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**Mexico
and
Japan**

Agreement between the Government of the United Mexican States and the Government of Japan regarding mutual assistance and cooperation in customs matters. Mexico City, 10 August 2017

Entry into force: *29 July 2018, in accordance with article 17*

Authentic texts: *English, Japanese and Spanish*

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**Mexique
et
Japon**

Accord entre le Gouvernement des États-Unis du Mexique et le Gouvernement du Japon relatif à l'assistance mutuelle et à la coopération en matière douanière. Mexico, 10 août 2017

Entrée en vigueur : *29 juillet 2018, conformément à l'article 17*

Textes authentiques : *anglais, japonais et espagnol*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED MEXICAN STATES AND THE GOVERNMENT OF JAPAN REGARDING MUTUAL ASSISTANCE AND COOPERATION IN CUSTOMS MATTERS

The Government of the United Mexican States and the Government of Japan, hereinafter referred to as “the Contracting Parties”.

CONSIDERING that offenses against Customs legislation 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 the accurate assessment of Customs duties and other taxes collected at importation or exportation and of ensuring proper enforcement of measures of prohibition, restriction and control;

RECOGNIZING the need to strengthen international cooperation in matters related to the application and enforcement of the Customs legislation;

CONVINCED that actions against Customs offenses can be made more effective by cooperation between their Customs Authorities;

HAVING REGARD to the Recommendation of the Customs Cooperation Council on Mutual Administrative Assistance of 5 December 1953;

Have agreed as follows:

ARTICLE 1 DEFINITIONS

For the purposes of this Agreement:

- (a) “Area” shall mean
- (i) with respect to Japan, the territory of Japan in which Customs legislation of Japan is in force; and
 - (ii) with respect to the United Mexican States, the territory of the United Mexican States as it is defined on its Political Constitution, including any area beyond its territorial sea on which the United Mexican States may exercise sovereign rights of exploration and exploitation of the natural resources of

the seabed, its subsoil and the superjacent waters, and the air space above those areas, according to the international law;

- (b) "Customs Authority" shall mean in the United Mexican States, the Ministry of Finance and Public Credit, and in Japan, the Ministry of Finance;
- (c) "Customs duties" shall mean all duties, taxes and fees which are levied and collected in the Area of the country of each Contracting Party at importation and exportation by their respective Customs Authorities;
- (d) "Customs legislation" shall mean any laws and regulations enforced by the Customs Authorities governing the import, export and transit of goods, and also any customs procedures or regimes, whether relating to Customs duties or to measures of prohibition, restriction or control falling under the competence of the Customs Authorities;
- (e) "Customs offense" shall mean any violation or attempted violation of Customs legislation;
- (f) "information" shall mean any data, documents, reports, authenticated copies thereof or other communications in any format, including electronic data, in possession of the Customs Authorities;
- (g) "International trade supply chain" shall mean all processes involved in the cross-border movements of goods from the place of origin to the place of the final destination;
- (h) "official" shall mean any officer of the Customs Authority;
- (i) "person" shall mean any natural or legal person;
- (j) "personal data" shall mean any information regarding an identified or identifiable natural person;
- (k) "Requested Authority" shall mean the Customs Authority which receives a request for assistance; and
- (l) "Requesting Authority" shall mean the Customs Authority which requests assistance.

ARTICLE 2 SCOPE OF THE AGREEMENT

1. The Contracting Parties shall, through their Customs Authorities, provide each other with mutual assistance in accordance with the terms set out in this Agreement, for the

proper application of Customs legislation, for the prevention, investigation and repression of Customs offenses and for the protection of the security of the International trade supply chain.

2. The Contracting Parties shall, through their Customs Authorities, undertake to make cooperative efforts in order to simplify and harmonize customs procedures.

3. This Agreement shall be implemented by the Contracting Parties in accordance with the laws and regulations in force in the country of each Contracting Party and within the competence and available resources of their respective Customs Authorities.

4. The provisions of this Agreement shall not affect the rights and obligations of the Contracting Parties under other international agreements.

ARTICLE 3 COMMUNICATION OF INFORMATION

1. The Customs Authorities shall provide each other, either upon request or on their own initiative, with information necessary to ensure proper application of Customs legislation and to prevent, investigate and repress any Customs offense, which may include alert information already processed in their respective risk analysis systems.

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

3. When either Customs Authority 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 Authority, the former Customs Authority shall, if deemed necessary, provide the latter Customs Authority with such information without delay.

ARTICLE 4 ASSISTANCE ON REQUEST

1. Upon request, the Requested Authority shall provide the Requesting Authority with the following information:

- (a) whether goods imported into the Area of the country of the Requesting Authority have been lawfully exported from the Area of the country of the Requested Authority;
- (b) whether goods exported from the Area of the country of the Requesting Authority have been lawfully imported into the Area of the country of the Requested Authority; and
- (c) whether goods which have been transited through the Area of the country of one Customs Authority and are destined to the Area of the country of the other Customs Authority have been lawfully transited.

2. All relevant information for the interpretation or utilization of the information provided pursuant to paragraph 1 of this Article shall be provided at the same time.

ARTICLE 5 SPECIAL SURVEILLANCE

The Requested Authority shall, upon request and within the limits of its competence and available resources, exercise special surveillance of and provide information on:

- (a) persons in respect of whom there are reasonable grounds for believing that they are or have been involved in a Customs offense in the Area of the country of the Requesting Authority;
- (b) goods that are or may be transported in such a way that there are reasonable grounds for believing that they are the subject of an illicit traffic or that they are intended to be used in a Customs offense in the Area of the country of the Requesting Authority;
- (c) 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 a Customs offense in the Area of the country of the Requesting Authority; and
- (d) 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 a Customs offense in the Area of the country of the Requesting Authority.

ARTICLE 6 FORM AND CONTENT OF THE REQUEST FOR ASSISTANCE

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