

**No. 53325\***

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**Canada  
and  
South Africa**

**Agreement between the Government of Canada and the Government of the Republic of South Africa regarding mutual assistance between their customs administrations. Johannesburg, 30 October 2009**

**Entry into force:** 9 November 2010 by notification, in accordance with article 23

**Authentic texts:** *English and French*

**Registration with the Secretariat of the United Nations:** *Canada, 22 January 2016*

*\*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

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**Canada  
et  
Afrique du Sud**

**Accord entre le Gouvernement du Canada et le Gouvernement de la République d'Afrique du Sud concernant l'assistance mutuelle entre leurs administrations des douanes. Johannesburg, 30 octobre 2009**

**Entrée en vigueur :** 9 novembre 2010 par notification, conformément à l'article 23

**Textes authentiques :** *anglais et français*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Canada, 22 janvier 2016*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT**

**BETWEEN**

**THE GOVERNMENT OF CANADA**

**AND**

**THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA**

**REGARDING MUTUAL ASSISTANCE**

**BETWEEN THEIR CUSTOMS ADMINISTRATIONS**

**THE GOVERNMENT OF CANADA and THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA**, hereinafter jointly referred to as the “Parties”, and in the singular as a “Party”,

**CONSIDERING** the importance of ensuring the accurate assessment of customs duties, taxes and other charges collected on the importation or exportation of goods and a proper implementation of provisions of prohibition, restriction and control by their Customs administrations;

**CONSIDERING** that contravention of Customs law is detrimental to the economic, fiscal, social, cultural, public health, security and commercial interests of their respective countries;

**CONSIDERING** that trafficking in weapons, explosives, chemical, biological and nuclear substances as well as in narcotic drugs, psychotropic substances, hazardous goods and other prohibited, regulated or controlled goods constitutes a danger to public health and to society;

**RECOGNISING** the increased global concern for the security and facilitation of the international trade supply chain and the Customs Co-operation Council’s Resolution of June 2002 to that effect;

**RECOGNISING** the need for international co-operation in matters related to the application and enforcement of their Customs law;

**CONVINCED** that efforts to prevent the contravention of Customs law and to achieve greater accuracy in the collection of customs duties would be made more effective by close co-operation between their Customs administrations;

**HAVING REGARD** to international Conventions containing prohibitions, restrictions and measures of control in respect of specific goods;

**HAVING** regard to the Recommendation on Mutual Administrative Assistance and the Declaration on the Improvement of Customs Co-operation and Mutual Administrative Assistance (the Cyprus Declaration), adopted in December 1953 and June 2000, respectively, by the Customs Co-operation Council, now known as the World Customs Organization;

**HAVE AGREED** as follows:

## **ARTICLE 1**

### **Definitions**

For the purposes of this Agreement, unless the context otherwise requires:

- (a) “Customs administration” shall mean the administration designated from time to time by either Party to the other as responsible for administering the Customs Law;
- (b) “Customs law” shall mean all the legal and administrative provisions applicable or enforceable by the Customs administrations in connection with the importation, exportation, transshipment, transit, storage, and movement of goods, including:
  - (i) the collection or repayment of duties, taxes and other charges;
  - (ii) action in relation to measures of prohibition, restriction or control;
  - (iii) action in relation to illegal trafficking in narcotic drugs and psychotropic substances;
- (c) “Customs offence” shall mean any violation or attempted violation of Customs law;
- (d) “information” shall mean any data, whether or not processed or analysed, any documents, reports, and other communications in any format, including electronic, or certified or authenticated copies thereof;
- (e) “intelligence” shall mean information which has been processed or analysed to provide an indication relevant to a Customs offence;