

CHAPTER SEVEN
CUSTOMS ADMINISTRATION AND TRADE FACILITATION

ARTICLE 7.1: PUBLICATION

- Each Party shall publish, including on the Internet, its customs laws, regulations, and general administrative procedures.
- Each Party shall designate or maintain one or more inquiry points to address inquiries by interested persons concerning customs matters and shall make available on the Internet information concerning the procedures for making such inquiries.
- To the extent possible, each Party shall publish in advance any regulations of general application governing customs matters that it proposes to adopt and shall provide interested persons the opportunity to comment before adopting them.

ARTICLE 7.2: RELEASE OF GOODS

- In order to facilitate bilateral trade, each Party shall adopt or maintain simplified customs procedures for the efficient release of goods.
- Pursuant to paragraph 1, each Party shall ensure that its customs authority or other competent authority adopts or maintains procedures that:
 - provide for the release of goods within a period no greater than that required to ensure compliance with its customs laws and, to the extent possible, within 48 hours of the goods’ arrival;
 - provide for customs information to be submitted and processed electronically before goods arrive in order for them to be released on their arrival;
 - allow goods to be released at the point of arrival, without temporary transfer to warehouses or other facilities; and
 - allow importers to withdraw goods from customs before, and without prejudice to, its customs authority’s final determination of the applicable customs duties, taxes, and fees.¹

ARTICLE 7.3: AUTOMATION

¹ A Party may require importers to provide guarantees in the form of sureties, deposits, or other appropriate instruments sufficient to cover payment of the customs duties, taxes, and fees its customs authority ultimately applies in connection with the importation of the good.

第七章 海关管理与贸易便利化

第7.1条：公布

- 每一方应在互联网等渠道公布其海关法律、法规及一般行政程序。
- 每一方应指定或维持一个或多个咨询点，处理利害关系人关于海关事务的咨询，并应在互联网上提供关于此类咨询程序的信息。
- 在可能范围内，每一方应提前公布其拟采用的关于海关事务的普遍适用法规，并为利害关系人提供在法规通过前发表意见的机会。

第7.2条：货物放行

- 为便利双边贸易，每一方应采用或维持简化海关程序，以实现货物的高效放行。
- 根据第1款，每一方应确保其海关当局或其他主管当局采用或维持以下程序：
 - 规定货物放行时间不得超过确保遵守其海关法律所需的时间，并尽可能在货物抵达后48小时内完成；
 - 规定海关信息可在货物抵达前以电子方式提交和处理，以便货物抵达时即可放行；
 - 允许货物在抵达地点直接放行，无需临时转移至仓库或其他设施；
 - 允许进口商在海关当局最终确定适用的关税、税款和费用之前且不影响其最终决定的情况下，从海关提取货物。¹

第七章 海关管理与贸易便利化A

RTICLE 7.3: AUTOMATION

¹ 缔约方可要求进口商提供保证、押金或其他适当工具形式的担保，其金额足以支付海关当局最终对货物进口征收的关税、税款和费用。

Each Party shall use information technology that expedites procedures for the release of goods and shall:

- (a) make electronic systems accessible to customs users;
- (b) endeavor to use international standards;
- (c) endeavor to develop electronic systems that are compatible with the other Party’s systems, in order to facilitate bilateral exchange of international trade data; and
- (d) endeavor to develop a set of common data elements and processes in accordance with World Customs Organization (WCO) Customs Data Model and related WCO recommendations and guidelines.

ARTICLE 7.4: RISK MANAGEMENT

Each Party shall adopt or maintain electronic or automated risk management systems for assessment and targeting that enable its customs authority to focus its inspection activities on high-risk goods and that simplify the clearance and movement of low-risk goods.

ARTICLE 7.5: COOPERATION

1. With a view to facilitating the effective operation of this Agreement, each Party shall endeavor to provide the other Party with advance notice of any significant modification of administrative policy or other similar development related to its laws or regulations governing importations that is likely to substantially affect the operation of this Agreement.
2. The Parties shall cooperate in achieving compliance with their respective laws and regulations pertaining to:
 - (a) the implementation and operation of the provisions of this Agreement governing importations or exportations, including claims for preferential tariff treatment, procedures for making claims for preferential tariff treatment, and verification procedures;
 - (b) the implementation and operation of the Customs Valuation Agreement;
 - (c) restrictions or prohibitions on imports or exports; and
 - (d) other customs matters as the Parties may agree.
3. Where a Party has a reasonable suspicion of unlawful activity related to its laws or regulations governing importations, the Party may request the other Party to provide specific confidential information normally collected in connection with the importation of goods.

每一方应使用加速货物放行程序的信息技术， 并应：

- (a) 使海关用户能够使用电子系统；(b) 努力采用国际标准；(c) 努力开发与另一缔约方系统兼容的电子系统， 以便利国际贸易数据的双边交换；以及(d) 努力根据世界海关组织（WCO）海关数据模型及相关WCO建议和指南， 开发一套共同数据元素和流程。

第7.4条： 风险管理

每一方应采用或维持电子或自动化风险管理系统， 用于评估和定位， 使其海关当局能够将检查活动集中于高风险货物， 并简化低风险货物的清关和流动。

第7.5条： 合作

1. 为便利本协定的有效实施， 每一缔约方应努力就任何可能实质性影响本协定实施的、 与其管辖进口的法律法规相关的行政政策重大修改或其他类似进展， 提前通知另一缔约方。
2. 缔约方应合作确保遵守各自关于以下事项的法律法规：
 - (a) 本协定中关于进口或出口条款的实施与运作， 包括优惠关税待遇的申请、 优惠关税待遇的申请程序及验证程序；(b) 《海关估价协议》的实施与运作；(c) 进口或出口的限制或禁止； 以及(d) 缔约方可能商定的其他海关事务。
3. 如一缔约方对与其规范进口的法律法规相关的非法活动存在合理怀疑， 该缔约方可请求另一缔约方提供通常与货物进口相关的特定机密信息。

4. A Party's request under paragraph 3 shall be in writing, shall specify the purpose for which the information is sought, and shall identify the requested information with sufficient specificity for the other Party to locate and provide the information.
5. The Party from which the information is requested shall, in accordance with its law and any relevant international agreements to which it is a party, provide a written response containing the information.
6. For purposes of paragraph 3, a **reasonable suspicion of unlawful activity** means a suspicion based on relevant factual information obtained from public or private sources comprising one or more of the following:
- (a) historical evidence of non-compliance with laws or regulations governing importations by an importer or exporter;
 - (b) historical evidence of non-compliance with laws or regulations governing importations by a manufacturer, producer, or other person involved in the movement of goods from the territory of one Party to the territory of the other Party;
 - (c) historical evidence that some or all of the persons involved in the movement from the territory of one Party to the territory of the other Party of goods within a specific product sector have not complied with a Party's laws or regulations governing importations; or
 - (d) other information that the requesting Party and the Party from whom the information is requested agree is sufficient in the context of a particular request.
7. Each Party shall endeavor to provide the other Party with any other information that would assist the other Party in determining whether imports from or exports to the other Party's territory are in compliance with the other Party's laws or regulations governing importations, in particular those related to unlawful activities, including smuggling and similar infractions.
8. In order to facilitate bilateral trade, each Party shall endeavor to provide the other Party with technical advice and assistance for the purpose of improving risk management techniques, facilitating the implementation of international supply chain standards, simplifying and enhancing procedures for clearing goods through customs in a timely and efficient manner, advancing the technical skill of personnel, and enhancing use of technologies that can lead to improved compliance with the Party's laws or regulations governing importations.
9. The Parties shall endeavor to conduct joint training programs and to exchange information on customs laboratory techniques.
10. The Parties shall endeavor to enhance each Party's ability to enforce its regulations governing importations. The Parties shall further endeavor to establish and maintain channels of

4. 缔约方根据第3款提出的请求应以书面形式提出，应说明寻求信息的目的，并应明确标识所请求的信息，以便另一缔约方能够准确定位并提供该信息。
5. 被请求提供信息的缔约方应根据其法律及作为缔约方的相关国际协定，提供包含该信息的书面答复。
6. 就第3款而言，对非法活动的合理怀疑是指基于从公共或私人来源获取的相关事实信息所产生的怀疑，包括以下一项或多项：
- (a) 进口商或出口商存在违反进口法律法规的历史证据；(b) 制造商、生产商或其他参与货物从一缔约方领土运至另一缔约方领土的人员存在违反进口法律法规的历史证据；(c) 在特定产品领域内，参与货物从一缔约方领土运至另一缔约方领土的部分或全部人员存在违反缔约方进口法律法规的历史证据；或(d) 请求方与被请求方在特定请求背景下共同认可的其他充分信息。
7. 每一方应尽力向另一方提供任何其他信息，以协助另一方确定来自或出口至另一方领土的货物是否符合另一方关于进口的法律法规，特别是与走私及类似违法行为等非法活动相关的法规。
8. 为促进双边贸易，每一方应尽力向另一方提供技术建议和援助，以改进风险管理技术，推动国际供应链标准的实施，简化和优化货物及时高效通关程序，提升人员技术水平，并加强可提高遵守缔约方进口法规的技术应用。
9. 缔约方应尽力开展联合培训计划，并交流海关实验室技术信息。
10. 缔约方应努力提升每一方执行其进口法规的能力。缔约方还应努力建立并维护

communication, including by establishing contact points, that will assist them in exchanging information rapidly and securely and to improve bilateral coordination on importation issues.

ARTICLE 7.6: CONFIDENTIALITY

1. Where a Party that provides information to the other Party in accordance with this Chapter designates the information as confidential, the other Party shall keep the information confidential. The Party providing the information may require the other Party to furnish written assurance that the information will be held in confidence, will be used only for the purposes the other Party specified in its request for information, and will not be disclosed without the specific permission of the Party that provided the information or the person that provided the information to that Party.
2. If a Party receives information designated as confidential in accordance with paragraph 1, the Party receiving the information may nevertheless use or disclose the information for law enforcement purposes or in the course of judicial proceedings.
3. A Party may decline to provide information that the other Party has requested where that Party has failed to act in conformity with paragraph 1.
4. Each Party shall adopt or maintain procedures for protecting from unauthorized disclosure confidential information submitted in accordance with the administration of the Party’s customs laws, including information the disclosure of which could prejudice the competitive position of the person providing the information.

ARTICLE 7.7: EXPRESS SHIPMENTS

Each Party shall adopt or maintain expedited customs procedures for express shipments while maintaining appropriate customs control and selection. These procedures shall:

- (a) provide a separate and expedited customs procedure for express shipments;
- (b) provide for information necessary to release an express shipment to be submitted and processed electronically before the shipment arrives;
- (c) allow submission of a single manifest covering all goods contained in an express shipment, through, if possible, electronic means;
- (d) to the extent possible, provide for certain goods to be cleared with a minimum of documentation;
- (e) under normal circumstances, provide for express shipments to be cleared within four hours after the necessary customs documents have been submitted, provided the shipment has arrived;

沟通渠道，包括设立联络点，以协助双方快速安全地交换信息，并加强进口问题上的双边协调。

第7.6条：保密性

1. 如一缔约方根据本章向另一缔约方提供信息并将该信息指定为机密，另一缔约方应保持该信息的机密性。提供信息的缔约方可要求另一缔约方提供书面保证，确保该信息将被保密，仅用于另一缔约方在其信息请求中指定的目的，并且未经提供信息的缔约方或向该缔约方提供信息的人员的明确许可，不得披露。
2. 如一缔约方收到根据第1款被指定为机密的信息，接收信息的缔约方仍可为执法目的或在司法程序过程中使用或披露该信息。
3. 如一缔约方未能遵守第1款的规定，另一缔约方可拒绝提供其请求的信息。
4. 每一缔约方应制定或维持程序，以防止根据其海关法律管理提交的机密信息遭到未经授权的披露，包括披露可能损害信息提供者竞争地位的信息。

第7.7条：快件运输

每一方应采用或维持快递货物的快速海关程序，同时保持适当的海关监管和选择。这些程序应：

- (a) 为快件运输提供单独且快速的海关程序；
- (b) 允许通过电子方式在快件抵达前提交并处理放行所需的货物信息；
- (c) 尽可能通过电子方式提交涵盖快件所有货物的单一舱单；
- (d) 在可能范围内，为特定货物提供最少文件清关；
- (e) 正常情况下，若快件已抵达且必要海关文件已提交，应在四小时内完成清关；

- (f) apply without regard to an express shipment’s weight or customs value; and
- (g) under normal circumstances, provide that no customs duties or taxes will be assessed on, nor will formal entry documents be required for, express shipments valued at 200 U.S. dollars or less.²

ARTICLE 7.8: REVIEW AND APPEAL

Each Party shall ensure that with respect to its determinations on customs matters, importers in its territory have access to:

- (a) a level of administrative review independent of the employee or office that issued the determinations;³ and
- (b) judicial review of the determinations.

For greater certainty, each Party shall allow an exporter or producer to provide information directly to the Party conducting the review and to request that Party to treat that information as confidential in accordance with Article 7.6.4.

ARTICLE 7.9: PENALTIES

Each Party shall adopt or maintain measures that allow for the imposition of civil or administrative penalties and, where appropriate, criminal sanctions for violations of its customs laws and regulations, including those governing tariff classification, customs valuation, country of origin, and claims for preferential treatment under this Agreement.

ARTICLE 7.10: ADVANCE RULINGS

1. Each Party shall issue, through its customs authority, before a good is imported into its territory, a written advance ruling at the written request of an importer in its territory, or an exporter or producer in the territory of the other Party⁴ with regard to:

- (a) tariff classification;
- (b) the application of customs valuation criteria for a particular case, in accordance with the Customs Valuation Agreement;

² Notwithstanding subparagraph (g), a Party may require express shipments to be accompanied by an airway bill or other bill of lading. For greater certainty, a Party may assess customs duties or taxes, and may require formal entry documents, for restricted goods.

³ For Korea, administrative review under subparagraph (a) may include review by Korea’s tax tribunal.

⁴ For greater certainty, an importer, exporter, or producer may submit a request for an advance ruling through a duly authorized representative.

(f) 适用时不考虑快件的重量或海关价值；(g) 正常情况下，对于价值200美元或以下的快件，不征收关税或税款，亦不要求提交正式进口文件。²

第7.8条：审查与上诉

每一方应确保其境内进口商在海关事务决定方面享有以下权利：

(a) 由独立于原决定雇员或部门的机构进行行政审查；³ 及 (b) 对该决定进行司法审查。

为进一步明确，每一方应允许出口商或生产商直接向进行审查的缔约方提供信息，并要求该缔约方根据第7.6.4条将该信息视为机密。

第7.9条：处罚

每一方应采取或维持措施，允许对违反其海关法律法规的行为实施民事或行政处罚，并在适当时施加刑事制裁，包括管辖关税分类、海关估价、原产国及本协定项下优惠待遇主张的法规。

第7.10条：预先裁定

1. 每一方应通过其海关当局，在货物进口至其领土之前，应其领土内的进口商或另一缔约方领土内的出口商或生产商的书面请求，就以下事项作出书面预先裁定：

(a) 关税分类；(b) 根据《海关估价协议》对特定案件适用海关估价标准；

² 尽管有(g)项的规定，缔约方可要求快件运输随附空运提单或其他提单。为进一步明确，缔约方可对限制货物征收关税或税款，并可要求提供正式进口文件。³ 对韩国而言，(a)项下的行政审查可包括韩国税务法庭的审查。⁴ 为进一步明确，进口商、出口商或生产商可通过正式授权代表提交预先裁定请求。

- (c) the application of duty drawback, deferral, or other relief from customs duties;
- (d) whether a good is originating;
- (e) whether a good re-entered into the territory of a Party after being exported to the territory of the other Party for repair or alteration is eligible for duty free treatment in accordance with Article 2.6 (Goods Re-entered after Repair or Alteration);
- (f) country of origin marking;
- (g) whether a good is subject to a quota or tariff-rate quota; and
- (h) such other matters as the Parties may agree.

2. Each Party shall issue an advance ruling within 90 days after its customs authority receives a request, provided that the requester has submitted all information that the Party requires, including, if the Party requests, a sample of the good for which the requester is seeking an advance ruling. In issuing an advance ruling, the Party shall take into account facts and circumstances the requester has provided. For greater certainty, a Party may decline to issue an advance ruling if the facts and circumstances forming the basis of the advance ruling are the subject of administrative or judicial review. A Party that, pursuant to this paragraph, declines to issue an advance ruling shall promptly notify the requester in writing, setting forth the relevant facts and the basis for its decision to decline to issue the advance ruling.

3. Each Party shall provide that advance rulings shall take effect on the date they are issued, or on another date specified in the ruling, provided that the facts or circumstances on which the ruling is based remain unchanged.

4. The issuing Party may modify or revoke an advance ruling after the Party notifies the requester. The issuing Party may modify or revoke a ruling retroactively only if the ruling was based on inaccurate or false information.

5. Each Party shall ensure that requesters have access to administrative review of advance rulings.

6. Subject to any confidentiality requirements in its laws, each Party shall publish its advance rulings, including on the Internet.

7. If a requester provides false information or omits relevant facts or circumstances relating to the advance ruling, or does not act in accordance with the ruling’s terms and conditions, the importing Party may apply appropriate measures, including civil, criminal, and administrative actions, monetary penalties, or other sanctions.

- (c) 适用关税退税、延期或其他关税减免；(d) 货物是否具备原产地资格；(e) 货物出口至另一缔约方领土修理或改装后复进口至一缔约方领土时，是否符合第2.6条（修理或改装后复进口货物）规定的免税待遇；(f) 原产国标记；(g) 货物是否受配额或关税配额限制；以及(h) 缔约双方可能商定的其他事项。

2. 每一方应在其海关当局收到请求后90天内作出预先裁定，前提是请求人已提交该缔约方要求的所有信息，包括（若缔约方要求）请求寻求预先裁定的货物样品。作出预先裁定时，缔约方应考虑请求人提供的事实和情况。为明确起见，若构成预先裁定基础的事实和情况属于行政或司法审查对象，缔约方可拒绝作出预先裁定。根据本款拒绝作出预先裁定的缔约方，应立即书面通知请求人，列明相关事实及拒绝作出预先裁定的决定依据。

3. 每一方应规定预先裁定自作出之日起生效，或在裁定指定的其他日期生效，但裁定所依据的事实或情况须保持不变。

4. 作出预先裁定的缔约方可在通知请求人后修改或撤销该裁定。仅当裁定基于不准确或虚假信息作出时，作出方方可追溯性地修改或撤销裁定。

5. 每一方应确保申请人可获得对预先裁定的行政审查。

6. 在遵守其法律中任何保密要求的前提下，每一方应公布其预先裁定，包括在互联网上公布。

7. 如果申请人提供虚假信息或遗漏与预先裁定相关的事实或情况，或未按照裁定的条款和条件行事，进口缔约方可采取适当措施，包括民事、刑事和行政诉讼、罚款或其他制裁。