

# The implementation of the Art. 12 of TFA

- Some enablers of Art. 12.12 -



Mar.2020

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# Legal framework of international exchange of information

## **Customs Act of Japan (Article 108-2) ~provision of information**

The Minister of Finance may provide foreign customs authorities with information, when finding that it would contribute to the execution of their duties.

### <Conditions>

- Not causing obstacles to the proper enforcement of Customs laws and regulations nor infringing interests of Japan.
- Followings need to be met:
  - Reciprocity basis
  - High level confidentiality by receiving party
  - Limited use for intelligence purpose only
  - Not allowed to use information as evidence in the criminal proceedings except for specific cases

## EPA & CMAA

- **Economic Partnership Agreement**

To mutually provide various assistances, including free trade, investment, exchange of information for strengthening border enforcement on goods harmful to society or infringing intellectual property rights and so on.

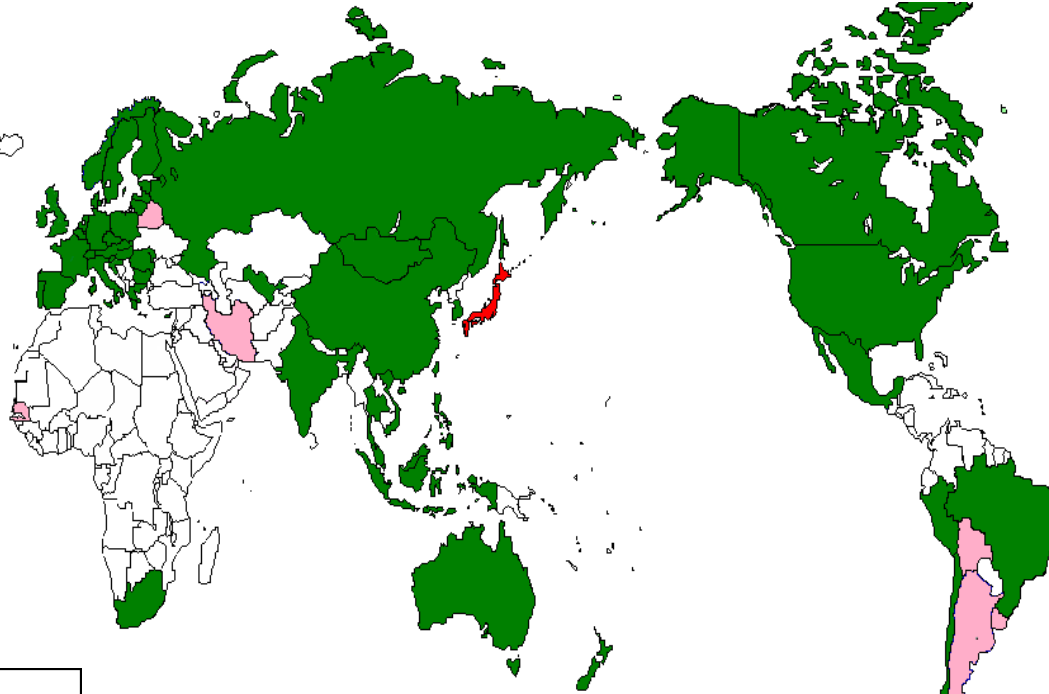
- **Customs Mutual Assistance Agreement**

To mutually provide various assistances regarding customs, including exchange of information for strengthening border enforcement on goods harmful to society or infringing intellectual property rights and so on.

With regard to information exchange, EPA & CMAA facilitate the execution of work in connection with Art.12.12 of TFA.

# Japan's Customs Mutual Assistance network

《 36 countries and regions/as of Dec. 2019 》



## Europe (11)

### **CMAA(6)**

EU, The Netherlands,  
Italy, Germany,  
Spain, Norway

### **EPA(1)**

Switzerland

### **Administrative Arrangement (4)**

France, UK,  
Belgium, Austria

## Africa (1)

**CMAA** South Africa

## Russia, NIS countries (2)

**CMAA** Russian Federation, Uzbekistan

■ Enacted or Signed  
■ Under negotiation

(Argentina, Uruguay, Bolivia,  
Senegal, Belarus, Iran)

## The Americas (5)

### **CMAA(3)**

USA, Brazil(signed), Mexico

### **EPA(1)**

Peru

### **Administrative Arrangement (1)**

Canada

## CPTPP(1)

*(Countries where CPTPP is in force)*

Mexico, Singapore, New Zealand, Canada, Australia, Viet Nam

*(Countries where CPTPP is yet to be in force)*

Brunei Darussalam, Chile, Malaysia, Peru

## Asia • Oceania (16)

**CMAA(2)** : Republic of Korea, China,  
**EPA(10)** : Singapore, Malaysia, Thailand, Indonesia, Brunei Darussalam, The Philippines,  
Viet Nam, India, Australia, Mongolia  
**Administrative Arrangement(3)** : Australia, New Zealand, Hong Kong(China), Macau(China)  
**Other Framework(1)** : Chinese Taipei

# Components of CMAA (1)

## Basic components

- Preambles; Definitions
- Scope of the agreement
- Contents of information exchange
- Special surveillance
- Form and content of the request for the information exchange
- Execution of requests
- Use of information and confidentiality
- Exemption of the execution of requests
- Technical assistances and exchange of personnel
- Bearing of the cost to execute requests
- Dispute settling, the establishment of a consultative committee  
the creation of detailed arrangements, if necessary

When an information exchange is envisaged based on TFA art. 12, there are many check points to start communicating the request of information exchange. However, if CMAA/EPA exist, administrative burden to start the request reduces dramatically.

# Components of CMAA (2)

For reference

## Specific components

- Provision of cost information regarding transportation and loading
- Provision of relevant Information in bulk
- Acceptance of electric data
- Identification of Items which need special attention
- Controlled delivery
- Presence at the enquiries of officials of the requesting authority
- Inform of any significant change in its information protection
- Treatment of provided information that turns out inaccurate
- Prevention of communicating information to other authorities
- Prevention of the use of Information for the purpose of investigation
- Use of Information for administrative procedure
- Consideration for administrative burden of requested authority
- Cooperation in international organizations

# Statistics on international information exchange

2014	2015	2016	2017	2018
21,123	13,389	14,518	20,920	22,872



# Utilizing EAD on postal items for Customs Control in Japan

## Summary

Foreign  
postal  
operators

EAD

Under  
UPU  
channel

Japan POST

1. Receives EAD & Sends EAD to Japan Customs
2. Present separately the selected postal items to Customs officers for inspection

EAD

Notice for  
inspection

Japan Customs

Screening  
of EAD



Operation started in Oct. 2017

# Flow of information (1)

Foreign postal operators

Send EAD on CN22/23 in UPU electronic data interchange format (ITMATT)

Elements:

1. Consigner's name & address (inc. telephone number);
2. Consignee's name & address (inc. telephone number);
3. Description of contents
4. Quantity
5. Value
6. Weight
7. Postal item number (bar code)
8. HS code (for commercial senders only)
9. Country of origin of goods (for commercial senders only)

UPU server

# Flow of information (2)

UPU server

Download EAD in UPU format (ITMATT)

Japan Post IT system

Convert UPU format to CSV

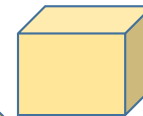
Send EAD in CSV

NACCS (Japan's SW)

Japan Customs



Screening of EAD



Notice for Inspection of selected postal items



Present separately the selected items to Customs for inspection

Post offices

# Challenges

- ✓ Limited number of Countries/Regions from which EAD is obtained
- ✓ Low rate of EAD
  - Encourage Postal operators to gain more EAD
- ✓ Lack and inaccuracy of necessary information items (example)
  - Very low rate of the fulfillment of HS code (6 digits).
  - Countries/regions written in the column of “Country of origin of goods” are same as countries/regions of consignors in most cases.
  - Encourage Postal operators to raise awareness among customers (consignors)

Thank you for you attention!



Mar.2020