

**No. 33404**

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**NEW ZEALAND  
and  
UNITED STATES OF AMERICA**

**Agreement regarding mutual assistance between their customs services. Signed at Hong Kong on 13 June 1996**

*Authentic text: English.*

*Registered by New Zealand on 8 December 1996.*

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**NOUVELLE-ZÉLANDE  
et  
ÉTATS-UNIS D'AMÉRIQUE**

**Accord relatif à l'assistance mutuelle entre les services douaniers. Signé à Hong-Kong le 13 juin 1996**

*Texte authentique : anglais.*

*Enregistré par la Nouvelle-Zélande le 8 décembre 1996.*

## AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING MUTUAL ASSISTANCE BETWEEN THEIR CUSTOMS SERVICES

The Government of New Zealand and the Government of the United States of America (hereinafter referred to as "the Parties");

Considering that offences against customs laws are prejudicial to the economic, fiscal and commercial interests of their respective countries;

Considering the importance of assuring the accurate assessment of Customs duties and other revenue measures;

Convinced that action against Customs offences can be made more effective by cooperation between the Parties;

Desiring to enhance and supplement mutual assistance practices otherwise in effect between the Parties;

Having regard to the Recommendation of the Customs Cooperation Council on Mutual Administrative Assistance of December 5, 1953;

Have reached the understanding that, through their respective Customs services, they will cooperate as follows:

### Article 1

#### **Definitions**

For the purposes of this Agreement:

- 1 "Customs laws" means laws and regulations administered or enforced by the Customs Services of the Parties.
- 2 "Customs Services" means, in New Zealand, New Zealand Customs and in the United States of America, the United States Customs Service, Department of the Treasury.
- 3 "Offence" means any violation of Customs laws or any attempted violation of such laws.

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<sup>1</sup> Came into force on 13 June 1996 by signature, in accordance with article 14.

## Article 2

### Scope of Cooperation

- 1 Subject to the laws of the respective Parties and within the limits of the authority of their Customs Services, the Parties through their Customs Services shall, in accordance with the provisions of this Agreement, assist each other to prevent and repress any Offence.
- 2 Such assistance shall include, upon request, the provision of information apt to assure the accurate assessment of Customs duties and other revenue measures by the Customs Services.
- 3 Assistance provided by the requested Party will be within the terms and spirit of this Agreement but will not include the arrest or detention of any person or persons, or the seizure of property on behalf of the requesting Party.

## Article 3

### Obligation to Observe Confidentiality

- 1 Information, documents and other communications received by either Party under this Agreement shall be used only for the purposes specified in this Agreement - such information, documents and other communications may be used for other purposes only when the supplying Party has given its express consent in writing.
- 2 Inquiries, information, documents and other communications received by either Party shall be treated as confidential.
- 3 Any intelligence, documents or other information communicated or obtained under this Agreement shall be afforded in the receiving country the same protection in respect of confidentiality and official secrecy as applies in that country to the same kind of intelligence, documents and other information obtained in its own territory.

## Article 4

### Exemptions from Assistance

- 1 In cases where the requested Party is of the opinion that compliance with a request would infringe upon its sovereignty, security, public policy or other substantive national interest, assistance may be refused in whole or in part or compliance may be made subject to the satisfaction of certain conditions or requirements.