

# Cooperative Framework

Between

the Customs administration of Japan

and

the Customs administration of Australia

The Customs administrations of Japan and Australia,

Considering that offences against customs laws are prejudicial to the economic, fiscal, social, cultural, and commercial interests of their respective countries,

Considering the importance of assuring the accurate assessment of customs duties and other taxes,

Having regard to the Note Verbale of the Embassy of Japan (No. 03-073) dated 24 June 2003 and the Note Verbale of the Department of Foreign Affairs and Trade (No. NAD 04/2003) dated 24 June 2003, concerning the use of information exchanged between the customs administrations of both countries,

Recognizing that customs administrations play an important role in economic development through facilitating the flow of goods and in protecting society from the threat of transnational organized crime and terrorism,

Recognizing the need for international cooperation in matters related to the administration and enforcement of their customs laws,

Having regard to international conventions containing prohibitions, restrictions, and special measures of control in respect of specific goods,

Convinced that action against customs offences can be made more effective by cooperation between their customs administrations, and

Having regard to the Recommendations of the Customs Cooperation Council regarding Mutual Administrative Assistance of December 5 1953,

Have decided to cooperate in accordance with the following framework:

1. Each customs administration will endeavour to provide to the other a list of goods that are known to be, or suspected of being, imported or exported in contravention of the customs laws of the other customs administration.

2. Either customs administration, upon the request of the other, will endeavour to arrange for special surveillance to be conducted of persons, goods or conveyances known to be, or suspected of being, connected with the contravention of the customs laws of the requesting customs administration.

3. Either customs administration, upon the request of the other, will endeavour to provide all available information concerning contraventions of the customs laws of the other customs administration that are under investigation. Each customs administration also intends to voluntarily provide to the other, information that it considers may be useful to the activities of the other administration.

Information provided pursuant to this Cooperative Framework will be provided in accordance with the laws and regulations concerning disclosure of information and under the presumption that any conditions attached to the provision of that information will be duly observed by the other administration. Any information provided from the Customs administration to the other Customs administration will be used solely for the purposes of this Cooperative Framework.

4. Where the assistance of the requested customs administration cannot be provided in a timely manner, e.g, where a request falls outside the competence of the requested administration or will interfere with an ongoing investigation, the requested customs administration will notify the other customs administration of that fact.

5. Requests pursuant to paragraphs 2 and 3 of this Cooperative Framework will be made in writing. Information considered useful for the execution of a request will be provided by the requesting administration to the requested administration with the request. When circumstances require, oral requests may be made, but will be promptly confirmed in writing.

Requests for assistance will include the following information:

- (a) the nature of the proceedings in respect of which the request is made;
- (b) the subject of and reason for the request;
- (c) the names and addresses of the parties to whom the request relates, if known; and
- (d) a brief description of the matter under consideration and the legal elements involved.

6. The information provided pursuant to paragraphs 1 to 5 will be directly communicated between officials designated by the respective customs administrations and specified in the Annex.

7. For prompt customs clearance of goods traded between Australia and Japan, each customs administration will endeavour to:

- (a) use information and communications technology wherever possible;
- (b) simplify its customs procedures; and,

(c) ensure its customs procedures conform, as far as possible, to relevant international standards and practices, such as those under the auspices of the Customs Cooperation Council.

8. The customs administrations intend to promote the use of information and communications technology in their customs procedures, and to exchange information on the use of information and communications technology for the purpose of improving customs procedures.

9. In order to facilitate customs clearance of goods traded between Australia and Japan, each customs administration intends to continue to use risk management techniques, and to exchange information on risk management and other enforcement techniques.

10. In addition to the provisions in paragraphs 7 to 9, the customs administrations will endeavour to exchange information about technological developments that enhance the effectiveness and/or efficiency of customs practices and procedures so that each administration can continually find ways of better meeting its responsibilities.

11. Both customs administrations may convene meetings of customs officials to progress bilateral technical issues of mutual interest on customs cooperation and paperless trading. In principle such meetings may occur annually.

12. In order to promote further cooperation and mutual understanding, the customs administrations intend to continue to provide opportunities for selected officers to be attached as trainees to each other's administrations. The costs incurred in such attachments will be met by the sending administration.

13. Both customs administrations will endeavour to exchange views and work cooperatively on customs-issues being considered by international forums such as the Customs Cooperation Council and APEC.

14. Both customs administrations will endeavour to exchange views and work cooperatively in the planning and provision of technical and development assistance to other customs administrations in the Asia Pacific region.

15. Both customs administrations will continue to work cooperatively to support the Regional Intelligence Liaison Office project in the region.

16. Both customs administrations intend to hold consultations when necessary to ensure the effectiveness of the cooperation mentioned above.

17. Nothing in this Cooperative Framework will be construed as creating any legal right or obligation in respect of either customs administration, nor affect any international Convention, Treaty or Agreement which Australia or Japan has concluded. Any cooperation under this Cooperative Framework will be implemented in accordance

with the laws and regulations in force in each country and within the available resources of each customs administration.

18. This Cooperative Framework will replace the letters exchanged between the Customs administration of Australia and the Customs administration of Japan of November 3 1999.

Signed in duplicate on 27<sup>th</sup> June, 2003, in English language.

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of Japan

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Annex

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