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**Canada
and
Chile**

Agreement between the Government of Canada and the Government of the Republic of Chile on mutual administrative assistance in customs matters. Puerto Natales, 13 April 2015

Entry into force: *10 May 2017 by notification, in accordance with article 16*

Authentic texts: *English, French and Spanish*

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**Canada
et
Chili**

Accord entre le Gouvernement du Canada et le Gouvernement de la République du Chili concernant l'assistance administrative mutuelle en matière douanière. Puerto Natales, 13 avril 2015

Entrée en vigueur : *10 mai 2017 par notification, conformément à l'article 16*

Textes authentiques : *anglais, français et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Canada, 30 août 2019*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF THE REPUBLIC OF CHILE
ON MUTUAL ADMINISTRATIVE ASSISTANCE
IN CUSTOMS MATTERS**

**THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE
REPUBLIC OF CHILE** (the “Parties”),

CONSIDERING that offences against customs laws are prejudicial to the security and public health of their respective countries as well as to their economic, fiscal, social, cultural, and commercial interests;

CONSIDERING the importance of accurately assessing customs duties and taxes collected on the importation and exportation of goods and of ensuring that their respective customs administrations properly apply prohibitions, restrictions and control measures;

CONSIDERING that illegal cross-border trafficking in goods constitutes a danger to society;

RECOGNIZING the need for international cooperation in matters related to the administration and enforcement of their customs laws;

RECOGNIZING that action against customs offences can be made more effective by close cooperation between their respective customs administrations;

ACKNOWLEDGING the relevant instruments of the Customs Co-operation Council, now known as the World Customs Organization, in particular the Recommendation of the Council on Mutual Administrative Assistance of 5 December 1953;

ALSO ACKNOWLEDGING international conventions to which both Parties are members, which set out prohibitions, restrictions and control measures in respect of specific goods;

HAVING REGARD to the provisions established in the *Free Trade Agreement between the Government of Canada and the Government of the Republic of Chile*, especially Article E-12;

HAVE AGREED as follows:

ARTICLE 1

Definitions

For the purposes of this Agreement:

- (a) “customs administration” means for the Government of Canada, the Canada Border Services Agency; for the Government of the Republic of Chile, the National Customs Service; or any other governmental administration designated by a Party as responsible for administering customs laws;
- (b) “customs laws” means all laws and regulations in force in the respective territories of the Parties and enforceable by the customs administrations of the Parties concerning the importation, exportation, and transit of goods, as they relate, *inter alia*, to customs duties, taxes and other charges or to prohibitions, restrictions and other control measures in respect of the movement of goods across national boundaries;
- (c) “customs offence” means any contravention or attempted contravention of the customs laws;
- (d) “information” means any data, whether or not processed or analyzed, and any documents, reports or records, as well as certified or authenticated copies thereof, or other communications in any format, including electronic format;
- (e) “international trade supply chain” means all processes involved in the cross-border movement of goods from the place of origin to the place of final destination;
- (f) “official” means any customs officer or other government agent designated by the Parties to administer customs laws;
- (g) “person” means a natural person or a legal entity;
- (h) “personal information” means any data concerning an identified or identifiable natural person, within the scope of the laws and regulations of the Parties;

- (i) “requested Party” means the Party that receives a request for assistance under this Agreement;
- (j) “requesting Party” means the Party that makes a request for assistance under this Agreement.

ARTICLE 2

Scope of the Agreement

1. The Parties shall, through their customs administrations, provide mutual administrative assistance, under the terms set out in this Agreement, to ensure the proper application of customs laws, and to prevent, investigate and combat customs offences, and to ensure the security of the international trade supply chain.
2. The Parties shall provide assistance under this Agreement to the extent appropriate and consistent with their domestic law and administrative policies and procedures, and within the limits of their customs administrations’ competence and available resources.
3. This Agreement is intended solely for mutual administrative assistance in customs matters between the Parties and does not affect any mutual legal assistance agreements between them. It does not confer any right to any person to obtain, suppress or exclude evidence, or to impede the execution of a request.

ARTICLE 3

Scope of Assistance

The Parties shall, through their customs administrations, on request or on their own initiative, provide each other with information intended to ensure that customs laws are properly applied, and to prevent, investigate and combat customs offences and to secure the international trade supply chain. This may include information relating to:

- (a) law enforcement techniques that have proven effective;
- (b) new trends, means or methods of committing customs offences;