

**Action Plan of the Tripartite
(The People's Republic of China, the Republic of Korea and Japan)
Customs Cooperation**

The General Administration of Customs of the People's Republic of China, the Korea Customs Service of the Republic of Korea, and the Customs and Tariff Bureau of Ministry of Finance, Japan (hereinafter referred to as the Three Customs),

Acknowledging that as close and important neighbors, the People's Republic of China, the Republic of Korea and Japan have significant influence in the East Asian region, and that the economic and trade relations among the three countries have witnessed continuous development and the tripartite partnership is increasingly close;

Recognizing that a sign of recovery from financial crisis which broke out in 2008 is beginning to be seen in some parts of the world, but stabilization is uneven and economic growth is expected to be sluggish;

Convinced that with the constant development of globalization and regional economic integration, enhanced cooperation among the Three Customs would help to create a safer environment to promote trade facilitation and development of trade in the region;

Having regard to the "Action Plan for Promoting Trilateral Cooperation among the People's Republic of China, Japan and the Republic of Korea" which was concluded in Japan-China-ROK Trilateral Summit in Fukuoka, Japan on 13 December 2008;

Pursuant to the consensuses reached at the first Tripartite Customs Heads' Meeting held in Tokyo, Japan in April 2007 and the second Tripartite Customs Heads' Meeting held in Jeju, the Republic of Korea in November 2008;

Have agreed upon the following Action Plan:

I. Institutionalization

A. Tripartite Customs Heads' Meeting

The Three Customs will hold the Tripartite Customs Heads' Meeting (TCHM) as one of the important dialogue mechanisms within the framework of the Trilateral Summit of the three countries.

In the TCHM, the Three Customs will:

- review the works of the working groups of the Three Customs;
- exchange views on tripartite, regional and international Customs matters from the strategic perspective;
- discuss future directions of the Three Customs cooperation;
- expand and deepen the mutually beneficial cooperation in relevant fields; and
- develop and maintain friendly and cooperative economic and trade relations.

The Three Customs will take turns to host the TCHM which is held in principle once a year. And in connection with the Trilateral Summit, the Customs administration of a country that chairs the Trilateral Summit will also hold the TCHM.

B. Tripartite Customs Steering Group Meeting

The Three Customs will hold the Tripartite Customs Steering Group Meeting (SGM) in principle once a year to coordinate the works of the working groups and make preparations for the TCHM.

The host of the TCHM should convene the SGM before the TCHM. Whenever necessary, the Three Customs may hold the SGM.

C. Tripartite Customs Working Groups' Meetings

The Three Customs may hold the Tripartite Customs Working Groups' Meetings to discuss technical issues. The Working Groups' Meetings, at the current stage, are the meetings of the Intellectual Property Rights (IPR) Working Group, the Customs Enforcement and Intelligence (CEI) Working Group and the Authorized Economic Operator (AEO) Working Group.

The Three Customs may establish additional Working Groups with the approval of the TCHM, depending on the needs and the situations.

In the Tripartite Customs Working Groups' Meetings, the Three Customs will:

- implement resolutions agreed upon at the TCHM and at the Working Groups' Meetings;
- undertake the specific cooperation programs of the Three Customs in the relevant fields; and
- undertake the Working Groups' daily operations respectively.

The host of the TCHM should report the progress of the Working Groups to the TCHM.

The Three Customs should keep contact and communication with each other, and may visit each other's Customs at the working level to promote the works of the Working Groups.

II. IPR Protection

The Three Customs should enhance the border measures against goods infringing IPR.

The Three Customs should hold the IPR Working Group Meeting in principle once a

year to discuss border measures against goods infringing IPR from technical perspectives.

The IPR Working Group will continue implementing the IPR Action Plan (Fake Zero Project) to further enhance IPR enforcement information exchange and sharing, strengthen the exchanges of legislation and best practices, raise public awareness and enhance cooperation with right holders. The detailed activities are as follows:

A. Information Exchange and Sharing

The Three Customs will provide information about goods infringing IPR in accordance with the IPR Action Plan. The Three Customs will consider expanding the scope of information exchange in 2010.

They may, depending on the needs, conduct joint analysis of the relevant information to effectively figure out the trend of IPR infringement.

B. Exchanges in Legislation and Best Practices

At the request of a Customs administration of the three countries, the Customs administration of the requested country should inform each other of changes in their respective legislation and, to the most possible extent, release a summary of the changes in English on their respective Internet portal websites.

The Three Customs will cooperate to hold a regional seminar for IPR protection in cooperation with the World Customs Organization.

C. Raising Public Awareness

The Three Customs will take actions to raise public awareness, such as putting up posters at ports, airports etc., distributing handouts to importers, exporters and

passengers, holding exhibitions to showcase achievements in IPR protection etc.

D. Cooperation with Right Holders

The Three Customs will provide guidance or consultation services for right holders through seminars, websites, publications, hotlines etc., and make brochures jointly in the Chinese, Japanese and Korean languages to explain the relevant procedures of IPR protection by the Three Customs.

The Three Customs should encourage right holders to report to Customs the IPR-infringing goods and supply sufficient information so that Customs can detect and identify the infringements.

The Three Customs may jointly hold seminars with right holders, and provide training for or receive training from the right holders.

The Three Customs may revise the IPR Action Plan, if necessary, to strengthen their measures against goods infringing IPR and make their cooperation more effective. The IPR Working Groups should draft the revised Action Plan and submit it to the TCHM.

III. Customs Enforcement and Intelligence

The Three Customs will promote the information exchange among them and jointly fight against Customs offences so as to ensure the security of international trade and therefore to protect people from illicit drugs, firearms and terrorism, as well as to ensure appropriate taxation.

The Three Customs will hold the CEI Working Group Meeting in principle once a year to discuss effective measures to promote the information exchange among them from technical perspective.

In particular, the Three Customs should enhance information exchange in fields of combating commercial fraud, combating drug smuggling, and exchanging law enforcement techniques, based on the “Action Plan on Intelligence Exchange and Law Enforcement Cooperation among China Customs, Japan Customs and Korea Customs”.

IV. Mutual Recognition of AEO

The Three Customs will promote cooperation in AEO mutual recognition, in recognizing AEO programs as effective measures for trade facilitation and supply chain security.

The Three Customs should hold the AEO Working Group when it is necessary, taking account of the need to report to the TCHM in a timely manner, to discuss tripartite cooperation.

The AEO working group, under the framework of the tripartite Customs cooperation and in the principles of “increasing difficulty and phase-in”, starts its work by conducting an assessment of each other’s AEO regime on a bilateral basis following the three steps of “program comparison, exchanges officers to conduct joint validation program, and overall assessment”, then further proceeds with the work for bilateral AEO mutual recognition depending on the outcome of the assessment. The details of the above-mentioned steps are as follows:

A. Program Comparison:

The Three Customs will conduct program comparison on each other’s AEO regime through email and convention from the perspectives of criteria, authorization procedures, validation, suspension /withdrawal and revocation, monitoring, benefits, appeal etc., by comparing legislation, regulation and management of the programs.

B. Exchange Officers to Conduct Joint Validation Program:

The Three Customs will exchange officers with each other for joint validation program which will be held in each of the three Customs to have field observation and assessment of each Customs in conducting AEO authorization and validation where conditions allow after finishing the program comparison. This can be done by sending officers from two Customs to the other one where conditions allow and when it is agreed.

C. Overall Assessment:

The Three Customs will conduct an overall assessment of each other's AEO regime and decide whether or not to further proceed with the work for bilateral AEO mutual recognition.

V. Trade Facilitation

The Three Customs, noting that WTO's trade facilitation negotiation, which is mainly focused on the customs affairs, and considering customs could play a bigger role in trade facilitation area, will constantly strengthen mutual trust and cooperation, jointly boost trade facilitation, and play a positive role of catalyst in fostering trade facilitation in a larger scope.

The Three Customs will, with the aim of fostering an orderly regional trade environment and promoting the development of regional trade, exert their utmost efforts to promote regional trade.

The Three Customs will strengthen the cooperation in the WCO to encourage non-Contracting parties to accede to the Revised Kyoto Convention which is a fundamental tool of trade facilitation.

VI. Enhancement of Human Resource Development

The Three Customs will enhance cooperation in the fields of human resource development to improve the overall qualities of Customs officers in the Three Customs by exchanging relevant experience and best practices.

The Three Customs will exchange their needs of human resource development to identify their interested areas.

The Three Customs will send relevant officers with each other to enhance the sharing of best practices and experience of the interested areas.

The Three Customs will hold a seminar on human resource development and send instructors to the seminar in order to enhance communication among training institutions.

The Three Customs will make efforts to sign Memorandums of Understanding on a bilateral basis to support institutional human resource development and active exchange of officials.

VII. Cooperation in International Fora

The Three Customs will continue enhancing coordination and cooperation in Customs matters within the framework of relevant international organizations, such as the WTO and the WCO, as well as the regional cooperation mechanisms, such as ASEAN 10+3, Asia-Pacific Economic Cooperation (APEC), and Asia-Europe Meeting (ASEM) .

This Action Plan will take effect on the day of signature by the heads of Three Customs, and will be amended jointly by the Three Customs every two years thereafter.

Done in Beijing, China (hereinafter referred to as Beijing Plan accordingly), on 28 September 2009, in triplicate in the English language.

For the General Administration of Customs
The People's Republic of China

For the Korea Customs Service
The Republic of Korea

For the Customs and Tariff Bureau of Ministry of Finance
Japan