

March 7, 2019

## Administrative Monetary Penalty Contravention Changes

On April 1, 2019 increased amounts for 22 contraventions listed in the Administrative Monetary Penalty System (AMPS) will be amended.

These 22 contraventions are related to commercial trade and affect non-compliant importers only.

### Administrative and Monetary Penalty Levels

AMPS penalty structure provides higher penalty amounts for repeat incidences of the same contravention. A small number of contraventions have a flat penalty amount.

CBSA will reset the penalty level to the first level for below contraventions that occur on or after April 1, 2019.

These contraventions will have increased penalty amounts at all levels:

Contravention Code	Description	Penalty Level	Current Penalty Amount	New Penalty Amount effective April 1, 2019
C004	Person provided information to an officer that is not true, accurate and complete. When a <i>Special Import Measures Act</i> (SIMA) code was not completed correctly.....	1 <sup>st</sup>	\$150	\$500
		2 <sup>nd</sup>	\$225	\$750
		3 <sup>rd</sup> and sub.	450	\$1,500
C080	Authorized person failed to make the required corrections to a declaration of origin of imported goods subject to a free trade agreement within 90 days after having reason to believe that the declaration was incorrect.	1 <sup>st</sup>	\$150 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)	\$500 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)
		2 <sup>nd</sup>	\$225 to a max. of \$200,000 (per occurrence)	\$750 to a max. of \$200,000 (per occurrence)
		3 <sup>rd</sup> and sub.	\$450 to a max. of \$400,000 (per occurrence)	\$1,500 to a max. of \$400,000 (per occurrence)
C081	Authorized person failed to make the required corrections to a declaration of origin of imported goods within 90 days after having reason to believe that the declaration was incorrect.	1 <sup>st</sup>	\$150 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)	\$500 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)
		2 <sup>nd</sup>	\$225 to a max. of \$200,000 (per occurrence)	\$750 to a max. of \$200,000 (per occurrence)
		3 <sup>rd</sup> and sub.	\$450 to a max. of \$400,000 (per occurrence)	\$1,500 to a max. of \$400,000 (per occurrence)
C082	Authorized person failed to make the required corrections to a declaration of tariff classification within 90 days after having reason to believe that the declaration was incorrect.	1 <sup>st</sup>	\$150 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)	\$500 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)
		2 <sup>nd</sup>	\$225 to a max. of \$200,000 (per occurrence)	\$750 to a max. of \$200,000 (per occurrence)
		3 <sup>rd</sup> and sub.	\$450 to a max. of \$400,000 (per occurrence)	\$1,500 to a max. of \$400,000 (per occurrence)
C083	Authorized person failed to make the required corrections to a declaration of value for duty within 90 days after having reason to believe that the declaration was incorrect.	1 <sup>st</sup>	\$150 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)	\$500 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)
		2 <sup>nd</sup>	\$225 to a max. of \$200,000 (per occurrence)	\$750 to a max. of \$200,000 (per occurrence)
		3 <sup>rd</sup> and sub.	\$450 to a max. of \$400,000 (per occurrence)	\$1,500 to a max. of \$400,000 (per occurrence)
C152	Importer or owner of goods failed to furnish the proof of origin upon request.	1 <sup>st</sup>	\$150	\$500
		2 <sup>nd</sup>	\$225	\$750
		3 <sup>rd</sup> and sub.	450	\$1,500
C157	Person who imports, or causes to be imported, commercial goods failed to make records and documents in respect of those goods available to an officer when requested.	1 <sup>st</sup>	\$300	\$600
		2 <sup>nd</sup>	\$450	\$1,200
		3 <sup>rd</sup> and sub.	\$900	\$2,400

Contravention Code	Description	Penalty Level	Current Penalty Amount	New Penalty Amount effective April 1, 2019
C168	Person failed to report within 90 days a failure to comply with a condition imposed under a tariff item in the List of Tariff Provisions in the schedule to the <i>Customs Tariff</i> .	1 <sup>st</sup>	\$150	\$500
		2 <sup>nd</sup>	\$225	\$750
		3 <sup>rd</sup> and sub.	450	\$1,500
C169	Person failed to repay within 90 days duties and interest refunded under paragraph 74(1)(f) of the <i>Customs Act</i> after a failure to comply with a condition imposed under a tariff item in the List of Tariff Provisions in the schedule to the <i>Customs Tariff</i> .	1 <sup>st</sup>	\$150	\$500
		2 <sup>nd</sup>	\$225	\$750
		3 <sup>rd</sup> and sub.	450	\$1,500
C214	Person failed within 90 days or such other period as may be prescribed to report a failure to comply with a condition of a duties relief provision or remission order.	1 <sup>st</sup>	\$300	\$600
		2 <sup>nd</sup>	\$450	\$1,200
		3 <sup>rd</sup> and sub.	\$900	\$2,400
C215	Person failed within 90 days or such other period as may have been prescribed to pay the amount of duties in respect of which relief or remission was granted unless the provisions of subparagraph 118(1)(b)(i) or (ii) of the <i>Customs Tariff</i> were met.	1 <sup>st</sup>	\$300	\$600
		2 <sup>nd</sup>	\$450	\$1,200
		3 <sup>rd</sup> and sub.	\$900	\$2,400
C216	Person failed within 90 days after the date of the diversion to report diverted goods to a customs officer at a customs office.	1 <sup>st</sup>	\$300	\$600
		2 <sup>nd</sup>	\$450	\$1,200
		3 <sup>rd</sup> and sub.	\$900	\$2,400
C217	Person failed within 90 days after the date of the diversion to pay the amount of the drawback and the amount of any interest granted.	1 <sup>st</sup>	\$300	\$600
		2 <sup>nd</sup>	\$450	\$1,200
		3 <sup>rd</sup> and sub.	\$900	\$2,400
C218	Person failed to pay within 90 days duties relieved under section 89 of the <i>Customs Tariff</i> on the goods that entered into a process which produced by-product(s) not eligible for relief.	1 <sup>st</sup>	\$300	\$600
		2 <sup>nd</sup>	\$450	\$1,200
		3 <sup>rd</sup> and sub.	\$900	\$2,400
C223	Non Customs Self Assessment (CSA) importer failed to provide a detailed product description in respect of goods liable for review under the <i>Special Import Measures Act</i> (SIMA), after the importer has been	1 <sup>st</sup>	\$150	\$500
		2 <sup>nd</sup>	\$225	\$750
		3 <sup>rd</sup> and sub.	450	\$1,500
C224	Customs Self Assessment (CSA) importer failed to provide the detailed product description within the period specified in respect to goods liable to a <i>Special Import Measures Act</i> (SIMA) action.	1 <sup>st</sup>	\$150	\$500
		2 <sup>nd</sup>	\$225	\$750
		3 <sup>rd</sup> and sub.	450	\$1,500
C298	Person who imports commercial goods or causes commercial goods to be imported failed to provide records in respect of those goods to an officer when requested, within the time specified by the officer.	1 <sup>st</sup>	\$300	\$600
		2 <sup>nd</sup>	\$450	\$1,200
		3 <sup>rd</sup> and sub.	\$900	\$2,400
C336	Person failed to pay duties on goods accounted for under	Flat Rate	\$100 per instance	\$200 per instance
C350	Authorized person failed to pay duties as a result of required corrections to a declaration of origin of imported goods subject to a free trade agreement within 90 days after having reason to believe that the declaration was incorrect.	1 <sup>st</sup>	\$150 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)	\$500 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)
		2 <sup>nd</sup>	\$225 to a max. of \$200,000 (per occurrence)	\$750 to a max. of \$200,000 (per occurrence)
		3 <sup>rd</sup> and sub.	\$450 to a max. of \$400,000 (per occurrence)	\$1,500 to a max. of \$400,000 (per occurrence)
C351	Authorized person failed to pay duties as a result of required corrections to a declaration of origin of imported goods within 90 days after having reason to believe that the declaration was incorrect.	1 <sup>st</sup>	\$150 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)	\$500 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)
		2 <sup>nd</sup>	\$225 to a max. of \$200,000 (per occurrence)	\$750 to a max. of \$200,000 (per occurrence)
		3 <sup>rd</sup> and sub.	\$450 to a max. of \$400,000 (per occurrence)	\$1,500 to a max. of \$400,000 (per occurrence)
C352	Authorized person failed to pay duties as a result of required corrections to a declaration of tariff classification within 90 days after having reason to believe that the declaration was incorrect.	1 <sup>st</sup>	\$150 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)	\$500 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)
		2 <sup>nd</sup>	\$225 to a max. of \$200,000 (per occurrence)	\$750 to a max. of \$200,000 (per occurrence)
		3 <sup>rd</sup> and sub.	\$450 to a max. of \$400,000 (per occurrence)	\$1,500 to a max. of \$400,000 (per occurrence)
C353	Authorized person failed to pay duties as a result of required corrections to a declaration of value for duty within 90 days after having reason to believe that the declaration was incorrect.	1 <sup>st</sup>	\$150 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)	\$500 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)
		2 <sup>nd</sup>	\$225 to a max. of \$200,000 (per occurrence)	\$750 to a max. of \$200,000 (per occurrence)
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The maximum Administrative Monetary penalty amount for a single contravention remains unchanged at CAN\$25,000.

## AMPS Contraventions

The **AMPS Master Penalty Document** lists each contravention and **describes the failure to comply** with the associated **penalty amounts**:

<https://www.cbsa-asfc.gc.ca/trade-commerce/amps/mpd-dmi-eng.html>

Amps contraventions may be issued to importers, exporters, brokers, warehouse and duty free shop operators, carriers and freight forwarders.

## More AMPS Information

Customs Notice 19-05

<https://www.cbsa-asfc.gc.ca/publications/cn-ad/cn19-05-eng.html>

Memorandum D22-1-1

<https://www.cbsa-asfc.gc.ca/publications/dm-md/d22/d22-1-1-eng.html>

## Changements relatifs aux infractions aux sanctions administratives pécuniaires

Le 1er Avril, 2019 a augmenté les montants pour 22 infractions énumérées dans le système de sanctions administratives pécuniaires (AMP S) sera modifiée.

Ces 22 infractions concernent des échanges commerciaux et concernent uniquement les importateurs non conformes .

### Pénalité administrative et monétaire

La structure des pénalités du RSAP prévoit des pénalités plus élevées pour les récidives de la même infraction. Un petit nombre de contraventions sont assorties d'une pénalité forfaitaire.

L'ASFC rétablira le niveau de pénalité au premier niveau pour les contraventions ci-dessous commises à compter du 1 er avril 2019 .

Ces contraventions entraîneront une augmentation du montant des pénalités à tous les niveaux :

Contravention Code	Description	Penalty Level	Current Penalty Amount	New Penalty Amount effective April 1, 2019
C004	Person provided information to an officer that is not true, accurate and complete. When a <i>Special Import Measures Act</i> (SIMA) code was not completed correctly.....	1 <sup>st</sup>	\$150	\$500
		2 <sup>nd</sup>	\$225	\$750
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C080	Authorized person failed to make the required corrections to a declaration of origin of imported goods subject to a free trade agreement within 90 days after having reason to believe that the declaration was incorrect.	1 <sup>st</sup>	\$150 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)	\$500 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)
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C081	Authorized person failed to make the required corrections to a declaration of origin of imported goods within 90 days after having reason to believe that the declaration was incorrect.	1 <sup>st</sup>	\$150 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)	\$500 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)
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C083	Authorized person failed to make the required corrections to a declaration of value for duty within 90 days after having reason to believe that the declaration was incorrect.	1 <sup>st</sup>	\$150 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)	\$500 to a max. of \$5,000 (per issue) or \$25,000 (per occurrence)
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		3 <sup>rd</sup> and sub.	\$450 to a max. of \$400,000 (per occurrence)	\$1,500 to a max. of \$400,000 (per occurrence)

Le montant maximum de la pénalité administrative pour une seule infraction reste inchangé à 25 000 \$ CAN .

## Contraventions

Le **document de pénalité AMPS Master énumère chaque contravention et décrit le non-respect des montants de pénalité** associés:

<https://www.cbsa-asfc.gc.ca/trade-commerce/amps/mpd-dmi-fra.html>

Les contraventions Amps peuvent être adressées aux importateurs, exportateurs, courtiers, exploitants d'entrepôts et de boutiques hors taxes, transporteurs et transitaires.

## Plus d' informations sur l' AMPS

Avis des douanes 19-05

<https://www.cbsa-asfc.gc.ca/publications/cn-ad/cn19-05-fra.html>

Mémoire D22-1-1

<https://www.cbsa-asfc.gc.ca/publications/dm-md/d22/d22-1-1-fra.html>