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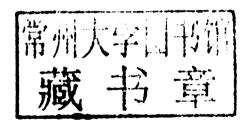


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Customs Law of East Asia

Edited by

Chia-Jui Cheng





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Customs Law of East Asia

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List of Abbreviations

ACVA Advance Customs Valuation Arrangement

ADB Asian Development Bank

AEO Authorized Economic Operation

AFTZ The Altanbulag Free Trade Zone, Mongolia

APEC Asia-Pacific Economic Cooperation

AQSIQ General Administration of Quality Supervision, Inspection

and Quarantine of the People's Republic of China

ASEAN Association of Southeast Asian Nations

ASEM Asia-Europe Meeting

ATA Carnet Admission Temporaire/Temporary Admission ATC WTO Agreement on Textiles and Clothing

CACU Central Asian Customs Union

CAREC Central Asia Regional Economic Cooperation Program

CCCN Customs Cooperation Council Nomenclature CEPA Closer Economic Partnership Arrangement

CIT Customs Import Tariffs, Taiwan

CITES Convention on International Trade in Endangered Species

of Wild Fauna and Flora, 1993

CMAA Customs Mutual Assistance Agreement, Japan CVCI Customs Valuation and Classification Institute

DOCA Department of Customs Administration

DPRK Democratic People's Republic of Korea (North Korea)

EC European Communities

EU European Union

EPA Economic Partnership Agreement, Japan

List of Abbreviations

FACEC Framework Agreement on Comprehensive Economic

Cooperation, ASEAN

FTA Free Trade Agreement

GAC General Administration of Customs, PRC GATS General Agreement on Trade in Services

GATT General Agreement on Tariffs and Trade, 1947 and 1994

GCC Gulf Cooperation Council

GSP Generalized System of Preferences

HKSAR Hong Kong Special Administrative Region

JAS Japan Agricultural Standards
JIS Japan Industrial Standards
KCS Korean Customs Service

MASAR Macao Special Administrative Region

MAFF Ministry of Agriculture, Forestry and Fisheries METI Ministry of Economy, Trade, and Industry, Japan

MFN Most-Favoured Nation

MHLW Ministry of Health, Labor and Welfare, Japan MKE Ministry of Knowledge Economy, Korea MOEA Ministry of Economic Affairs, Taiwan

MOF Ministry of Finance, Taiwan MOFA Ministry of Foreign Affairs MoU Memorandum of Understanding

NACCS Nippon Automated Cargo Clearance System NAFTA North America Free Trade Agreement

PRC People's Republic of China ROC Republic of China (Taiwan)

SCCP Sub-Committee on Customs Procedures, APEC

SCM Subsidies and Countervailing Measures SCO Shanghai Cooperation Organization

TC Trade Commission, Korea

TRIPs Agreement on Trade-Related Aspects of Intellectual

Property Rights

TWD Taiwan Dollars

UNCITRAL United Nation Commission of International Trade Law UNESCO United Nations Educational, Scientific, and Cultural

Organization

UNIDO United Nations Industrial Organization

WCO World Customs Organization WHO World Health Organization

WIPO World Intellectual Property Organization

WMO World Meteorology Organization WTO World Trade Organization, Geneva

Preface

Never before has customs laws been regarded as a part of the international legal order. Until recently the concept of State sovereignty never conceded to foreign powers the right to manipulate national customs matters both in substantive and procedural law aspects, except when a country was obligated to do so under a bilateral treaties containing customs concessions, or when a country was forced to accept an unequal treaties with foreign powers, such as China had to do at the dictate of European powers in the nineteenth century. But now everything is changing, not only the whole structure of the international trading system but also of national customs systems, and the separation of customs law from the international legal order no longer applies.

The General Agreement on Tariff and Trade (GATT) in 1947 and 1974 and other agreements adopted by the World Trade Organization (WTO) have provided the material sources of national customs law as a major source of influence in the formation of international customs law as well as national customs law. Since the creation of the WTO in 1995 the actual and potential influence of the WTO legal system has undergone a quantum leap as an increasing number of states have been admitted to the WTO and accepted the new legal order created by the WTO. We have to accept the reality that there are no single independent national customs laws any more. Their sources, in their major parts, derive directly from the principles of general international law and the WTO legal order. In response to these changes it is necessary to re-conceptualize the definition of national customs law and lay a new foundation for modern international customs law.

Two years ago, I had a breakfast with Mr Rolla Louis, publisher of Kluwer Law International, at the Crown Plaza Hotel near the Peace Palace, The Hague, where we discussed various topics in the recent development of international economic and trade law. Among other things, we agreed there should be a set of books on customs law in Asian countries, because they are the dynamic force in

world trade, particularly East Asian and Southeast Asian countries. Accordingly, we decided to publish first a volume on customs laws of East Asian countries and then a second volume on customs laws of Southeast Asian (ASEAN) countries. We believe that these volumes of customs laws will provide the latest reference sources and information on substantive and procedural customs law aspects for all those involved in this vital field.

This book is the result of efforts made by so many scholars and practitioners of East Asian countries. The book does not purport to be a comprehensive study of all customs matters connected with the importation and exportation. The shortcomings of this book I acknowledge as my own; but whatever merits it may have are due to contributors.

I would like to thank my academic colleagues in East Asian countries for generously contributing national chapters to this book. I wish thank to Prof. Zhang Hong, and Prof. Xiaojie Lin, of the University of International Business and Economics in Beijing; Prof. Wang Guiguo of City University of Hong Kong; Prof. Yuka Fukunaga of Waseda University in Tokyo; Prof. Yungjin Jung, Dr Un Sang Jung and Prof. Dong Soo Kim of Yulchon Law Firm; Mr David C. Buxbaum & Ms Tsolmon Shar of Anderson & Anderson LL.P in Ulaanbaatar, Mongolia; Prof. Huan Lin of Soochow University Law School in Taipei and Mr Eric Tsai of Pricewaterhouse Coopers in Taiwan.

Our greatest debt is to Mr Rolla Louis for his patience assistance in the publication of this book.

We intend to revise and update this volume periodically, and any suggestions for revisions may be sent to us care of the publishers.

Chia-Jui Cheng 15 August 2010, Taipei

XXIV

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