

Chapter 1
Customs Procedures and Trade Facilitation

Article 1
Mutual Assistance

1. The Parties shall assist each other through their customs authorities to ensure proper application of customs laws, and to prevent, investigate and repress any violation or attempted violation of customs laws.

2. The Parties shall cooperate through their customs authorities, when necessary and appropriate, in the area of research, development, and testing of new customs procedures and new enforcement aids and techniques, including those at customs laboratories, training activities of customs officers, and exchange of personnel between them.

3. Upon request, the requested Party shall provide the requesting Party with the following information:

(a) whether goods imported into the customs territory of the country of the requesting Party have been lawfully exported from the customs territory of the country of the requested Party; or

(b) whether goods exported from the customs territory of the country of the requesting Party have been lawfully imported into the customs territory of the country of the requested Party.

4. The information provided pursuant to paragraph 3 shall, upon request, contain a reference to the customs procedures used for clearing the goods.

5. The Party shall, upon request, provide information relating to transportation and shipment of goods showing value, description, disposition and destination of those goods declared to its customs authority.

6. Requests and responses to the requests shall be submitted in English. Responses to the requests shall be provided not later than 90 days from receiving the written or electronic requests.

Article 2
Information and Communications Technology,
and Risk Management

1. The customs authorities of the Parties shall promote the use of information and communications technology for risk management used in the application of customs control.
2. The customs authorities of the Parties shall exchange information, including best practices, on the use of information and communications technology and on risk management techniques and other enforcement techniques for the purpose of improving customs procedures.

Article 3
Authorized Economic Operator

Each Party shall endeavor to take appropriate measures to implement the Authorized Economic Operator (AEO) programs according to the WCO SAFE Framework of Standards to secure and facilitate global trade adopted by the Customs Co-operation Council.

Article 4
Enforcement against Illicit Trafficking

1. The customs authorities of the Parties shall, within their respective competence, cooperate and exchange information in their enforcement against the trafficking of illicit drugs and other prohibited goods at their customs checkpoints.
2. The Parties shall endeavor to promote cooperation under the Customs Co-operation Council in fighting trafficking of illicit drugs and other prohibited goods at their customs checkpoints.

Article 5
Intellectual Property Rights

The customs authorities of the Parties shall, within their respective competence, cooperate and exchange information in the application of border measures under the provisions of Article 182 of the Basic Agreement.

Article 6
Exchange of Information

1. Each Party shall maintain the confidentiality of any information communicated to it in confidence by the other Party, pursuant to this Chapter, unless the other Party consents to the disclosure of such information.
2. Information provided from the customs authority of a Party to the customs authority of the other Party pursuant to this Chapter shall be used only in the exercise of functions of the latter customs authority under its country's customs laws.
3. Each Party may limit the information it communicates to the other Party when the other Party is unable to give the assurance requested by the former Party with respect to the maintenance of confidentiality or the limitations of purposes for which the information will be used.
4. If a Party that requests information would be unable to comply with a similar request in case such a request were made by the other Party, the former Party shall draw attention to that fact in its request. Execution of such a request shall be at the discretion of the other Party.
5. Information provided pursuant to this Chapter shall not be used by the Party that receives information in criminal proceedings carried out by a court or a judge.
6. In the event that information communicated by a Party to the other Party pursuant to this Chapter is needed for presentation to a court or a judge in criminal proceedings, the other Party shall submit a request for such information to the former Party through the diplomatic channel or other channels established in accordance with the laws of the country of the former Party. The former Party will make its best efforts to respond promptly and favorably to meet any reasonable deadlines indicated by the other Party.
7. When either Party considers that information is relevant to the serious customs offence that could involve substantial damage to the economy, public health, public security or any other vital interest of the country of the other Party, the former Party shall, on its own initiative, provide the other Party with such information.

Note: For the purposes of this paragraph, the term "customs offence" means any violation or attempted violation of customs laws.

Article 7
Exceptions

1. The Parties may refuse to communicate information pursuant to this Chapter, where to do so would:
 - (a) be likely to prejudice their sovereignty, public policy, security or other essential interests;
 - (b) violate an industrial, commercial or professional secret; or
 - (c) be prohibited by the laws and regulations of the country of the requested Party.

2. If a Party cannot comply with a request for information made by the other Party, the former Party shall notify the latter Party of that fact and reason as soon as possible.