

**AGREEMENT BETWEEN THE GOVERNMENT OF THE ITALIAN REPUBLIC AND THE
GOVERNMENT OF THE UNITED MEXICAN STATES CONCERNING MUTUAL
ADMINISTRATIVE ASSISTANCE IN CUSTOMS MATTERS**

The Government of the Italian Republic and the Government of the United Mexican States, hereinafter referred to as "the Parties";

CONSIDERING that offences against Customs laws are prejudicial to the economic, tax, cultural, commercial, social, industrial and agricultural interests, as well as to the national security of their respective countries;

ATTENDING to the importance of ensuring the accurate assessment of Customs duties and taxes as well as any other charges due to importation or exportation of goods, and the proper enforcement of prohibition, restriction and control provisions;

CONVINCED that the fight against Customs offences, including the Intellectual Property Rights violations, can be made more effective through cooperation between Customs Authorities;

AWARE that a more effective cooperation between Customs Authorities can be achieved through the exchange of information;

CONSIDERING that the traffic of narcotic drugs and psychotropic substances represents a threat to public health and society;

HAVING REGARD to the Recommendation of the Customs Cooperation Council on Mutual Administrative Assistance of December 5, 1953;

HAVING REGARD to the Convention of the United Nations Educational, Scientific and Cultural Organization on the means of prohibiting and preventing the illicit import, export



and transfer of ownership of cultural property, signed in Paris on November 14, 1970, on the extent that those cultural goods are subject of Customs offences;

HAVING REGARD to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed in Washington on March 3, 1973, aimed at their protection through the international control of trade;

HAVING REGARD to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, signed in Basel on March 22, 1989, which regulates the transboundary movements, the recycling and disposal of hazardous wastes;

HAVING REGARD to the Single Convention on Narcotic Drugs of 1961 amended by its Protocol of 1972 and the Convention on Psychotropic Substances of 1971, created under the auspices of the United Nations, as well as the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

HAVING REGARD also that on April 28, 2004, the United Nations Security Council unanimously adopted the Resolution 1540, stating that proliferation of nuclear, chemical, and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security;

Have agreed as follows:

ARTICLE 1

Definitions

For the purposes of this Agreement:



1. "Requested Customs Authority" shall mean the Customs Authority that receives a request for assistance in customs matters;
2. "Requesting Customs Authority" shall mean the Customs Authority that submits a request for assistance in customs matters;
3. "Customs Authority" shall mean, for the Italian Republic, the Customs Agency that relies on the Finance Guard's support to perform certain tasks and for the United Mexican States, the Ministry of Finance and Public Credit;
4. "international trade supply chain" shall mean every procedure and activity related to the transboundary movement of goods from the place of origin to the final destination;
5. "significant damage" shall mean the damage that could result from the illegal use of chemical precursors; of the illegal circulation of dangerous goods, nuclear, chemical, biological or mass destruction weapons; of contaminated food, or of goods or of means of transportation suspected of representing a danger to the environment, national security, human health or the international trade supply chain security;
6. "Endangered Species" shall mean all animal or plant species protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed in Washington on March 3, 1973;
7. "Narcotic Drugs and Psychotropic Substances" shall mean the substances and products containing those substances detailed in the Single Convention on Narcotic Drugs of 1961 amended by its Protocol of 1972, and in the Convention on Psychotropic Substances of 1971, as well as in the paragraphs (n) and (r) of Article 1 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of December 20, 1988;
8. "official" shall mean any official of the Customs Authority, or, for the United Mexican States, any other Government official designated by the Customs Authority;
9. "Customs duties" shall mean Customs duties, tariffs and any other charges levied in the territory of the Parties in application of the Customs Legislation;
10. "information" shall mean any data, whether or not being processed or analyzed, documents, reports, and any other communication in any format, including electronic format, or certified or authenticated copies thereof;



11. "Customs offence" shall mean any violation or attempted violation of the Customs Legislation of the Parties;
12. "Customs Legislation" shall mean such laws, regulations and any other legal and administrative provisions enforced by the Customs Authorities concerning the importation, exportation, transshipment and transit of goods, relating to Customs duties and any other charges, such as countervailing and antidumping duties, as well as those related to measures of prohibition, restriction or other similar controls concerning the movement of goods that cross the national boundaries;
13. "sensitive goods" shall mean weapons, ammunition, explosives, hazardous and toxic substances and wastes, nuclear material, substances and components used for the fabrication of atomic, biological and/or chemical weapons and dual-use goods;
14. "person" shall mean any natural or legal person;
15. "antique pieces and archaeological goods" shall mean every object that has, for each of the Parties, an artistic and archaeological value, according to their national legal provisions; and
16. "substances frequently used for the fabrication of narcotic drugs (precursors)" shall mean those substances numbered on Table I and Table II annexed to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of December 20, 1988.

ARTICLE 2

Scope of the Agreement

1. The Parties shall, through their respective Customs Authorities, mutually assist in accordance with the provisions set out in this Agreement, to assure proper enforcement of the Customs Legislation and to prevent, investigate and repress any Customs offence, as well as to guarantee the security of the international trade supply chain.

2. Within the framework of this Agreement, the Parties shall provide all the assistance, in accordance with the legal and administrative provisions of each Party and within the limits of their competence and resources available to the Customs Authorities.



3. This Agreement is limited exclusively to mutual administrative assistance in Customs matters and does not cover assistance in criminal matters; in addition, it does not modify the agreements already stipulated or practices implemented between the Parties within the framework of the mutual administrative assistance.

4. The provisions under this Agreement shall not give the right to any person to impede the execution of a request of assistance.

5. This Agreement does not harm the obligations, current or upcoming, on which the matters of the Customs Legislation correspond to the Italian Republic as a Member State of the European Union and contracting party of intergovernmental agreements already stipulated or to be stipulated with the other Member States of the European Union.

ARTICLE 3

Form and Substance of the Request of Assistance

1. Requests for assistance made pursuant to this Agreement shall be made in writing and shall be accompanied by any necessary documents and information deemed useful for the execution of such requests.

2. The requests shall be formulated in the language of the requesting Party, and include a translation in the English language. Any document accompanying the request shall be translated in the English language.

3. The Requests for assistance referred to in paragraph 1 of this Article shall include the following information:

- a) the name of the Requesting Customs Authority;



- b) the nature of the proceedings;
 - c) the cause and purpose of the request;
 - d) a brief description of the matters and the legal and administrative provisions involved; and
 - e) the names and addresses of the persons to whom the request relates to, if known.
4. Whenever the Requesting Customs Authority requests that a certain procedure be followed, the Requested Customs Authority shall comply with such a request, subject to its legislation in force.

ARTICLE 4

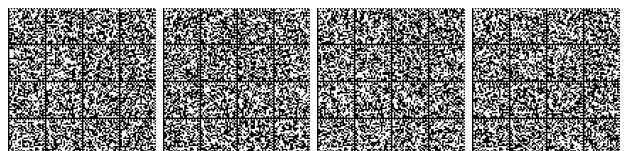
Spontaneous Assistance

The Customs Authority of a Party shall provide, as possible, assistance by its own initiative and without delay, in those cases that may represent danger or cause substantial damage to the economy, public health and public security, including the security of the international trade supply chain, or to any essential interests of the other Party.

ARTICLE 5

Exchange of Information

1. The Customs Authorities shall communicate reciprocally, under request or by own initiative, as provided in this Agreement, all information deemed useful to accurately corroborate:
- a) the authenticity and veracity of the information contained in the Customs declaration presented by the exporter or by the importer of the goods to the Customs Authorities;
 - b) the authenticity and veracity of the documents presented by the exporter or the importer of the goods to the Customs Authorities;



- c) the certification or authentication of the documents used to import or export the goods;
- d) the information that allows to determine the correct tariff classification, value and origin of the declared goods, of the import or export operations made between the Parties;
- e) the information that allows to identify and follow the import or export operations made between the Parties; and
- f) the statistic data concerning the Customs activities.

2. The Customs Authorities shall reciprocally communicate, upon request or by own initiative, in accordance to this Agreement, all the information deemed useful regarding to:

- a) transfer of money or other titles or values;
- b) illegal traffic of sensitive goods and other substances that represent a threat or may cause substantial damage to the environment, the public health or the public security;
- c) violations to the Intellectual Property Rights;
- d) traffic of works of art with an important historical, cultural and archaeological value; and
- e) illegal traffic of threatened species of wild fauna and flora.

ARTICLE 6

Information for the Enforcement of the Customs Legislation

The Customs Authorities shall mutually provide, upon request or by their own initiative, all information deemed useful for the correct enforcement of the Customs Legislation and to prevent, investigate and repress any Customs offence, as well as to guarantee the security of the international trade supply chain. This information may include:



- a) enforcement techniques against the commercial fraud that have proved their effectiveness;
- b) new trends, means and methods of committing Customs offences;
- c) goods known to be subject of Customs offences, as well as means of transport and storage methods used in respect of those goods;
- d) persons known to have committed a Customs offence or suspected to have committed a Customs offence;
- e) means of transportation and the containers known to be used or suspected to be used to commit offences to the Customs Legislation in force in the territory of the other Party, and
- f) any other information deemed useful for the Customs Authorities for the correct enforcement of the Customs Legislation.

ARTICLE 7

Information relating to Customs Offences

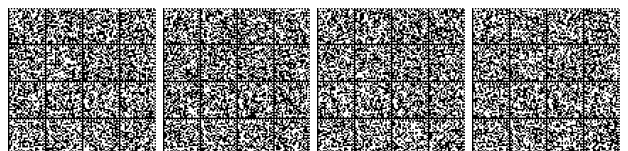
The Customs Authority of the Parties shall, on their own initiative or upon request, mutually provide information on activities planned, ongoing, or completed which provide for reasonable grounds to believe that a Customs offence has been committed or will be committed in the territory of the other Party.

ARTICLE 8

Special Information

1. Upon request, the Customs Authorities shall reciprocally communicate all the information to confirm that:

- a) the goods imported from the territory of one Party have been legally exported to the territory of the other Party;



- b) the goods exported from the territory of one Party have been legally imported to the territory of the other Party, and their Customs destination, as well as the Customs regime through which they were imported to, and
- c) the goods, to which a special treatment is given at the moment they are exported from the territory of one Party, have been legally imported to the territory of the other Party.

2. Upon request, the Customs Authorities of the Parties shall inform each other about all the Customs control measures to which the goods have been submitted.

3. The Customs Authorities of the Parties shall cooperate in order to control the traffic of antique and archaeological pieces according to their competences.

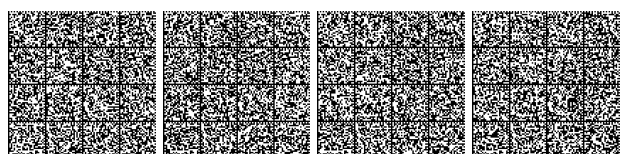
ARTICLE 9

Conduct of Assistance

1. In accordance with this Agreement, the assistance will be provided directly by the Customs Authorities of the Parties. Each of the Customs Authorities shall provide the Other with a map of their organizational structure to the Central Level responsible to send and receive the requests of assistance with the purpose of achieving the objectives of this Agreement. The Customs Authorities of the Parties shall exchange the list of officials in accordance to the provisions of paragraph 1, Article 22 of this Agreement, the said shall be kept updated.

2. If the Requested Customs Authority could not comply with a request of assistance, it shall be remitted without delay to the competent authority that will fulfil the request in accordance with their national legislation. The Requesting Customs Authority shall be notified of this manner and informed of the procedure that in that case the competent authority shall follow.

3. The period for obtaining a reply to the request of assistance is ninety (90) working days, except cases under Article 18.



This period may be extended, in case of particularly complex assistance activities, for the duration of time needed by the Requested Customs Authority. Any lack of reply cannot result in legal effects. The request could be done by electronic means, duly subsequently formalizing it.

ARTICLE 10

Files and Documents

1. The documents that shall be provided in accordance with this Agreement may be replaced by the electronic information produced in any format. In this case, if possible, the Parties shall provide all the relevant material needed for the interpretation and use of the information.

2. The original documents shall be required only in those cases on which the certified or authenticated copies were insufficient.

3. The original documents that have been provided shall be returned as soon as possible; the receiving authority will be responsible for their proper preservation.

ARTICLE 11

Surveillance

1. Upon request, the Requested Customs Authority shall, consistent with its national legislation and administrative provisions, maintain special surveillance, providing the Requesting Customs Authority with information on:

- a) goods either in transport or in storage known that for the Requesting Customs Authority are used or suspected of being used to commit Customs offences in its territory;



- b) means of transport that according to the Requesting Customs Authority are suspected of being used to commit Customs offences in the territory of the Parties;
- c) persons that have committed or suspected of having committed a Customs offence in the territory of the other Party; and
- d) premises that are used or suspected of being used to commit Customs offences in the territory of the other Party.

2. The Customs Authority of one Party may maintain such surveillance on its own initiative if it has reason to believe that activities planned, ongoing or completed, appear to constitute a Customs offence in the territory of the other Party.

ARTICLE 12

Notification

1. Upon request, in the framework of this Agreement, the Requested Customs Authority shall take all necessary measures to notify a person, residing or established on its territory, of all decisions taken by the Requesting Customs Authority in application of Customs Legislation concerning that person.

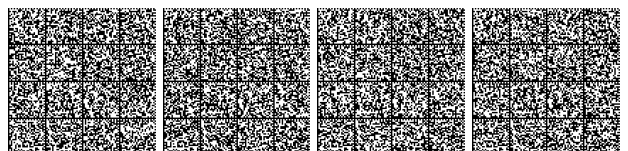
2. Such notification shall be made in accordance with the applicable procedures of the Requested Customs Authority for administrative proceedings of similar nature.

ARTICLE 13

Technical Assistance

The Customs Authorities shall provide technical assistance in Customs matters by:

- a) the exchange of officials, with the purpose to enhance the reciprocal knowledge of their respective Customs techniques;



- b) the training and assistance on the development of the specialization of their officials;
- c) the exchange of experts in Customs matters, and
- d) the exchange of information regarding to the procedures and simplification of Customs controls that allows to enhance methodologies and modalities of such control.

ARTICLE 14

Investigations

1. Upon request, the Requested Customs Authority shall begin investigations on operations that are, or appear to be, opposite to the Customs Legislation in force in the territory of the other Party. The Requested Customs Authority shall communicate the outcome of these investigations to the Requesting Customs Authority.

2. The investigations detailed in paragraph 1 of this Article shall be carried out according to the provisions in force on the territory of the Requested Party.

3. When, regarding a Customs offence, a request of investigation is made in writing, the officials designated by the Requesting Customs Authority for such matter may, previously authorized by the Requested Customs Authority and under its terms:

- a) consult in those areas of the Requested Customs Authority, documents, files and other data pertinent to obtain information concerning such offence;
- b) obtain copies of such documents, files and other data pertinent concerning that Customs offence, and
- c) attend to the investigations carried out by the Requested Customs Authority on its national territory on behalf of the other Party.



4. In accordance to this Agreement, when officials of a Customs Authority are present in the territory of the other Party, these shall be able to give proof, at any moment, of their presence in the territory of the other Party, through a document containing their designation. Such officials shall not wear uniforms nor wear weapons.

5. Such officials will receive at the location, the same legal protection given to the officials of the Customs Authority of the other Party by its national legislation in force and will be responsible for any offence they may commit in such location.

ARTICLE 15

Experts and Witnesses

1. The Requested Customs Authority, upon written request of the Requesting Customs Authority, may authorize its officials to render declarations before a court located in the territory of the Requesting Customs Authority, as witnesses or experts, in proceedings concerning to Customs offences.

2. The request of appearance made by a Party shall clearly state the case and the status on which the official shall declare. The Requested Customs Authority shall issue its written authorization, specifying the terms on which the official may formulate its declaration.

3. The authorized officials for those matters will appear before the court as experts or witnesses in affairs on which an irregularity was proven during their service.



ARTICLE 16
Use of Information

1. Any information received under this Agreement shall be used only by the Customs Authorities of the Parties.

2. The information received in the framework of the administrative assistance stated in this Agreement may be communicated to different organisms not established in this Agreement only if the Customs Authority that has given the information provides its consent to do so, and the legislation of the Party that has received the information does not forbid such communication.

3. The information received shall not be used for other purposes than those stated in this Agreement, except for the cases when the Customs Authority that has provided the information gives a written authorization to do so.

4. The restrictions stated in paragraphs 1, 2 and 3 of this article shall not be applicable to the information, communications and documents relevant to offences regarding narcotic drugs, psychotropic substances and their precursors.

5. Because of the cohesion of the Italian Republic to the European Union, and due to the corresponding obligations, the dispositions of paragraph 2 of the present article do not impede that the information received can be transmitted, if requested, to the European Commission and to the States Members of the mentioned Union, having to previously inform the Customs Authority of the United Mexican States.

6. Any information communicated under this Agreement shall be treated as confidential and shall receive, at least, the equivalent protection and confidentiality that the



same type of information receives according to the national legal and administrative provisions in force in the territory of the Party where it is received.

ARTICLE 17

Personal Data Protection

Whenever personal data are given in accordance to this Agreement, the Parties shall ensure a level of protection in accordance to the application of the principles stated in the Annex to this Agreement and that constitutes an integral part of this Agreement.

ARTICLE 18

Exceptions to Assistance

1. In those cases where the Requested Customs Authority considers that the assistance requested may affect the sovereignty of their country, the public order, the security or substantial national interests or may imply a violation to an industrial, commercial or professional secret, in accordance to their national legislation, or presumed to be incompatible with their legal and administrative provisions, may deny to provide assistance, provide it partially or subject to certain conditions.

2. In those cases where the Customs Authority of one Party sends a request that itself may not comply, the Party shall indicate such circumstance in its request. In that case, the compliance with such request will be to the discretion of the Requested Customs Authority.

3. The Requested Customs Authority may postpone the assistance if it interferes with an investigation, process or procedure that may be in course, in such case, the Requested Customs Authority shall consult the Requesting Customs Authority in order to determine if the assistance may be provided under the terms and conditions that the Requested Customs Authority establishes.



4. In those cases where the assistance is denied or postponed, the Requesting Customs Authority shall be notified immediately, informing the reasons why the assistance was denied or postponed.

ARTICLE 19

Costs

1. The Parties shall not claim reimbursement of the costs incurred by the execution of this Agreement, except to those costs incurred by experts, witnesses, translators and interpreters not employed by the Customs Authorities of the Parties.

2. In those cases where, in order to carry out a request, it is necessary to incur in expenses of exceptional and extraordinary nature, the Customs Authorities shall consult each other to determine the terms and conditions under which the request will be complied, as well as the way the expenses shall be covered.

ARTICLE 20

Territorial Applicability

This Agreement shall be applicable in the national territories of both Parties, as it is defined in their national legislation.

ARTICLE 21

Solution of Controversies

1. Any issue that may arise from the application or the interpretation of this Agreement shall be solved in common agreement between the Customs Authorities of the Parties.



2. The controversies that cannot be solved amicably shall be solved through the diplomatic channels.

ARTICLE 22

Enforcement of the Agreement

1. The Customs Authorities shall provide the necessary for the officials of their services that are responsible to identify or pursue the Customs offences, to be in personal and direct contact.

2. The Customs Authorities shall establish detailed provisions to facilitate the enforcement of this Agreement.

3. A mixed Italy-Mexico Commission is created, integrated by the Director of the Customs Agency of Italy and by the General Customs Administrator of Mexico or their representatives, assisted by experts, that will meet whenever it is considered necessary, upon request of one or the other Customs Authority, to follow the evolution of this Agreement, and search for solutions to eventual issues that may arise.

ARTICLE 23

Entry into Force and Termination

1. This Agreement shall enter into force on the first day of the second month after the reception of the two notifications with which the Parties have communicated, through diplomatic channels, the positive compliance of their respective internal procedures.

2. The Parties, upon request or by mutual consent may amend this Agreement. Such amendments or additions will be written as separate protocols that will enter into force in accordance with the provided procedures for the entry into force of this Agreement and will be an integral part of the last mentioned, once carried out those procedures.

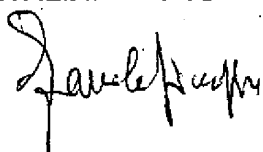


3. This Agreement shall be of unlimited duration but either of the Parties may terminate it at any time by giving written notification through diplomatic channels to the other Party. The termination shall take effect three (3) months after the date of such notification and shall not affect any ongoing proceedings at the time of termination.

In witness thereof, the subscribed representatives, properly authorized by their respective Governments, sign this Agreement.

Signed at Rome, this 24th day of October, 2011 in two originals each in the Italian, Spanish and English languages, all texts being equally authentic. However, in case of divergence of interpretation, the English text shall prevail.

**FOR THE GOVERNMENT OF THE
ITALIAN REPUBLIC**



**FOR THE GOVERNMENT OF THE
UNITED MEXICAN STATES**

