



Canada Border
Services Agency

Agence des services
frontaliers du Canada

Recourse Directorate 1686 Woodward Dr.
Ottawa, ON, K1A 0L8

Radu Sebastian Hociung
226 Willowdale Ave.
Waterloo, ON
N2J 3M1

December 11, 2014

Subject: Request for a Ministerial Decision CS - 74472/4273-14-0724

This correspondence is to acknowledge receipt and thank you for your letter with enclosures dated November 17, 2014, on the above-noted enforcement action.

Upon review of your submission I would like to make the following comments in response:

Irrespective of reporting requirements stipulated by other pieces of legislation which may or may not have required that you report the importation of the coins in question, for example the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (PCMLTFA), it remains that all goods imported into Canada must be reported in accordance with section 12 of the *Customs Act* (CA). Furthermore, as the goods in question are identified in the *Customs Tariff Schedule* under section XIV, chapter 71.18 and were being imported for the first time they did not meet the criteria outlined in section 12(7) of the CA to preclude them from seizure.

Additionally, the Canada Revenue Agency (CRA) *GST / HST Memoranda Series 17.1*, the sworn and signed Department of Finance document, *US Public Law* document on 'Buffalo Gold Bullion Coins' and *US Code Title 31* you provided in support of your appeal have been given consideration, but do not provide relief from the aforementioned reporting requirement.

You requested clear assertions and specific references to Acts the CBSA invokes and the legislative section number(s) that define currency. You further requested the Act name and section number that makes the determination for: "...*silver and gold coins are considered as uncirculated, they are not considered to be currency...*" In response, although the PCMLTFA does define 'monetary instruments' neither the PCMLTFA nor the CA defines 'currency.' It is the position of the CBSA that, for the purposes of administering Part 2 of the PCMLTFA; gold coins are not considered currency (circulation coins) and thus, there is no requirement to report the import or export of these items pursuant to the PCMLTFA or the related regulations. However, and as indicated above, as gold coins are considered commodities, they do fall within the reporting provisions of the CA and must be reported upon importation.

I can assure you that your representations will be carefully considered, in conjunction with the evidence on file, when this matter is reported for final decision. The decision, when rendered, will outline the final terms and you will be notified by registered mail.

I trust that the above is satisfactory.

Yours truly,

A. Kendall
Adjudicator
Recourse Directorate

Tel. No.: (613) 960-5051
Fax No.: (613) 960-5129

c.c. 4273-Canada Border Services Agency
Queenston Bridge - Traffic Operations
P.O. Box 126
Niagara Falls, Ontario
L2E 6T1

P.S. Please find attached a copy of the most recent correspondence received in this matter. Any further comments or representations should be forwarded to my attention within 30 days from the date of this correspondence. Thank you.

c.c. File