

ANNEX VII

REFERRED TO IN ARTICLE 2.4 (TRADE FACILITATION)

REGARDING CUSTOMS PROCEDURES AND
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Article 1

International Conventions, Recommendations and Standards

Each Party shall base its respective laws, regulations (including procedures and documentation requirements) and administrative rules of general application concerning trade in goods and related services on relevant international conventions, recommendations and standards accepted by each Party.

Article 2

Publication and Information

1. Each Party shall publish promptly, and as far as practicable on the Internet, all laws and regulations of general application relevant for trade in goods and related services between the Parties.
2. To the extent possible, each Party shall publish in advance, including on the Internet, any regulations of general application with regard to customs matters that it intends to adopt and provide interested persons the opportunity to comment prior to such adoption.
3. Each Party shall establish inquiry points for customs matters, which may be contacted via the Internet.

Article 3

Simplification of International Trade Procedures

1. Each Party shall minimise the incidence and complexity of trade procedures and simplify documentation requirements to the extent necessary to comply with regulatory requirements and to ensure efficient application.
2. Each Party shall:
 - (a) adopt or maintain simplified customs procedures for the efficient release of goods in order to facilitate trade between the Parties;

- (b) ensure that customs declarations may be submitted electronically. In this case and provided that documents are authenticated by electronic procedures and received by customs, no other original of these documents shall normally be requested;
 - (c) in accordance with its legislation, allow importers to obtain the release of goods prior to meeting all of the Party's import requirements if the importer provides sufficient guarantees. A Party is not required to release goods if its legitimate import requirements have not been satisfied; and
 - (d) endeavour to take into account the certification given by international business alliances within the exporting Party throughout its supply chain which follow international standards and promote safer trade in co-operation with governments and international organisations.
3. The Parties endeavour to ensure the simultaneous inspection of goods by the competent national authorities at a single time and place when goods are entering or leaving the Parties' customs territory.

Article 4

Risk Management

1. Each Party shall use risk management in the application of control by customs and other border agencies. Furthermore, the Parties shall use risk analysis, including the application of selectivity criteria and risk profiling, to determine which persons, goods, or means of transport should be examined and the extent of such examination.
2. Each Party should exchange information related to the techniques of risk management applied by its respective customs authorities, respecting the confidentiality of the information, and whenever necessary, to transfer knowledge and to offer support to the other Parties.

Article 5

Fees and Charges

Each Party shall limit fees and charges to the approximate cost of the services rendered.

Article 6

Advance Rulings

1. At the written request, which contains all necessary information, of an importer in its territory or an exporter or producer in the territory of another Party, with regard to tariff classification, each Party shall, in accordance with its national legislation, issue an advance ruling.
2. Advance rulings are deemed to be valid until:
 - (a) the facts or circumstances supporting the original ruling have changed;
and
 - (b) the Party notifies the applicant in writing of any revocation or modification of the ruling.
3. Notwithstanding paragraph 2, the Parties may limit the validity of advance rulings to a period determined by their national legislation.
4. The Parties shall endeavour to develop procedures whereby each Party, upon a written request and prior to the importation of a product into the territory of that Party, provides to an importer in its own territory or an exporter or producer in the territory of another Party an advance ruling on the originating status of that product.
5. The Parties will endeavour to develop advance ruling procedures with regard to other matters as the Parties may agree.

Article 7

Co-operation

1. The Parties shall co-operate on trade facilitation within the framework of the Joint Committee and in relevant multilateral fora governing trade facilitation.
2. The customs administrations of the Parties shall provide each other with mutual assistance pursuant to Annex VI (Mutual Administrative Assistance in Customs Matters).

Article 8

Confidentiality

All information provided in relation with the importation, exportation or transit of goods shall be considered to be of confidential nature and shall be covered by the obligation of professional secrecy, in accordance with the respective laws of each Party. The information shall not be disclosed by the authorities of the Parties without the express consent of the person or authority providing it.

Article 9

Review and Appeal

Each Party shall provide importers, exporters and producers with recourse to at least one level of administrative or judicial review in accordance with its domestic legislation.

Article 10

Sub-Committee on Rules of Origin, Customs Procedures and Trade Facilitation

1. The Sub-Committee on Rules of Origin, Customs Procedures and Trade Facilitation, established under Article 2.5 (Establishment of a Sub-Committee on Trade in Goods, Rules of Origin and Customs Matters) of this Agreement, shall exchange information, review developments, prepare and co-ordinate positions, prepare technical amendments to this Annex and assist the Joint Committee with regard to the following issues:

- (a) customs practices, including national and international standards which facilitate trade in goods between the Parties;
- (b) interpretation, application and administration of this Annex by the Parties;
- (c) tariff classification and customs valuation matters;
- (d) other subjects regarding practices and procedures adopted by the Parties which may have an impact on the expeditious clearance of goods; and
- (e) any other matter considered appropriate by the Joint Committee.

2. When differences arise in the tariff classification of goods, the Parties shall endeavour to arrive at a mutually satisfactory resolution. If the matter is not resolved in the course of these consultations, the matter shall be referred to the Harmonized System Committee of the World Customs Organization whose decision shall be binding for the Parties involved.

Article 11

Implementation

1. Article 2 shall be applicable two years after the entry into force of this Agreement.
 2. Subparagraph 2 (b) of Article 3 shall be applicable three years after the entry into force of this Agreement.
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