

No. 17932

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**FRANCE  
and  
CANADA**

**Agreement on mutual assistance for the prevention, investigation and suppression, by the customs administrations of both countries, of customs offences. Signed at Paris on 9 January 1979**

*Authentic texts: French and English.*

*Registered by France on 31 July 1979.*

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**FRANCE  
et  
CANADA**

**Accord d'assistance mutuelle visant la prévention, la recherche et la répression des fraudes douanières par les administrations douanières des deux pays. Signé à Paris le 9 janvier 1979**

*Textes authentiques : français et anglais.*

*Enregistré par la France le 31 juillet 1979.*

## AGREEMENT<sup>1</sup> ON MUTUAL ASSISTANCE BETWEEN FRANCE AND CANADA FOR THE PREVENTION, INVESTIGATION AND SUPPRESSION, BY THE CUSTOMS ADMINISTRATIONS OF BOTH COUNTRIES, OF CUSTOMS OFFENCES

The Government of the French Republic and the Government of Canada,

Considering that offences against Customs laws are prejudicial to the economic, fiscal, social and cultural interests of their respective countries, as well as to the legitimate interests of trade, industry, commerce and agriculture,

Convinced that action against these offences would be made more effective by co-operation between their Customs Administrations,

Have agreed as follows:

*Article I.* The Customs Administrations of the two States shall afford each other mutual assistance, on the terms set out in this Agreement, for the prevention, investigation and suppression of offences against Customs laws.

*Article II.* For the purposes of this Agreement, the term "Customs laws" means the statutory or regulatory provisions on the importation, exportation, and transit of goods, whether these provisions involve Customs duty or any other duties or taxes, or prohibitions, restrictions or controls.

*Article III.* The Customs Administration of each State shall, at the express request of the Customs Administration of the other contracting State, maintain special surveillance within its field of competence over the following, in accordance with its administrative practices:

- (a) The movements, particularly the entry into and exit from its territory, of persons suspected or known in the requesting State to be habitually or professionally engaged in activities contrary to the Customs laws of that State;
- (b) Suspicious movements of goods pointed out by the requesting State to be the subject of important traffic towards that State, traffic which would be in violation of its Customs laws;
- (c) Places where unusual stocks of goods have been built up which the requesting State has reasons to believe are intended to be used for illicit importation into its territory;
- (d) Vehicles, ships, aircraft or other means of transport which the requesting State has reason to believe may be used to commit Customs offences on its territory.

*Article IV.* 1. The Customs Administrations of the two States shall communicate to each other:

- (a) Spontaneously and without delay, any available information regarding:  
—Irregular operations proven or planned, and being, or suspected of being, contrary to the Customs laws of the other State;

<sup>1</sup> Came into force on 1 May 1979, i.e., the first day of the second month following the date of the reception of the last of the notifications by which the States informed each other of the completion of the required constitutional procedures, in accordance with article XII.

- New means or methods of committing Customs offences;
  - Categories of goods known to be the subject of illicit importation, exportation, or transit;
  - Persons, vehicles, ships, aircraft or other means of transport which there is reason to believe are involved or may be involved in Customs offences;
- (b) On written request and as promptly as possible:
- Any information that can be extracted from Customs declarations and other documents in their possession relating to exchange of goods involving either of the two States, and as to which the requesting State has reason to believe Customs offences exist;
  - And duly certified or legalized copies of the said documents with the exception of invoices or copies thereof.

2. This information shall be communicated to the officials nominated for that purpose by each Customs Administration; a list of these officials shall be furnished to the Customs Administration of the other State.

3. The Customs Administrations of the two States shall arrange for the officials of their services specially or principally responsible for the investigation of Customs offences to maintain personal and direct relations with a view to exchanging information to prevent or discover offences against Customs laws in their respective States.

*Article V.* 1. To facilitate suppression of offences against Customs laws committed in their respective States, each Customs Administration shall, at the request of the other Customs Administration, make enquiries or investigation, interrogate suspected persons, hear witnesses, and notify the requesting Administration of the results of this action.

2. These enquiries will be made in accordance with the regulations of the requested State.

*Article VI.* 1. Upon the request of a court tribunal or the authorities of one Contracting State, the Customs Administration of the other Contracting State may authorize its officials to appear before the said court tribunal or authorities, as witnesses or experts, in the matter of an offence against Customs laws. These officials shall give evidence on facts ascertained by them during the course of their duties and, subject to the prior approval of the courts, within the limits set by the authorization. The request to appear must specify in particular the case on which the official will be interrogated and in what capacity.

2. The costs entailed by the application of this article are to be paid by the requesting Government.

*Article VII.* 1. The Customs Administrations of the two States may make use, as evidence, in their minutes, reports and testimonies, and during proceedings and prosecutions before a court or tribunal, of information received or documents produced, under the conditions provided for by this Agreement.

2. The validity of this information and these documents, and the use that is made of them legally, lies with national legislation.

*Article VIII.* The Customs Administrations of the two States are not required to give the assistance provided for by this Agreement if they consider that such

assistance is likely to prejudice public order or other essential interests, or involves a violation of any industrial, commercial or professional secrecy.

*Article IX.* 1. Assistance shall not be requested where the Customs Administration of the requesting State would be unable to furnish that assistance if the position were reversed.

2. The reasons must be given for any refusal of assistance. The requested State must inform the requesting State without delay; it may propose alternative procedures.

*Article X.* The field of application of this Agreement shall extend, on the one hand, to the Customs territory as defined in article I of the French Customs Code, and on the other hand, to Canada including the ten provinces, the North-west Territories and the Yukon Territory.

*Article XI.* The terms and conditions for the implementation of this Agreement shall be jointly determined by the Customs Administrations of both Contracting States.

*Article XII.* 1. Each of the States shall notify the other that the procedures required under its Constitution for the present Agreement to come into force have been observed.

2. The present Agreement shall come into force on the first day of the second month following the date of the reception of the latter of these notifications.

3. This Agreement may be denounced by either State at any time by sending to the other State a notice in writing through the diplomatic channel, and it shall terminate one year after the date of receipt of such notice of denunciation.

DONE at Paris, this ninth day of January nineteen seventy-nine, in two copies, in the English and French languages, the two texts being equally authentic.

For the Government  
of the French Republic:

[Signed]<sup>1</sup>

For the Government  
of Canada:

[Signed]<sup>2</sup>

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<sup>1</sup> Signed by Olivier Stirn.

<sup>2</sup> Signed by Gérard Pelletier.