



**ECONOMIC COMMUNITY OF
WEST AFRICAN STATES**

**COMMUNAUTE ECONOMIQUE
DES ETATS DE L'AFRIQUE
DE L'OUEST**

**COMMUNIDADE ECONOMICA DOS
ESTADOS DA AFRICA DO OESTE**

FIFTY FOURTH ORDINARY SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF ECOWAS

Abuja, 22nd December, 2018

SUPPLEMENTARY ACT A/SA.6/12/2018 RELATING TO MUTUAL ASSISTANCE AND COOPERATION BETWEEN THE CUSTOMS ADMINISTRATIONS OF ECOWAS MEMBER STATES AND THE COLLABORATION BETWEEN THEM AND THE ECOWAS COMMISSION IN CUSTOMS MATTERS.

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

MINDFUL of Articles 7, 8 and 9 of the Revised ECOWAS Treaty, as amended, establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Articles 35, 36 and 37 of the said Treaty relating to the liberalization of trade, customs duties and the establishment of a Common External Tariff (CET) within the Community with a view to establishing the Customs Union of the Community;

MINDFUL of Supplementary Act A / SA.2 / 12/17 adopting the ECOWAS Customs Code, particularly Articles 1, 3, 33, 34, 35, 63, 64, 65;

MINDFUL of the Supplementary Act A/SA.3/02/13 adopting the ECOWAS Strategy for the Fight against Terrorism and the Implementation Plan with a view to coordinating and pooling efforts to combat the financing of terrorism in the ECOWAS region;

HAVING REGARD to the Political Declaration on the Prevention and abuse of Drugs, Illicit drug trafficking and Organized Crime in West Africa of 19 December 2008;

HAVING REGARD to Protocol A/P3/12/01 on the fight against corruption of 21 December 2001;

HAVING REGARD to the Supplementary Act A/SA.1/01/10, concerning the protection of personal data in the ECOWAS region of 16 February 2010;

HAVING REGARD to Decision A / DEC.17 / 01/06 of 12 January 2006, adopting the ECOWAS Common External Tariff (CET) and the subsequent amending texts;

HAVING REGARD to Supplementary Act A/SA.1/07/13 relating to the establishment and implementation of one stop border posts at the borders of ECOWAS Member States of 18 July 2013;

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REAFFIRMING their firm commitment to achieving Customs Union among the ECOWAS Member States for unhindered economic integration;

CONSCIOUS that the liberalization of intra-Community trade could lead to flows in illicit trafficking;

CONSIDERING that infringements of customs law are prejudicial to the security of Member States and to their economic, commercial, fiscal, social, cultural and public health interests;

CONSIDERING that illicit trafficking in narcotic drugs, psychotropic substances, counterfeit goods, dangerous goods, endangered species of wild flora and fauna and all kinds of goods constitutes a serious threat to public health, morality and safety and to the society;

CONSCIOUS of the threat posed by transnational organized crime and terrorist groups with significant resources and the need to combat them effectively;

DETERMINED to effectively combat money laundering, terrorism financing and tax fraud through cooperation and information exchange with Financial Intelligence Units (FIU) and Tax Administrations;

CONSIDERING that customs administrations are responsible, in the customs territory of the Community and in particular at their points of entry and exit, for preventing, investigating and prosecuting infringements not only of Community legislations but also of national laws;

CONSIDERING that special forms of cooperation involving cross-border actions for the prevention, investigation and punishment of certain infringements, both the national legislation of the Member States and the Community customs legislation should be promoted; and that such actions should always be conducted in accordance with the principles of legality, subsidiarity and proportionality;

CONVINCED of the need to strengthen cooperation between customs administrations by establishing procedures which will enable customs administrations to act jointly and exchange data related to illicit trafficking;

DESIRING to apply the highest international standards of cooperation in the prevention, investigation and punishment of customs offences, with a view to better control legitimate trade, and to this end, to establish a high-level instrument for regional cooperation between administrations of Member States;

BEARING IN MIND the international conventions which provide for prohibitions, restrictions and special measures of control over certain goods;

BEARING IN MIND the United Nations Convention against Transnational Organized Crime, adopted in New York on 15 November 2000, and the High-Level Signature Conference of that

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Convention, held in Palermo from 12 to 15 December 2000, which defines the framework for mutual assistance at international level to prevent and combat transnational organized crime;

CONSIDERING the 1948 Universal Declaration of Human Rights of the United Nations;

BEARING IN MIND the International Convention on Administrative Mutual Assistance for the prevention, investigation and repression of Customs offences (Nairobi, 9th June 1977) and the International Convention on Administrative Mutual Assistance in Customs Matters known as the Johannesburg Convention adopted on 27 June 2003 under the auspices of the World Customs Organization (WCO);

CONSIDERING the resolution of the Customs Cooperation Council on the importance of intelligence in the fight against customs fraud;

TAKING into account the Trade Facilitation Agreement of the World Trade Organization;

TAKING into account the Convention on International Trade in Endangered Species of wild Flora and Fauna signed in Washington on 3rd March 1973 and the subsequent amending texts;

(**RECALLING** the resolution of the World Customs Organization (WCO) on the role of Customs in the area of security (Punta Cana, December 2015)

RECALLING the recommendations of the Financial Action Task Force (FATF) on the fight against money laundering and the financing of terrorism and the proliferation of weapons of mass destruction;

CONSIDERING the SAFE Framework of Standards of the World Customs Organization aimed at strengthening the facilitation and security of international trade in which Customs-Customs cooperation constitutes one of the pillars;

Recalling the Recommendation of the Customs Co-operation Council Concerning the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organized Crime (29 June 2002);

Recalling the Recommendation of the Customs Co-operation Council on the need to Develop and Strengthen the Role of Customs Administrations in Tackling Money Laundering and in Recovering the Proceeds of Crime (25 June 2005);

FOLLOWING APPROVAL by the meeting of ECOWAS Finance Ministers held at Abuja the 2 November 2018;

HAVING REGARD TO resolution by which the Parliament of the Community gave assent;

ON THE RECOMMENDATION of the 81st Session of the Council of Ministers held on 15 of December 2018.

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AGREED AS FOLLOWS:

CHAPTER I

TERMS AND EXPRESSIONS OF THE SUPPLEMENTARY ACT

ARTICLE 1: DEFINITIONS

In this Supplementary Act, unless the context otherwise requires, the following terms and expressions shall be understood as follows:

1. **"Competent Administration"** means any national customs administration or other national authority designated to assist the customs administration.
2. **"Customs administrations"** means the Services responsible for the application of the customs regulations which are also responsible for the application of other laws and regulations relating to the import, export, transport or storage of goods;
3. **"Requesting Administration"** means the customs administration requesting assistance;
4. **"Requested administration"** means the customs administration from which assistance is requested;
5. **"Mutual administrative assistance"** » means measures taken by a Customs administration on behalf of or in collaboration with another Customs administration for the proper application of Customs law and for the prevention, investigation and repression of Customs offences
6. **"Customs authorities"** means the customs administrations of the Member States or the Community responsible for the application of customs law and any other authority empowered under national law to apply certain customs provisions;
7. **"International Supply Chain"** means the process of cross-border movement of goods from the place of origin to the final destination;
8. **"Dual-use goods"**: means products, including software and technology (including the transmission of software or technology, electronically, by fax or by telephone to or from a destination outside the Community) which to have both civilian and military use;
9. **"Financial Intelligence Unit"**: means national Financial Information Processing Unit or National Agency in charge of the fight against money laundering and terrorist financing in the ECOWAS Member States
10. **"Management Committee"** means the committee responsible for the management of this Supplementary Act and whose attributions and functions are defined in Article 45;
11. **"Commission"** means the Commission of the Economic Community of West African States (ECOWAS) established by Article 17 of the Revised ECOWAS Treaty as amended by Additional Protocol A / SP1 / 06 / 06 of June 14, 2006;
12. **"Community"** means the Economic Community of West African States (ECOWAS) whose creation has been reaffirmed by Article 2 of the ECOWAS Treaty;
13. **"Council"** means the Council of Ministers established by Article 10 of the Treaty of the Economic Community of West African States (ECOWAS);



14. **"Smuggling"** means Customs offence consisting in the movement of goods across a Customs frontier in any clandestine manner, thereby evading Customs control;
15. **"Cross-border cooperation"** means cooperation between customs administrations of Member States beyond their respective borders;
16. **"Customs debt"** means the obligation on a natural or legal person to pay the amount of import and export duties, taxes and other charges which apply to specific goods in accordance with the legislation in force ;
17. **"Personal data"** means any information relating to an identified or identifiable natural person; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more specific elements specific to his physical, physiological, psychological, economic, cultural or social identity;
18. **"Import and Export Duties and Taxes"** means customs duties and all other duties, taxes and fees or other charges imposed on the importation or exportation of goods, with the exception of fees and charges the amount of which is limited to the approximate cost of services rendered, or which are collected by the Customs on behalf of a national authority;
19. **"Administrative inquiry"** means all the checks, inspections and actions undertaken by officials of customs administrations in the performance of their duties with a view to ensuring the correct application of the customs rules and, where appropriate, establishing irregularity in operations which appear to be contrary to this, with the exception of actions undertaken at the request or under the direct control of a judicial authority;
20. **"Member State or Member States"** means a Member State or Member States party to the Treaty of the Economic Community of West African States (ECOWAS);
21. **"Official"** means any customs official or official of other public service designated by the customs administration;
22. **"Commission official"** shall mean any employee of the Commission of the Economic Community of West African States (ECOWAS) or any other person designated by the Commission for the purposes of this Supplementary Act;
23. **Commercial Fraud** Any offence against statutory or regulatory provisions which Customs is responsible for enforcing, committed in order to :
 - evade, or attempt to evade, payment of duties/levies/taxes on movements of commercial goods;
 - and/or
 - evade, or attempt to evade, any prohibition or restrictions applicable to commercial goods;
 - and/or



- receive, or attempt to receive, any repayments, subsidies or other disbursements to which there is no proper entitlement;
 - and/or
 - obtain, or attempt to obtain, illicit commercial advantage injurious to the principle and practice of legitimate business competition;
24. **"Customs Fraud"** means any act by which a person deceives, or attempts to deceive, the Customs and thus evades, or attempts to evade, wholly or partly, the payment of duties and taxes or the application of prohibitions or restrictions laid down by Customs law or obtains, or attempts to obtain, any advantage contrary to Customs law, thereby committing a Customs offence;
25. **"Related offense"** means any infringement of the laws and regulations, the prevention and repression of which, the customs administration consider it necessary;
26. **"Undercover"** means the customs officers empowered and under the conditions provided for by this Supplementary Act and national legislation, to supervise persons suspected of committing serious offenses, but however posing with these persons, as one of their co-perpetrators, accomplices, or interested in the fraud;
27. **"Information"** means any data processed or not, analyzed or not, and any document, report, and other communication in any form, including electronic and certified copies thereof;
28. **"Customs offense"** means any violation or attempted violation of customs law;
29. **"Risk management"** means the systematic detection of risks and the implementation of all the measures necessary to limit exposure to risks. This term covers activities such as data and intelligence gathering, risk analysis and assessment, prescription and measures as well as regular monitoring and evaluation of the process and its results on the basis of international, community and national sources and strategies;
30. **"Community working languages"** means the languages referred to in Article 87 (2) of the Revised Treaty, namely, English, French and Portuguese;
31. **"Customs law"** shall mean any legal and administrative provisions applicable or enforceable by the Customs administration of a Contracting Party in connection with the importation, exportation, transshipment, transit, storage and movement of goods, including legal and administrative provisions relating to measures of prohibition, restriction and control, and to combating money laundering;
32. **"Controlled Delivery"** means the method of permitting the passage through the territory of one or more States of illicit or suspected shipments, to the knowledge and control of the competent authorities of those States, to investigate an offense and identify those involved in its commission;
33. **"Person"** means either a natural person or a legal person or, where the possibility is provided for by the regulation in force, an association of persons recognized as having the capacity to perform legal acts without having the legal status of a legal person;



34. **"Community customs rules"** means all Community provisions and national provisions adopted pursuant to Community rules governing the import, export, transit and residence of goods traded between Member States and third party countries, and between Member States as regards goods of non-Community origin;
35. **"National customs rules"** means the laws, regulations or administrative provisions of a Member State, the application of which falls wholly or partly within the competence of the customs administration of that State;
36. **"Intelligence"** means any information processed and / or analyzed to provide details of a customs offense;
37. **"Risk"** means the likelihood of occurrence, in connection with the entry, exit, transit, transfer or particular destination of goods moving between the customs territory of the Community and countries outside those territories or with the presence of non-Community goods, of an event which would result in:
- Hindering the correct application of Community or national measures,
 - Prejudice to the financial interests of the Community and its Member States,
 - Posing a threat to the safety and security of the Community, to public health, environment or to consumers;
38. **"Customs territory of the Community"** means all the customs territories of the Member States, as defined by Article 3 of the Community Customs Code;
39. **"Treaty"** means the Revised Treaty of the Economic Community of West African States (ECOWAS) and its subsequent amendments.
40. **"Physical Cross-border movement of cash and bearer negotiable instruments"**: means any physical entry or exit of cash or negotiable instruments from one country to another. The term covers the following modes of transport: (i) physical transport by a natural person, in the accompanying luggage of that person or in his vehicle; (ii) shipment of cash or negotiable instruments by cargo in containers; and (iii) mailing by a natural or legal person of cash or negotiable instruments
41. **"Traveler"** means
- Any person who temporarily enters the customs territory of the Community where he/she does not have his normal place of residence ("non-resident"), or who leaves that territory, and
 - Any person who leaves the customs territory of the Community where he has his/her normal residence ("resident leaving the customs territory of the Community") or who returns to the customs territory of the Community ("resident returning to the customs territory of the Community").



CHAPTER II

SCOPE AND GENERAL PROVISIONS

ARTICLE 2: EXERCISE OF ADMINISTRATIVE ASSISTANCE

1. Member States shall assist and cooperate through their customs administrations under the conditions laid down in this Supplementary Act, with a view to the appropriate application of the Community customs rules to prevent, investigate and combat customs offenses, and related offenses, including money laundering, the financing of terrorism and the proliferation of small arms and weapons, use of weapons of mass destruction and to ensure the security of the international supply chain.
2. For the purpose of achieving this objective, the customs administrations of the Member States are encouraged to cooperate with the Financial Intelligence Units (FIUs) to strengthen and facilitate, where appropriate, the exchange of information, including information on physical cross-border transport of cash and other means of payment, in accordance with the required provisions in force. Customs administrations are also encouraged to cooperate with Tax administrations in order to contribute to the fight against tax evasion.
3. Any activity performed by a Member State under this Supplementary Act shall be in accordance with the laws and administrative provisions which it applies and within the limits of the competence and means available to its customs administration.
4. Each Member State shall notify the Commission of the powers authorized by national laws and designated by a Member State for the purpose of applying the provisions of this Supplementary Act.
5. The Commission shall communicate this information, as well as any updates to the other Member States.
6. This Supplementary Act covers only mutual administrative assistance between Member States provided for in article 2, paragraph 1 above, and does not preclude the application of mutual administrative assistance in other areas. .
7. If mutual assistance is to be provided by other authorities to the requesting Member State, the requesting administration shall specify the names of those authorities.
8. The provisions of this Supplementary Act do not give any person the right to obstruct the execution of a request for assistance.

ARTICLE 3: CENTRAL COORDINATION SERVICE

1. Member States shall designate within their customs administrations a central unit responsible for receiving requests for mutual assistance under this Supplementary Act and for coordinating mutual assistance. Without prejudice to paragraph 2 below, this service shall also be responsible for cooperation with other authorities involved in an assistance measure under this Supplementary Act.
2. Even if States have discretion in the granting of assistance or use of information obtained under the Supplementary Act, it is preferable that responsibility for the matter



be the sole preserve of the customs administration Head Office, in this case the service in charge of intelligence and fight against fraud.

3. The central coordinating services designated by the Member States shall maintain the necessary direct contact with each other. However, where the exchange of information concerns particular categories of activities and cases of urgency, direct and prompt contact between the other services of the customs authorities of the Member States may be the only means of rendering assistance effectively.
4. If the processing of an application is not, or only partly, within the competence of the customs authority, the Central Coordination Service shall forward the request to the competent national authority and inform the requesting authority accordingly.
5. If the request cannot be accepted for legal or factual reasons, the coordination service shall refer the request to the requesting authority together with the statement of reasons for the impediment.

ARTICLE 4: CUSTOMS ATTACHES

1. Member States may agree to exchange customs attachés for a fixed or indefinite period and under mutually agreed conditions.
2. In order to promote cooperation between the customs administrations of the Member States and subject to paragraph 3 below, the customs attachés may:
 - (a) Facilitate and accelerate the exchange of information between their home State and the host country;
 - (b) Assist with investigations concerning their State of origin or the Member State they represent;
 - (c) Participate in the processing of requests for assistance;
 - (d) Advise and assist the host country in the preparation and execution of cross-border operations;
 - (e) Carry out any other task that the Member States may agree among themselves.
 - (f) facilitate and accelerate the movement of goods between the host country and their State of origin or the member state duly represented in accordance with paragraph 3 below.
3. Member States may agree, bilaterally or multilaterally, on the mandate and location of the customs attachés. Customs attachés may also represent the interests of one or more other Member States.

CHAPTER III

GENERAL CONDITIONS FOR ASSISTANCE

ARTICLE 5: COMMUNICATION OF REQUESTS

1. The requests for assistance referred to in this Supplementary Act shall be communicated directly between the customs administrations concerned.

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Each customs administration shall designate an official correspondent within the Central Coordination Service for this purpose and communicate the contacts to the Commission.

(b) The Commission shall provide this information and any updates thereof to the other customs administrations.

2. Requests for assistance under this Supplementary Act shall be made in writing or electronically, and shall be accompanied by any information deemed useful for the purpose of complying with such requests. The requested administration may require written confirmation of electronic requests.

Where the circumstances so require, requests may be made verbally. Such requests shall be confirmed as soon as possible either in writing or, if acceptable to the requested and requesting administrations, by electronic means.

3. Requests made in writing shall be submitted in one of the working languages of the Community.

4. Requests made in accordance with paragraph 2 of this article shall include the following information:

- (a) The name and contact details of the requesting administration;
- (b) The matter at issue, the type of assistance requested and the reasons for the request;
- (c) A summary of the matter in question and its administrative and legal aspects;
- (d) The names and addresses of the persons to whom the application relates, if known;
- (e) Verifications made in accordance with Article 9 (2).
- (f) Any other information deemed relevant

5. Where the requesting administration requests that a particular procedure or method be followed, the requested administration shall grant that request, subject to its national laws and administrative provisions in force.

ARTICLE 6: SPONTANEOUS ASSISTANCE

1. In cases which could involve serious damage to the economy, public health, public safety, including the security of the international supply chain, or any other vital interest of a Member State or the Community, the customs administration of any Member State shall provide the customs authority of that Member State or the customs authorities of the other Member States with assistance on its own initiative.
2. Where they consider it useful for compliance with Community or national customs rules, the customs authorities of each Member State shall:



- (a) Exercise or cause to be exercised, as far as possible, the special surveillance defined in Article 13 below;
- (b) Communicate to the customs authorities of the other Member States concerned, in particular in the form of reports and other documents, or certified true copies or extracts thereof, all information available to them concerning transactions which are or appear to them to be contrary to the aforementioned regulations.

3. The customs authorities of each Member State shall forthwith communicate to the customs authorities of the other Member States concerned all relevant information relating to operations which are contrary to or which appear to them to be contrary to Community customs legislation, and in particular relating to the goods and the new means or methods used to carry out those operations.

4. The customs authorities of each Member State shall forthwith communicate to their national Financial Intelligence Unit (FIU) all relevant information relating to operations which are contrary to or which appear to them to be contrary to the rules on foreign financial relations and in particular those relating to seizures of cross-border physical transport of cash and other negotiable instruments in the event of non-declaration, misrepresentation or incomplete declaration or in case of suspicion of money laundering or terrorism financing.

5. The customs authorities and the Financial Intelligence Units (FIU) may spontaneously exchange information concerning facts which may reveal a threat to the Community's fundamental interests in the area of public security and safety as well as information on facts likely to be the subject of fraud or attempted customs fraud.

6. The customs authorities of each Member State shall forthwith communicate to the customs authorities of the other Member States concerned or likely to be concerned all relevant information at their disposal relating to operations which are known or suspected to constitute, or which seem likely to give rise to smuggling of works of art, antiques or other cultural property, and endangered species of wild flora and fauna.

CHAPTER IV

INFORMATION

ARTICLE 7: INFORMATION FOR THE PURPOSES OF APPLICATION OF CUSTOMS LAW.

1. Customs administrations shall provide each other, on request or on their own initiative, with information which may help to ensure compliance with Community customs rules as appropriate, and to prevent, investigate and combat customs offenses and to ensure the security of the international supply chain. This information may relate to:



- (a) Emerging risks in the international supply chain ;
 - (b) new anti-fraud techniques that have been proven effective;
 - (c) new trends, means and methods used to commit customs offenses;
 - (d) goods known to be subject of customs offenses, and the methods used to transport or store such goods;
 - (e) persons who have committed or are suspected of committing customs offenses;
 - (f) any other data that may assist customs administrations in assessing risks for control and facilitation purposes.
 - (g) **new means or methods used for the smuggling of narcotic drugs and psychotropic substances, works of art and antiques, cultural property and endangered species of wild flora and fauna.**
2. At the request of the requesting authority, the requested authority shall communicate to the applicant authority, in particular in the form of reports and other documents, or certified true copies or extracts thereof, any information available to it or obtain on the basis of recorded or planned transactions which are or appear to be contrary to Community customs rules or, where applicable, the results of the surveillance undertaken pursuant to Article 13 below.
3. In order to obtain the information requested, the requesting authority, or the administrative authority concerned, shall proceed as if acting on its own behalf or at the request of another authority of its own State.

ARTICLE 8: INFORMATION RELATING TO CUSTOMS AND OTHER RELATED OFFENSES

The customs administration of a Member State shall provide to the customs administration of the other Member States, on its own initiative or on request, information on planned, ongoing or completed activities which constitute a reasonable presumption that a customs offense has been or is being committed in the territory of a Member State, or in the Community customs territory.

ARTICLE 9: INFORMATION FOR THE ASSESSMENT OF IMPORT AND EXPORT DUTIES AND TAXES

1. On request, the requested administration shall communicate for the purposes of the appropriate application of the Community customs rules or the prevention of customs fraud, information likely to assist the requesting administration which has reason to doubt the veracity or the accuracy of a declaration.
2. The application must specify the verification procedures that the requesting administration has applied or attempted to apply, as well as the specific information requested:
- a. With respect to the customs value of the goods, commercial invoices presented to the customs of the country of export or import or copies of such invoices authenticated by customs, as the circumstances require, the documentation



- b. providing the prices for export or import, a copy or a copy of the declaration of value made at the time of export or import of the goods, commercial catalogs, current prices and any other information published in the country of export or country of import;
- c. With regard to the tariff description of the goods, the analysis carried out by the laboratories for the determination of the declared tariff description, either on importation or on exportation;
- d. As regards the origin of the goods, the declaration of origin established, where appropriate in accordance with the rules of origin of Community products. When this declaration is required, the customs procedure under which the goods were in the country of export (release for home consumption, transit, warehouse, temporary admission, free zone and drawback).

ARTICLE 10: PARTICULAR TYPES OF INFORMATION

Upon request, the requested administration shall provide the requesting administration, which has reason to doubt the accuracy of the information presented in customs matters, with information concerning:

- (a) the regularity of the export from the territory of a Member State of goods imported into the customs territory of the requesting Member State;
- (b) the regularity of the importation into the requested Member State of the goods exported from the customs territory of the requesting Member State, and the customs procedure under which the goods may have been placed.
- (c) the regularity of the transit, in the requested State, of goods exported / imported to or from the requesting State;
- (d) the regularity of declarations of cross-border physical transport of cash and other negotiable bearer instruments;
- (e) Authenticity of official documents submitted in support of a customs declaration of goods

ARTICLE 11: AUTOMATIC EXCHANGE OF INFORMATION

The Customs Administrations of Member States may, in accordance with the provisions of this Supplementary Act, exchange information covered by this Supplementary Act automatically.

ARTICLE 12: ADVANCE EXCHANGE OF INFORMATION

1. The customs administrations of the Member States may exchange specific information preferably by electronic means, prior to the arrival of consignments within the Community customs territory to allow for adequate risk assessment and ensure, in particular, the security of the international supply chain.



2. Customs administrations of member states may exchange information in advance regarding travelers who are cash couriers in order to prevent illicit cross-border transportation of cash and bearer negotiable instruments.
3. Customs administrations of member states may exchange information in advance on any person entering the community customs territory where that person is suspected of terrorism, terrorist financing, trafficking in narcotic and psychotropic substances and other illicit substances.
4. To the extent possible, this information shall include the following:
 - i. shipper or code of the shipper or exporter or code of the exporter;
 - ii. Traveler's identity (passport, National Identity Card, travel document)
 - iii. description of the goods or tariff code number;
 - iv. code number indicating a dangerous substance;
 - v. marks of package;
 - vi. number of packages;
 - vii. unit of measurement used;
 - viii. gross total weight;
 - ix. total invoice bill;
 - x. financial regulation
 - xi. currency code;
 - xii. place of loading or code;
 - xiii. carrier identification or carrier name;
 - xiv. equipment identification number;
 - xv. size of equipment and type identification;
 - xvi. seal number;
 - xvii. identification of the means of transport crossing the border of the Customs territory of the Community ;
 - xviii. nationality of the means of transport used in crossing the border of the Customs territory of the Community;
 - xix. reference number of the mode of transport;
 - xx. method of payment of freight charges or code;
 - xxi. customs office of exit or code;
 - xxii. country located on the route or code;
 - xxiii. first place of arrival or code;
 - xxiv. date and time of arrival at the first place of arrival on the territory of the Member State or the Customs territory of the Community or code;
 - xxv. consignee or code or importer or code;
 - xxvi. party to be notified or code;
 - xxvii. place of destination of the load;
 - xxviii. agent or code;
 - xxix. unique consignment reference number.



5. The Management Committee referred to in Article 50 below shall be entitled to amend the list referred to in paragraph 3 of this Article.

CHAPTER V

SPECIAL CASES OF ASSISTANCE

ARTICLE 13: SURVEILLANCE

1. Upon request, the requested administration shall, as far as possible, maintain surveillance over and provide information to the requesting customs administration on:

- a. goods transported or in storage where requesting Administration of the Member State knows or suspects of being used to commit a customs offense in the territory of its State or the Customs territory of the Community;
- b. the means of transport that the Customs Administration of the requesting Member State knows or suspects of being used to commit a customs offense in the territory of its State or the customs territory of the Community;
- c. premises that the Customs Administration of the requesting Member State knows or of being used in connection with the commission of a customs offense in the territory of its State or the customs territory of the Community;
- d. persons who have committed or are suspected of committing a customs offense in the territory of the requesting Member State or the customs territory of the Community, including those entering or leaving the territory of the requested Member State.

2. The customs administration of a Member State may continue to exercise such surveillance on its own initiative if it has reason to believe that planned, ongoing or completed activities appear to constitute a customs offense in the Community customs territory.

3. On request, the requested administration shall, to the extent of its competence and ability, maintain special surveillance for a specified period over the movements, particularly the entry into and exit from its territory, of particular persons which the requesting administration reasonably believes to be professionally or habitually engaged in the smuggling of works of art, antiques or other cultural property and endangered species of wild flora and fauna in its territory or in the Community Customs territory.



ARTICLE 14: ADMINISTRATIVE INQUIRIES

1. At the request of the requesting authority, the requested authority shall make or cause to be carried out appropriate administrative inquiries concerning operations which are or appear to the requesting authority to be contrary to the Community customs rules.
2. In carrying out these administrative inquiries, the requested authority, or the administrative authority concerned by the latter, shall proceed as if acting on its own behalf or at the request of another authority of its own State.
3. The requested authority shall communicate the results of these administrative inquiries to the requesting authority as soon as practicable.

ARTICLE 15: CONTROLLED DELIVERY

1. Member States may authorize the movement of illicit or suspicious goods upon their exit, transit or entry, with the knowledge and control of the customs administration, for the purpose of combating a customs offense and identify those involved in its commission;
2. If such movements cannot be established under the control of the customs authority, the latter shall endeavor to co-operate with the national authorities empowered for that purpose or entrust the case to the said authorities.

ARTICLE 16: NOTIFICATION

1. Upon request, the requested administration shall, to the extent permissible under its national law, take all necessary measures to notify a resident or established person of its territory of any decision concerning that person taken by the requesting administration pursuant to Community customs legislation and falling within the scope of this Supplementary Act.
2. This notification shall be made in accordance with the formalities applicable in the territory of the requested Member State in respect of similar decisions taken at the national level.

ARTICLE 17: RECOVERY OF CUSTOMS DEBTS

1. Customs Administrations may, upon request, assist each other in the recovery of customs debts.
2. The detailed arrangements for assistance in the recovery of customs debts shall be adopted by the Member States concerned or, as the case may be, by Community rules.

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ARTICLE 18: EXPERTS AND WITNESSES

1. Upon request, the requested administration may authorize its officials to testify before a court or tribunal in the territory of the requesting Member State as experts or witnesses in connection with a case relating to the application of customs law.
2. Customs administrations may use third parties for the purposes of applying Articles 13, 14, 15 and 17 of this Supplementary Act, without prejudice to the application of Community and national laws and regulations in force.

ARTICLE 19: PRESENCE OF OFFICIALS IN THE TERRITORY OF ANOTHER MEMBER STATE

On request, and for the purpose of investigating a customs offense, officials specially designated by the requesting administration may, with the authorization of the requested administration, and subject to the conditions laid down where appropriate by the latter:

- (a) examine, in the offices of the requested administration, documents and any other information in respect of that Customs offence, and be supplied with copies thereof;
- (b) be present during an inquiry conducted by the requested administration in the territory of the requested member states, which is relevant to the requesting administration; these officials shall only have an advisory role.

ARTICLE 20: PRESENCE OF OFFICIALS OF THE REQUESTING ADMINISTRATION AT THE INVITATION OF THE REQUESTED ADMINISTRATION.

1. Where the requested administration considers it appropriate for an official of the requesting administration to be present when measures of assistance are carried out pursuant to a request, the requested administration may invite the participation of that official, subject to any terms and conditions it may specify.
2. The Customs administrations concerned may, by mutual arrangement, expand the role of the visiting official beyond an advisory one.

ARTICLE 21: PROVISIONS RELATING TO OFFICIALS ON MISSION ABROAD

1. Without prejudice to Articles 22, 23, 24, 25, 26, 27 and 28, where officials of a Member State are present in the territory of another Member State in accordance with this Supplementary Act, they shall at all times be able to provide proof of their identity and official status in their administration, as well as the official status granted to them in the territory of the requested customs administration.
2. While in the territory of another Member State in accordance with the provisions of this Supplementary Act, officials on mission abroad shall be responsible for any offense they may commit and receive, to the extent permitted by of the Member State in which they are located, of the same protection as that accorded to the customs officials of that Member State.



CHAPTER VI

COOPERATION IN THE DEVELOPMENT AND ANALYSIS OF EXTERNAL TRADE STATISTICS AND IN THE PREPARATION AND IMPLEMENTATION OF CUSTOMS TRAINING ACTIVITIES

ARTICLE 22: COOPERATION FOR THE DEVELOPMENT AND ANALYSIS OF EXTERNAL TRADE STATISTICS ACROSS COMMON FRONTIERS

1. The competent authorities of the Member States shall provide mutual assistance for the compilation of statistics on the exchange of goods imported, exported, transited or re-exported through common frontiers. For this purpose, each customs office of export shall communicate to the customs office of importation of the neighbouring country a monthly statement, by tariff heading, of the quantities exported to the latter country.
2. At the request of the competent administration of a Member State, the competent authority of the requested Member State shall carry out investigations in order to check the accuracy of the results of the statistics prepared by the requesting administration for the exchange of goods imported, exported or re-exported through common borders.

ARTICLE 23: COOPERATION IN THE PREPARATION AND IMPLEMENTATION OF CUSTOMS TRAINING ACTIVITIES

The competent authorities of the Member States shall assist one another in the preparation and implementation of customs training activities. This provision applies to:

- a. The design and implementation of common training institutions or activities;
- b. The invitation sent by the competent administration of a Member State to the competent authorities of the other Member States to designate officials who participate in training courses or other vocational training activities with a view to improving their knowledge about formalities, procedures and other matters of mutual interest.

CHAPTER VII

CROSS-BORDER COOPERATION

ARTICLE 24: GENERAL PROVISIONS

1. The officials of a Member State may, on the basis of a mutual agreement concluded, undertake the activities referred to in this Chapter, in the territory of another Member State and in accordance with the additional conditions laid down, where appropriate, by the Member State in whose territory these activities take place. These activities come to an end as soon as the Member State in whose territory they take place so requests.



Administrations provide each other with the necessary assistance in terms of personnel and organization. Any request for cooperation must be made in principle in the form of a request for assistance within the meaning of Article 5.

The coordination and planning of cross-border operations is the responsibility of the central coordination services referred to in Article 3.

2. Cross-border co-operation within the meaning of paragraph 1 may be conducted for the purpose of preventing, investigating and repressing offenses in the following cases:
 - a. Illicit traffic in drugs and psychotropic substances, weapons, ammunition, explosives, cultural property, hazardous and toxic wastes;
 - b. Cross-border illegal trade in taxable goods, practiced in violation of tax obligations
 - c. Any other trade in goods prohibited by Community or national customs regulations.
 - d. Any financial transaction related to commercial operations or cross-border physical transport subject to anti-money laundering and terrorism financing legislation.
 - e. smuggling of works of art, antiques or other cultural property and endangered species of wild flora and fauna

ARTICLE 25: HOT PURSUIT

1. Officials of a member state pursuing in their territory a person observed in the act of committing a Customs offence and is liable to be extradited or who has participated in such an offense may continue pursuit in the territory of another Member State, subject to prior request, authorization and compliance with any conditions laid down by the requested Member State, as the case may be.
2. Such pursuit may continue without prior authorization where, for reasons of extreme urgency, it has not been possible to inform the competent authorities of the Member State before entering its territory or when the said authorities have not been able to ensure the active prosecution of the offenders themselves.
3. Where the pursuit takes place without prior authorization, the competent authorities of the Member State in whose territory the pursuit is taking place shall be informed as soon as the border is crossed and a formal request for authorization indicating the reasons for the crossing of the border, without prior authorization, is presented without delay.
4. At the request of the officials participating in the pursuit, the competent authorities of the Member State in which the proceedings are taking place shall summon the person being pursued to establish his identity or to detain him.
5. When the pursuit takes place at sea, and when it continues on the high seas, international law on the sea, which is subject to the United Nations Convention on the Law of the Sea, is applied.



ARTICLE 26: CROSS-BORDER SURVEILLANCE

1. Officials of a Member State who, in the territory of the Member State, keeping under surveillance of an individual in respect of whom there is a strong presumption of involvement in a customs offense may, subject to a prior request, authorization and compliance with any condition laid down by the requested Member State, continue their surveillance in the territory of the other Member State.
2. If, for particularly urgent reasons, prior authorization cannot be requested, surveillance pursuant to paragraph 1 of this Article may be continued provided that the competent authorities of the member state in whose territory the surveillance is to be continued, are immediately informed of the crossing of the border and a formal request for authorization, outlining the grounds for crossing the border without prior authorization, is submitted as soon as possible.
3. Customs administrations may conclude memoranda of understanding on joint surveillance arrangements from the perspective of integrated border management.

ARTICLE 27: UNDERCOVER INVESTIGATIONS

1. A Requested Member State may authorize the officials of a requesting Member State to investigate, in its territory, a false identity in cases where it would be extremely difficult to elucidate or clarify facts relating to a customs offense without using this survey technique. The officials concerned are authorized to gather information and to establish contacts with the individuals being investigated or with persons close to them in the course of their investigation activities.
2. Such investigations shall be conducted in accordance with the national legislation and procedures in force in the territory of the Member State in which they are taking place.

ARTICLE 28: JOINT CONTROL OR INVESTIGATING TEAMS

1. Member States may establish joint control or investigation teams to detect and prevent specific types of customs offenses requiring simultaneous and coordinated activities.
2. These teams operate in accordance with the laws and procedures of the Member State in whose territory such investigations are taking place.

CHAPTER VIII RELATIONS WITH THE COMMISSION

ARTICLE 29: COMMUNICATION OF INFORMATION BY MEMBER STATES

1. The Customs authorities of each Member State shall notify the Commission as soon as they have available:
 - a. Any information that appears useful to them regarding:


20



- goods which have been or are alleged to have been the subject of operations contrary to the Community customs rules;
- the methods and processes used or alleged to have been used to transgress (contravene) the Community customs rules;
- requests for assistance, actions taken and information exchanged which may reveal trends of customs fraud or smuggling of works of art, antiques or other cultural property and endangered species of wild flora and fauna.

b. Any information concerning shortcomings or deficiencies in the Community customs rules for which the application of that law, has made possible to identify or to assume.

2. The Commission shall communicate to the customs authorities of Member States, as soon as it has available, all information likely to enable them to ensure compliance with Community rules.

ARTICLE 30: COMMUNICATION OF INFORMATION BY THE COMMISSION

1. Where operations contrary to or appearing to be contrary to Community customs rules are established by the customs authorities of a Member State and of particular interest at Community and regional level, in particular:

- where they have or could have ramifications in other Member States, where
- when similar operations appear to those authorities which may have also been carried out in other Member States;

those authorities shall, as soon as possible, on their own initiative or at the reasoned request of the latter, communicate to the Commission all appropriate information, if necessary in the form of documents or copies or extracts of documents, necessary for the knowledge of the facts in question in respect of the coordination by the Commission of the actions of the Member States.

The Commission shall communicate this information to the customs authorities of the other Member States.

2. Where the Commission considers that irregularities have been committed in one or more Member States, it shall inform the Member State (s) concerned and the latter or those Member States shall, as soon as possible, carry out an administrative investigation of which the Commission officials may be present in accordance with Articles 20 and 28.

3. As soon as possible, the Member State (s) concerned shall communicate to the Commission the conclusions reached following the investigation



CHAPTER IX

USE, CONFIDENTIALITY AND PROTECTION OF INFORMATION

ARTICLE 31: USE OF INFORMATION

1. Without prejudice to the provisions of Article 44, the information communicated in accordance with this Supplementary Act shall be used only by the customs administration for which it is intended and for the sole purpose of administrative assistance under the conditions laid down in this Supplementary Act.
2. Upon request, the Member State which provided the information may, notwithstanding paragraph 1 of this article, authorize its use for other purposes or by other authorities, subject to the terms and conditions established by the Member State.
3. This use is in accordance with the legislative and administrative provisions of the Member State wishing to use the information.
4. The use of information for other purposes includes investigations, judicial procedures and pursuits.

ARTICLE 32: CONFIDENTIALITY AND PROTECTION OF INFORMATION

1. Information communicated in accordance with this Supplementary Act shall be treated as confidential and shall enjoy protection and a degree of confidentiality at least equivalent to that provided for information of the same nature in the laws and administrative provisions of the State Member that receives them.
2. Member States shall inform the Commission in writing of the national laws and administrative provisions in force concerning the confidentiality of information and the protection of personal data.
3. They undertake to respect at least the provisions of this Supplementary Act relating to the confidentiality of information and the protection of information.
4. The competent authorities should ensure an appropriate level of confidentiality for any request for cooperation and information exchanged, so as to protect the integrity of investigations or search for information, while respecting the obligations of both parties with regard to compliance, privacy and data protection. The competent authorities should, at a minimum, protect the information exchanged in the same way as they protect similar information received from national sources.

ARTICLE 33: PROTECTION OF PERSONAL DATA

1. Personal data shall be communicated exclusively to a customs administration or to the Commission under the conditions set out in Supplementary Act A/SA.1/01/10 of 16 February, 2010 on the protection of personal data in the ECOWAS region. The communication of personal data to other authorities is permitted only with the prior consent of the customs administration which provided them.



2. Upon request, the customs administration receiving the personal data shall inform the customs administration which supplied them of the use made of them and the results obtained.
3. The personal data provided under this Supplementary Act shall be retained only for the time necessary to fulfill the purposes for which they were provided.
4. The customs administration providing personal data shall, to the extent possible, ensure that the data have been collected in a fair and lawful manner that it is accurate and up-to-date and is not excessive in relation to the purposes for which they were provided.
5. If personal data supplied is found to be incorrect or should not have been exchanged, this shall be notified immediately. The Customs administration that has received such data shall amend or delete it.
6. The customs administrations or the Commission shall record the communication or receipt of personal data exchanged under this Supplementary Act.
7. The customs administrations or the Commission shall take the necessary security measures to ensure that personal data exchanged under this Supplementary Act are not consulted, modified or disseminated without authorization.
8. Each Member State shall be liable, in accordance with the said Supplementary Act and its legislative and administrative provisions, for the injury caused to a person as a result of the use of personal data exchanged under this Supplementary Act. The same shall apply where the loss is due to the Member State which has supplied information that is inaccurate or contrary to the provisions of this Supplementary Act.

ARTICLE 34: OBJECT OF CENTRALIZATION

1. With a view to centralizing the information provided for in Articles 35, 36 and 37 provided by the customs administrations, a secure central automated information system shall be set up.
2. This system shall be managed at the Commission's headquarters or at any place designated by it.
3. This information is placed in the system for the purposes of risk assessment, to properly enforce customs regulations; prevent and investigate customs offenses and ensure the security of the international supply chain.
4. Personal data is placed in the system to provide information on persons who have committed or suspected of committing a crime.

ARTICLE 35: NON-PERSONAL INFORMATION

1. For the purposes of Article 34, customs administrations shall provide the Central Automated Information System with the following non-personal information:
 - i. information about the case reference, if any;
 - ii. nature of the goods;



- iii. quantities and unit of measure;
- iv. means of transport;
- v. concealment method;
- vi. whether the goods were discovered on import, export, in transit or in the territory;
- vii. itinerary;
- viii. means of detection.

2. The Management Committee may amend the list referred to in paragraph 1 of this Article.

ARTICLE 36: INFORMATION CONCERNING PHYSICAL AND LEGAL PERSONS

1. For the purposes of Article 34, the customs administrations may communicate to the Central Automated Information System the following:

(A) With regard to natural persons:

- i. last name, first name, maiden name, and pseudonym, and previous identities, if any;
- ii. date and place of birth;
- iii. nationality;
- iv. nature and number of identity documents;
- v. sex;
- vi. country of residence;
- vii. nature of the offense;
- viii. profession;
- ix. particular signs;
- x. prior history or suspicion of the person
- xi. registration number of the means of transport;
- xii. itinerary
- xiii. Method of payment of transport tickets
- xiv. indicator of the level of danger that the person represents;
- xv. particular reason for the inclusion of the data;
- xvi. belonging to a criminal organization;
- xvii. known associates.

(B) In the case of legal persons:

- i. company name, trade name;
- ii. country of incorporation of the company;
- iii. registration number;
- iv. Tax Identification Number
- v. Bank Account Number
- vi. Date of Registration
- vii. Trade and Credit Register;



- viii. Registered office;
- ix. Trading address;
- x. nature of business;
- xi. nature of the offense;
- xii. prior history or information on suspected legal persons;;
- xiii. soecific reason for including the data;
- xiv. name of managersor employees and, if applicable, report in accordance with paragraphs (A) i to xv.

2. The Management Committee shall have the power to amend the lists referred to in paragraphs 1 (A) and (B) of this Article.

ARTICLE 37: OTHER INFORMATION

Customs administrations may communicate to the Central Automated Information System any other information relevant for the proper application of customs law, with a view to preventing, investigating and combating customs offenses, and in order to ensure the security of the international logistics chain.

ARTICLE 38: UPDATING AND USE OF INFORMATION

- 1. The Commission uses the information contained in the master file to prepare summaries and studies of new or established trends in customs offenses.
- 2. Upon request, the competent administrations shall furnish the Commission, and subject to the other provisions of this Supplementary Act, any additional information which may be necessary for the preparation of the summaries and studies referred to in paragraph 1 above.
- 3. The Commission shall communicate to the services designated by the competent authorities of the Member States the particular information contained in the master file, as well as the summaries and studies referred to in paragraph 1 above.
- 4. The Commission shall, upon request, furnish to Member States any other information available to it under this Supplementary Act.
- 5. The Commission shall liaise with other relevant international organizations, including the relevant United Nations bodies and the International Criminal Police Organization (ICPO-INTERPOL), in the fight against illicit trafficking in narcotic drugs and psychotropic substances.

ARTICLE 39: COMMUNICATION OF DATA

- 1. The provision of data to the central automated information system by a Member State is subject to the provisions of the Regulations of the Community, unless this Supplementary Act provides for more stringent provisions.



2. Each Member State shall designate a competent authority within the customs administration to be responsible at national level for the proper functioning and security of the central automated information system and for taking the necessary measures to ensure compliance with the provisions of Chapters IX and XI.
3. The Commission shall designate its officials to be responsible at the Commission level for the proper functioning, management of the central automated information system and for taking the necessary measures to ensure compliance with Chapters IX and XI.
4. Each Member State shall notify the Commission of the competent authority designated in accordance with paragraph 2 of this Article.
5. The Commission shall make this information available to other Member States, as well as any other relevant information relating to the officials of the Commission appointed in accordance with paragraph 3 of this Article.

The information referred to in this paragraph shall be incorporated into the central automated information system and shall not, however, fall under the provisions of Chapter VI.

ARTICLE 40: MANAGEMENT OF THE CENTRAL AUTOMATED INFORMATION SYSTEM.

1. A team will be created to manage the central automated information system in relation to the technical, operational and procedural aspects.
2. It shall consist of representatives of the customs administrations of the Member States and officials of the Commission.
3. The composition of the management team is set by the Management Committee.
4. The management team shall establish the procedures governing the technical, operational and procedural aspects concerning:
 - a. the disclosure of information in accordance with Articles 35, 36 and 38;
 - b. access to the central automated information system and the information contained therein, in accordance with Article 46;
5. After approval by the Management Committee of the procedures referred to in paragraph 2 of this Article, the management team shall ensure their implementation.
6. The management team shall report at least once a year to the Management Committee, with regard to the management of the central automated information system pursuant to paragraphs 1, 2 and 3 of this Article, with recommendations as required.

CHAPTER X

SECURITY OF THE CENTRAL AUTOMATED INFORMATION SYSTEM

ARTICLE 41: RESPONSIBILITY FOR SECURITY

1. Member States and the Commission shall be responsible for implementing the measures necessary for the security of the central automated information system.



2. These security measures shall include the following objectives:
 - a. prevent unauthorized access to the equipment used for processing information in the system;
 - b. prevent unauthorized access to the system;
 - c. prevent the unauthorized entry, reading, copying, modification or deletion of any information in the system;
 - d. ensure that it is possible to verify and determine the designated competent authorities and relevant officials of the Commission referred to in Article 39 (1) and (2) who may have access to the central automated information system, and information in the said system;
 - e. ensure that it is possible to control and establish what information has been introduced into the system, when and by whom, and to monitor queries;
 - f. prevent unauthorized reading, copying, modification or deletion of information during data transmission and transport of data media.
3. The independent representative (s) designated pursuant to Article 50, paragraph 1 (f), shall perform access checks and personal data inquiries to ensure that access and queries were admissible and carried out by authorized users. A record of all verifications shall be maintained in the system for reporting to the Management Committee and deleted after twelve (12) months.

ARTICLE 42: IMPLEMENTATION OF SECURITY MEASURES

1. Each Member State shall designate a competent authority within its customs administration for the purpose of implementing at national level the security measures referred to in Article 46 (1);
2. The Commission shall designate its officials responsible at the level of the Commission for the security measures referred to in Article 46 (1).
3. Each Member State shall notify the Commission of the competent authority it has designated in accordance with paragraph 1 of this Article;
4. The Commission shall communicate this information to Member States, as well as any other information concerning Commission officials designated in accordance with paragraph 2 of this Article.
5. The information referred to in the preceding paragraph shall be recorded in the central automated information system; however, this information does not fall under the provisions of Chapter IX.



CHAPTER XI

PROTECTION OF INFORMATION IN THE CENTRAL AUTOMATED INFORMATION SYSTEM

ARTICLE 43: INTRODUCTION OF INFORMATION

The introduction of information into the central automated information system is governed by the Community rules and the legislative and administrative provisions of the Member State providing the information.

ARTICLE 44: USE OF INFORMATION

1. The use of information from the central automated information system shall be subject to Community rules and the laws and administrative provisions of the Member State using them.
2. Member States may use information from the central automated information system only for the purpose of achieving the objective referred to in Article 36.
Upon request, the Member State which provided the information may, however, authorize its use for other purposes, subject to the terms and conditions it may have established.
The use of information for other purposes includes judicial investigations, proceedings and prosecution.
3. Under the responsibility of the Commission, Commission officials may use information from the central automated information system only for the purpose of carrying out the tasks provided for in this Supplementary Act, subject to any conditions laid down by the Management Committee.
4. Personal data may only be used provided that they have been obtained from the central automated information system in accordance with Article 46 (7).

ARTICLE 45: RETENTION OF PERSONAL DATA

1. Personal data included in the central automated information system shall be kept only for the time necessary to achieve the purpose for which it was supplied. Each Member State shall specify the period of retention in the system of any personal data they supply.
2. The Member State which provided the personal data may extend the data retention period referred to in paragraph 1 of this Article where such retention is necessary to achieve the purpose for which it was introduced.

If the period is not extended, the data is automatically deleted at the initiative of the Member State which provided the personal information.

3. The Commission shall inform the Member State which provided the personal data of the impending deletion referred to in paragraph 2 of this Article, one (1) month in advance.



4. Independent representative(s) appointed under paragraph 1 (f) of Article 50 shall carry out verifications to determine that the retention period for personal data in the central automated information system is respected.
5. A record of the verifications carried out is kept to be reported to the Management Committee and is deleted after twelve (12) months.

ARTICLE 46: ACCESS

1. Access to the central automated information system shall be granted to the competent authorities and officials of the Commission designated in Article 42.
2. For the purposes of Article 34 and without prejudice to paragraph 7 of this Article, the Member States and the Commission shall respectively designate their customs administration officials and Commission officials, who shall have access to information from the Central automated information System.
3. Access to the system shall be governed by the procedures referred to in Article 50.
4. For the purpose of the application of Article 50, the management team shall have access to the central automated information system.
5. The Management Committee may allow international or regional governmental organizations access to the non-personal information of the central automated information system, on the basis of reciprocity and subject to any conditions set by the Management Committee.
6. The representative(s) designated by the Management Committee under paragraph 1 (f) of Article 50 shall have access to the central automated information system.
7. Each Member State shall send to the Commission a list of officials designated by it in accordance with paragraph 2 of this article.
8. The Commission shall make this information available to all Member States, as well as any relevant information relating to the Commission officials designated in accordance with that paragraph.
9. This information is integrated into the central automated information system and does not fall under the provisions of Chapter VIII.
10. Member States may designate the persons entitled to have access, or those not entitled to access, to the personal data they have provided.
11. As regards access to personal data in the central automated information system, natural persons exercise their rights, in particular their right of access, in accordance with the laws and administrative provisions in force in the territory of the Member State in which these rights are invoked.



ARTICLE 47: MODIFICATION OF NON-PERSONAL INFORMATION IN THE CENTRAL AUTOMATED INFORMATION SYSTEM

1. Non-personal information in the central automated information system shall be amended, supplemented, corrected or deleted only at the initiative of the Member State which provided it.
2. Non-personal information shall be amended, supplemented, corrected or deleted in accordance with the procedures laid down and implemented by the management team in accordance with the provisions of Article 50.

ARTICLE 48: MODIFICATION OF PERSONAL DATA IN THE CENTRAL AUTOMATED INFORMATION SYSTEM

1. Only the Member State providing the data may undertake to modify, supplement, correct or delete the personal data it has entered into the central automated information system.
2. If a Member State finds that the personal data it has provided is inaccurate or that it has been entered or is stored in the automated central information system contrary to this Supplementary Act, it shall arrange for the amendment, supplementation, correction or deletion of this personal data without delay.
3. If a Member State has evidence suggesting that an inaccurate personal data has been introduced or is stored in the central automated information system contrary to this Supplementary Act, it shall inform the Commission as soon as possible. The Commission shall verify the data in question and, if necessary, proceed without delay with its modification, addition, correction or erasure. The Member State providing such data shall agree with the Commission to inform the Member States of any additions, modifications, corrections or deletions made.
4. If, when introducing personal data into the Central Automated Information System, a Member State finds out that its data contradicts data provided by another Member State, it shall immediately notify that Member State. The Member States concerned then endeavor to settle the case. If it results in a modification, addition, correction or erasing personal data, the Member State providing the data shall agree with the Commission to inform the Member States referred to in Article 46 (7) thereof.
5. When a court or other competent authority in the territory of a Member State makes the final decision to amend, supplement, correct or erase personal data in the central automated information system, the Member State in which the decision is taken shall take the necessary steps, when providing the data, to modify, complete, correct or delete the data without delay. Where data has been provided by another Member State, the Member State in which the decision is taken shall inform the person who provided the data. The latter then takes the necessary measures to modify, complete, correct or delete the data without delay.



ARTICLE 49: RESPONSIBILITIES AND LIABILITIES

1. Each Member State shall be responsible to the extent possible for the accuracy, timeliness and lawfulness of the information it enters into the central automated information system.
2. Each Member State shall be liable, in accordance with its own legislative and administrative provisions or Community rules on the subject, for the damage caused to a person as a result of the use by the Member State concerned of information from the central automated information system. The same shall apply where the injury is caused by the Member State which has supplied information that is inaccurate or contrary to the provisions of this Supplementary Act.
3. If the Member State found liable for the damage in accordance with paragraph 2 of this Article is not the Member State which has supplied the data, the Member States concerned shall agree on the terms and conditions of reimbursement to the liable
4. Each Member State shall be liable, in accordance with its laws and administrative provisions or Community rules on the subject, for the injury caused to a person as a result of the use by Commission officials of information from the central automated information system contrary to the provisions of this Additional Act and provided that this information has been communicated to the system by the Member State concerned.
5. Where the damage is established by a competent judicial authority in the case of paragraph 4 of this Article, the Member State concerned may submit the decision in question to the Management Committee, which shall make a recommendation to the Commission regarding the reimbursement.

CHAPTER XII

MUTUAL ASSISTANCE MANAGEMENT

ARTICLE 50: THE MANAGEMENT COMMITTEE: ALLOCATION AND FUNCTION

1. A Management Committee is hereby established in accordance with Article 22(2) of the Revised Treaty with a view:
 - a. to consider matters relating to the implementation of this Supplementary Act, as well as any proposed amendment thereto;
 - b. to recommend to the Council of Ministers proposals for the amendment of this Supplementary Act;
 - c. to recommend to the President of the Commission proposals for action to be taken by Member States to ensure the uniform interpretation and application of this Supplementary Act;
 - d. to study, in particular, new methods and procedures designed to facilitate the prevention, investigation and repression of offenses relating to illicit trading operations, and to perform all other necessary tasks;



- e. to decide the composition of the management team referred to in Article 40 (1);
 - f. to examine and approve the technical and operational procedures referred to in Article 40 (2) relating to the central automated information system;
 - g. to designate one or more independent representatives for the purposes of the verifications referred to in Articles 41 (2) and 45 (4) and determine the scope, frequency and other terms and conditions of such verifications;
 - h. to determine the conditions referred to in Article 41 (3) concerning the use by Commission officials of information from the central automated information system;
 - i. to determine any condition referred to in Article 46 (4) to allow access to the non-personal information of the central automated information system to international and regional governmental organizations;
 - j. to make recommendations to the Commission regarding any reimbursements referred to in Article 49 (5);
 - k. collaborate with other interested international organizations;
 - l. to consider all matters relating to this Supplementary Act that may be submitted to it;
 - m. to inform the Commission of its decisions.
2. The Management Committee shall decide on amendments to the lists in Articles 12, 35 and 36.
 3. All Member States are members of the Management Committee.
 4. The Management Committee shall establish its own rules of procedure. In the absence of Rules of Procedure at the time of entry into force of this Supplementary Act, the Rules of Procedure of the Committee shall apply until the adoption by the Administrative Committee of its own Rules of Procedure.
 5. Decisions concerning matters relating to this Supplementary Act shall be taken by the Management Committee by consensus.
 6. When a decision cannot be reached by consensus, the decision is then taken by a majority vote.
 7. The Management Committee meets at least once a year. It elects annually its Chairman and Assistant Chairman. The Chairman is the representative of the Member State holding the Presidency of ECOWAS. The Customs administrations of Member States shall submit to the Committee requests for the inclusion of items on the agenda of the sessions of the Administrative Committee.
 8. The Commission shall send the invitation and the draft agenda to the customs administrations of the Member States at least four (4) weeks before the session of the Management Committee.
 9. The Commission shall provides secretarial services to the Management Committee.



CHAPTER XIII

DELEGATION OF POWERS

ARTICLE 51: DELEGATION OF POWERS

The Council of Ministers and the President of the Commission shall, if necessary, take all necessary measures to implement this Supplementary Act. The Management Committee shall propose these measures to the Commission and the latter, except for the cases of measures to be the subject of implementing regulations, recommends them to the Council.

CHAPTER XIV

FINAL PROVISIONS

ARTICLE 52: AMENDMENT AND REVISION

1. Any Member State, the Council of Ministers and the ECOWAS Commission may submit proposals for the amendment or revision of this Supplementary Act.
2. Proposals that do not emanate from the ECOWAS Commission are submitted to it. The Commission shall communicate all proposals to the Member States not later than thirty (30) days after their receipt. The Authority of Heads of State and Government will consider proposals for amendment or revision after a period of three (3) months has been granted to Member States.
3. Amendments or revisions shall be adopted by the Authority of Heads of State in accordance with the provisions of Article 9 of the Revised Treaty of ECOWAS. They shall enter into force upon signature and publication in the Official Journal of the Community.

ARTICLE 53: ENTRY INTO FORCE AND PUBLICATION

1. This Supplementary Act A/SA.6/12/18 shall enter into force upon signature by the President of the Authority of Heads of State and Government. As a result, ECOWAS member states and institutions commit themselves to begin the implementation of its provisions as soon as they enter into force.
2. This Supplementary Act A/SA.6/12/18 will be published by the ECOWAS Commission in the Official Gazette of the Community within thirty (30) days of the date of its signature by the President of the Authority. It will also be published by each Member State in its official Journal thirty (30) days after the Commission has notified it.
3. This Supplementary Act cancels and replaces Convention A / P5 / 5/82 on Mutual Administrative Assistance in Customs Matters signed on 29 May 1982 in COTONOU.

IN WITNESS WHEREOF, WE, HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS ADDITIONAL ACT



DONE IN ABUJA ON 22 DECEMBER 2018

IN ONE ORIGINAL COPY, IN FRENCH, ENGLISH AND PORTUGUESE, THERE THREE (3) TEXTS
ALSO BEING FAITHFUL

Table of Content

CHAPTER I : TERMS AND EXPRESSIONS OF THE SUPPLEMENTARY ACT	4
ARTICLE 1: DEFINITIONS	4
CHAPTER II : SCOPE AND GENERAL PROVISIONS	8
ARTICLE 2: EXERCISE OF ADMINISTRATIVE ASSISTANCE.....	8
ARTICLE 3: CENTRAL COORDINATION SERVICE.....	8
ARTICLE 4: CUSTOMS ATTACHES.....	9
CHAPTER III : GENERAL CONDITIONS FOR ASSISTANCE	9
ARTICLE 5: COMMUNICATION OF REQUESTS	9
ARTICLE 6: SPONTANEOUS ASSISTANCE.....	10
CHAPTER IV : INFORMATION.....	11
ARTICLE 7: INFORMATION FOR THE PURPOSES OF APPLICATION OF CUSTOMS LAW.....	11
ARTICLE 8: INFORMATION RELATING TO CUSTOMS AND OTHER RELATED OFFENSES.....	12
ARTICLE 9: INFORMATION FOR THE ASSESSMENT OF IMPORT AND EXPORT DUTIES AND TAXES	12
ARTICLE 10: PARTICULAR TYPES OF INFORMATION	13
ARTICLE 11: AUTOMATIC EXCHANGE OF INFORMATION	13
ARTICLE 12: ADVANCE EXCHANGE OF INFORMATION.....	13
CHAPTER V : SPECIAL CASES OF ASSISTANCE	15
ARTICLE 13: SURVEILLANCE.....	15
ARTICLE 14: ADMINISTRATIVE INQUIRIES.....	16
ARTICLE 15: CONTROLLED DELIVERY.....	16
ARTICLE 16: NOTIFICATION	16
ARTICLE 17: RECOVERY OF CUSTOMS DEBTS.....	16



ARTICLE 18: EXPERTS AND WITNESSES	17
ARTICLE 19: PRESENCE OF OFFICIALS IN THE TERRITORY OF ANOTHER MEMBER STATE	17
ARTICLE 20: PRESENCE OF OFFICIALS OF THE REQUESTING ADMINISTRATION AT THE INVITATION OF THE REQUESTED ADMINISTRATION.	17
ARTICLE 21: PROVISIONS RELATING TO OFFICIALS ON MISSION ABROAD	17
CHAPTER VI : COOPERATION IN THE DEVELOPMENT AND ANALYSIS OF EXTERNAL TRADE STATISTICS AND IN THE PREPARATION AND IMPLEMENTATION OF CUSTOMS TRAINING ACTIVITIES	18
ARTICLE 22: COOPERATION FOR THE DEVELOPMENT AND ANALYSIS OF EXTERNAL TRADE STATISTICS ACROSS COMMON FRONTIERS	18
ARTICLE 23: COOPERATION IN THE PREPARATION AND IMPLEMENTATION OF CUSTOMS TRAINING ACTIVITIES	18
CHAPTER VII : CROSS-BORDER COOPERATION	18
ARTICLE 24: GENERAL PROVISIONS.....	18
ARTICLE 25: HOT PURSUIT.....	19
ARTICLE 26: CROSS-BORDER SURVEILLANCE	20
ARTICLE 27: UNDERCOVER INVESTIGATIONS.....	20
ARTICLE 28: JOINT CONTROL OR INVESTIGATING TEAMS	20
CHAPTER VIII : RELATIONS WITH THE COMMISSION	20
ARTICLE 29: COMMUNICATION OF INFORMATION BY MEMBER STATES	20
ARTICLE 30: COMMUNICATION OF INFORMATION BY THE COMMISSION	21
CHAPTER IX : USE, CONFIDENTIALITY AND PROTECTION OF INFORMATION	22
ARTICLE 31: USE OF INFORMATION	22
ARTICLE 32: CONFIDENTIALITY AND PROTECTION OF INFORMATION	22
ARTICLE 33: PROTECTION OF PERSONAL DATA	22
ARTICLE 34: OBJECT OF CENTRALIZATION	23
ARTICLE 35: NON-PERSONAL INFORMATION.....	23
ARTICLE 36: INFORMATION CONCERNING PHYSICAL AND LEGAL PERSONS.....	24
ARTICLE 37: OTHER INFORMATION.....	25
ARTICLE 38: UPDATING AND USE OF INFORMATION	25
ARTICLE 39: COMMUNICATION OF DATA	25
ARTICLE 40: MANAGEMENT OF THE CENTRAL AUTOMATED INFORMATION SYSTEM.	26
CHAPTER X : SECURITY OF THE CENTRAL AUTOMATED INFORMATION SYSTEM.....	26



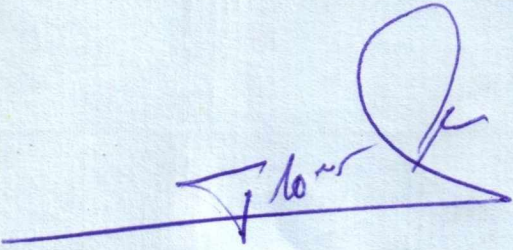
ARTICLE 41: RESPONSIBILITY FOR SECURITY.....	26
ARTICLE 42: IMPLEMENTATION OF SECURITY MEASURES.....	27
CHAPTER XI : PROTECTION OF INFORMATION IN THE CENTRAL AUTOMATED INFORMATION SYSTEM...	28
ARTICLE 43: INTRODUCTION OF INFORMATION.....	28
ARTICLE 44: USE OF INFORMATION.....	28
ARTICLE 45: RETENTION OF PERSONAL DATA.....	28
ARTICLE 46: ACCESS.....	29
ARTICLE 47: MODIFICATION OF NON-PERSONAL INFORMATION IN THE CENTRAL AUTOMATED INFORMATION SYSTEM.....	30
ARTICLE 48: MODIFICATION OF PERSONAL DATA IN THE CENTRAL AUTOMATED INFORMATION SYSTEM.....	30
ARTICLE 49: RESPONSIBILITIES AND LIABILITIES	31
CHAPTER XII : MUTUAL ASSISTANCE MANAGEMENT	31
ARTICLE 50: THE MANAGEMENT COMMITTEE: ALLOCATION AND FUNCTION	31
CHAPTER XIII : DELEGATION OF POWERS	33
ARTICLE 51: DELEGATION OF POWERS	33
CHAPTER XIV : FINAL PROVISIONS	33
ARTICLE 52: AMENDMENT AND REVISION.....	33
ARTICLE 53: ENTRY INTO FORCE AND PUBLICATION	33

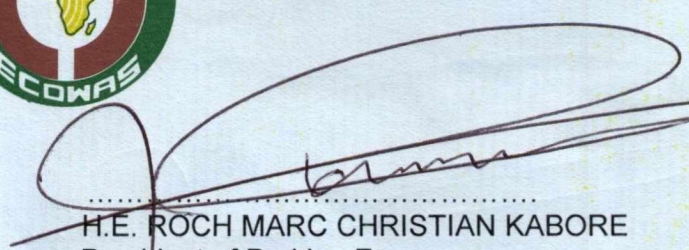
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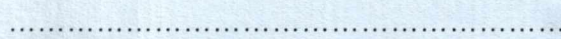
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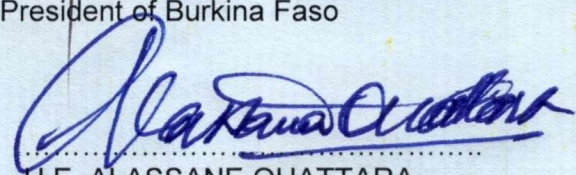
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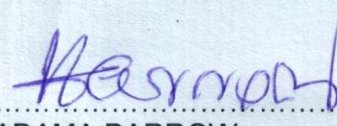


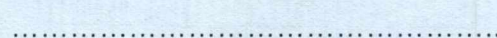

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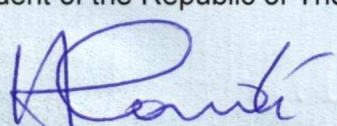

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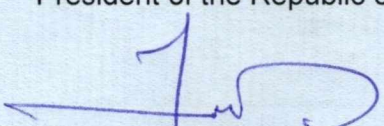

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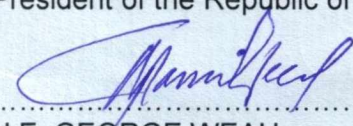

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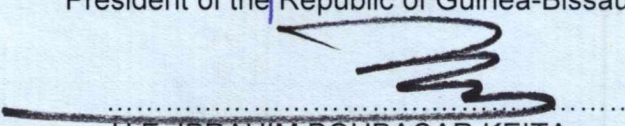

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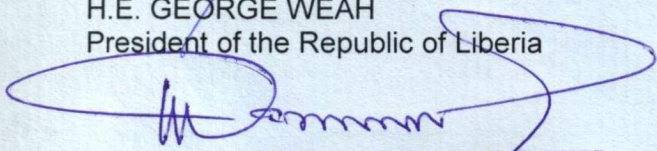

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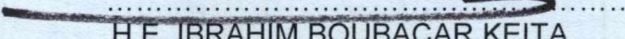

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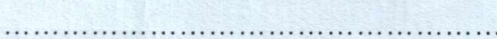

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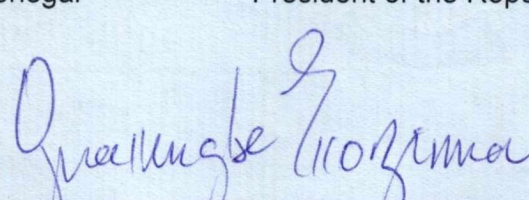

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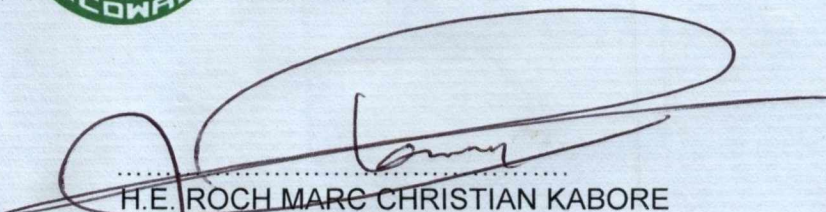

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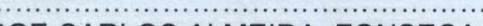

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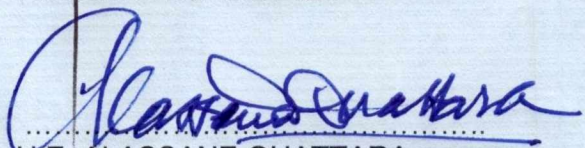

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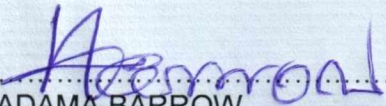



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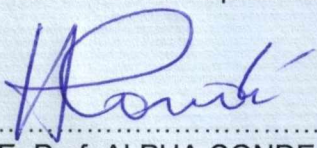

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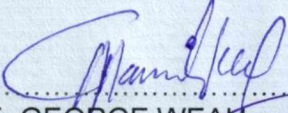

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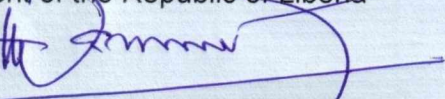

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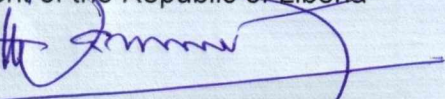

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