

N° 4076.

**ÉTATS-UNIS D'AMÉRIQUE
ET FRANCE**

Echange de notes comportant un accord relatif à la répression des fraudes douanières. Paris, les 10 et 12 décembre 1936.

**UNITED STATES OF AMERICA
AND FRANCE**

Exchange of Notes constituting an Agreement relating to the Suppression of Customs Frauds. Paris, December 10th and 12th, 1936.

No. 4076. — EXCHANGE OF NOTES¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE FRENCH GOVERNMENT CONSTITUTING AN AGREEMENT RELATING TO THE SUPPRESSION OF CUSTOMS FRAUDS. PARIS, DECEMBER 10TH AND 12TH, 1936.

French and English official texts communicated by the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Berne. The registration of this Exchange of Notes took place March 18th, 1937.

I.

² TRADUCTION. — TRANSLATION.

MINISTRY
OF FOREIGN AFFAIRS.
OFFICE OF
ADMINISTRATIVE AFFAIRS
AND INTERNATIONAL UNIONS.

PARIS, December 10th, 1936.

MR. AMBASSADOR,

I have the honor to advise Your Excellency that the French Government is disposed, on condition of reciprocity, to apply, on and after December 15th, 1936, the following provisions, with a view to the suppression of Customs frauds, through the mutual assistance of the French and American Customs Administrations.

“ *Article I.* — The Customs Administration of the United States of America and the French Customs Administration shall promptly communicate to each other all information at any time in their possession concerning imports and exports which might facilitate the suppression of smuggling or fraud in the other country.

“ *Article II.* — Concerning direct or indirect shipments of merchandise between the United States of America or its possessions and France or its possessions, each of the Administrations concerned shall send directly to the other, upon the latter's written request, all information which may be gathered from documents in its possession (entries, registration records, declarations, and other Customs documents). Such documents, or duly authenticated or certified copies thereof, may be used as evidence in proceedings or prosecutions in the courts.

“ *Article III.* — The appropriate officers of the Governments of the United States of America and France, respectively, shall furnish upon request to duly authorized officers of the other Government information concerning clearances of vessels or the transportation of cargoes, when the importation or exportation of any of the cargo carried is prohibited, restricted, or subject to the payment of duties or other exactions, or when the requesting

¹ Came into force December 15th, 1936.

² Traduction du Gouvernement des Etats-Unis d'Amérique.

² Translation of the Government of the United States of America.

officers suspect that the owners or persons in possession of any of the cargo intend to violate the laws of the requesting Government, in respect of such cargo.

“ *Article IV.* — It is agreed that the Customs and other administrative officials of the Government of the United States of America and France, respectively, shall upon request of the competent authorities of one Government made of the competent authorities of the other Government, be directed to attend as witnesses and to produce such available records and files, or duly authenticated or certified copies thereof, as may be considered essential to the trial of civil or criminal cases in the courts of the country on whose behalf the request was made, and as may be produced compatibly with the public interest of the country of which the request was made.

“ The cost of transcripts of records, depositions, certificates and letters rogatory in civil or criminal cases, and the cost of first-class transportation both ways, maintenance and other proper expenses involved in the attendance of such witnesses shall be paid by the Government requesting their attendance not later than at the time of their discharge by the court from further attendance at such trial. Letters rogatory and commissions shall be executed with all possible despatch and copies of official records or documents shall be authenticated or certified promptly by the appropriate officials in accordance with the provisions of the laws of the respective countries. ”

Please accept, Mr. Ambassador, the assurances of my very high consideration.

For the Minister of Foreign Affairs
and by authorization :

The Ambassador of France,
Secretary General,
Alexis LÉGER.

His Excellency
Mr. William Christian Bullitt,
Ambassador of the United States of America,
Paris.

II.

¹ TRADUCTION. — TRANSLATION.

AMBASSADE
DES ETATS-UNIS D'AMÉRIQUE.
N° 106.

PARIS, le 12 décembre 1936.

MONSIEUR LE MINISTRE,

J'ai l'honneur d'accuser réception de la note de Votre Excellence, en date du 10 décembre 1936, relative à la coopération entre les services des douanes des Etats-Unis d'Amérique et de la France en vue de la répression des fraudes, et de déclarer en réponse que le Gouvernement américain accepte qu'à cette fin les dispositions ci-après prennent effet le 15 décembre 1936 :

« *Article premier.* — L'administration des douanes des Etats-Unis d'Amérique et l'administration française des douanes se communiqueront mutuellement sans délai tous renseignements dont elles pourraient disposer à un moment quelconque au sujet des importations et exportations et qui seraient susceptibles de faciliter la répression de la contrebande ou de la fraude dans l'autre pays.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

“ *Article II.* — Concerning direct or indirect shipments of merchandise between the United States of America or its possessions and France or its possessions, each of the Administrations concerned shall send directly to the other, upon the latter's written request, all information which may be gathered from documents in its possession (entries, registration records, declarations, and other Customs documents). Such documents, or duly authenticated or certified copies thereof, may be used as evidence in proceedings or prosecutions in the courts.

“ *Article III.* — The appropriate officers of the Governments of the United States of America and France, respectively, shall furnish upon request to duly authorized officers of the other Government information concerning clearances of vessels or the transportation of cargoes, when the importation or exportation of any of the cargo carried is prohibited, restricted, or subject to the payment of duties or other exactions, or when the requesting officers suspect that the owners or persons in possession of any of the cargo intend to violate the laws of the requesting Government, in respect of such cargo.

“ *Article IV.* — It is agreed that the Customs and other administrative officials of the Government of the United States of America and France, respectively, shall upon request of the competent authorities of one Government made of the competent authorities of the other Government, be directed to attend as witnesses and to produce such available records and files, or duly authenticated or certified copies thereof, as may be considered essential to the trial of civil or criminal cases in the courts of the country on whose behalf the request was made, and as may be produced compatibly with the public interest of the country of which the request was made.

“ The cost of transcripts of records, depositions, certificates and letters rogatory in civil or criminal cases, and the cost of first-class transportation both ways, maintenance and other proper expenses involved in the attendance of such witnesses shall be paid by the Government requesting their attendance not later than at the time of their discharge by the court from further attendance at such trial. Letters rogatory and commissions shall be executed with all possible despatch and copies of official records or documents shall be authenticated or certified promptly by the appropriate officials in accordance with the provisions of the laws of the respective countries.”

I avail myself of this occasion to renew to Your Excellency the assurance of my highest consideration.

William C. BULLITT.

His Excellency
Monsieur Yvon Delbos,
Minister of Foreign Affairs,
Paris.

Certified to be true and complete textual copies of the original Notes in all the languages in which they were signed.

For the Secretary of State of
the United States of America :

C. E. MacEachran,
Chief Clerk and Administrative Assistant.