

ARRANGEMENT
BETWEEN
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA
AND
THE GOVERNMENT OF NEW ZEALAND
ON COOPERATION IN THE AREA OF PRECURSOR CHEMICAL
CONTROL

The Government of People's Republic of China and the Government of New Zealand, (hereinafter referred to as "the Participants"),

Recognising the 1988 *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, and in accordance with the *Arrangement between the Government of the People's Republic of China and the Government of New Zealand on Cooperation in Combating Crime* signed in Beijing on 7 September 2010;

Determined to prevent substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances (hereinafter referred to as "Precursor Chemicals") from being diverted to illicit use; and to prevent and combat the illicit manufacture of narcotic drugs and psychotropic substances;

On the basis of mutual respect for sovereignty, equality and mutual benefit;

Have reached the following Arrangement:

Paragraph 1

Definitions

1. The following definitions will apply for the purposes of this Arrangement:
 - a. "Precursor Chemicals" are limited to those chemicals listed in the Annex to this Arrangement .
 - b. "Importing Participant" means the Participant who has, is or will be importing Precursor Chemicals from the other Participant.
 - c. "Exporting Participant" means the Participant who has, is, or will be exporting Precursor Chemicals to the other Participant.
 - d. "Requesting Participant" means the Participant that has, is, or will be, requesting, information or assistance from the other Participant under this Arrangement.
 - e. "Responding Participant" means the Participant that has, is, or will be providing information or assistance to the other Participant under this Arrangement.

Paragraph 2

Scope of Cooperation

1. In accordance with the international agreements to which both Participants are party, and the applicable laws and regulations of each Participant, the Participants will cooperate to monitor the illicit movement of Precursor Chemicals between the Participants.
2. This Arrangement will not preclude the Participants from entering into any other mutually determined forms of cooperation.

Paragraph 3

Illicit Precursor Chemical Monitoring

1. Where either Participant suspects that Precursor Chemicals exported, imported or in transit have been, are being, or will be diverted to be used for illicit production of narcotic drugs or psychotropic substances, that Participant will notify the other Participant and the Participants will consult with each other to determine any follow up action to be taken.

Paragraph 4

Information Exchange

1. The Participants will, in accordance with their respective national laws and regulations and international agreements to which they are party, exchange information relating to actual or suspected illicit diversion of Precursor Chemicals.
2. Each Participant will treat any information received from the other Participant under this Arrangement as confidential and will not disclose such information to any third party without the prior written consent of the Responding Participant.
3. Any information obtained in accordance with this Arrangement will only be used for the purpose for which it was provided under this Arrangement. Where the Requesting Participant wishes to use any information obtained from the Responding Participant under this Arrangement for any other purpose other than the purpose for which it was provided, prior written consent will be obtained from the Responding Participant. The information will only be used within the scope defined by the Responding Participant.
4. Any information obtained under this Arrangement may be used as evidence in legal

proceedings, provided that the Responding Participant provides prior written consent for such use.

5. The Participants may proactively exchange information with each other, without having received a prior request under the framework of this Arrangement, if one Participant believes that the other Participant would be interested in the information.

Paragraph 5

Law Enforcement Assistance

1. To prevent and combat criminal activity relating to the illegal use of Precursor Chemicals, the Participants will assist each other upon request or proactively, by providing timely information on, and assistance with, investigations involving Precursor Chemicals. This includes being involved in joint operations and investigations concerning Precursor Chemicals, as mutually determined by the Participants.
2. When one Participant undertakes an investigation under this Paragraph, representatives of the other Participant, if authorised by the Participant undertaking the investigation, may be present when the investigation is undertaken. The Participant undertaking the investigation may place conditions on the presence of representatives of the other Participant at the investigation.
3. In accordance with the national legislation of the Participants and international agreements to which they are party, the Participants may, by mutual decision, in accordance with paragraphs 3 and 4 of this Arrangement, permit the movement of precursor chemicals under their control that are involved or suspected of being involved in the commission of a Precursor Chemical offence out of, through, or into their respective territories, with a view to investigating and combating the illicit movement of Precursor Chemicals.
4. A Requesting Participant may seek cooperation from the Responding Participant for

information and investigation assistance relating to the export of Precursor Chemicals that may not be an offence in the Responding Participant's territory but is an offence in the Requesting Participant's territory.

5. A Requesting Participant should seek assistance from the Responding Participant for evidence in criminal litigation through the approaches stated by the Treaty between New Zealand and the People's Republic of China on Mutual Legal Assistance in Criminal Matters, which was signed on April 6, 2006, and effective as from January 1, 2008.
6. On a case-by-case basis, and if requested by one Participant, either Participant may provide information to the other Participant on substances, not listed in the Annex to this Arrangement, which are used to manufacture narcotic drugs or psychotropic substances.

Paragraph 6

Refusal and Deferral of Requests

1. Either Participant may refuse requests for law enforcement assistance made pursuant to Paragraph 5 of this Arrangement, if the Responding Participant considers that provision of the law enforcement assistance requested is likely to prejudice its sovereignty, national security, national interests or other essential interests.
2. The Responding Participant may defer provision of law enforcement assistance requested pursuant to Paragraph 5 of this Arrangement if provision of the law enforcement assistance requested will interfere with an ongoing investigation, prosecution or legal proceeding. In such a case, the Responding Participant will consult with the Requesting Participant to determine if the law enforcement assistance can be given under specific terms and conditions imposed by the Responding Participant.
3. The Responding Participant will give the Requesting Participant reasons for any refusal or deferral of a request for law enforcement assistance within 60 working days of the

request being received.

Paragraph 7

Technical Cooperation

1. The Participants will strengthen co-operation with respect to illicit Precursor Chemical enforcement training. Such training will be mutually determined between the Participants and may include, but is not limited to:
 - a. Arranging personnel exchanges and training projects; and
 - b. Sending personnel to attend activities such as seminars and meetings.

2. The Participants will enhance cooperation on safety protection, inspection and detection technology and equipment in connection with or relating to illicit Precursor Chemicals and may provide technical and equipment assistance to each other when requested.

Paragraph 8

Meetings and Costs

1. For the purposes of this Arrangement, the agencies representing the Participants will be:
 - a. For the Government of the People's Republic of China: the **Office of National Narcotics Control Commission**
 - b. For the Government of New Zealand: the **New Zealand Police**.

2. The agencies representing the Participants will endeavor to meet once a year. The Participants will take turns hosting the liaison meetings. The Participants will mutually determine any necessary arrangements for the meetings.

3. The cost of all international travel, food and accommodation of any meetings held under this Arrangement, will be borne by the visiting Participant, unless otherwise

mutually determined by the Participants.

4. Any media release made, or activity undertaken, by either Participant or by both Participants relating to this Arrangement will be coordinated by both Participants so as to protect the interests of both Participants.

Paragraph 9

Resolution of Differences

1. Differences concerning the implementation or interpretation of this Arrangement will be resolved by friendly consultation between the Participants.

Paragraph 10

Entry into Effect, Termination and Amendment

1. This Arrangement will enter into effect upon signature by both Participants and will remain in effect until terminated by either Participant pursuant to subparagraph 2 of this Paragraph.
2. This Arrangement may be terminated by either Participant upon 60 days written notice to the other Participant. The termination will take effect 60 days after the date of receiving the written notice.
3. This Arrangement may be amended with the mutual written consent of both Participants.

Signed at Beijing, this 10th day of April 2013, in the Chinese and English languages, each text

having equal validity.

For the Government of the People's Republic of China: **For the Government of New Zealand**

Annex:

1-Pheny-2-Propanone
3, 4-Methylenedioxyphenyl-2-Propanone
Piperonal
Safrole
Sassafras Oil
Isosafrole
N-acetylanthranilic acid
Anthranilic acid
Lysergic acid
Ergotamine
Ergometrine
Ephedrine
Pseudoephedrine
Norephedrine
Ephedra extract
Phenylacetic acid
Acetic anhydride
Potassium permanganate *
Hydroxylamine
Ethyl ether
Piperidine
Toluene *
Acetone *
Methyl ethyl ketone *
Sulphuric acid *
Hydrochloric acid *

Note : Included are the salts of the substances listed in this Annex whenever the existence of such salts is possible. The salts of substances with * are specifically excluded from the list.