



Overview

This is a new provision in the new United States-Mexico-Canada Agreement (USMCA) that states that a Party may request another Party to conduct a verification to determine whether any customs office is occurring and mandates the Party to respond in writing. There was no such provision in the North American Free Trade Agreement (NAFTA).

References

- **USMCA**
 - *Final Text*: Chapter 7, Article 7.27
 - *HR 5430 Citation*: Title II, Section 202
- **NAFTA**
 - No provision.

Significant Changes in USMCA

Provision	USMCA	NAFTA
Customs Compliance Verification Requests	New provision in USMCA. <ul style="list-style-type: none"> • A Party may request another Party to conduct a customs compliance verification. 	No provision.

Detailed USMCA/NAFTA Side-by-Side

Provision	USMCA	NAFTA
Customs Compliance Verification Requests	<ol style="list-style-type: none"> 1. A Party may request another Party to conduct a verification in that Party’s territory to assist the requesting Party to determine whether a customs offence is occurring or has occurred by obtaining information, including documents, from an exporter or producer. <ul style="list-style-type: none"> ○ The requesting Party shall make the request in writing. ○ The requested Party shall respond to the request promptly and in no case later than 30 days after the date it receives the request. ○ The response will include whether it will conduct the verification. ○ If the Party does not intend to conduct the verification, the response will indicate the basis for refusal. ○ If a Party will conduct the verification, the response will indicate the intended timing and other relevant details. 	<ul style="list-style-type: none"> • Not specified.

Provision	USMCA	NAFTA
	<p>2. If the requested Party conducts a verification under paragraph 1, it shall provide the requesting Party promptly upon completing the verification a report containing the relevant information including data and documents, obtained during its verification.</p> <p>3. In the case of a site visit by the requested Party, the requesting Party may, through officials it designates and subject to the consent of a legally responsible person for the location visited, accompany the requested Party.</p> <ul style="list-style-type: none"> ○ Accompanying the requested Party does not create any legal authority for the designated officials of the requesting Party. ○ The designated officials of the requesting Party shall fulfill the conditions and procedures mutually agreed between the relevant Parties for the visit. ○ Nothing in this Agreement requires the requested Party to allow or facilitate the participation of the designated officials of the requesting Party. 	