

CHAPTER 4 CUSTOMS PROCEDURES

Article 4.1 Scope

This Chapter shall apply to customs procedures applied to goods traded between the Parties and shall be implemented by the Parties in accordance with the laws and regulations of each Party.

Article 4.2 Definitions

For the purposes of this Chapter, the term "customs laws" means such laws and regulations administered and enforced by the customs administration of each Party concerning the importation, exportation and transit of goods, as they relate to customs duties, charges and other taxes, or 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 4.3 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 either in print or through the Internet.
2. When information that has been made available must be revised due to changes in a Party's customs laws, that Party shall make the revised information readily available, sufficiently in advance of the entry into force of the changes to enable interested persons to take account of them, unless advance notice is precluded.

3. On request of any interested person of the Parties, a Party shall provide, as quickly and as accurately as possible, information relating to the specific customs matters raised by the interested person and pertaining to its customs laws, and any other pertinent information of which it considers the interested person should be made aware.

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 the Internet, the names, addresses and telephone numbers of such enquiry points.

Article 4.4 Customs Clearance

1. The Parties shall apply their respective customs procedures in a predictable, consistent, transparent, impartial and reasonable manner.

2. For prompt customs clearance of goods traded between the Parties, each Party shall:

- (a) make use of information and communications technology;
- (b) simplify its customs procedures;
- (c) harmonise 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; and
- (d) promote cooperation, where appropriate, between its customs administration and:
 - (i) other national authorities of the Party;
 - (ii) the trading communities of the Party; and
 - (iii) the customs administrations of non-Parties.

3. Each Party shall periodically review its customs procedures with a view to exploring ways of further facilitating legitimate trade flows between the Parties while ensuring effective enforcement of its customs laws.

Article 4.5 Advance Rulings

1. The importing Party shall provide for advance rulings that are issued, prior to the importation of a good of the exporting Party, to importers of the good or their authorised agents, or exporters or producers of the good in the exporting Party or their authorised agents, concerning the tariff classification, customs valuation and origin of the good, as well as the qualification of the good as an originating good of the exporting Party under the provisions of Chapter 3 (Rules of Origin).

2. Where a written application is made with all the necessary information and the importing Party has no reasonable grounds to deny issuance, the importing Party shall endeavour to issue such a written advance ruling as referred to in paragraph 1. The importing Party shall adopt or maintain procedures for issuing advance rulings which satisfy the requirements specified in the Implementing Agreement.

3. The advance ruling issued in accordance with paragraph 2 shall remain valid for the period determined by the importing Party, in accordance with its laws, regulations and procedures.

4. The importing Party may modify or revoke the advance ruling issued in accordance with paragraph 2 in such cases as are specified in the Implementing Agreement.

5. The importing Party shall, where appropriate, make publicly available the advance ruling issued in accordance with paragraph 2.

Article 4.6
Temporary Admission and Goods in Transit

1. Each Party shall continue to facilitate procedures for the temporary admission of goods traded between the Parties in accordance with its laws, regulations and international obligations, including those under the Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods, done at Brussels on 6 December 1961, as amended.

2. Each Party shall continue to facilitate customs clearance of goods in transit from or to the other Party in accordance with paragraph 3 of Article V of the GATT 1994.

3. For the purposes of this Article, the term "temporary admission" means customs procedures under which certain goods may be brought into a customs territory conditionally, relieved totally or partially from the payment of customs duties. Such goods shall be imported for a specific purpose and intended for re-exportation within a specified period and without having undergone any change except normal depreciation due to the use made of them.

Article 4.7
Cooperation and Exchange of Information

1. The Parties shall, within the competence and available resources of their respective customs administrations, cooperate and exchange information in the field of customs procedures.

2. Such cooperation and exchange of information shall be implemented as provided for in the Implementing Agreement.

Article 4.8
Review Process

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 from the official or office making the decision.

Article 4.9
Sub-Committee on Customs Procedures

1. For the purposes of the effective implementation and operation of this Chapter, the Parties hereby establish a Sub-Committee on Customs Procedures (hereinafter referred to in this Article as "the Sub-Committee").
2. The functions of the Sub-Committee shall be:
 - (a) reviewing and monitoring the implementation and operation of this Chapter;
 - (b) identifying areas relating to this Chapter to be improved to facilitate trade between the Parties;
 - (c) reporting the findings of the Sub-Committee to the Joint Committee; and
 - (d) carrying out other functions as may be delegated by the Joint Committee.
3. The Sub-Committee shall be composed of and co-chaired by representatives of the Governments of the Parties.
4. The Sub-Committee shall meet at such venues and times and by such means as may be agreed by the Parties.