

**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,

Having regard to the Note Verbale of Japan (No. 28) dated 31 March 2004 and the Note Verbale of New Zealand (No. 2004/1) dated 31 March 2004, concerning the use of information exchanged between the Participants,

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 accordance 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, upon the request of the other, will endeavour to the extent that their laws allow 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 provided pursuant to this Cooperative Framework will be provided in accordance with the laws and regulations in Japan and New Zealand concerning disclosure of information and under the presumption that any conditions attached to the provision of that information by one Participant will be duly observed by the other. Any information provided from one Participant to the other will be used solely for the purposes of this Cooperative Framework.

The Participants will not disclose any information provided pursuant to this Cooperative Framework to any other person, body or agency other than a law enforcement authority in their respective countries subject to paragraphs (4) and (8) of the aforementioned Notes Verbales in accordance with the laws and regulations of each country. The Participants will take necessary measures to ensure that a law enforcement authority that receives any information pursuant to this Cooperative Framework will use the information only for the purpose of law enforcement in their respective countries and will not disclose this information for any other purpose in accordance with the laws and regulations of each country.

4. Where the assistance of the requested Participant cannot be provided in a timely manner, for example, where a request falls outside the competence of the requested Participant or will interfere with an ongoing investigation, the requested Participant will notify the other Participant 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 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.
6. The information provided pursuant to paragraphs 1 to 5 will be directly communicated between officials designated by the Participants and specified in the Annex.
7. 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.
8. 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.
9. 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.
10. In addition to the provisions in paragraphs 7 to 9, 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.
11. Both Participants, as necessary, may convene meetings of customs officials to progress bilateral technical issues of mutual interest on customs cooperation and paperless trading.
12. 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.

13. 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.
14. 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.
15. Both Participants will continue to work cooperatively to support the Regional Intelligence Liaison Office project in the region.
16. Both Participants 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 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 accordance with the laws and regulations in force in each country and within the available resources of each Participant.
18. Cooperation under this Cooperative Framework will begin on the date of signature by the Participants. This Cooperative Framework may be modified by the mutual 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.

Signed in duplicate on 1 April, 2004, in the English language.

For the Customs Administration of Japan

For the New Zealand Customs Service