

Chile

Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part ([OJ L 352, 30.12.2002](#))

Article 82 - Enforcement of preferential treatment

1. The Parties agree that administrative cooperation is essential for the implementation and control of the preferences granted under this Title and reaffirm their commitment to combat irregularities and fraud related to origin, including customs classification and customs value.

2. In this regard, a Party may temporarily suspend the preferential treatment granted under this Title for a product or products in respect of which that Party determines, in accordance with this Article, that there has been systematic failure to provide administrative cooperation or fraud by the other Party.

3. For the purpose of this Article, systematic failure to provide administrative cooperation shall mean:

(a) the absence of administrative cooperation, such as a failure to provide names and addresses of customs or government authorities responsible for issuing and checking certificates of origin, or specimens of stamps used to authenticate the certificates, or a failure to update that information where appropriate;

(b) a systematic lack or inadequacy of action in verifying the originating status of products and the fulfilment of the other requirements of Annex III and identifying or preventing contravention of the rules of origin;

(c) a systematic refusal or undue delay to carry out subsequent verification of the proof of origin at the request of the other Party, and to communicate its results in time;

(d) the absence or systematic lack of administrative cooperation in verifying conduct where there is a presumption of origin-related fraud. For this purpose, a Party may presume the existence of fraud, inter alia, where imports of a product or products under this Agreement massively exceed the usual levels of production and export capacity of the other Party.

4. The Party which has made a finding of systematic failure to provide administrative cooperation or presumption of fraud shall, before applying the temporary suspension provided under this Article, supply the Association Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties. At the same time, it shall publish in its Official Journal a notice to the importers indicating the product or products for which a finding of systematic failure to provide administrative cooperation or presumption of fraud has been made. The legal consequences of this publication shall be governed by the domestic law of each Party.

5. Within 10 days after the day of notification of the information referred to in paragraph 4, the Parties shall hold consultations within the Association Committee. If the Parties do not reach an agreement on a solution to avoid application of the temporary suspension of the preferential treatment within 30 days from the initiation of such consultations, the Party concerned may suspend temporarily the preferential treatment of the product or products concerned. The temporary suspension shall not exceed what is necessary to protect the financial interests of the Party concerned.

6. Temporary suspensions under this Article shall be notified immediately after their adoption to the Association Committee. They shall not exceed a period of six months which may be renewed. They shall be subject to periodic consultations within the Association Committee, particularly with a view to their abolition as soon as circumstances permit.