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**Netherlands
and
Japan**

Agreement between the Government of the Kingdom of the Netherlands and the Government of Japan regarding mutual administrative assistance and cooperation in customs matters. The Hague, 9 March 2009

Entry into force: *1 March 2010 by notification, in accordance with article 16*

Authentic text: *English*

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**Pays-Bas
et
Japon**

Accord entre le Gouvernement du Royaume des Pays-Bas et le Gouvernement du Japon relatif à l'assistance administrative mutuelle et à la coopération en matière douanière. La Haye, 9 mars 2009

Entrée en vigueur : *1^{er} mars 2010 par notification, conformément à l'article 16*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Pays-Bas, 30 mars 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement between the Government of the Kingdom of the Netherlands and the Government of Japan regarding mutual administrative assistance and cooperation in customs matters

The Government of the Kingdom of the Netherlands

and

the Government of Japan,

hereinafter referred to as the Contracting Parties,

Considering that offenses against customs laws are prejudicial to the economic, fiscal, social, public health, cultural and commercial interests and the public security of their respective countries,

Considering the importance of assuring the accurate assessment of customs duties and other taxes collected at importation or exportation,

Considering that illegal cross-border trafficking in weapons, explosives and chemical, biological and nuclear substances as well as in narcotic drugs, psychotropic substances and precursors constitutes a danger to society,

Recognizing the need for international cooperation in matters related to the administration and enforcement of the customs laws of their respective countries,

Convinced that actions against customs offenses can be made more effective by cooperation between their Customs Administrations,

Having regard to the international agreements containing prohibitions, restrictions and special measures of control in respect of specific goods, and

Having regard to the recommendation regarding Mutual Administrative Assistance of December 5, 1953 and the resolution regarding the Framework of Standards to Secure and Facilitate Global Trade of June 2006, both adopted by the Customs Co-operation Council,

Have agreed as follows:

Article 1

For the purposes of this Agreement:

a) the term “customs law” shall mean any laws and regulations of Japan or the Kingdom of the Netherlands, governing the import, export and transit of goods and placing of goods under any other customs procedures, including measures of prohibition, restriction and control falling under the competence of the Customs Administration;

b) the term “Customs Administration” shall mean, in Japan, the Ministry of Finance, and, in the Kingdom of the Netherlands, the central administration responsible for the implementation of customs law;

c) the term “information” shall mean any data, documents, reports or other communications;

d) the term “customs offense” shall mean any violation or attempted violation of customs law;

e) the term “person” shall mean any natural or legal person;

f) the term “personal data” shall mean all information relating to an identified or identifiable individual;

g) the term “Requesting Administration” shall mean the Customs Administration that requests assistance;

h) the term “Requested Administration” shall mean the Customs Administration from which assistance is requested;

i) the term “customs territory” shall mean the territory of the country of each Contracting Party in which the customs law of that country is in force; and

j) the term “controlled delivery” shall mean the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of a country, with the knowledge and under the supervision of the competent authority of that country, with a view to the investigation of an offense and the identification of persons involved in the commission of the offense.

Article 2

1. The Contracting Parties shall assist each other through their respective Customs Administrations to ensure proper application of customs law, and to prevent, investigate and combat any customs offense, in accordance with the provisions of this Agreement.

2. The Contracting Parties shall through their respective Customs Administrations make cooperative efforts for simplification and harmonization of their customs procedures.

3. This Agreement shall be implemented by the Contracting Parties in accordance with the laws and regulations in force in each of their countries, and within the available resources of their respective Customs Administrations.

4. This Agreement is without prejudice to the obligations of the Kingdom of the Netherlands under the legislation of the European Union concerning its present and future obligations as a Member State of the European Union and any legislation enacted to implement those obligations, as well as its present and future obligations resulting from international agreements between the Member States of the European Union.

Article 3

1. The Customs Administrations shall provide each other, either on request or on their own initiative, with information necessary to ensure proper application of customs law and to prevent, investigate and combat any customs offense.

2. Either Customs Administration shall, on its own initiative or upon request, provide the other Customs Administration with information regarding the activities that may result in customs offenses within the customs territory of the country of the latter Customs Administration.

3. When either Customs Administration considers that information is relevant to serious customs offenses that could involve substantial damage to the economy, public health, public security or any other vital interest of the country of the other Customs Administration, the former Customs Administration shall, if deemed necessary, provide the latter Customs Administration with such information without delay.

Article 4

The Customs Administrations may, with respect to the exchange of information covered by this Agreement, make arrangements in accordance with paragraph 3 of Article 15 of this Agreement under which they shall provide each other with:

- a) predefined sets of information whenever they obtain such information; or
- b) specific information on consignments leaving from the territory of a Contracting Party in advance of their arrival in the territory of the other Contracting Party.

Article 5

The Requested Administration shall provide information on and exercise special surveillance of:

- a) goods that are or may be transported in such a way that there are reasonable grounds for believing that they are intended to be used in the commission of a customs offense within the customs territory of the country of the Requesting Administration;
- b) means of transport that are or may be used in such a way that there are reasonable grounds for believing that they are intended to be used in the commission of a customs offense within the customs territory of the country of the Requesting Administration;
- c) places where stocks of goods have been or may be stored or assembled in such a way that there are reasonable grounds for believing that these goods are intended to be used in the commission of a customs offense within the customs territory of the country of the Requesting Administration; and
- d) persons in respect of whom there are reasonable grounds for believing that they are or have been involved in the commission of a customs offense within the customs territory of the country of the Requesting Administration.

Article 6

The Customs Administrations, in consultation with the relevant law enforcement agencies, may cooperate in and exchange information on a controlled delivery executed in accordance with the laws and regulations of their respective countries.

Article 7

1. Requests pursuant to this Agreement shall be made in writing in English. Information deemed useful for the execution of such requests