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CHAPTER 4
CUSTOMS PROCEDURES AND TRADE FACILITATION

ARTICLE 4.1: SCOPE

This Chapter applies to customs procedures applied to the goods traded and to the movement of means of transport between the Parties.

ARTICLE 4.2: DEFINITIONS

For the purposes of this Chapter:

(a) **customs administration** means:

(i) in relation to Australia, the Australian Customs and Border Protection Service or its successor; and

(ii) in relation to China, the General Administration of Customs;

(b) **customs laws** means the statutory, regulatory and administrative provisions relating to the importation, exportation, movement or storage of goods, the administration or enforcement of which are specifically charged to the customs administration, and any regulations made by the customs administration under its statutory powers; and

(c) **customs procedures** means the treatment applied by the customs administration of each Party.

ARTICLE 4.3: CUSTOMS PROCEDURES AND FACILITATION

1. Each Party shall ensure that its customs procedures conform, where possible and to the extent permitted by its laws, regulations, and, where applicable, administrative rules or procedures, to international standards and recommended practices established by the World Customs Organization.

2. Each Party shall ensure that its customs procedures:

(a) are administered in an impartial, uniform and reasonable manner; and

(b) avoid arbitrary and unwarranted procedural obstacles.

3. The customs administration of each Party shall periodically review its customs procedures with a view to exploring options for their simplification and the enhancement of mutually beneficial arrangements to facilitate international trade.

第四章 海关程序和贸易便利化

4.1条：范围

本章适用于适用于缔约方之间贸易的货物所适用的海关程序以及运输工具的运输。

4.2条：定义

就本章而言：

(a)海关当局是指：(i)就澳大利亚而言，澳大利亚海关和边境保护局或其继承者；以及(ii)就中国而言，海关总署；(b)海关法律是指与货物的进口、出口、运输或储存有关的法律、法规和行政规定，其管理或执行被特别委托给海关当局，以及海关当局根据其法定权力制定的任何法规；以及(c)海关程序是指每一方海关当局所适用的处理方式。

4.3条：海关程序和便利化

1. 每一方应确保其海关程序在可能的情况下，并在其法律、法规以及适用的行政规则或程序允许的范围内，符合世界海关组织建立的国际标准和推荐做法。

2. 每一方应确保其海关程序：

(a)以公正、统一和合理的方式实施；以及(b)避免任意的和不合理的程序障碍。

3. 每一方的海关当局应定期审查其海关程序，旨在探索简化这些程序和增强互利安排以促进国际贸易的方案。

4. Each Party shall ensure that goods are released within a time period no longer than that required to ensure compliance with its customs laws.

ARTICLE 4.4: COOPERATION

1. To the extent permitted by their laws and regulations, the customs administrations of both Parties shall endeavour to assist each other, in relation to:

(a) the implementation and operation of this Chapter; and

(b) such other issues as the Parties mutually determine.

2. Each Party shall endeavour to provide the other Party with timely notice of any significant modification of its customs laws or customs procedures that are likely to substantially affect the operation of this Agreement.

ARTICLE 4.5: RISK MANAGEMENT

Each Party shall work to further enhance the use of risk management techniques in the administration of its customs procedures so as to facilitate the clearance of low-risk goods and allow resources to focus on high-risk goods.

ARTICLE 4.6: APPLICATION OF INFORMATION TECHNOLOGY

1. Each Party shall apply information technology to support customs operations, where it is cost-effective and efficient, particularly in the paperless trading context, taking into account developments in this area within relevant international organisations, including the World Customs Organization.

2. The customs administration of each Party shall endeavour to establish as soon as practicable an electronic means for communication of relevant information required by it and other relevant, trade-related agencies to facilitate the international movement of goods and means of transport.

3. The introduction and enhancement of information technology shall, to the greatest extent possible, be carried out in consultation with relevant parties, including businesses directly affected.

4. 每一方应确保货物在不超过其海关法律要求合规所需的时间期限内放行。

第四章 海关程序与贸易便利化

1. 在其法律和法规允许的范围内，缔约双方的海关当局应努力相互协助，就以下事项：

(a) 本章的实施和运作；以及

(b) 各方共同确定的其它问题。

2. 每一方应努力及时通知另一方其海关法律或海关程序的任何重大修改，这些修改可能对本协定的运作产生重大影响。

第四章 海关程序与贸易便利化

每一方应努力进一步在海关当局的管理中应用风险管理技术，以便便利低风险货物的清关，并允许资源集中于高风险货物。

第四条第六款 信息技术应用

1. 每一方应在成本效益和效率的情况下应用信息技术支持海关操作，特别是在无纸化贸易的背景下，并考虑到相关国际组织（包括世界海关组织）在该领域的进展。

2. 各方的海关当局应努力尽快建立电子通信方式，以便沟通其和其他相关与贸易相关的机构所需的相关信息，以便利货物的国际运输和运输工具。

3. 信息技术引进和提升应尽可能与相关方磋商，包括直接受影响的业务。

ARTICLE 4.7: TRANSPARENCY

1. Each Party shall promptly publish, including on the internet, its laws, regulations and, where applicable, administrative rules or procedures of general application relevant to trade in goods between the Parties.

2. Each Party shall designate one or more enquiry points to address enquiries from interested persons on customs matters, and shall make available on the internet information concerning procedures for making such enquiries.

3. To the extent practicable and in a manner consistent with its laws and regulations, each Party shall publish, in advance on the internet, draft laws and regulations of general application relevant to trade between the Parties, with a view to affording the public, especially interested persons, an opportunity to provide comment.

4. Each Party shall ensure, to the extent possible, that a reasonable interval is provided between the publication of new or amended laws and regulations of general application relevant to trade between the Parties and their entry into force.

5. Each Party shall administer, in a uniform, impartial and reasonable manner, its laws and regulations of general application relevant to trade between the Parties.

ARTICLE 4.8: REVIEW AND APPEAL

Each Party shall ensure the availability of processes for administrative and judicial review of decisions taken by its customs administration. Such review shall be independent from the official or office that made the decision.

ARTICLE 4.9: ADVANCE RULINGS

1. Each Party shall provide for written advance rulings to be issued to a person described in paragraph 2(a) concerning tariff classification, whether a good is originating under this Agreement, and other matters the Parties may agree.

2. Each Party shall adopt or maintain procedures for issuing written advance rulings, which shall:

(a) provide that an exporter, importer or any person with a justifiable cause, or a representative thereof, may apply for an advance ruling. A Party may require that an applicant have legal representation or registration in its territory;

(b) include a detailed description of the information required to process a request for an advance ruling;

第4.7条：透明度

1. 每一方应迅速发布其法律、法规，并在适用的情况下发布与缔约方之间货物贸易相关的通用行政规则或程序，包括在互联网上发布。

2. 每一方应当指定一个或多个查询点，以处理有关海关事项的查询，并应在互联网上提供有关进行此类查询的程序的信息。

3. 在切实可行且与其法律和法规一致的情况下，每一方应当在互联网上提前公布与缔约方之间贸易相关的通用法律和法规草案，以便让公众，特别是有关人士，有机会提出意见。

4. 每一方应当确保，在切实可行的范围内，与缔约方之间贸易相关的通用新法律或修订后的法律和法规的公布与其生效之间提供合理的间隔。

5. 每一方应当以统一、公正和合理的方式实施其与缔约方之间贸易相关的通用法律和法规。

第4.8条：审查和申诉

每一方应确保其海关当局作出的决定有行政和司法审查的程序。此类审查应独立于作出决定的官方或机构。

第4.9条：预先裁决

1. 每一方应规定书面预先裁决，向第2(a)款所述人员就关税分类、商品是否根据本协定原产地以及其他缔约方可能同意的事项发布。

2. 每一方应采用或维持发布书面预先裁决的程序，该程序应：

(a) 规定出口商、进口商或任何有正当理由的人，或其代表，可以申请预先裁定。一方可以要求申请人具有其领土内的法律代表或注册； (b) 包括处理预先裁定申请所需信息的详细说明；

(c) allow its customs administration, at any time during the course of an evaluation of an application for an advance ruling, to request that the applicant provide additional information necessary to evaluate the request;

(d) ensure that an advance ruling be based on the facts and circumstances presented by the applicant and any other relevant information in the possession of the decision-maker; and

(e) provide that the ruling be issued, in the national language of the issuing customs administration, to the applicant expeditiously within 60 days on receipt of all necessary information.

3. A Party that declines to issue an advance ruling shall promptly notify the applicant in writing, setting forth the basis for its decision to decline to issue the advance ruling.

4. A Party may reject requests for an advance ruling where the additional information requested by it in accordance with paragraph 2(c) is not provided within the specified period.

5. Each Party shall endeavour to make information on advance rulings which it considers to be of significant interest to other traders publicly available, taking into account the need to protect confidential information.

6. Subject to paragraph 7, each Party shall apply an advance ruling to importations into its territory through any port of entry for three years or such longer period as a Party may decide, beginning on the date it issues the ruling or on any other date specified in the ruling. The Party shall ensure the same treatment of all importations of a good subject to the ruling during the validity period regardless of the importer or exporter involved, where the facts and circumstances are identical in all material respects.

7. A Party may modify or revoke an advance ruling, consistent with this Agreement, where:

(a) there is a change in its laws or regulations;

(b) incorrect information is provided or relevant information is withheld;

(c) there is a change in a material fact; or

(d) there is a change in the circumstances on which the ruling was based.

(c) 允许其海关当局在评估预先裁定申请的整个过程中，随时要求申请人提供评估申请所需的补充信息；(d) 确保预先裁定基于申请人提供的实际情况和任何其他决策者持有的相关信息；以及 (e) 规定裁定以签发海关当局的国家语言，在收到所有必要信息后 60 天内迅速向申请人签发。

3. 拒绝出具预先裁决的一方应及时以书面形式通知申请人拒绝出具预先裁决的理由。

4. 一方可以拒绝预先裁决的请求，如果其根据第2款(c)项要求提供的附加信息未在规定期限内提供。

5. 每一方应努力使其认为对其他贸易商具有重大意义的信息公开，同时考虑到保护机密信息的需要。

6. 除第7款规定外，每一方应将其作出的预先裁决适用于其领土通过任何入境口岸进行的进口，期限为三年或一方决定的最长期限，自其作出裁决之日起计算，或裁决中指定的任何其他日期起计算。该方应确保在有效期内对所有受裁决约束的商品进口给予相同待遇，无论涉及进口商或出口商如何，只要事实和情况在实质上相同。

7. 一方可根据本协定修改或撤销预先裁定，其中：

(a) 其法律或法规发生变化；(b) 提供了不正确的信息或隐瞒了相关信息；(c) 实质性事实发生变化；或 (d) 作出裁决所依据的情况发生变化。

ARTICLE 4.10: RELEASE OF GOODS

1. Each Party shall adopt or maintain simplified customs procedures for the efficient release of goods in order to facilitate trade between the Parties. This paragraph shall not require a Party to release a good where its requirements for release have not been met.

2. In accordance with paragraph 1, each Party shall adopt or maintain procedures that:

(a) provide for the release of goods as rapidly as possible after arrival, provided all other regulatory requirements have been met; and

(b) as appropriate, provide for advance electronic submission and processing of information before the physical arrival of goods with a view to expediting the release of goods.

3. Each Party shall endeavour to adopt and maintain a system under which goods in need of urgent clearance can obtain prompt customs clearance.

ARTICLE 4.11: PERISHABLE GOODS

1. With a view to preventing avoidable loss or deterioration of perishable goods, and provided all regulatory requirements have been met, each Party shall:

(a) provide for the release of perishable goods under normal circumstances within the shortest possible time; and

(b) provide for the release of perishable goods, in exceptional circumstances where it would be appropriate to do so, outside the business hours of its customs administration and other relevant authorities.

2. Each Party shall give appropriate priority to perishable goods when scheduling any examinations that may be required.

3. Each Party shall either arrange, or allow an importer to arrange, for the proper storage of perishable goods pending their release. Each Party may require that any storage facilities arranged by the importer have been approved or designated by its relevant authorities. The movement of the goods to those storage facilities, including authorisations for the operator moving the goods, may be subject to the approval, where required, of the relevant authorities. Each Party shall, where practicable and consistent with its laws, on request of the importer, provide for any procedures necessary for release to take place at those storage facilities.

4.1条：货物放行

1. 每一方应当采用或维持简化海关程序以实现高效货物放行，从而促进缔约方之间的贸易。本款不得要求一方在其放行要求未得到满足的情况下放行商品。

2. 根据第1段，每一方应当采用或维持下列程序：

(a) 在货物到达后，尽快放行货物，前提是已满足所有其他监管要求；以及
(b) 在适当的情况下，在货物实际到达前提供提前电子提交和信息处理，以加快货物放行。

3. 每一方应当努力采用和维持一个系统，在该系统下，需要紧急清关的货物可以获得快速海关清关。

4.11条：易腐货物

1. 为了防止易腐货物发生可避免的损失或变质，并且所有监管要求均已满足，每一方应当：

(a) 在正常情况下，以最短的时间办理易腐货物的放行手续；以及 (b) 在特殊情况且适宜的情况下，在海关当局和其他相关当局的工作时间之外办理易腐货物的放行手续。

2. 每一方在安排任何可能需要的检查时，应当对易腐货物给予适当的优先处理。

3. 每一方应当安排，或允许进口商安排，对易腐货物进行适当储存，直至其放行。每一方可以要求进口商安排的储存设施已获得其相关当局的批准或指定。货物运往这些储存设施，包括为操作员移动货物而发放的授权，可能需要获得相关当局的批准。每一方应当在切实可行且与其法律一致的情况下，应进口商的要求，为在那些储存设施进行放行提供必要的程序。

ARTICLE 4.12: TEMPORARY ADMISSION OF GOODS

1. Each Party shall allow, as provided for in its laws and regulations, goods to be brought into its territory conditionally relieved, totally or partially, from payment of import duties and taxes if such goods:

(a) are brought into its territory for a specific purpose;

(b) are intended for re-exportation within a specific period; and

(c) have not undergone any change except normal depreciation and wastage due to the use made of them.

2. A Party shall not apply any import duties or taxes on containers, pallets or packing material used in the transportation of goods.

ARTICLE 4.13: ACCEPTANCE OF COPIES

1. Each Party shall, where appropriate, endeavour to accept paper or electronic copies of supporting documents required for imported goods.

2. A Party shall not require an original or copy of export declarations submitted to the customs administration of the exporting Party as a requirement for importation.

ARTICLE 4.14: CONSULTATION

1. The customs administration of a Party may at any time request consultations with the customs administration of the other Party on any matter arising from the implementation or operation of this Chapter. Such consultations shall be conducted through the relevant contact points, and shall take place within 30 days of the request, unless the customs administrations of the Parties mutually determine otherwise.

2. The customs administration of each Party shall designate one or more contact points for the purposes of this Chapter and provide details of such contact points to the other Party. The customs administrations of the Parties shall notify each other promptly of any amendments to the details of their contact points.

3. The customs administrations of the Parties may consult each other on any trade facilitation issues arising from procedures to secure trade and the movement of means of transport between the Parties.

第4.12条：临时进口货物

1. 每一方应当根据其法律和法规的规定，允许货物进入其领土，条件是这些货物：

(a) 为特定目的被带入其领土；(b) 在特定时期内用于再出口；以及(c) 除因使用而产生的正常折旧和损耗外，未经任何改变。

2. 任何一方不得对用于货物运输的集装箱、托盘或包装材料征收任何进口关税或税收。

第4.13条：接受副本

1. 各方应根据需要，努力接受进口货物所需的支持文件的纸质或电子副本。

2. 一方不得要求出口方海关当局提交的出口申报的原本或副本作为进口的要求。

第4.14条：磋商

1. 一方海关当局可随时就本章节的实施或运行产生的任何事项，与其他一方海关当局进行磋商。此类磋商应通过相关联系点进行，并在请求之日起30天内进行，除非缔约方海关当局相互决定其他方式。

2. 各方海关当局应根据本章节的规定指定一个或多个联系点，并将此类联系点的详细信息提供给另一方。缔约方海关当局应迅速相互通知其联系点详情的任何变更。

3. 缔约方海关当局可就因保障贸易和双方之间运输工具的运输而出现的任何贸易便利化问题进行磋商。