

Chapter 3
Customs Procedures and Trade Facilitation

Article 26
Scope

1. This Chapter shall apply to customs procedures required for the clearance of products traded between the customs territories of the Parties.

2. This Chapter shall be implemented by the Parties in accordance with their respective laws and regulations and within the available resources of their respective customs authorities.

Article 27
Definitions

For the purposes of this Chapter:

- (a) "A.T.A. Convention" means the Customs Convention on the A.T.A. Carnet for the Temporary Admission of Goods, done at Brussels on 6 December 1961;
- (b) "customs authority" means the customs authority as defined in paragraph (c) of Article I of Annex II; and
- (c) "customs laws" means the laws and regulations administered and enforced by the customs authority of each Party concerning the importation, exportation and transit of products, relating to customs duties, charges and other taxes, or to prohibitions, restrictions and other similar controls, falling under the competence of the customs authority of the Party.

Article 28
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.

2. When information that has been made available must be revised due to changes in its customs laws, each 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 such an advance notice is precluded.

3. At the request of any interested person of the Parties, each 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. 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.

Article 29 Customs Clearance

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

2. For prompt customs clearance of products traded between the customs territories of 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 adopted under the auspices of the Customs Co-operation Council; and
- (d) promote cooperation, wherever appropriate, between its customs authority and:
 - (i) other national authorities of the Party;
 - (ii) the trading communities of the Party; and
 - (iii) the customs authorities of non-Parties.

3. Each Party shall provide affected parties with easily accessible means of administrative and judicial review of its administrative actions relating to customs matters.

Article 30
Temporary Admission and Products in Transit

1. Each Party shall continue to facilitate the procedures for the temporary admission of products traded between the customs territories of the Parties in accordance with the A.T.A. Convention.
2. Each Party shall continue to facilitate customs clearance of products in transit from or to the customs territory of the other Party in accordance with paragraph 3 of Article V of the GATT 1994.
3. The Parties shall endeavour to promote, through seminars and courses, the use of A.T.A. carnets pursuant to the A.T.A. Convention for the temporary admission of products and the facilitation of customs clearance of products in transit in the customs territories of the Parties or non-Parties.
4. For the purposes of this Article, "temporary admission" means customs procedures under which certain products may be brought into a customs territory conditionally, relieved totally or partially from the payment of customs duties. Such products shall be imported for a specific purpose, and shall be 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 31
Cooperation and Exchange of Information

1. The Parties shall cooperate and exchange information in the field of customs procedures, including the enforcement against the trafficking of prohibited products and the importation and exportation of products suspected of infringing intellectual property rights.
2. Paragraph 1 of Article 5 shall not apply to the exchange of information under this Article.
3. Chapter 2 of the Implementing Agreement provides for the details and procedures for the implementation of cooperation and exchange of information, including exchange of confidential information, under this Article.

Article 32
Sub-Committee on Rules of Origin, Customs Procedures
and Trade Facilitation

For the purposes of the effective implementation and operation of this Chapter, the Sub-Committee on Rules of Origin, Customs Procedures and Trade Facilitation established under Article XXX of Annex II shall perform the functions provided for in the said Article.