

**Cooperative Framework
between
the Customs Administration of Japan
and
the New Zealand Customs Service**

The Customs Administration of Japan and the New Zealand Customs Service (hereinafter referred to as “the Participants”),

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,

Recognising 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,

Recognising the need for international cooperation in matters relating 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 the Participants, and

Having regard to the Recommendations of the Customs Cooperation Council regarding Mutual Administrative Assistance of December 5 1953, and the Guidelines for Regional Mutual Administrative Assistance in Customs Matters, April 2002,

Have decided to cooperate in line with the following framework:

1. Each Participant will endeavour, to the extent that their laws allow, to provide to the other details of goods that are known to be, or suspected of being, imported or exported in contravention of the customs laws of the other Participant.
2. Either Participant, upon the request of the other, will endeavour to the extent that their laws allow 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 Participant.

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

Information will be provided subject to the following conditions:

- (a) Information provided in line with this Cooperative Framework will be provided in line with and subject to the laws and regulations relating to the exchange of information in the country of the requested Participant, and any stated caveats of the requested Participant relating to use and disclosure of the information provided, except to the extent that such information may be disclosed in line with subparagraph (c) below.
- (b) Any information provided from one Participant to the other will be used solely for the purposes of this Cooperative Framework, to assist in the prevention, detection, investigation, and prosecution and punishment of customs offences.
- (c) A Participant will not disclose or provide to other authorities than Customs administration any information received in line with this Cooperative Framework except:
 - i. to relevant domestic law enforcement agencies, if this is consistent with the purpose for which the information was originally provided and in line with the conditions set out in this Cooperative Framework;
 - ii. otherwise with the written consent of the providing Participant; or
 - iii. to the extent required by the laws and regulations that apply to the Participant that received the information.
- (d) If a Participant discloses or provides information in line with subparagraph 3 (c) i and iii, it will wherever possible give advance notice in writing of any such disclosure or provision to the providing Participant.
- (e) Information provided in line with this Cooperative Framework will not be used in domestic criminal proceedings carried out by a court or a judge, unless the Participant that wishes to use the information:
 - i. submits a request in writing for approval of the use of the information in criminal proceedings to the Participant that provided the information. A request for

approval will include the following information:

- ① the facts pertaining to the subject of, and the nature and the stage of, the criminal proceedings;
 - ② the relevant laws, including applicable penalties of the country of the Participant that wishes to use the information;
 - ③ a statement as to whether the Participant that wishes to use the information would be able to comply with a similar request for approval where such a request was made by the Participant that provided the information; and
- ii. receives from the Participant that provided the information express approval in writing to use the information in criminal proceedings.
- (f) Each Participant will maintain the confidentiality of any information received in line with this Cooperative Framework, and will grant at least the same level of protection under the laws and regulations of the country of the Participant providing the information, unless the Participant that provided the information gives a prior consent to the disclosure of such information.
- (g) Each Participant will restrict access to information received under this Cooperative Framework to those persons who need to be aware of its contents.
- (h) Each Participant will hold and transmit information received under this Cooperative Framework using recognised security mechanisms such as passwords, encryption, or other reasonable safeguards consistent with the security classification or other handling instructions attached to the particular information.
- (i) Each Participant will notify the other of any accidental or unauthorised access, use, disclosure, modification or loss of information received under this Cooperative Framework and furnish full details of that incident.
- (j) Where information has been accidentally disclosed or modified each Participant will do everything reasonably practicable to recover or, where recovery is not possible, ensure the destruction of the disclosed or modified information.
4. The Participants may refuse to communicate information in line with this Cooperative Framework, where to do so would:
- (a) be likely to prejudice their sovereignty, public policy, security or other essential interests;
 - (b) violate or prejudice a legitimate industrial, commercial or professional interest;

- (c) be outside the competence of the requested Participant; or
- (d) interfere with an ongoing investigation, including investigation by the relevant law enforcement agencies, prosecution or judicial proceeding.

In the event that a request cannot be executed, the requested Participant will notify the other Participant of that fact.

5. If the requesting Participant would be unable to execute a similar request in the case that such a request were made by the requested Participant, it will draw attention to the fact in its request. Execution of such a request will be at the discretion of the requested Participant.
6. Requests made in line with 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 Participant to the requested Participant 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;
 - (d) a brief description of the matter under consideration and the legal elements involved; and
 - (e) Any legal or security caveat and the priority of the request.
7. The information provided in line with paragraphs 1 to 6 will be directly communicated between officials designated by the Participants and specified in the Annex.
 8. For prompt customs clearance of goods traded between Japan and New Zealand, each Participant will endeavour to:
 - (a) use information and communications technology wherever possible;
 - (b) simplify its customs procedures and where possible harmonise procedures; and
 - (c) ensure its customs procedures conform to relevant international standards and practices, such as those under the auspices of the Customs Cooperation Council.
 9. The Participants intend to promote the use of information and communications technology in their customs procedures subject to appropriate security, and to exchange information on the use of information, communications, detection and

monitoring technology for the purpose of improving customs procedures and enhancing enforcement activity.

10. In order to facilitate customs clearance of goods traded between Japan and New Zealand, each Participant intends to continue to use risk management techniques, and to exchange information on risk management and other enforcement techniques.
11. In addition to the matters in paragraphs 8 to 10, the Participants will endeavour to exchange information about technological developments that enhance the effectiveness and/or efficiency of customs practices and procedures so that each Participant can continually find ways of better meeting its responsibilities.
12. Both Participants, as necessary, may convene meetings of customs officials to progress bilateral technical issues of mutual interest on customs cooperation and paperless trading.
13. In order to promote further cooperation and mutual understanding, the Participants 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 Participant.
14. Both Participants will endeavour to exchange views and work cooperatively on customs-issues being considered by international forums such as the Customs Cooperation Council and APEC.
15. Both Participants 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.
16. Both Participants will continue to work cooperatively to support the activities of the Regional Intelligence Liaison Office and the Regional Office for Capacity Building in the region.
17. Both Participants intend to hold consultations when necessary to ensure the effectiveness of the cooperation mentioned above.
18. Nothing in this Cooperative Framework will be construed as creating any legal right or obligation in respect of either Participant, nor affect any international Convention, Treaty or Agreement which Japan or New Zealand has concluded. Any cooperation under this Cooperative Framework will be implemented in line with the laws and regulations in force in each country and within the available resources of each Participant.

19. Cooperation under this Cooperative Framework will begin on the date of signature by the Participants. This Cooperative Framework may be modified by the mutual written consent of the Participants. Cooperation under this Cooperative Framework will cease to continue three months from the date that one Participant has given written notice of its intention to cease cooperation to the other.
20. This Cooperative Framework will replace the Cooperative Framework between the Customs Administration of Japan and the New Zealand Customs Service signed on 1 April, 2004.

Signed in duplicate at Brussels on 26 June, 2014, in the English language.

For the Customs Administration of Japan For the New Zealand Customs Service

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