

IMPLEMENTING AGREEMENT  
BETWEEN  
THE GOVERNMENT OF JAPAN AND  
THE GOVERNMENT OF BRUNEI DARUSSALAM  
PURSUANT TO ARTICLE 10 OF THE AGREEMENT  
BETWEEN JAPAN AND BRUNEI DARUSSALAM  
FOR AN ECONOMIC PARTNERSHIP

Preamble

The Government of Japan and the Government of Brunei Darussalam,

In accordance with Article 10 of the Agreement between Japan and Brunei Darussalam for an Economic Partnership (hereinafter referred to in this Agreement as "the Basic Agreement"),

HAVE AGREED as follows:

Chapter 1  
General Provisions

Article 1  
Definitions

For the purposes of this Agreement:

- (a) "Countries" means Japan and Brunei Darussalam and "Country" means either Japan or Brunei Darussalam; and
- (b) "Parties" means the Government of Japan and the Government of Brunei Darussalam and "Party" means either the Government of Japan or the Government of Brunei Darussalam.

Chapter 2  
Customs Procedures

Article 2  
Mutual Assistance

1. Both Parties shall assist each other through their customs authorities to ensure proper application of customs laws, and to prevent, investigate and repress any violation or attempted violation of customs laws.

2. Both Parties shall cooperate through their customs authorities, when necessary and appropriate, in the area of research, development, and testing of new customs procedures and new enforcement aids and techniques, training activities of customs officers, and exchange of personnel between them.

Article 3  
Information and Communications Technology

The customs authorities of the Parties (hereinafter referred to in this Chapter as "the customs authorities") shall, for the purpose of improving their customs procedures, endeavour to promote the use of information and communications technology in their customs procedures, including through seminars and courses and the sharing of the best practices.

Article 4  
Risk Management

1. In order to facilitate customs clearance of goods traded between the Countries, the customs authorities shall continue to use risk management.

2. The Parties shall endeavour to promote, through seminars and courses, the use of risk management and the improvement of risk management techniques in the Countries and third countries or customs territories.

3. The customs authorities shall exchange information, including best practices, on risk management techniques and other enforcement techniques.

Article 5  
Enforcement against Illicit Trafficking

1. The customs authorities shall cooperate and exchange information in their enforcement against the trafficking of illicit drugs and other prohibited goods at their customs checkpoints.

2. The Parties shall endeavour to promote regional cooperation under the Customs Co-operation Council in fighting trafficking of illicit drugs and other prohibited goods at their customs checkpoints.

Article 6  
Intellectual Property Rights

The customs authorities shall cooperate and exchange information in their enforcement against the importation and exportation of goods suspected of infringing intellectual property rights at the border of their respective Countries.

Article 7  
Exchange of Information

1. Each Party shall maintain the confidentiality of any information communicated to it in confidence by the other Party pursuant to this Chapter, unless the other Party consents to the disclosure of such information.
2. Each Party may limit the information it communicates to the other Party when the other Party is unable to give the assurance requested by the former Party with respect to the maintenance of confidentiality or the limitations of purposes for which the information will be used.
3. If a Party that requests information would be unable to comply with a similar request in case such a request were made by the other Party, it shall draw attention to that fact in its request. Execution of such a request shall be at the discretion of the other Party.
4. Information provided from the customs authority of a Party to the customs authority of the other Party pursuant to this Chapter shall be used only for the discharge of functions of the latter customs authority under its Country's customs laws.
5. Information provided pursuant to this Chapter shall not be used by the Party that receives information in criminal proceedings carried out by a court or a judge.
6. In the event that information communicated by a Party to the other Party pursuant to this Chapter is needed for presentation to a court or a judge in criminal proceedings, that other Party shall submit a request for such information to the former Party through the diplomatic channel or other channels established in accordance with the laws of the Country of the former Party. The former Party will make its best efforts to respond promptly and favourably to meet any reasonable deadlines indicated by the other Party.

7. Notwithstanding any other provision of this Chapter, a Party shall not be required to communicate information to the other Party if such communication is prohibited by the laws and regulations of the Country of the former Party or if the former Party considers such communication incompatible with its important interests.

Article 8  
Sub-Committee on Customs Procedures

1. Pursuant to Article 54 of the Basic Agreement, the Sub-Committee on Customs Procedures (hereinafter referred to in this Article as "the Sub-Committee") shall comprise:

- (a) an official from the Ministry of Finance of Japan and an official from the Royal Customs and Excise Department of Brunei Darussalam, as co-chairs;
- (b) for Brunei Darussalam, officials from the Royal Customs and Excise Department, and other government officials with the necessary expertise relevant to the issues to be discussed who may be included on an ad hoc basis; and
- (c) for Japan, officials from the Ministry of Finance and the Ministry of Foreign Affairs, and other government officials with the necessary expertise relevant to the issues to be discussed who may be included on an ad hoc basis.

2. The Sub-Committee may, by mutual consent of the Parties, invite representatives of relevant entities other than the Parties with the necessary expertise relevant to the issues to be discussed.

Chapter 3  
Energy

Article 9  
Forms of Cooperation

The forms of cooperation under Article 94 of the Basic Agreement may include:

- (a) exchanging views and information on relevant laws and regulations;
- (b) sharing experiences and best practices;
- (c) encouraging and facilitating visits and exchange of experts;

- (d) promoting capacity building;
- (e) enhancing training opportunities;
- (f) promoting the holding of seminars and workshops;  
and
- (g) other forms of cooperation to be mutually agreed  
by the Parties.

Chapter 4  
Cooperation

Section 1  
Trade and Investment Promotion

Article 10  
Basic Principles

Pursuant to Chapter 9 of the Basic Agreement, the Parties, recognising that joint efforts of the Parties to facilitate exchange and collaboration between respective entities in the private sector will act as a catalyst to further promote trade and investment between the Countries, shall cooperate in promoting trade and investment activities by respective entities in the private sector of the Countries.

Article 11  
Forms of Cooperation

Pursuant to Article 103 of the Basic Agreement, the forms of cooperation under this Section may include:

- (a) organising and cooperating on trade and investment promotion activities, such as trade and investment missions, business seminars and trade fairs;
- (b) exchanging and sharing information on trade, investment, business-related laws and regulations and business environment of the Countries;
- (c) enhancing training opportunities;
- (d) exchanging experts and specialists, and accepting trainees, to strengthen trade and investment development and promotion;

- (e) encouraging potential investors of the Countries to use Invest Japan Business Support Centers (IBSCs) and other related facilities operated by Japan External Trade Organization in Japan, and the Ministry of Foreign Affairs and Trade in Brunei Darussalam; and
- (f) other forms of cooperation to be mutually agreed by the Parties.

Section 2  
Small and Medium Enterprises

Article 12  
Basic Principles

Pursuant to Chapter 9 of the Basic Agreement, the Parties, recognising the fundamental role of small and medium enterprises (hereinafter referred to in this Section as "SMEs") in enhancing the dynamism and the competitiveness of the national economies of their respective Countries, shall cooperate in promoting close cooperation among SMEs as well as the relevant agencies of the Countries.

Article 13  
Areas and Forms of Cooperation

Pursuant to Article 103 of the Basic Agreement:

- (a) the areas of cooperation under this Section may include:
  - (i) strengthening of management and competitiveness of SMEs; and
  - (ii) human resource development relating to SMEs; and
- (b) the forms of cooperation under this Section may include:
  - (i) exchanging views and information concerning SMEs;
  - (ii) promoting capacity building for SMEs;
  - (iii) enhancing training opportunities;
  - (iv) promoting the holding of seminars and workshops;

- (v) encouraging and facilitating visits and exchange of experts;
- (vi) promoting investment by SMEs of both Countries; and
- (vii) other forms of cooperation to be mutually agreed by the Parties.

Section 3  
Agriculture, Forestry and Fisheries

Article 14  
Basic Principles

Pursuant to Chapter 9 of the Basic Agreement, the Parties, recognising the importance of securing stable food supply and of sustainable development of agriculture, forestry and fisheries, shall cooperate in the field of agriculture, forestry and fisheries for mutual benefits of the Countries.

Article 15  
Areas and Forms of Cooperation

Pursuant to Article 103 of the Basic Agreement:

- (a) the areas of cooperation under this Section may include:
  - (i) human resource development relating to agriculture, forestry and fisheries;
  - (ii) development and promotion of technologies relating to agriculture, forestry and fisheries;
  - (iii) sound development of food industry and market policy; and
  - (iv) sanitary and phytosanitary measures; and
- (b) the forms of cooperation under this Section may include:
  - (i) exchanging views and information concerning agriculture, forestry and fisheries;

- (ii) establishing a dialogue mechanism between the Ministry of Agriculture, Forestry and Fisheries of Japan and the Ministry of Industry and Primary Resources of Brunei Darussalam;
- (iii) promoting capacity building for agriculture, forestry and fisheries;
- (iv) enhancing training opportunities; and
- (v) other forms of cooperation to be mutually agreed by the Parties.

Section 4  
Tourism

Article 16  
Basic Principles

Pursuant to Chapter 9 of the Basic Agreement, the Parties, recognising that tourism will contribute to the enhancement of mutual understanding between the peoples of both Countries and that tourism is an important industry for the economies of their respective Countries, shall cooperate to promote and develop tourism in the Countries.

Article 17  
Areas and Forms of Cooperation

Pursuant to Article 103 of the Basic Agreement:

- (a) the areas of cooperation under this Section may include:
  - (i) promotion of tourism between the Countries;
  - (ii) sustainable development of tourism; and
  - (iii) human resource development relating to tourism; and
- (b) the forms of cooperation under this Section may include:
  - (i) promoting the holding of workshops and seminars;
  - (ii) exchanging information on relevant laws, policies and statistics, and sharing experiences, relating to tourism and related sectors;

- (iii) promoting capacity building for tourism;
- (iv) enhancing training opportunities; and
- (v) other forms of cooperation to be mutually agreed by the Parties.

Section 5  
Education and Human Resource Development

Article 18  
Basic Principles

Pursuant to Chapter 9 of the Basic Agreement, the Parties, recognising that sustainable economic growth and prosperity largely depend on people's knowledge and skills, and acknowledging that capacity building is essential in all fields of cooperation under Chapter 9 of the Basic Agreement, shall cooperate in the field of education and human resource development.

Article 19  
Areas and Forms of Cooperation

Pursuant to Article 103 of the Basic Agreement:

- (a) the areas of cooperation under this Section may include:
  - (i) higher education;
  - (ii) technical and vocational training; and
  - (iii) development of human resources with advanced knowledge and skills; and
- (b) the forms of cooperation under this Section may include:
  - (i) exchanging views and information on policy issues;
  - (ii) encouraging and facilitating visits and exchanges of experts, scholars, teachers and government officials;
  - (iii) encouraging cooperation among educational institutions of the Countries;
  - (iv) enhancing training opportunities; and
  - (v) other forms of cooperation to be mutually agreed by the Parties.

Section 6  
Information and Communications Technology

Article 20  
Basic Principles

Pursuant to Chapter 9 of the Basic Agreement, the Parties, recognising the rapid development, led by the private sector, of information and communications technology (hereinafter referred to in this Section as "ICT") and of business practices concerning ICT-related services in both the domestic and international contexts, shall cooperate in promoting the development of ICT and ICT-related services with a view to obtaining the maximum benefit of the use of ICT for the Countries.

Article 21  
Areas and Forms of Cooperation

Pursuant to Article 103 of the Basic Agreement:

- (a) the areas of cooperation under this Section may include:
  - (i) human resource development relating to ICT; and
  - (ii) use of ICT-related services; and
- (b) the forms of cooperation under this Section may include:
  - (i) encouraging joint research and development;
  - (ii) exchanging information on policy issues;
  - (iii) promoting capacity building for ICT;
  - (iv) enhancing training opportunities; and
  - (v) other forms of cooperation to be mutually agreed by the Parties.

Section 7  
Science and Technology

Article 22  
Basic Principles

Pursuant to Chapter 9 of the Basic Agreement, the Parties, recognising that science and technology will contribute to the continued expansion of the economies of their respective Countries in the medium and long term, shall develop and promote cooperation for peaceful purpose, in the field of science and technology on the basis of equality and mutual benefit.

Article 23  
Areas and Forms of Cooperation

Pursuant to Article 103 of the Basic Agreement:

- (a) the areas of cooperation under this Section may include:
  - (i) science and technology suitable to provide a basis for industrial development; and
  - (ii) development of human resources with advanced knowledge and skills; and
- (b) the forms of cooperation under this Section may include:
  - (i) encouraging exchange of information concerning science and technology between research institutions of the Countries;
  - (ii) encouraging joint research and development;
  - (iii) enhancing training opportunities; and
  - (iv) other forms of cooperation to be mutually agreed by the Parties.

Section 8  
Environment

Article 24  
Basic Principles

Pursuant to Chapter 9 of the Basic Agreement, the Parties, recognising the importance of strengthening capacity to protect the environment and promote sustainable development, and the critical role of multilateral environmental agreements, shall cooperate in the field of environment.

Article 25  
Areas and Forms of Cooperation

Pursuant to Article 103 of the Basic Agreement:

- (a) the areas of cooperation under this Section may include:
  - (i) conservation and improvement of the environment; and
  - (ii) promotion of sustainable development; and
- (b) the forms of cooperation under this Section may include:
  - (i) exchanging information, including on laws, regulations and policies;
  - (ii) promoting capacity building for environment;
  - (iii) enhancing training opportunities;
  - (iv) encouraging and facilitating visits and exchange of experts; and
  - (v) other forms of cooperation to be mutually agreed by the Parties.

Section 9  
Intellectual Property

Article 26  
Basic Principles

Pursuant to Chapter 9 of the Basic Agreement, the Parties, recognising the importance of intellectual property (hereinafter referred to in this Section as "IP") as a factor of economic competitiveness in the knowledge-based economy, shall develop and promote cooperation between the Parties in the field of IP to improve the business environment in the respective Countries as provided for in Chapter 8 of the Basic Agreement.

Article 27  
Areas and Forms of Cooperation

Pursuant to Article 103 of the Basic Agreement:

- (a) the areas of cooperation under this Section may include:
  - (i) patents, trademarks and industrial designs;
  - (ii) copyright and related rights;
  - (iii) IP licensing and management;
  - (iv) IP protection in the digital environment and the growth and development of e-commerce; and
  - (v) IP education and awareness programme; and
- (b) the forms of cooperation under this Section may include:
  - (i) exchanging information and sharing experiences on IP and on relevant IP events, activities and initiatives organised in each Country;
  - (ii) disseminating information and sharing experiences on IP enforcement;
  - (iii) enhancing training opportunities; and
  - (iv) other forms of cooperation to be mutually agreed by the Parties.

Section 10  
Land Transportation

Article 28  
Basic Principles

Pursuant to Chapter 9 of the Basic Agreement, the Parties, recognising that land transportation will contribute to the continued expansion of the economies of their respective Countries, shall cooperate in the field of land transportation.

Article 29  
Areas and Forms of Cooperation

Pursuant to Article 103 of the Basic Agreement:

- (a) the areas of cooperation under this Section may include human resource development in land transportation relating to motor vehicle; and
- (b) the forms of cooperation under this Section may include:
  - (i) exchanging views and information on policy issues relating to land transportation;
  - (ii) enhancing training opportunities;
  - (iii) promoting capacity building for land transportation; and
  - (iv) other forms of cooperation to be mutually agreed by the Parties.

Chapter 5  
Final Provisions

Article 30  
Implementation

This Agreement shall be implemented by the Parties in accordance with the Basic Agreement and the laws and regulations in force in their respective Countries, and within the available resources of each Party.

Article 31  
Headings

The headings of the Chapters, Sections and Articles of this Agreement are inserted for convenience of reference only and shall not affect the interpretation of this Agreement.

Article 32  
Entry into Force

This Agreement shall enter into force at the same time as the Basic Agreement and shall remain in force as long as the Basic Agreement remains in force. The Parties shall, at the request of a Party, consult with each other as to whether to amend this Agreement.

Article 33  
Dispute Settlement

Chapter 10 of the Basic Agreement shall apply *mutatis mutandis* with respect to the settlement of disputes between the Parties concerning the interpretation or application of Chapter 2 and this Chapter.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

DONE at Tokyo on this eighteenth day of June in the year 2007 in duplicate in the English language.

For the Government of  
Japan:

安倍晋三

For the Government of  
Brunei Darussalam:

Hassanal Bolkiah