Protocol, to an addressee residing or established in the territory of the requested authority.

Requests for delivery of documents or notification of decisions shall be made in writing in an official language of the requested authority or in a language acceptable to that authority.

*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 immediately.

2. Requests pursuant to paragraph 1 shall include the following information:

- (a) the applicant authority;
- (b) the measure requested;
- (c) the object of and the reason for the request;
- (d) the legal or regulatory provisions and other legal elements involved;
- (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.

3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to that authority. This requirement shall not apply to any documents that accompany the request under paragraph 1.

4. If a request does not meet the formal requirements set out above, its correction or completion may be requested; in the meantime precautionary measures may 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 Contracting 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 any other authority 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 legal or regulatory provisions of the requested Contracting Party.

3. Duly authorised officials of a Contracting Party may, with the agreement of the other Contracting Party and subject to the conditions laid down by the latter, be present to obtain in the offices of the requested authority or any other concerned authority in accordance with paragraph 1, information relating to activities that are or may be operations in breach of customs legislation which the applicant authority needs for the purposes of this Protocol.

4. Duly authorised officials of a Contracting Party may, with the agreement of the other Contracting Party 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 writing together with relevant documents, certified copies or other items.

2. This information may be in computerised form.

3. Original documents shall be transmitted only upon request in cases where certified copies would be insufficient. These originals shall be returned at the earliest opportunity.

#### Article 9

##### Exceptions to the obligation to provide assistance

1. Assistance may be refused or may be subject to the satisfaction of certain conditions or requirements, in cases where a Party is of the opinion that assistance under this Protocol would:

(a) be likely to prejudice the sovereignty of Lebanon or that of a Member State which has been requested to provide 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) violate an industrial, commercial or professional secret.

2. Assistance may be postponed by the requested authority on the ground that it will interfere with an ongoing investigation, prosecution or proceeding. In such a case, the requested authority shall consult with the applicant authority to determine if assistance can be given subject to such terms or conditions as the requested authority may require.

3. Where the applicant authority seeks assistance which it would itself be unable to provide if so requested, it shall draw attention to that fact in its request. It shall then be for the requested authority to decide how to respond to such a request.

4. For the cases referred to in paragraphs 1 and 2, the decision of the requested authority and the reasons therefor must be communicated 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, depending on the rules applicable in each of the Contracting Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Contracting Party that received it and the corresponding provisions applying to the Community authorities.

2. Personal data may be exchanged only where the Contracting Party which may receive it undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the Contracting Party that may supply it. To that end, contracting parties shall communicate to each other information on their applicable rules, including, where appropriate, legal provisions in force in the Member States of the Community.

3. The use, in judicial or administrative proceedings instituted in respect of operations in breach of customs legislation, of information obtained under this Protocol, is considered to be for the purposes of this Protocol. Therefore, the Contracting 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. The competent authority which supplied that information or gave access to those documents shall be notified of such use.

4. Information obtained shall be used solely for the purposes of this Protocol. Where one of the Contracting Parties wishes to use such information for other purposes, it shall obtain the prior written consent of the authority which provided the information. Such use shall then be subject to any restrictions laid down by that authority.

#### *Article 11*

##### **Experts and witnesses**

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, and produce such objects, documents or certified copies thereof, as may be needed for the proceedings. The request for appearance must indicate specifically before which judicial or administrative authority the official will have to appear, on what matters and by virtue of what title or qualification the official will be questioned.

#### *Article 12*

##### **Assistance expenses**

The Contracting 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 and witnesses, and those to interpreters and translators who are not public service employees.

#### *Article 13*

##### **Implementation**

1. The implementation of this Protocol shall be entrusted on the one hand to the customs authorities of Lebanon and on the other hand to the competent services of the Commission of the European Communities and the customs authorities of the Member States as appropriate. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration the rules in force in particular in the field of data

protection. They may recommend to the competent bodies amendments which they consider should be made to this Protocol.

2. The Contracting 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*

##### **Other agreements**

1. Taking into account the respective competencies of the European Community and the Member States, the provisions of this Protocol shall:

— not affect the obligations of the Contracting Parties under any other international agreement or convention,

— be deemed complementary to agreements on mutual assistance which have been or may be concluded between individual Member States and Lebanon;

and

— not affect the Community provisions governing the communication between the competent services of the Commission of the European Communities and the customs authorities of the Member States of any information obtained under this Protocol which could be of interest to the Community.

2. Notwithstanding the provisions of paragraph 1, the provisions of this Protocol shall take precedence over the provisions of any bilateral agreement on mutual assistance which has been or may be concluded between individual Member States and Lebanon in so far as the provisions of the latter are incompatible with those of this Protocol.

3. In respect of questions relating to the applicability of this Protocol, the Contracting Parties shall consult each other to resolve the matter in the framework of the (ad hoc Committee) set up by the Association Council under Article 12 of the Association Agreement.