

法規名稱：CUSTOMS COOPERATION ARRANGEMENT BETWEEN THE TAIPEI ECONOMIC AND CULTURAL OFFICE IN NEW ZEALAND AND THE NEW ZEALAND COMMERCE AND INDUSTRY OFFICE

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The Taipei Economic and Cultural Office in New Zealand and the New Zealand Commerce and Industry Office (hereinafter referred to as “ the Participants ”):

ACKNOWLEDGING:

the importance of cooperation between the Participants, in order to prevent breaches of customs laws and for the protection of the economic, fiscal, social, environmental and commercial interests of their respective jurisdictions including ensuring appropriate and efficient customs duty collection;

the importance of achieving a balance between compliance and facilitation to ensure the free flow of legitimate trade and travel;

their commitment to the objectives of the Customs Co-operation Council, now known as the World Customs Organization (WCO), and the vision and goals of the World Trade Organization and APEC;

the relevant instruments of the WCO, in particular the Recommendation concerning mutual administrative assistance of 5 December 1953 and the Cyprus Declaration of June 2000; and

RECOGNISING:

that the revised International Convention on the Simplification and Harmonization of Customs Procedures 2000 (Kyoto Convention) provides an essential framework for modern, efficient customs procedures, including the governing principles that commit

customs administrations to provide transparency and predictability to all persons involved in international trade;

the Participants' desire to cooperate to the maximum extent possible in taking action to prevent and detect prohibited/restricted goods crossing their respective borders and any other customs offences;

that close contact between the Participants is to their mutual benefit;

the provisions of the WCO Framework of Standards to Secure and Facilitate Global Trade;

that international trade will be facilitated by the adoption of modern control methods, including risk management, by the Participants;

that the global exchange of information is an essential component of effective risk management and the exchange of such information should be based on clear legal provisions;

the need for international cooperation to mitigate the threat of terrorist activity to world supply chains and for efforts to combat trans-border criminal activity;

Have reached the following understandings:

Implementing Authorities

1. The authorities implementing this Arrangement will be the Taiwan Customs Administration and the New Zealand Customs Service.

Definitions

2. for the purposes of this Cooperation Arrangement:

“customs administration” means:

In relation to Taiwan, the Customs Administration;

In relation to New Zealand, the New Zealand Customs Service.

“ customs laws ” means laws and regulations administered, applied, or enforced by the customs administration in the jurisdiction of a Participant.

“ customs offence ” means any breach or attempted breach of customs laws.

“ information ” means any data, whether or not processed or analysed, and documents, reports, and other communications in any format, including electronic, certified or authenticated copies.

“person” means both natural and legal persons.

“ personal data ” means all information relating to an identified or identifiable natural person.

“ requested administration ” means the customs administration from which assistance is requested.

“ requested jurisdiction ” means the jurisdiction in which the requested administration is responsible for customs matters.

“ requesting administration ” means the customs administration which requests assistance.

“ requesting jurisdiction ” means the jurisdiction in which

the requesting administration is responsible for customs matters.

Scope of Cooperation

3. The customs administrations have jointly decided that they may cooperate within their capacity and in accordance with the legislation of each Participant in order to:
 - (a) assist in the prevention, identification, investigation and suppression of customs offences;
 - (b) secure the supply chain to facilitate the safe movement of goods between Taiwan and New Zealand;
 - (c) cooperate in the research, development, testing and evaluation of new customs procedures, and in the training and exchange of personnel and provision of assistance;
 - (d) collaborate in the development of mutual recognition of programmes under the WCO SAFE Framework; and
 - (e) maximise the contribution made by them to the work of the WCO and other relevant international organisations, with particular regard to the work of organisations in the Asia-Pacific region, in improving customs techniques and in resolving problems of customs procedures, customs enforcement and the facilitation of trade.

Enforcement

4. The customs administrations may assist each other in the prevention, identification, investigation and prosecution of customs offences in their respective jurisdictions, and for the purpose of assessing customs duties and other taxes.

Exchange of Information

5. Information obtained under this Arrangement will be afforded the same degree of confidentiality and protection by the requesting administration that it applies to similar information in its possession.

6. The requesting administration will not use or disclose information provided except for the purposes of this Arrangement, or otherwise with the written consent of the requested administration. If either customs administration is required or authorised by its domestic laws and regulations to disclose information provided pursuant to this Arrangement it will give notice of any such disclosure to the requested customs administration and wherever possible in advance of such disclosure.
7. In particular, personal data disclosed by the customs administrations will only be used for the prevention, detection, investigation, prosecution or punishment of customs offences of any kind or of other offences punishable by imprisonment.
8. The requested administration may decline to exchange personal data if it is not satisfied that the information relates to the suspected violation of the laws of either jurisdiction.
9. It is a condition of the disclosure of personal data by the requested administration that the requesting administration must only disclose this information to another domestic law enforcement authority after notifying the requested administration and the information must be disclosed for the purpose of law enforcement. Personal data disclosed may not be used in any legal proceeding without the prior written consent of the requested administration.
10. Information should be promptly exchanged between the customs administrations.

Information of the Application and Enforcement of Customs Law

11. The customs administrations may provide each other, either on request or on their own initiative, with information

which helps to ensure the proper application of customs laws, the prevention, identification, investigation and suppression of customs offences and the security of the international trade supply chain. Such information may include:

- (a) new law enforcement techniques which have proved their effectiveness;
- (b) new trends, means or methods of committing customs offences;
- (c) goods known to be the subject of customs offences, as well as transport and storage methods used in respect of those goods;
- (d) persons known to have committed a customs offence or suspected of being about to commit a customs offence; and
- (e) any other information that can assist customs administrations with risk assessment for control and facilitation purposes.

12. On request, the requested administration may provide the requesting administration with information on:

- (a) whether goods imported into the territory of the requesting jurisdiction have been lawfully exported from the territory of the requested jurisdiction and the customs procedure, if any, to which the goods have been subjected;
- (b) whether goods exported from the territory of the requesting jurisdiction have been lawfully imported into the territory of the requested jurisdiction, and the customs procedure, if any, to which the goods have been subjected.

Information for the Assessment of Customs Duties

13. On request, the requested administration may, without prejudice to Paragraphs 3 and 4, in support of the proper application of customs law or in the prevention of customs offences provide information to assist the requesting administration to verify the truth or accuracy of a

declaration.

14. The request will specify the verification procedures that the requesting administration has undertaken or attempted and the specific information requested.

Information Relating to Customs Offences

15. Each customs administration may, on request or on its own initiative, provide the other customs administration with information on activities, planned, ongoing, or completed, which present reasonable grounds to believe that a customs offence may have been committed or may be committed in the territory of the other jurisdiction.

Electronic Exchange of Information

16. The customs administrations may, by mutual arrangement in accordance with Paragraphs 3 to 5, exchange any information covered by this Arrangement electronically.

Particular Information Requirements

17. In particular, the customs administrations may provide each other, either on request or on their own initiative, with information relating to:
 - (a) the illicit or suspicious movement of goods or persons to Taiwan or New Zealand;
 - (b) trans-national crime relevant to the application of the customs law of Taiwan or New Zealand, including the trafficking in drugs, their derivatives and precursor chemicals; and
 - (c) interdictions of goods traded between Taiwan and New Zealand that are found to be in breach of customs laws.

Exchange of Personnel

18. The exchange of personnel may be arranged for the purpose of advancing the mutual understanding of the customs

administrations' techniques and procedures, and when carrying out any common/joint activities.

Other Joint Activities

19. The customs administrations may establish joint working groups to work cooperatively on matters of common interest.

Provision of Assistance

20. Any assistance, which includes the exchange of information, exchange of personnel, enforcement of assistance, and other forms of joint activity, provided by the customs administrations under this Arrangement will be provided in accordance with legislation, and within the limits of each customs administration's competence and available resources.

21. Requests pursuant to this Arrangement will be made in writing directly between contact points designated by the respective customs administrations and will be accompanied by any information deemed useful for the purpose of complying with such requests. In urgent situations, oral requests may be made and accepted, but will be promptly confirmed in writing within five working days of the date of the original request by the requesting administration's designated contact point listed at Annex to this Arrangement.

22. Any written request will state:

- (a) the branch of the requesting administration that is responsible for conducting the investigation, legal proceedings, or for any other action which will be initiated as a result of the assistance provided;
- (b) the assistance requested;
- (c) the reason why assistance is requested; and
- (d) the date by which the assistance is requested.

23. Any request for assistance will be acknowledged by the requested administration within five working days of the date of receipt of the written request. Thereafter, the requested administration will regularly inform the requesting administration of its progress towards satisfying the request. If the requested administration is unable to assist, or assist within the period specified in the request, it will inform the requesting administration of this fact, the reasons for the denial or delay, and in the case of delay, when the assistance is likely to be provided.
24. Where the requesting administration requests assistance that it could not reciprocate, then this fact will be drawn to the attention of the requested administration. The response to such a request will be at the discretion of the requested administration.
25. If the requested administration is not the appropriate authority to assist in the circumstances, it will:
- (a) transmit the request to the appropriate authority, and advise the requesting administration of this fact; or
 - (b) inform the requesting administration as to which authority should receive the request.
26. Where the requested administration believes that the provision of assistance to the requesting administration would be detrimental to the security or public policy of the requested jurisdiction or contrary to its laws or other important interests, the requested administration may either decline to provide assistance in whole or part, or may stipulate that the provision of assistance is conditional upon the satisfaction of certain conditions by the requesting administration.

Contact Points and Costs Incurred

27. The customs administrations will designate contact points for the purposes of the Arrangement. Contact details for the respective contact points are listed in Annex to this Arrangement.
28. In the absence of any decision to the contrary, the requesting administration will meet the necessary expenses involved in responding to that request other than staff costs, stationery and communications.
29. Expenses incurred in the provision of technical cooperation through the exchange of personnel will be subject to special arrangements jointly decided between the Participants.

Differences

30. Any differences concerning the implementation of this Arrangement will be resolved by consultation between the Participants.

Entry into Effect, Amendment and Duration

31. This Arrangement will come into effect on the date of signature and may be amended at any time by the mutual written consent of the Participants.
32. This Arrangement will remain in operation until terminated by either Participant, giving three months' written notice to the other Participant.

Signed at Taipei on the 5th day of December 2014 in duplicate in the Chinese and English languages, both texts being equally authentic.



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