

by the Joint Committee in accordance with Article 13.

2. The Sub-Committee shall meet at such venues and times as may be agreed by the Countries.

3. The Sub-Committee shall be:

(a) composed of representatives of the Governments;
and

(b) co-chaired by officials of the Governments.

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Article 26

Co-operation in the Field of Automotive Industry

The Countries shall co-operate, with the participation of their respective automotive industries, to further enhance competitiveness of the automotive industry in Malaysia.

Chapter 3

Rules of Origin

Article 27

Definitions

For the purposes of this Chapter:

(a) the term "competent governmental authority" means the authority of each Country that is responsible for the issuing of the certificate of origin or for the designation of the certification entities or bodies. In the case of Japan, the Ministry of Economy, Trade and Industry, and in the case of Malaysia, the Ministry of International Trade and Industry;

(b) the term "customs authority" means the authority that, according to the legislation of each Country or a third State, is responsible for the administration and enforcement of its customs laws and regulations. In the case of Japan, the Ministry of Finance, and in the case of Malaysia, the Royal Malaysian Customs of the Ministry of Finance;

(c) the term "exporter" means a person located in the territory of an exporting Country who exports a good from the territory of the exporting Country;

(d) the terms "factory ships of the Country" and "vessels of the Country" respectively mean factory ships and vessels:

(i) which are registered in the Country;

(ii) which sail under the flag of the Country;

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(iii) which are owned to an extent of at least 51 percent by nationals of the Country, or by a juridical person with its head office in the territory of the Country, of which the representatives, chairman of the board of directors, and the majority of the members of such board are nationals of the Country, and of which at least 51 percent of the

equity interest is owned by nationals or juridical persons of the Country; and
(iv) of which at least 75 percent of the total of the master, officers and crew are nationals of the Countries or third States which are member countries of the ASEAN;

(e) the term "fungible originating goods of a Country" or "fungible originating materials of a Country" respectively means originating goods or materials of a Country that are interchangeable for commercial purposes, whose properties are essentially identical;

(f) the term "Generally Accepted Accounting Principles" means the recognised consensus or substantial authoritative support within a Country at a particular time as to which economic resources and obligations should be recorded as assets and liabilities, which changes in assets and liabilities should be recorded, how the assets and liabilities and changes in them should be measured, what information should be disclosed and how it should be disclosed, and which financial statements should be prepared. These standards may be broad guidelines of general application as well as detailed practices and procedures;

(g) the term "importer" means a person who imports a good into the territory of the importing Country;

(h) the term "indirect material" means a good used in the production, testing or inspection of another good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of another good, including:

- (i) fuel and energy;
- (ii) tools, dies and moulds;

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(iii) spare parts and goods used in the maintenance of equipment and buildings;

(iv) lubricants, greases, compounding materials and other goods used in production or used to operate equipment and buildings;

(v) gloves, glasses, footwear, clothing, safety equipment and supplies;

(vi) equipment, devices and supplies used for testing or inspecting the goods;

(vii) catalysts and solvents; and

(viii) any other goods that are not incorporated into the good but whose use in the production of the good can reasonably be demonstrated to be a part of that production;

(i) the term "material" means a good that is used in the production of another good;

(j) the term "originating material of a Country" means an originating good of a Country which is used in the production of another good in the territory of the Country, including that which is considered as an originating material of the Country pursuant to paragraph 1 of Article 29;

(k) the term "packing materials and containers for shipment" means goods that are used to protect a good during transportation, other than packaging materials and containers for retail sale referred to in Article 37;

(l) the term "preferential tariff treatment" means the rate of customs duties applicable to an originating good of the exporting Country in accordance with paragraph 1 of Article 19; and

(m) the term "production" means methods of obtaining goods including manufacturing, assembling, processing, raising, growing, breeding, mining, extracting, harvesting, fishing, trapping, gathering, collecting, hunting and capturing.

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Article 28

Originating Goods

1. Except as otherwise provided for in this Chapter, a good shall qualify as an originating good of a Country where:

(a) the good is wholly obtained or produced entirely in the territory of the Country, as defined in paragraph 2 of this Article;

(b) the good is produced entirely in the territory of the Country exclusively from originating materials of the Country; or

(c) the good satisfies the product specific rules set out in Annex 2, as well as all other applicable requirements of this Chapter, when the good is produced entirely in the territory of the Country using non-originating materials.

2. For the purposes of subparagraph 1(a) of this Article, the following goods shall be considered as being wholly obtained or produced entirely in the territory of a Country:

(a) live animals born and raised in the territory of the Country;

(b) animals obtained by hunting, trapping, fishing, gathering or capturing in the territory of the Country;

(c) goods obtained from live animals in the territory of the Country;

(d) plants and plant products harvested, picked or gathered in the territory of the Country;

(e) minerals and other naturally occurring

substances, not included in subparagraphs (a) through (d), extracted or taken in the territory of the Country;

(f) goods of sea-fishing and other goods taken by vessels of the Country from the sea outside the territorial sea of a Country;

(g) goods produced on board factory ships of the Country outside the territorial sea of the Country from the goods referred to in subparagraph (f);

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(h) goods taken from the seabed or subsoil beneath the seabed outside the territorial sea of the Country, provided that the Country has rights to exploit such seabed or subsoil in accordance with the provisions of the United Nations Convention on the Law of the Sea;

(i) articles collected in the territory of the Country which can no longer perform their original purpose in the territory of the Country nor are capable of being restored or repaired and which are fit only for disposal or for the recovery of parts or raw materials;

(j) scrap and waste derived from manufacturing or processing operations or from consumption in the territory of the Country and fit only for disposal or for the recovery of raw materials;

(k) parts or raw materials recovered in the territory of the Country from articles which can no longer perform their original purpose nor are capable of being restored or repaired; and

(l) goods obtained or produced in the territory of the Country exclusively from the goods referred to in subparagraphs (a) through (k).

3. For the purposes of subparagraph 1(c) of this Article, the product specific rules set out in Annex 2 requiring that the materials used undergo a change in tariff classification or a specific manufacturing or processing operation shall apply only to non-originating materials.

4. (a) For the purposes of subparagraph 1(c) of this Article, the product specific rules set out in Annex 2 using the value-added method require that the qualifying value content of a good, calculated in accordance with subparagraph (b) of this Article, is not less than the percentage specified by the rule for the good.

(b) For the purposes of calculating the qualifying value content of a good, the following formula shall be applied:

F.O.B. - V.N.M.

Q.V.C. = ----- x 100

F.O.B.

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Where:

Q.V.C. is the qualifying value content of a good, expressed as a percentage;

F.O.B. is, except as provided for in paragraph 5 of this Article, the free-on-board value of a good payable by the buyer of the good to the seller of the good, regardless of the mode of shipment, not including any internal excise taxes reduced, exempted, or repaid when the good is exported; and

V.N.M. is the value of non-originating materials used in the production of a good.

5. F.O.B. referred to in subparagraph 4(b) of this Article shall be the value:

(a) adjusted to the first ascertainable price paid for the good from the buyer to the producer of the good, if there is free-on-board value of a good, but it is unknown and cannot be ascertained; or

(b) determined in accordance with Articles 1 through 8 of the Agreement on Customs Valuation, if there is no free-on-board value of the good.

6. For the purposes of calculating the qualifying value content of a good under subparagraph 4(b) of this Article, the value of a non-originating material used in the production of the good in the territory of a Country:

(a) shall be determined in accordance with the Agreement on Customs Valuation, and shall include freight, insurance where appropriate, packing and all the other costs incurred in transporting the material to the importation port in the territory of the Country where the producer of the good is located; or

(b) if such value is unknown and cannot be ascertained, shall be the first ascertainable price paid for the material in the territory of the Country, but may exclude all the costs incurred in the territory of the Country in transporting the material from the warehouse of the supplier of the material to the place where the producer is located such as freight, insurance and packing as well as any other known and ascertainable cost incurred in the territory of the Country.

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7. For the purposes of calculating the qualifying value content of a good under subparagraph 4(b) of this Article in determining whether the good qualifies as an originating good of a Country, V.N.M. of the good shall not include the value of non-originating materials used in the production of originating materials of the Country which are used in the production of the good.

8. For the purposes of subparagraph 5(b) or 6(a) of this

Article, in applying the Agreement on Customs Valuation to determine the value of a good or non-originating material, the Agreement on Customs Valuation shall apply *mutatis mutandis* to domestic transactions or to the cases where there is no transaction of the good or non-originating material.

Article 29

Accumulation

1. For the purposes of determining whether a good qualifies as an originating good of a Country, an originating good of the other Country which is used as a material in the production of the good in the territory of the former Country may be considered as an originating material of the former Country.

2. For the purposes of calculating the qualifying value content of a good under subparagraph 4(b) of Article 28 in determining whether the good qualifies as an originating good of a Country, the value of a non-originating material produced in the territory of either Country and to be used in the production of the good may be limited to the value of non-originating materials used in the production of such non-originating material, provided that the good qualifies as an originating good of that Country under subparagraph 1(c) of Article 28.

Article 30

De Minimis

For the application of the product specific rules set out in Annex 2, non-originating materials used in the production of a good that do not satisfy an applicable rule for the good shall be disregarded, provided that the totality of such materials does not exceed specific percentages in value, weight or volume of the good and such percentages are set out in the product specific rule for the good.

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Article 31

Non-qualifying Operations

A good shall not be considered to satisfy the requirement of change in tariff classification or specific manufacturing or processing operation set out in Annex 2 solely by reason of:

(a) operations to ensure the preservation of products in good condition during transport and storage (such as drying, freezing, keeping in brine) and other similar operations;

(b) changes of packaging and breaking up and assembly of packages;

(c) disassembly;

(d) placing in bottles, cases, boxes and other simple packaging operations;

(e) collection of parts and components classified as a good pursuant to Rule 2(a) of the General Rules for the Interpretation of the Harmonized System;

(f) mere making-up of sets of articles; or
(g) any combination of operations referred to in subparagraphs (a) through (f).

Article 32

Consignment Criteria

1. An originating good of the other Country shall be deemed to meet the consignment criteria when it is:
 - (a) transported directly from the territory of the other Country; or
 - (b) transported through third States for the purpose of transit or temporary storage in warehouses in such third States, provided that it does not undergo operations other than unloading, reloading or any other operation to preserve it in good condition.
2. If the originating good of the other Country does not meet the consignment criteria referred to in paragraph 1 of this Article, that good shall not be considered as the originating good of the other Country.

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Article 33

Unassembled or Disassembled Goods

1. Where a good satisfies the requirements of the relevant provisions of Articles 28 through 31 and is imported into the territory of a Country from the territory of the other Country in a disassembled form but is classified as an assembled good pursuant to Rule 2(a) of the General Rules for the Interpretation of the Harmonized System, such a good shall be considered as an originating good of the other Country.
2. A good assembled in the territory of a Country from unassembled or disassembled materials, which were imported into the territory of the Country and classified as an assembled good pursuant to Rule 2(a) of the General Rules for the Interpretation of the Harmonized System, shall be considered as an originating good of the Country, provided that the good would have satisfied the applicable requirements of the relevant provisions of Articles 28 through 31 had each of the non-originating materials among the unassembled or disassembled materials been imported into the territory of the Country separately and not as an unassembled or disassembled form.

Article 34

Fungible Goods and Materials

1. For the purposes of determining whether a good qualifies as an originating good of a Country, where fungible originating materials of the Country and fungible non-originating materials that are commingled in an inventory are used in the production of the good, the origin of the materials may be determined pursuant to an inventory management method under the Generally Accepted Accounting Principles in the territory of the Country.
2. Where fungible originating goods of a Country and

fungible non-originating goods are commingled in an inventory and, prior to exportation do not undergo any production process or any operation in the territory of the Country where they were commingled other than unloading, reloading or any other operation to preserve them in good condition, the origin of the good may be determined pursuant to an inventory management method under the Generally Accepted Accounting Principles in the territory of the Country.

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Article 35

Indirect Materials

Indirect materials shall be, without regard to where they are produced, considered to be originating materials of a Country where a good is produced.

Article 36

Accessories, Spare Parts and Tools

1. In determining whether all the non-originating materials used in the production of a good undergo the applicable change in tariff classification or a specific manufacturing or processing operation set out in Annex 2, accessories, spare parts or tools delivered with the good that form part of the good's standard accessories, spare parts or tools, shall be disregarded, provided that:

(a) the accessories, spare parts or tools are not invoiced separately from the good, without regard of whether they are separately described in the invoice; and

(b) the quantities and value of the accessories, spare parts or tools are customary for the good.

2. If the good is subject to a qualifying value content requirement, the value of the accessories, spare parts or tools shall be taken into account as the value of originating materials of a Country where the good is produced or non-originating materials, as the case may be, in calculating the qualifying value content of the good.

Article 37

Packaging Materials and Containers for Retail Sale

1. In determining whether all the non-originating materials used in the production of a good undergo the applicable change in tariff classification or a specific manufacturing or processing operation set out in Annex 2, packaging materials and containers for retail sale, which are classified with the good pursuant to Rule 5 of the General Rules for the Interpretation of the Harmonized System, shall be disregarded.

2. If the good is subject to a qualifying value content requirement, the value of such packaging materials and containers for retail sale shall be taken into account as the value of originating materials of a Country where the good is produced or non-originating materials, as the case may be, in calculating the qualifying value content of the good.

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Article 38

Packing Materials and Containers for Shipment

Packing materials and containers for shipment shall be:

(a) disregarded in determining whether all the nonoriginating materials used in the production of a good undergo the applicable change in tariff classification or a specific manufacturing or processing operation set out in Annex 2; and
(b) without regard to where they are produced, considered to be originating materials of a Country where the good is produced, in calculating the qualifying value content of the good.

Article 39

Claim for Preferential Tariff Treatment

1. The importing Country shall require a certificate of origin for an originating good of the exporting Country from importers who claim the preferential tariff treatment for the good.
2. Notwithstanding paragraph 1 of this Article, the importing Country shall not require a certificate of origin from importers for:
(a) an importation of a consignment of originating goods of the exporting Country whose aggregate customs value does not exceed 1000 United States dollars or its equivalent amount in the Country's currency, or such higher amount as it may establish; or
(b) an importation of an originating good of the exporting Country, for which the importing Country has waived the requirement for a certification of origin.
3. Where an originating good of the exporting Country is imported through third States, the importing Country may require importers, who claim the preferential tariff treatment for the good, to submit:
(a) a copy of through bill of lading; or

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(b) a certificate or any other information given by the customs authorities of such third States or other relevant entities, which evidences that it has not undergone operations other than unloading, reloading or any other operation to preserve it in good condition in those third States.

Article 40

Certificate of Origin

1. The certificate of origin referred to in paragraph 1 of Article 39 shall be issued by the competent governmental authority of the exporting Country on request having been made in writing by the exporter or its authorised agent.

Such certificate of origin shall include minimum data specified in Annex 3.

2. For the purposes of this Article, the competent governmental authority of the exporting Country may designate other entities or bodies to be responsible for the issuance of the certificate of origin, under the authorisation given in accordance with the applicable laws and regulations of the exporting Country.

3. Where the competent governmental authority of the exporting Country designates other entities or bodies to carry out the issuance of the certificate of origin, the exporting Country shall notify in writing the other Country of its designees.

4. For the purposes of this Chapter, upon the entry into force of this Agreement, the Countries shall establish a format of the certificate of origin in the English language in the Operational Procedures referred to in Article 50.

5. The certificate of origin shall be completed in the English language.

6. The issued certificate of origin shall be applicable to a single importation of an originating good of the exporting Country into the territory of the importing Country and be valid for 12 months from the date of issuance.

7. Where the exporter is not the producer of a good, the exporter may request a certificate of origin on the basis of:

(a) a declaration provided by the exporter to the competent governmental authority or its designees based on the information provided by the producer of the good to that exporter; or

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(b) a declaration voluntarily provided by the producer of the good directly to the competent governmental authority or its designees by the request of the exporter.

8. The certificate of origin shall be issued only after the exporter who requests a certificate of origin, or the producer of a good in the territory of the exporting Country referred to in subparagraph 7(b) of this Article, proves to the competent governmental authority or its designees that the good to be exported qualifies as an originating good of the exporting Country.

9. The competent governmental authority of the exporting Country shall provide the other Country with specimen signatures and impressions of stamps used in the offices of the competent governmental authority of the exporting Country or its designees.

10. Each Country shall ensure that the competent governmental authority or its designees shall keep a record of the certificates of origin issued for a period of five years after the date on which the certificate was issued. Such record will include all antecedents, which were

presented to prove the qualification as an originating good of the exporting Country.

Article 41

Advance Rulings

The importing Country shall endeavour to, prior to the importation of a good, issue a written advance ruling as to whether the good to be imported qualifies as an originating good of the exporting Country to importers of the good of the exporting Country or their authorised agents and exporters, and producers of the good in the territory of the exporting Country or their authorised agents, where a written application is made with all the necessary information.

Article 42

Obligations regarding Exportations

Each Country shall, in accordance with its laws and regulations, ensure that the exporter to whom a certificate of origin has been issued, or the producer of a good in the territory of the exporting Country referred to in subparagraph 7(b) of Article 40:

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(a) shall notify in writing the competent governmental authority of the exporting Country or its designees without delay when he knows that such good does not qualify as an originating good of the exporting Country; and

(b) shall keep the records relating to the origin of a good for five years after the date on which the certificate of origin was issued.

Article 43

Request for Checking of Certificate of Origin

1. For the purposes of determining whether a good imported from the territory of the other Country under preferential tariff treatment qualifies as an originating good of the other Country, the relevant authority of the importing Country may request information relating to the origin of the good from the competent governmental authority of the exporting Country on the basis of a certificate of origin, where it has reasonable doubt as to the authenticity of the certificate of origin or the accuracy of the information included in the certificate of origin.

Note: The term "relevant authority of the importing Country" referred to in Articles 43 through 46 means:

(a) in the case of Japan, the customs authority; and

(b) in the case of Malaysia, the Ministry of International Trade and Industry.

2. For the purposes of paragraph 1 of this Article, the competent governmental authority of the exporting Country shall, in accordance with its laws and regulations, provide the information requested within a period of three months from the date of receipt of the request.

If the relevant authority of the importing Country considers necessary, it may require additional information relating to the origin of the good. If additional information is requested by the relevant authority of the importing Country, the competent governmental authority of the exporting Country shall, in accordance with its laws and regulations, provide the information requested within a period of two months from the date of receipt of the request.

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3. For the purposes of paragraph 2 of this Article, the competent governmental authority of the exporting Country may request the exporter to whom a certificate of origin has been issued, or the producer of the good in the territory of the exporting Country referred to in subparagraph 7(b) of Article 40, to provide the former with the information requested.

Article 44

Verification Visit

1. If the relevant authority of the importing Country is not satisfied with the outcome of the request for checking pursuant to Article 43, it may request the exporting Country:

(a) to collect and provide information relating to the origin of the good and check, for that purpose, the facilities used in the production of the good, through a visit by its competent governmental authority along with the relevant authority of the importing Country to the premises of the exporter to whom a certificate of origin has been issued, or the producer of the good in the territory of the exporting Country referred to in subparagraph 7(b) of Article 40; and

(b) during or after the visit, to provide information relating to the origin of the good in the possession of the competent governmental authority or its designee.

2. When requesting the exporting Country to conduct a visit pursuant to paragraph 1 or 6 of this Article, the importing Country shall deliver a written communication with such request to the exporting Country at least 40 days in advance of the proposed date of the visit, the receipt of which is to be confirmed by the latter Country. The competent governmental authority of the exporting Country shall request the written consent of the exporter, or the producer of the good in the territory of the exporting Country whose premises are to be visited.

3. The communication referred to in paragraph 2 of this Article shall include:

(a) the identity of the relevant authority issuing the communication;

(b) the name of the exporter, or the producer of the

good in the territory of the exporting Country whose premises are requested to be visited;

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- (c) the proposed date and place of the visit;
- (d) the objective and scope of the proposed visit, including specific reference to the good subject of the verification referred to in the certificate of origin; and
- (e) the names and titles of the officials of the relevant authority of the importing Country to be present during the visit.

4. The exporting Country shall respond in writing to the importing Country, within 30 days of the receipt of the communication referred to in paragraph 2 of this Article, if it accepts or refuses to conduct a visit requested pursuant to paragraph 1 or 6 of this Article.

5. The competent governmental authority of the exporting Country shall, in accordance with its laws and regulations, provide within 45 days or any other mutually agreed period from the last day of the visit, to the relevant authority of the importing Country the information obtained pursuant to paragraph 1 or 6 of this Article.

6. (a) In cases where the relevant authority of the importing Country considers as exceptional, that relevant authority may, before or during the request for checking referred to in Article 43, put forward the exporting Country a request referred to in paragraph 1 of this Article.

(b) Where the request referred to in subparagraph (a) is made, Article 43 shall not be applied.

Article 45

Determination of Origin
and Preferential Tariff Treatment

1. The relevant authority of the importing Country may deny preferential tariff treatment to a good for which an importer claims preferential tariff treatment where the good does not qualify as an originating good of the exporting Country or where the importer fails to comply with any of the relevant requirements of this Chapter.

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2. The competent governmental authority of the exporting Country shall, when it cancels the decision to issue the certificate of origin, promptly notify the cancellation to the exporter to whom the certificate of origin has been issued, and to the relevant authority of the importing Country except where the certificate has been returned to the competent governmental authority. The relevant authority of the importing Country may determine that the good does not qualify as an originating good of the exporting Country and may deny preferential tariff treatment when it receives the notification.

3. The relevant authority of the importing Country may determine that a good does not qualify as an originating

good of the exporting Country and may deny preferential tariff treatment, and a written determination thereof shall be sent to the competent governmental authority of the exporting Country:

(a) where the competent governmental authority of the exporting Country fails to respond to the request within the period referred to in paragraph 2 of Article 43 or paragraph 5 of Article 44;

(b) where the exporting Country refuses to conduct a visit, or that Country fails to respond to the communication referred to in paragraph 2 of Article 44 within the period referred to in paragraph 4 of Article 44; or

(c) where the information provided to the relevant authority of the importing Country pursuant to Article 43 or 44, is not sufficient to prove that the good qualifies as an originating good of the exporting Country.

4. After carrying out the procedures outlined in Article 43 or 44 as the case may be, the relevant authority of the importing Country shall provide the competent governmental authority of the exporting Country with a written determination of whether or not the good qualifies as an originating good of the exporting Country, including findings of fact and the legal basis for the determination. The competent governmental authority of the exporting Country shall inform such determination by the relevant authority of the importing Country to the exporter, or the producer of the good in the territory of the exporting Country, whose premises were subject to the visit referred to in Article 44.

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Article 46

Confidentiality

1. Each Country shall maintain, in accordance with its laws and regulations, the confidentiality of information provided to it as confidential pursuant to this Chapter, and shall protect that information from disclosure that could prejudice the competitive position of the persons providing the information.

2. Information obtained by the relevant authority of the importing Country pursuant to this Chapter:

(a) may only be used by such authority for the purposes of this Chapter; and

(b) shall not be used by the importing Country in any criminal proceedings carried out by a court or a judge, unless the information is requested to the other Country and provided to the former Country, through the diplomatic channels or other channels established in accordance with the applicable laws of the requested Country.

Article 47

Penalties and Measures against False Declaration

1. Each Country shall establish or maintain, in accordance with its laws and regulations, appropriate penalties or other sanctions against its exporters to whom a certificate of origin has been issued and its producers of the goods in the territory of the exporting Country referred to in subparagraph 7(b) of Article 40, for providing false declaration or documents to its competent governmental authority or its designees prior to the issuance of certificate of origin.

2. Each Country shall, in accordance with its laws and regulations, take measures which it considers appropriate against its exporters to whom a certificate of origin has been issued and its producers of the goods in the territory of the exporting Country referred to in subparagraph 7(b) of Article 40, for failing to notify in writing to the competent governmental authority of the exporting Country or its designees without delay after having known, after the issuance of certificate of origin, that such good does not qualify as an originating good of the exporting Country.

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Article 48

Miscellaneous

1. Communications between the importing Country and the exporting Country shall be conducted in the English language.

2. For the application of the relevant product specific rules set out in Annex 2 and the determination of origin, any applicable valuation method under the Generally Accepted Accounting Principles in the territory of the exporting Country shall be applied.

Article 49

Sub-Committee on Rules of Origin

1. For the purposes of the effective implementation and operation of this Chapter, the functions of the Sub-Committee on Rules of Origin (hereinafter referred to in this Article as "the Sub-Committee") established in accordance with Article 14 shall be:

(a) reviewing and monitoring:

(i) the implementation and operation of this Chapter;

(ii) any amendments to Annexes 2 and 3, proposed by either Country; and

(iii) the Operational Procedures referred to in Article 50;

(b) discussing any issues related to this Chapter;

(c) reporting the findings and the outcome of discussions of the Sub-Committee to the Joint Committee; and

(d) carrying out other functions as may be delegated by the Joint Committee in accordance with Article

13.

2. The Sub-Committee shall meet at such venues and times as may be agreed by the Countries.

3. The Sub-Committee shall be:
- (a) composed of representatives of the Governments;
 - and
 - (b) co-chaired by officials of the Governments.

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Article 50

Operational Procedures

Upon the date of entry into force of this Agreement, the Joint Committee shall adopt the Operational Procedures that provide detailed regulations pursuant to which the customs authorities, the competent governmental authorities of the Countries defined in Article 27 and the relevant authorities of the Countries shall implement their functions under this Chapter.

Chapter 4

Customs Procedures

Article 51

Scope

1. This Chapter shall apply to customs procedures required for the clearance of goods traded between the Countries.
2. This Chapter shall be implemented by the Countries in accordance with the laws and regulations of each Country and within the competence and available resources of their respective customs authorities.

Article 52

Definitions

For the purposes of this Chapter:

(a) the term "customs authority" means the customs authority as defined in subparagraph (b) of Article 27; and

(b) the term "customs laws" means such laws and regulations administered and enforced by the customs authority of each Country 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 items across the boundary of the customs territory of each Country.

Article 53

Transparency

1. Each Country shall ensure that all relevant information of general application pertaining to its customs laws is publicly available in the Country.

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2. At the request of the interested person of the Countries, each Country shall endeavour to provide information relating to the specific customs matters raised by the interested person and pertaining to its customs laws. Each Country shall supply not only the information specifically requested but also any other pertinent information relating to customs matters which it considers