

Chapter 4  
Customs Procedures and Trade Facilitation

Article 73  
Scope of Application

1. This Chapter shall apply to customs procedures required for the clearance of goods traded between the Parties and for customs control on goods traded between the Parties, including means of transport, which enter or leave the customs territory of the Parties.

2. This Chapter shall be implemented by the Parties in accordance with the laws and regulations of each Party.

Note: For the purposes of this Article and Article 75, the term "customs territory" means the territory in which customs laws of a Party apply.

Article 74  
Objectives

The objectives of this Chapter are:

- (a) to establish a framework to ensure transparency, proper application of customs laws and prompt clearance of goods; and
- (b) to promote cooperation in the field of customs procedures,

with a view to facilitating trade in goods between the Parties and preventing, investigating and repressing any violation of customs laws.

Article 75  
Definition

For the purposes of this Chapter, the term "customs laws" means the statutory and regulatory provisions relating to the importation, exportation and transit or storage of goods, as they relate to prohibitions, restrictions and other similar controls with respect to the movement of controlled goods across the boundary of the customs territory of each Party.

Article 76  
Transparency

1. Each Party shall ensure that all relevant information of general application pertaining to its customs laws is readily available to any interested person, in English to the extent possible.
2. When information that has been made available must be revised due to changes in its customs laws, each Party shall, to the extent possible, make the revised information readily available in English sufficiently in advance of the entry into force of the changes to enable interested persons to take account of them, unless such an advance notice is precluded.
3. At the request of any interested person of the Parties, each Party shall provide, as quickly and accurately as possible, information relating to the specific customs matters raised by the interested person and pertaining to its customs laws. Each Party shall supply not only the information specifically requested but also any other pertinent information which it considers the interested person should be made aware of.
4. Each Party shall designate one or more enquiry points to answer reasonable enquiries from any interested person of the Parties concerning customs matters, and shall make publicly available, including through its website, the names and addresses of such enquiry points.

Article 77  
Information and Communications Technology

Each Party shall promote the use of information and communications technology in its customs procedures.

Article 78  
Risk Management

In order to facilitate their customs procedures, the Parties shall maintain risk management systems that enable them to concentrate inspection activities on high risk goods and that simplify the clearance, including release, and movement of low risk goods.

Article 79  
Customs Clearance

1. The Parties shall apply their respective customs procedures in a predictable, consistent and transparent manner.
2. For prompt customs clearance, including release, of goods traded between the Parties each Party shall:
  - (a) simplify its customs procedures;
  - (b) harmonize its customs procedures, to the extent possible, with relevant international standards and recommended practices such as those made under the auspices of the Customs Co-operation Council;
  - (c) promote cooperation, wherever appropriate, between its customs authority and:
    - (i) other national authorities of the Party; and
    - (ii) the trading communities of the Party; and
  - (d) adopt or maintain customs procedures:

- (i) for checking of the information, including documents, relating to the clearance of goods prior to the arrival of goods to be imported; and
- (ii) for allowing goods to be released for importation without being placed in customs warehouses as soon as its customs authority has examined them or decided not to examine them, provided that:
  - (A) no offence has been found;
  - (B) the import license or any other documents required have been acquired;
  - (C) all permits relating to the customs procedures concerned have been acquired; and
  - (D) any duties and taxes have been paid or that appropriate action has been taken to ensure their collection.

#### Article 80

##### Separate and Expedited Customs Procedures for Shipment

Each Party shall adopt or maintain separate and expedited customs procedures for shipment. Such procedures shall provide a simplified clearance of goods after submission of all the necessary customs documents in accordance with the laws and regulations of each Party.

Article 81  
Advance Rulings

The importing Party shall adopt or maintain, in accordance with its laws and regulations, procedures of advance ruling that is issued prior to the importation of a good, concerning the tariff classification of the good, the customs valuation of the good and the qualification of the good as an originating good of the exporting Party under the provisions of Chapter 3, where a written application is made with all the necessary information by importers of the good or their authorized representatives, or exporters or producers of the good in the exporting Party or their authorized representatives and the importing Party has no reasonable grounds to deny the issuance.

Article 82  
Review

Each Party shall, in relation to any decision concerning customs matters taken by the Party, provide affected parties with easily accessible processes of administrative and judicial review. Such review shall be independent of the official or office making the decision.

Article 83  
Customs Cooperation and Exchange of Information

1. The Parties shall cooperate and exchange information with each other in the field of customs procedures within the available resources of their respective customs authorities. Such cooperation and exchange of information include mutual administrative assistance and technical assistance.
2. Cooperation and exchange of information pursuant to paragraph 1 shall be implemented as provided for in the Implementing Agreement.
3. Paragraph 1 of Article 7 shall not apply to the exchange of information under this Article.

Article 84  
Penalties

Each Party shall adopt or maintain appropriate sanctions or other measures against violations of its customs laws, for the purposes of this Chapter.

Article 85  
Sub-Committee on Customs Procedures and Trade Facilitation

1. For the purposes of the effective implementation and operation of this Chapter, the Parties hereby establish a Sub-Committee on Customs Procedures and Trade Facilitation (hereinafter referred to in this Article as "the Sub-Committee").

2. The functions of the Sub-Committee shall be:

- (a) reviewing the implementation and operation of this Chapter;
- (b) identifying areas, relating to this Chapter, to be improved for facilitating trade between the Parties;
- (c) reporting the findings of the Sub-Committee to the Commission;
- (d) consulting on tariff classification issues to resolve any difference that may arise between the Parties; and

Note: If the issue is not resolved in the course of consultations referred to in this subparagraph, it shall be referred to the Harmonized System Committee of the Customs Co-operation Council.

- (e) other functions assigned by the Commission.

3. The Sub-Committee shall be composed of government officials of the Parties.

4. The Sub-Committee shall hold meetings at such times and venues or by means, as may be agreed by the Parties.