

OPERATIONAL PROCEDURES referred to in Chapter 2 (Trade in Goods)
under
AGREEMENT BETWEEN JAPAN AND AUSTRALIA
FOR AN ECONOMIC PARTNERSHIP

These Operational Procedures describe the operation of Tariff Rate Quotas (hereinafter referred to as “TRQ”) under the Agreement between Japan and Australia for an Economic Partnership (hereinafter referred to as “the Agreement”), set out the conversion factor arrangements for sugar (HS1701.14), and address other operational procedures as required. The Parties confirm that the TRQ will be operated and other relevant issues will be addressed in accordance with the Agreement.

Definitions

1. For the purposes of Section 2 of these Operational Procedures, the term “competent governmental authority” means the authority of each Party that is responsible for TRQ administration including the issuing of a certificate of TRQ.
 - (a) for Australia, the competent governmental authority is the Department of Agriculture; and
 - (b) for Japan, the competent governmental authority is the Ministry of Agriculture, Forestry and Fisheries of Japan.

2. For the purposes of Section 2 of these Operational Procedures, the term “authorised bodies” means any body authorised by the competent governmental authority to administer TRQ.

SECTION 1
GENERAL RULES

Rule 1 Communication and Modification

1. Except as otherwise provided for in these Operational Procedures, communication between the competent governmental authorities of the Parties should be made by any method with a confirmation of receipt. The language to be used for such communication should be English.

2. These Operational Procedures can be modified by a decision of the Joint Committee pursuant to subparagraph 2(d) of Article 1.13 of the Agreement, on the basis of the findings reported by the Sub-Committee on Trade in Goods to the Joint Committee in accordance with subparagraph 2(c) of Article 2.21 of the Agreement.

SECTION 2

NOTES FOR THE SCHEDULE OF JAPAN

Rule 1 Subparagraphs 2 (35), (36), (37), (43), (45), (46), (49) and (50) in Section 1 of Part 3 (Notes for Schedule of Japan) of Annex 1 (Schedules in relation to Article 2.4 (Elimination or Reduction of Customs Duties)) referred to in Chapter 2 (Trade in Goods) of the Agreement

1. For the purposes of these subparagraphs, the competent governmental authority or other authorised bodies of Australia will issue a certificate of TRQ in English for each export, upon request of exporters or producers in accordance with procedures established by the competent governmental authority or authorised bodies of Australia.

2. A certificate of TRQ will include the following minimum data:

Exporter's Name and Address;
Certificate Number;
Importer's Name and Address;
Description of Good(s);
HS Tariff Classification Number;
Quantity (with unit of measure);
Validity of Certificate (commence/expire); and
QR Code (Quota Code, Amount of Quota, Importer's Code, Date of Issue, Certificate Number, Security Code and Exporter's Code)

3. Within one year of the entry into force of the Agreement, the Parties will meet to discuss electronic certification options.

4. The competent governmental authority of Australia will notify the competent governmental authority of Japan of the identity of any authorised bodies of Australia and the format of a certificate of TRQ and specimen impression of stamps (including electronic or digital impressions) used by the competent governmental authority or other authorised bodies of Australia for the certificate of TRQ, and any change of such format and stamps (including electronic or digital impressions) or any other relevant information

for a certificate of TRQ before the effective date of such change through diplomatic channels.

5. Importers can apply for a certificate of TRQ to the competent governmental authority of Japan by providing a valid certificate of TRQ issued by the competent governmental authority or other authorised bodies of Australia referred to in paragraph 1.

6. Eligible importers can apply for a certificate of TRQ to the competent governmental authority of Japan by providing a valid paper based or printed certificate of TRQ issued by the competent governmental authority or other authorised bodies of Australia referred to in paragraph 1. The competent governmental authority or other authorised bodies of Australia may electronically issue a certificate of TRQ, provided that it is ensured that the competent governmental authority of Japan has access to the data of such certificate of TRQ.

7. For the purposes of the administration of the TRQ, the Parties will exchange information on any related matter. The competent governmental authorities of the Parties will exchange information related to the aggregate amount of allocated quotas and how much of those quotas are filled within the month following the month in which each quota is allocated.

8. The competent governmental authorities of the Parties referred to above will take all necessary measures to avoid any counterfeiting of certificates, including electronic certification.

9. If any matter arises with respect to the issuing of a certificate of TRQ referred to above or other administrative issues, a Party may make a written request to the other Party to hold a meeting of the Sub-Committee on Trade in Goods referred to in Article 2.21 of the Agreement.

Rule 2 Subparagraphs 2 (34), (38), (39), (40), (41), (42), (44), (47), (48), (51) and (52) in Section 1 of Part 3 (Notes for Schedule of Japan) of Annex 1 (Schedules in relation to Article 2.4 (Elimination or Reduction of Customs Duties)) referred to in Chapter 2 (Trade in Goods) of the Agreement

1. For the purposes of these subparagraphs, importers will apply for a certificate of TRQ to the competent governmental authority of Japan.

2. For the purposes of the administration of the TRQ, the Parties will exchange

information on any related matter. The competent governmental authority of Japan will provide the competent governmental authority of Australia with information related to the aggregate amount of allocated quotas within the month following the month in which each quota is allocated.

3. If any matter arises with respect to the issuing of a certificate of TRQ referred to above, or other administrative issues, a Party may make a written request to the other Party to hold a meeting of the Sub-Committee on Trade in Goods referred to in Article 2.21 of the Agreement.

4. Any eligibility requirements and requirements for use of products covered by TRQs have been agreed and set out in the Agreement.

Rule 3 Subparagraph 2(16) in Section 1 of Part 3 (Notes for Schedule of Japan) of Annex 1 (Schedules in relation to Article 2.4 (Elimination or Reduction of Customs Duties)) referred to in Chapter 2 (Trade in Goods) of the Agreement

1. For the purposes of the above-mentioned subparagraph, the rate of the levy charged on the originating good will be the rate, divided by the conversion factor of 0.985 of the levy on sugar centrifugal of cane sugar (HS1701.14), whose content of sucrose by weight, in the dry state, corresponds to a polarimetric reading of less than 98.5 degrees.

2. Japan may change the conversion factor specified in paragraph 1 once in each two year period from entry into force of the Agreement, or more frequently with the consent of both Parties, in light of relevant conditions relating to the sugar industry in its Area as defined in subparagraph (d) of Article 1.2 of the Agreement. In the case of revising the conversion factor downward, Japan will notify Australia of the consideration of a possible change as soon as possible and consult with Australia prior to its decision. Japan will revise the conversion factor downward beyond 0.975 only with the consent of both Parties.