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Committee on Import Licensing

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES[1]

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES (2022)

CANADA

The following communication, dated 24 February 2023 is being circulated at the request of the delegation of Canada.

Introduction

Import licences are administered by a limited number of government departments, and they vary in certain particulars from department to department. Consequently, replies to the Questionnaire have been organized according to the different legislative instruments under which import licences are maintained.

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[1] See G/LIC/3, Annex, for the Questionnaire.

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1 CONTROLLED DRUGS AND SUBSTANCES ACT AND THE CANNABIS ACT

Outline of system

1. The importation of controlled substances, precursor chemicals, cannabis and industrial hemp is governed by regulations made under the *Controlled Drugs and Substances Act* (CDSA), which was enacted in 1996 and came into force in 1997, and the *Cannabis Act* (CA), which came into force on 17 October 2018. The CDSA and CA are the means by which Canada fulfils its obligations under the United Nations (UN) *Single Convention on Narcotic Drugs, 1961*, *Convention on Psychotropic Substances, 1971*, and *Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988* (collectively known as the UN Drug Control Conventions).

The CDSA and CA establish a legislative framework that prohibits any person from conducting activities, e.g., importation, exportation, production, distribution with controlled substances, precursor chemicals and cannabis unless authorized by the legislation, regulation, or an exemption issued by the Canadian Minister of Health. The regulations made under the CDSA and CA set out the circumstances under which activities with controlled substances, precursor chemicals and cannabis are permitted.

The substances regulated under the CDSA are grouped into six Schedules (Schedules I to VI) to the Act. Schedules I to IV list controlled substances (including analgesics, stimulants, sedatives, hallucinogens and anabolic steroids) while Schedule VI lists precursor chemicals. Schedule V lists items which the Minister of Health decides to control on a temporary basis (up to one year with the possible extension for another year) in response to significant risk to public health and safety. Currently there is no item listed in this Schedule. Schedule IX lists the designated devices that are required to be registered with Health Canada before being imported into Canada.

The following sections outline provisions pertaining to the legal import of controlled substances, precursor chemicals and cannabis:

"Controlled Substances"

- *Benzodiazepines and Other Targeted Substances Regulations* (targeted substances): Sets out the circumstances and requirements in which producers, distributors, importers, exporters, pharmacists, practitioners and hospitals may conduct any activities authorized by these Regulations, including possession, sale, distribution, importing and exporting, and production of targeted substances. The term "targeted substances" refers to any controlled substance listed in Schedule 1 to these Regulations, including benzodiazepines and other psychoactive substances.

- *Narcotic Control Regulations* (narcotics): Sets out the circumstances and requirements in which producers, *distributors*, importers, exporters, pharmacists, practitioners and hospitals may conduct any activities authorized by these Regulations, including possession, sale, distribution, importing and exporting, and production of narcotics. The term "narcotic" refers to any controlled substance listed in the Schedule to these Regulations referred to as "narcotics", such as cocaine, opium, codeine and morphine.

- Part G of the *Food and Drug Regulations* (controlled drugs): Sets out the circumstances and *requirements* in which producers, distributors, importers, exporters, pharmacists, practitioners, and hospitals may conduct any activities authorized by these Regulations, including possession, sale, distribution, importing, exporting, and production of controlled drugs. The term "controlled drug" refers to any controlled substance listed in the Schedule to Part G of these Regulations, such as stimulants, sedatives, and anabolic steroids.

- Part J of the *Food and Drug Regulations* (restricted drugs): Governs the activities of producers, *distributors*, importers, exporters, and research institutions including possession, sale, distribution, importing, exporting, and production of "restricted drugs". The term "restricted drug" refers to any controlled substance listed in the Schedule to Part J of these Regulations, such as MDMA, LSD, and psilocybin. These substances have no approved medical applications and can be used only for scientific and research purposes.

"Precursor Chemicals"

- *Precursor Control Regulations*: Sets out the circumstances and requirements in which producers, distributors, importers, exporters, pharmacists, practitioners, and hospitals may conduct, any activities authorized by these Regulations, including production, sale/provision, importation and exportation of two broad classes of chemicals listed in Parts 1 and 2 of Schedule VI to the CDSA:

- Class A precursors, such as ephedrine, pseudoephedrine, piperidine, and red/white phosphorus; and

- *Class* B precursors, such as acetone, hydrochloric acid, and toluene.

While these regulations govern the import of controlled substances and precursors, they may be referred to as two different "licensing/permit systems" – as procedures vary somewhat between the classes of substances – overall, the "systems" are very similar. In this regard, unless otherwise specified in the text below, procedures are the same for each type of substance.

"Designated Devices" Registry: Importation of Pill Presses and Encapsulators

The control mechanism for designated devices is set out in the *Controlled Drugs and Substances Act*.

Definition of Designated Devices:

Pill press: Manual, semi-automatic or fully automatic device that may be used to compact or mould powdered, granular or semi-solid material to produce coherent solid tablets.

Encapsulator: Manual, semi-automatic or fully automatic device that may be used to fill capsules with any powdered, granular, semi-solid or liquid material.

Designated devices may be used for legitimate purposes in the pharmaceutical, food and consumer products industries. As of 18 May 2017, any individual or business who wishes to import a designated device into Canada is required to register with Health Canada. Legitimate users are required to provide the registration number and proof/confirmation of the registration at the border upon importation of the designated device. Registration is not onerous; the burden on legitimate manufacturers is limited. Failure to register a designated device before importing it across the Canadian border is in violation of the *Controlled Drugs and Substances Act*. Subsequently, Customs officers may notify Health Canada and/or law enforcement when the device arrives at the border. Border officials, at their discretion, may verify registration with Health Canada.

Health Canada aims to process completed application forms within 15 business days. Incomplete forms will be returned to the applicant and delay the registration process. Health Canada encourages applicants to ensure that the application for registration is complete and submitted in good time.

Each designated device must be registered using a separate application form and is valid for one importation. Once the registration has been processed by Health Canada, applicants will be provided with the registration number for the designated device specified on the form, and a copy of the validated registration form.

"Cannabis"

Cannabis Act: Prohibits the importation or exportation of cannabis and the possession of cannabis for the purpose of exporting it unless otherwise authorized under the CA.

Cannabis Regulations: Sets out the circumstances and requirements in which cultivators, processors, sellers, producers, researchers, laboratories, distributors, importers, exporters, pharmacists, practitioners and hospitals may conduct regulated activities with cannabis including possession, sale, distribution, importing and exporting, and production of substances listed in Schedule 1 of the *Cannabis Act*. Importing and exporting is restricted to cannabis for medical and/or scientific purposes. A holder of a licence is authorized to import or export cannabis for medical or scientific purposes if they also hold an import or export permit.

Cannabis Exemption Regulations (*Food and Drugs Act*): Cannabis Drug Licence holders seeking to import or export cannabis to be used as an ingredient in health products, or health products containing cannabis in final dosage format, are subject to the requirement to obtain an import or export permit from Health Canada for those activities. This is required for each shipment of cannabis that is imported or exported. The import and export of drugs containing cannabis, or of cannabis to be used as an Active Pharmaceutical Ingredient, must also comply with the requirements of the *Food and Drugs Act.* The holder of an import or export permit is also authorized to possess, transfer, transport, send, or deliver, or in the case of export, sell, the shipment of cannabis to the extent necessary for the import or export. The permit is issued by the Minister of Health and has a specific validity period. The Section 56 Class Exemption For Travelers Who Are Importing or Exporting Prescription Drug Products Containing a Narcotic or a Controlled Drug authorizes the personal import and export of prescription drugs containing cannabis (such as Sativex) under certain conditions.

Industrial Hemp Regulations: Sets out the circumstances and requirements in which cultivators, sellers, importers and exporters, may conduct regulated activities with industrial hemp (cannabis plants containing less than 0.3% THC) including possession, sale, importing and exporting, and production of hemp derivatives.

Purpose and coverage of licensing

2. Prospective importers of controlled substances, precursor chemicals or cannabis must be authorized under the respective regulations to conduct importation of specific substances. With the exception of Class B precursor chemicals, an authorized importer must apply for an import permit for each individual shipment. The application must specify the supplier's name, address and country, the quantity and type of substances being imported as well as the method of transport and the Customs port of entry. Import permits are valid for one shipment only.

3. The system applies to controlled substances, precursor chemicals and cannabis from all countries. While there is no actual restriction on which countries these substances can be imported from, substances are rarely imported from countries that are not party to the UN Drug Control Conventions. However, not all substances that are controlled in Canada are controlled in all other jurisdictions (e.g., analogues, salts or derivatives of certain controlled substances, anabolic steroids, etc.).

4. The import permit system is intended to ensure the legitimate trade in controlled substances, precursor chemicals and cannabis for medical or scientific purposes, and minimize the risk of those substances being diverted to illicit markets by monitoring internationally the movement of shipments of these substances, taking into consideration, among other things, annual national estimates for controlled substances submitted by Canada to the International Narcotics Control Board (INCB). The Canadian regulatory system is required to have an import control component to it under the UN Drug Control Conventions.

5. See paragraph 1.

Procedures

6.I. Allocations of quotas for narcotic drugs and psychotropic substances are published by the United Nations, and this information is provided to dealers upon request and is available on the INCB website. Any nation exporting controlled substances or cannabis may obtain information on Canadian quotas through the INCB. Canada does not allocate a specific quantity to any foreign country or domestic importer.

II. The quotas for narcotic drugs and psychotropic substances are allocated annually in accordance with the requirements of the INCB.

III. Permits to import controlled substances and Class A precursor chemicals are only issued to dealers who are licensed to import and conduct other activities with the relevant substances, while permits to import cannabis are only issued on a per-shipment basis to licence holders who are licensed to conduct activities with cannabis. All licence holders are required to report to Health Canada on the endorsed quantity imported for each shipment that has taken place. Unused portions of permits for these substances and quantities from cancelled permits are credited back to the quota for the current year. The names of licensed importers are not published for confidentiality and security reasons. Health Canada sends three copies of the permit to the applicant, and it is the applicant's responsibility to send copies of import permits to the exporting country and the customs broker.

IV. All quotas are established on an annual basis, and an application amendment to this quota may be made at any time during the year. Import permit applications are accepted year-round. Quotas submitted to the INCB are annual estimates of controlled substances and cannabis for legitimate medical or scientific needs in Canada. When necessary, Canada may amend the estimates by submitting supplementary estimates to the INCB. Additionally, Canada provides the INCB with quarterly statistical reports of narcotic drug imports and exports (Form A).

V. Import permits are usually issued within 45 calendar days of receipt of the application.

VI. Import permits are issued for immediate importation. Currently, permits for controlled substances and precursor chemicals are valid for six months from the date of issue or until the expiry date of the licence, whichever is earlier. For cannabis, import permits are valid for six months or until the expiry date of the licence, and may cover two calendar years. The date

when the shipment is imported and the date when the export permit is revoked by the competent authority of the country of export are also considered in setting the permit expiry date.

VII. All applications for import permits are reviewed by the Office of Controlled Substances, with the exception of applications for cannabis, which are reviewed by the Office of Medical Access and Specialized Authorizations.

VIII. Import permits are issued on a first-come, first-served basis, provided that the applicant submits a complete application. There is no maximum amount allocated per applicant. Applications are examined for accuracy on receipt. In addition, applications made by forensic, coroner's office and other law enforcement agencies for reference standards are processed as priorities.

IX. In accordance with the UN Drug Control Conventions, a shipment of narcotic drug, psychotropic substances or precursor must be authorized by both the importing and exporting countries.

X. Not applicable.

XI. No.

7. Not applicable.

8. Generally, an application for an import permit for a controlled substance or class A precursor will be refused if the applicant does not hold a dealer's licence for the substance that is to be imported or holds a dealer's licence that will expire before the date of importation. If the application is for cannabis, the import permit will be refused if the applicant does not hold a licence to conduct activities with cannabis or it will expire before the date of importation, if the applicant has provided false or misleading information in the application, or if there are reasonable grounds to believe the importation would contravene the laws of the country of export or any country of transit/transhipment. This information is clearly provided to the applicant. Yes, the applicant is given a right to appeal, as is outlined in the above Regulations.

Eligibility of importers to apply for a permit

9. For controlled substances, Class A precursor chemicals and cannabis, eligibility to apply for import permits is limited to individuals or companies licensed to import these substances in Canada. While businesses that import Class B precursors must be registered with Health Canada, import permits are not required for individual shipments of those substances. There is no fee attached to import permits, with the exception of import permits for cannabis (see below). However, a fee and other requirements may apply to obtain the licence to conduct regulated activities with controlled substances domestically. There is no fee for a Class A precursor licence or a Class B precursor registration.

For cannabis, individuals or companies who import cannabis through their cultivation, processing or medical sale licence must pay a fee of $637 per import permit. Individuals who import cannabis through their research licence, analytical testing licence or cannabis drug licence are not required to pay a fee.

Documentation and other requirements for a permit application

10. For controlled substances, Class A precursors and cannabis, applicants must provide in the import permit application form the name and quantity of substances, the address of the importer and exporter, mode of transport, port of entry, proposed date of entry and the name of transit/transhipment country.

11. Canadian import permits.

12. There are fees to import cannabis. Individuals or companies who import cannabis through their cultivation, processing or sale licence must pay a fee of $637 per import permit. Individuals who

import cannabis through their research licence, analytical testing licence or cannabis drug licence are not required to pay a fee.

13. No.

Conditions of licensing

14. Currently, import permits for controlled substances and precursor chemicals are valid for maximum six months from the date of issuance or until the expiry date of the licence whichever is earlier. For cannabis, import permits are valid for six months or until the expiry date of the licence, and may cover two calendar years.

15. No.

16. No.

17.(a)Special conditions may be added on a case-by-case basis.

(b) Not applicable.

Other Procedural Requirements

18. No.

19. No.

2 FOOD AND DRUGS ACT

Outline of system

1. The importation into Canada of drugs, blood, natural health products and medical devices is subject to establishment or site licensing to ensure that imported products meet Canadian standards of safety, efficacy and quality. The import of these products is covered by the *Food and Drug Regulations*, the *Blood Regulations*, the *Natural Health Products Regulations*, and *Medical Devices Regulations*, respectively. In addition to establishment or site licences permitting persons to, among other things, import a health product, product licences or market authorizations are required for the sale of each specific health product in Canada.

In the case of medical devices, a market authorization is required for Class II, III and IV devices, which correspond to mid and high-risk devices. Class I devices, which are the lowest risk, are not issued product-specific market authorizations and are instead covered under establishment licences. The importation of human cells, tissues and organs (CTO) for transplantation are not subject to licensing, but imported products must meet Canadian standards for safety, as expressed in the respective regulations. Establishments that import and/or distribute CTOs are required to be registered with Health Canada. Any tissue or cell (other than lymphohemapoietic cell) imported into Canada under the *Safety of Human Cells, Tissues and Organs for Transplantation Regulations* must also have been processed by a registered establishment.

Purpose and coverage of licensing

2. Establishment licences are required for "import for sale" of drugs (including pharmaceuticals, active pharmaceutical ingredients, biologics, vaccines, blood products, and radiopharmeuticals), blood, and medical devices. However, licences may not be required for blood if import is done under urgent circumstances.

Site licences are required for "import for sale" of natural health products (including vitamins and minerals; herbal remedies; homeopathic medicines; traditional medicines; probiotics; and other products like amino acids and essential fatty acids).

3. The above systems apply to the specified health products from all countries.

4. The licensing is not intended to restrict the quantity or value of imports; it is intended to ensure that imported health products meet Canadian standards of safety, quality, and efficacy. Licensing is the most cost effective way to monitor importers.

5. The following relates to import licensing and administrative procedures for health products under the *Food and Drugs Act* and its associated regulations. Different health products, covered under the Act, are subject to different regulations as listed below:

- *Food and Drug Regulations;*
- *Blood Regulations;*
- *Medical Devices Regulations;*
- *Natural Health Products Regulations;*
- *Safety of Human Cells, Tissues and Organs for Transplantation Regulations.*

Product designation is not subject to administrative discretion.

Legislative approval would be required to abolish the licensing/registration systems described above.

Procedures

6. Import of health products by licence holders is not restricted as to the quantity or value of the imports.

7.(a) A licence or registration for the importer and/or product must have been obtained prior to importation. No, licences cannot be obtained in a shorter time frame for products arriving at the port where the importer has not already obtained one.

Time to obtain a licence depends on a variety of factors and will depend on the individual case.

(b) No, a licence cannot be granted immediately on request. Establishment licences, site licences, and product licences are issued if a review of the application indicates that all requirements of the applicable regulations have been met. CTO registration is issued if a review of the application indicates that all the requirements of registration are met, including an attestation from the Medical or Scientific Director that they are in compliance with the regulations.

(c) No, licence applications and importation are not limited according to time of year.

(d) Health Canada is the only authority with respect to the above licences or registration.

8. Failure to meet the criteria specified in the regulations will result in an application being refused. Reasons for refusal are given to the applicant. There are regulatory requirements for Health Canada to provide the applicant with an opportunity to be heard. Review of the decision is internal to Health Canada. Applicants have a final right of appeal through the federal court system.

Eligibility of importers to apply for licence

9. Any person, including a natural person or a legal entity meeting the legal definition of a person, is eligible to apply for a licence or registration.

Applicants that do not have a Canadian address must provide the address of a representative in Canada with the exception of medical devices where the applicant is not required to have a Canadian representative. There are fees associated with drugs and medical devices for both product and establishment licences. There is a published list of drug and medical device product licences and establishment licences. For CTO establishments, this information is made available upon request at the follow address: roeb.cto-dgoral@hc-sc.gc.ca.

Documentational and other requirements for application for a permit to import

10. Applications for product licences vary according to product but all the requirements are detailed in the applicable regulations and guidance. Applications for establishment and site licences and CTO registration must contain information on the applicant's name and address and contact information; the activities proposed; the product type; the address of each building where an activity will take

place; and a statement that they meet the applicable requirements of the regulations. For blood establishment licences, as part of the application, the importer must submit evidence of compliance for every foreign establishment where the blood is processed.

11. No specific documents are required upon importation, just evidence that the applicable licences are in place. The Health Products and Food Branch and the Regulatory Operations and Enforcement Branch of Health Canada can confirm that these have been issued.

12. There are no fees for blood, CTO, or NHP, as these are not cost recovered. There are fees for drug and medical device product and establishment licences; these fees are published in the Fees in Respect of Drugs and Medical Devices Regulations and depend on the type of licence involved.

13. Where fees apply, a deposit or advance payment is required for the issuance of a licence. Again, this amount varies as per the licence and is published in the regulations.

Conditions of permit

14. Drug Establishment licences and Medical Device Establishment Licences are subject to annual renewal prior to 1 April each year; Blood Establishment Licences have no expiry and no annual renewal; CTO registration is subject to renewal in the year following the year in which the registration is issued; and drug and medical device product licences require annual notification. NHP site licences must be renewed annually for the first three years, every other year for the next six years, and every third year after that; product licences are for an indefinite period.

The validity period cannot be extended.

15. No penalty is imposed for non-utilization of a licence or registration.

16. Licences are issued to a specific person. To change the name of the licence holder a new licence application is required.

17. An establishment licence may be subject to terms and conditions as specified by the Minister on the licence when the licence is issued. These conditions vary according to the licence. For drug and blood establishment licences, terms and conditions can be added or modified at any time.

Other procedural requirements

18. No.

19. Not applicable.

3 ASSISTED HUMAN REPRODUCTION ACT

Outline of system

1. The AHR Act prohibits the importation and/or the distribution in Canada of donor sperm and ova for the purpose of AHR, unless the sperm and ova are processed by a primary establishment that is registered with Health Canada.

Purpose and coverage of licensing

2. The Safety Regulations require that primary establishments that are responsible for all of the processing activities with respect to donor sperm and ova be registered with Health Canada.

3. The system applies to all countries.

4. The importation into Canada of sperm and ova for assisted human reproduction are not subject to licensing, but imported gametes must meet Canadian standards for safety, as expressed in the Safety Regulations.

5. The following relates to import licensing and administrative procedures for donor sperm and ova under the *Assisted Human Reproduction Act* and the Safety of Sperm and Ova Regulations (Safety Regulations).

Procedures

6. Not applicable.

7.(a) A licence or registration for the importer and/or product must have been obtained prior to importation. No, licences cannot be obtained in a shorter time frame for products arriving at the port where the importer has not already obtained one.

Time to obtain a licence depends on a variety of factors and will depend on the individual case.

(b) No, a licence cannot be granted immediately on request.

(c) No, licence applications and importation are not limited according to time of year.

(d) Establishments that import and/or distribute sperm and ova in Canada must submit a notification to Health Canada prior to importation. Sperm and ova imported under the Safety Regulations must also have been processed by a primary establishment registered with Health Canada.

8. Failure to meet the criteria specified in the regulations may result in Health Canada taking compliance and enforcement measures.

Eligibility of importers to apply for registration

9. Establishments, as defined in the Safety Regulations, are eligible to import sperm and ova in Canada. Any person can import sperm or ova and therefore be considered an establishment.

The Safety Regulations do not require establishments who import and/or distribute sperm and ova to register, but they must notify Health Canada using a notification form.

An establishment must keep records for importation and/or distribution that contain all the documents and information required under the Safety Regulations and all other records that demonstrate that they meet the requirements of the Safety Regulations.

There are no fees associated with sperm and ova registrations, notifications or annual attestations as they are not cost recovered. Information on notifications is available upon request at the following address: ahrregistration-enregistrementpa@hc-sc.gc.ca.

Documentational and other requirements for application for a permit to import

10. All records relating to the importation and distribution of donor sperm and ova must include the donor identification code and the donation code for each unit of sperm or ova.

Applications for notifications must contain information on the establishment's name, telephone number, email address, postal address and, if different from the postal address, civic address; a statement indicating whether the establishment proposes to distribute or import sperm or ova and the projected start date; the civic address of the buildings in which the establishment proposes to conduct the activities; the first name, last name, telephone number and email address of a person to contact for further information concerning the notice and, if different, a person to contact in case of emergency; in the case of an establishment that previously conducted its activities under another name, that other name; and the name and registration number of each primary establishment that processes that sperm or those ova.

Establishments must submit the Sperm and Ova notification form prior to importing and/or distributing sperm and ova in Canada.

11. No specific documents are required upon importation, just evidence that the applicable licences are in place.

12. There are no fees associated with sperm and ova registrations, applications, notifications or annual attestations as they are not cost recovered. Information on notifications is available upon request at the following address: ahrregistration-enregistrementpa@hc-sc.gc.ca.

13. Not applicable.

Conditions of permit

14. Although a notification does not have an expiry date, establishments must send Health Canada an annual attestation of compliance by 1 April of each year by submitting the Sperm and ova establishment annual attestation form.

15. No.

16. Licenses are not transferrable.

17b. If there are any changes to the information provided on the notification form or if importation stops, these changes must be filed with Health Canada using the notification form and include an accompanying cover letter summarizing the changes.

Other Procedural Requirements

18. No.

19. Not applicable.

4 GROWER REQUESTED OWN USE (GROU) PROGRAM

Outline of System

1. The Grower Requested Own Use (GROU) program allows growers to import the foreign version of a Canadian registered agricultural pesticide product, once approved for the Program by Health Canada.

The Grower Requested Own Use (GROU) program is administered by Health Canada's Pest Management Regulatory Agency (PMRA) and allows Canadian growers to import and use (by way of an import certificate) foreign versions of Canadian registered products (pesticides). Before products are accepted in the GROU program (by way of an equivalency certificate), they are evaluated by scientists to identify if any chemical differences may lead to increased health or environmental risks.

Purpose and Coverage of Licensing

2. The GROU program is the only system in place and is related only to pest control products (pesticides).

3. Generally, pesticides which are registered in Organisation for Economic Co-operation and Development (OECD) countries.

4. Yes, the import certificate (licensing) is intended to restrict the quantity of pesticides imported.

5. Pest Control Products Regulations (PCPR), SOR/2006-124, Pest Control Products Act (https://laws-lois.justice.gc.ca/eng/regulations/SOR-2006-124/FullText.html).

(a) Yes the import certificate is statutorily required.
(b) All requests to the program must be considered and there is no administrative discretion.
(c) Legislative approval is required to abolish the program.

Procedures

6. I. There are no specific quotas, as individual import certificates are based on the size of the area where the pesticide will be used and the particular crop. Each import certificate is individually

approved. The requirements embedded with the regulations and user friendly instruction are posted on the web: https://www.canada.ca/en/health-canada/services/consumer-product-safety/pesticides-pest-management/growers-commercial-users/grower-requested-own-use-program/importing.html.

The list of eligible products is also on the website. There are no exceptions allowed within the program.

II. Import certificates and the corresponding quantity of the foreign product approved for an intended use is valid for not more than one year (one growing season) and one importation. Growers (importers) are required to apply for a new import certificate for additional importations within the same or subsequent years.

III. The approval process has two steps: A) Equivalency certificates are issued for a foreign product which is deemed to be equivalent to a Canadian registered product. B) Individual import certificates are submitted by Canadian growers for approval to import and use an approved product on their land, for a specific crop, according to label directions. The amount of product approved for importation is for use within one year or the growing season. The process is transparent as per the section 43 of the PCPR.

IV. There are no quotas. Not applicable to the GROU Program.

V. There are no published service standards for the length of time required to process an application. An application to import a product is entertained as long as the specific product is considered equivalent.

VI. There are no published service standards as to the length of time between the granting of licences and the date of opening of the period of importation. The approval to import is granted for one year or the growing season. Growing seasons can vary depending on the crop, where it is grown in Canada and how it is grown. For example, tomatoes grown in a greenhouse have a longer season than tomatoes grown in a field.

VII. Health Canada administers the entire GROU program. Additional importation requirements and documentation may be required by the CBSA (consistent with any importation).

VIII. Health Canada only provides the authority to import and use an unregistered product. There is no allocation process. The grower seeking the authorization is responsible to find, purchase and import the product. Applications are examined on receipt on a first come, first served basis.

IX. Not applicable.

X. Not applicable.

XI. Yes, there are conditions stated on the import certificate and through the PCPR. The use of the product is only for the specified use, crop and location and cannot be transferred nor sold.

7. No quantitative limit applies since there are limits placed on importations.

8. If an applicant does not meet the requirements as set out in the PCPR, an application is refused. There is no appeal process.

Eligibility of Importers to Apply for Licence

9. A person as defined in section 2 of the Criminal Code may apply for an import certificate.

Documentational and Other Requirements for Application for Licence

10. The web page to obtain the application form for a certificate is attached: https://sec2.hc-sc.gc.ca/pmra6200-eng.php.

The application must include all of the following information:
(a) the person's name, address and signature;
(b) the name of the foreign product;
(c) the number of the applicable certificate of equivalency;
(d) a description of the intended use of the foreign product and the location where it will be used; and
(e) quantity of the foreign product required for that intended use for one growing season.

11. At a Canadian Point of Entry, all containers must have both the GROU approved container label and, if available, the Directions for Use Booklet attached. Permanently affix the GROU approved container label to each container in such a way that the United States (U.S.) use directions are covered but the product name, U.S. Environmental Protection Agency (USEPA) registration number, establishment number and net contents are not covered. This will avoid confusion between the Canadian and U.S. use directions. The importer's name, address and telephone number, GROU Import Certificate number, metric net contents, signature and date of signature must also be included.

The properly labelled containers of foreign product must be brought to the queue for commercial traffic and presented to the Customs Border Services Officer with the original approved GROU Import Certificate. Photocopies will not be accepted. Customs authorities may also ask for the original bill of sale corresponding to the GROU Import Certificate.

Slightly different information is required if a small group of growers are working together with a designated agent or are hiring a customs broker or carrier.

12. There is no charge to the applicant by Health Canada to process an application.

13. Not applicable.

Conditions of Licensing

14. An import certificate (foreign product use certificate) is valid for only one importation and for the period specified in the certificate, which must not exceed one calendar year. It ceases to be valid if the applicable certificate of equivalency ceases to be valid. See section 41 (4) of the PCPR.

15. There is no penalty for non-utilization of a licence or portion of a licence. The authorization expires.

16. Certificates are not transferable.

17.(a)There are no conditions for products subject to a quantitative restriction in the issuance of a certificate.

(b) The restrictions in place are outlined in Section 42 of the Pest Control Product Regulations:

Importation of foreign product

42 (1) A person may import a foreign product whose use is authorized if all of the following conditions are met:

(a) the person holds a foreign product use certificate in respect of that product;

(b) that certificate holder purchases the product directly from the foreign source without the intervention of an agent or mandatary;

(c) before the importation, the certificate holder provides the Minister with all of the following information:

(i) the proposed date of the importation,

(ii) the name of the person who will transport the foreign product into Canada, and

(iii) the name of the entry point;

(d) the certificate holder

(i) affixes to each container of the foreign product, as soon as practicable after the importation of the product but in any case before its use, a copy of the approved foreign product use label in a way that the product identifier that relates to its registration outside Canada remains visible at all times, and

(ii) ensures that a copy of any brochure or leaflet that sets out the directions for use accompanies the product; and

(e) The quantity of the product imported does not exceed the amount set out in the foreign product use certificate.

Pooled purchases

(2) Two or more persons may together import in one shipment their authorized quantities of foreign products set out in their respective foreign product use certificates if the importation meets the conditions of subsection (1).

Transport

(3) The person who transports the foreign product into Canada must carry it to the location of use specified in the foreign product use certificate and have the following documents in their possession:

(a) proof of purchase in respect of each quantity of foreign product in the shipment, including the name of the foreign source from whom it was purchased; and

(b) copies of relevant foreign product use certificates.

Other Procedural Requirements

18. No other administrative procedures are in place.

19. Not applicable since Health Canada has sole authority to grant importation and use.

5 EXPLOSIVES ACT

Outline of system

1. The importation of explosives is governed by the *Explosives Act and Regulations*, which is administered by the Department of Natural Resources. The legal definition of explosives includes blasting explosives, detonators, propellants, sporting and industrial cartridges, and all types of fireworks and pyrotechnic devices. Before an explosive may be imported into Canada or manufactured in Canada it must be declared an authorized explosive by the Chief Inspector of Explosives appointed under the *Explosives Act*. The process of authorizing an explosive consists of the manufacturer submitting data on the nature and composition of the explosive and on its packaging and markings. Such an application is subject to a minimum user fee of CAN$128. Samples are usually required for laboratory examination. Testing fees depend on the type of tests to be carried out and the number of samples to be examined. This can vary, for example, from CAN$2,108 for one fireworks sample and up to CAN$16,881 for ten fireworks samples. The criteria for authorization are based on the safety characteristics of the explosive substances or articles during handling, storage, transport and use. The objective of the authorization process is to confirm that characteristics meet declared values and relevant standards. Authorization also confirms that the product classification is in conformity with the recommendations of the Committee of Experts on the Transport of Dangerous Goods as adopted by the Economic and Social Council (ECOSOC) of the United Nations.

Purpose and coverage of licensing

2. Once an explosive is authorized, any person may import it into Canada provided he has the proper storage facilities for the type and quantity of explosives in question. Two kinds of importation permits

are issued; a single use permit issued for a specific quantity in one shipment, and an annual permit issued for unlimited shipments of authorized explosives during a twelve-month period.

3. The system applies to explosives from all countries.

4. The system is intended only to ensure that the same degree of safety exists with imported explosives as with those of domestic manufacture. There is no intent whatsoever to restrict the quantity or value of the explosives imported.

5. The *Explosives Act*, R.S., c.E-17 as amended, and the *Explosives Regulations*, 2013 (SOR/2013-211). The system is a statutory requirement which does not convey any administrative discretion and would require legislative approval to be abolished.

Procedures

6. Not applicable.

7. (a) The import permit is issued within thirty days after receipt of the application if the explosive has been previously authorized and facilities exist in Canada for the safe and secure storage of the quantity being imported. Permits may be obtained in a shorter time but nevertheless should be on hand when a shipment arrives at Customs to prevent dangerous accumulations. Naturally, delays will occur if the explosive has not been authorized previously.

(b) Permits may be granted immediately on request, for import of significant priority, provided all is in order.

(c) There are no limitations as to the period of the year during which an application for an importation permit may be made.

(d) The importer need only approach the Explosives Regulatory Division of the Department of Natural Resources. No other administrative bodies are involved.

8. An application for an explosives importation permit may only be refused for failure to meet safety or security criteria. Reasons for such refusal would be given to the applicant who would have the right of appeal to the Minister of Natural Resources under Section 17 of the *Explosives Act.*

Eligibility of importers to apply for licence

9. Any importer who has satisfied the requirements of the *Explosives Regulations* relative to the storage, sale, purchase and possession, and of the *Transportation of Dangerous Goods Regulations* relative to transport, of the explosive to be imported may apply for an importation permit.

Documentational and other requirements for application for licence

10. The latest application form and guidelines are located on Natural Resources Canada's webpage: http://www.nrcan.gc.ca/explosives/importation/9913.

11. The latest import process is described in Canada Border Services Agency's D19-6-1 memorandum that can be found at: http://www.cbsa-asfc.gc.ca/publications/dm-md/d19/d19-6-1-eng.html.

12. The present fee is CAN$164.00 for a single use Importation Permit and a minimum of CAN$164.00 for an Annual Importation Permit with a maximum fee of CAN$1,324.

13. Other than the fee, there is no deposit or advance payment associated with the issuance of an importation permit.

Conditions of licensing

14. Explosives Importation Permits can be issued for a period of 12 months. Single use importation Permits are valid for one shipment while Annual Importation Permits are valid for any number of shipments.

15. There is no penalty for the non-utilization of an explosives importation permit.

16. Permits are not transferable between importers and only the products made by the manufacturer(s) specified in the permit may be imported.

17. There are no conditions attached to the issuance of an explosives importation permit relative to quantitative restrictions other than safe and secure storage location in Canada. Depending on the quantity to be stored, a magazine (i.e. storage) licence issued by the *Explosives Regulations* Division may be required. Importation permit applicants will be advised if this is the case.

Other procedural requirements

18-19. Persons not resident in Canada or not having a chief place of business in Canada might be required to post a bond before being permitted to import explosives (*Explosives Act* Section 9(3)).

6 NUCLEAR SAFETY AND CONTROL ACT

Outline of system

1. The *Nuclear Safety and Control Act* (S.C., 1997, c.9) came into force 31 May 2000. The legislation established a national nuclear regulatory authority, the Canadian Nuclear Safety Commission (CNSC), for the purpose of administering the Act. The CNSC has established a comprehensive regulatory control system for the import, export, transfer, possession and use of nuclear substances, prescribed equipment and prescribed information (technology). Under this system, any person proposing to conduct these activities in Canada must do so only in accordance with a licence, subject to the regulations under the Act. Licence application requirements are specified in regulations, in general in the *General Nuclear Safety and Control Regulations* (SOR/2000-202). The Commission may not issue a licence unless it is satisfied that the applicant is qualified to conduct the activity to be authorized, and that the applicant will make adequate provision for the protection of the environment, the health and safety of persons, and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.

Any person wishing to import a nuclear substance, prescribed equipment or prescribed information must obtain an import licence from the CNSC. Authority to import certain nuclear substances may be included in a licence to possess and use that nuclear substance, under general licensing provisions. However, import of controlled nuclear substances as defined in the *Nuclear Non-proliferation Import and Export Control Regulations* (NNIECR) (SOR/2000-210) requires an import licence issued pursuant to those regulations. All controlled nuclear substances are prescribed as nuclear substances with respect to the import and export of those substances. Similarly, licensing authorization is required to import controlled nuclear equipment and information under the NNIECR. The *Nuclear Safety and Control Act* (NSCA) and its regulations are available through the CNSC website (http://www.nuclearsafety.gc.ca).

Purpose and coverage of licensing

2. The purpose of the NSCA is two-fold: (i) to provide for the limitation of risks to national security, the health and safety of persons and the environment that are associated with the development, production and use of nuclear energy and the production, possession and use of nuclear substances, prescribed equipment and prescribed information; and (ii) to provide for the implementation in Canada of measures to which Canada has agreed regarding international control of the development, production and use of nuclear energy, including the non-proliferation of nuclear weapons and nuclear explosive devices. Nuclear substances are defined in the NSCA (section 2), and include uranium, thorium, plutonium, deuterium and their respective derivatives and compounds, radioactive nuclides, and substances that are prescribed by regulation as being capable of releasing nuclear energy or as being required for the production or use of nuclear energy. Additionally, the NNIECR define controlled nuclear substances, controlled nuclear equipment and controlled nuclear information that are subject to specific import and export licensing controls, and list these in the Schedule to the regulations. These items are controlled for the purpose of assuring that the Government of Canada meets international obligations to which it has agreed regarding the non-proliferation of nuclear weapons; they are based primarily on international guidelines and control lists. There are some exemptions from licensing requirement and these are identified in the NNIECR (section 4).

3. This licensing system applies to nuclear substances, prescribed equipment and prescribed information imported from any country.

4. The licensing of imports is intended to ensure that the nuclear substances, prescribed equipment and prescribed information are transferred only to persons authorized to use them safely and securely, pursuant to the provisions of the NSCA and its regulations. Licensing also enables the CNSC to take actions to assure that any applicable international, bilateral or multilateral obligations that Canada has entered into are met, including those related to nuclear non-proliferation.

Import licences may specify the maximum allowable quantity of nuclear substances, prescribed equipment and prescribed information authorized for import. The purpose of the regulatory controls on imports is to assure that the imported items are possessed only by qualified and authorized persons pursuant to the NSCA, and to assure compliance with international obligations; licensing is not intended to otherwise restrict the quantity or value of imports.

5. The licensing of imports is a requirement of section 26 of the NSCA. Licensing procedures and licensing application requirements are prescribed by regulation. The Commission has established classes of licences authorizing the licensee to carry out any activity described in section 26 of the NSCA; this includes Import Licences. CNSC staff conducts risk-informed assessments of licence applications and supporting information and makes recommendations to the Commission for decision on issuance of licences. A licence may contain any term or condition that the Commission considers necessary for the purposes of the NSCA. The Commission has the power to delegate responsibilities to Designated Officers for issuance of licences in certain circumstances, pursuant to section 37 of the NSCA, and has done this for import and export licensing decisions.

Procedures

6. Not applicable. Quantity and value restrictions, beyond the terms and conditions contained in the individual import licence, do not apply to imports of nuclear substances, prescribed equipment and prescribed information, except as may from time to time be determined by Government policy.

7.(a)-(b) An import licence is normally issued within 30 calendar days of receipt of a complete application but can be issued in a shorter time if warranted. A licence cannot be granted immediately upon request; a risk-informed assessment of an application submitted in compliance with the regulations is required prior to a licensing decision.

(c) No; there are no limitations as to the period of year in which applications may be made.

(d) The CNSC is the only body authorized to issue an import licence pursuant to the NSCA. The Commission has delegated the authority for making the licensing decision on imports to a Designated Officer, pursuant to section 37 of the NSCA.

8. The Designated Officer, acting on behalf of the Commission, may refuse to issue a licence, or may revoke, suspend, transfer, or amend the terms and conditions of a licence, for reasons of: protection of the environment and of the health and safety of persons; maintenance of national security; and requirements related to international obligations to which Canada has agreed (section 24, NSCA). In such cases, the NSCA provides the applicant or, as appropriate the licensee, the opportunity to be heard by the Designated Officer before making their decision. The applicant or, as appropriate the licensee, can appeal the decision to the Commission, which can decide to uphold the decision of the Designated Officer or modify it.

Eligibility of importers to apply for licence

9. All persons, firms and institutions are eligible to apply for an import licence. There are no application fees for requests to import, nor is there a system of registration of entities that engage in import activities. However, nuclear substances may not be imported unless the applicant also holds a valid licence issued by the CNSC for the possession and use of the nuclear substance being imported. The CNSC does not publish a list of authorized importers.

Documentational and other requirements for application for licence

10. Information required on applications to import a controlled nuclear substance, controlled nuclear equipment or controlled nuclear information is specified in the *Nuclear Non-proliferation Import and Export Control Regulations* (NNIECR), and includes: name and contact information of the applicant and of each consignee; description of the substance, equipment or information; name and address of the supplier; country of origin of the imported item; intended end-use of the item by the final consignee and the intended end-use location; the number of any licence to possess the substance, equipment or information; and, as applicable, the measures that will be taken to facilitate Canada's compliance with certain international obligations. An application form, with instructions for completion, is provided on the CNSC website (Canadian Nuclear Safety Commission).

11. Importers must present the import licence to a customs officer upon importing the authorized nuclear substance, prescribed equipment or prescribed information (section 18, *General Nuclear Safety and Control Regulations*).

12. No; there are no licensing fees or administrative charges associated with the issuance of an import licence.

13. No; there is no requirement for any deposit or advance payment associated with the issuance of an import licence.

Conditions of licensing

14. The period of validity depends on the nature of the import, with a default term of one year. The validity of a licence may be extended through amendment upon written application.

15. No; there is no penalty for non-utilization of a licence.

16. Yes. The NSCA was amended in 2012 to allow for transfer of licences. Those amendments allow the CNSC to authorize the transfer of an import licence from the existing licence holder to another importer, upon receipt of an application and subject to applicable regulations. The CNSC must satisfy itself that the recipient of the licence proposed for transfer is qualified to conduct the activity to be authorized, and that the recipient will make adequate provision for the protection of the environment, the health and safety of persons, and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.

17.(a)Not applicable.

(b) The CNSC may include in an import licence any condition it considers necessary for the purposes of the NSCA, including compliance reporting conditions.

Other procedural requirements

18. Applications to import items that are subject to the provisions of bilateral nuclear cooperation agreements that Canada has entered into with nuclear trading partners, for the purpose of assuring that Canada's nuclear non-proliferation policy requirements are met, may require the CNSC to implement administrative procedural requirements with regulatory counterparts in the exporting country. There are no additional requirements placed on importers as a result of this but implementing these bilateral procedures can require additional time to complete the processing and assessment of import applications.

19. Not applicable.

7 CANADIAN ENERGY REGULATOR ACT

Outline of system

1. The outline of the system (reflects NEB Act amendments, but not the regulations being updated). Clarification to all below: The CER Act will remove the requirement for importation licences in the future, either after 28 August 2022, or after regulations prescribing what importation information is

to be submitted to the Regulator and the frequency of submission. Currently the import order regime remains in place as a transitional provision.

On 28 August 2019, the National Energy Board Act (the NEB Act) was repealed and replaced with the Canadian Energy Regulator Act (the CER Act). The CER Act establishes a new Canada Energy Regulator (CER), replacing the National Energy Board (NEB). The CER comprises a Board of Directors to provide oversight and strategic direction and a Chief Executive Officer (CEO), who is responsible for day-to-day operations and is separate from the Chair of the Board.

The new CER also includes a group of independent Commissioners who are responsible for timely, inclusive and transparent project reviews and decision-making. The Commission has all the powers, rights and privileges vested in a superior court of record with respect to any matters within its jurisdiction. The CER Act also allows for regulations permitting the CEO to designate officers of the CER to perform certain powers, duties and functions of the Commission, some of which may potentially relate to importation.

A major consequence of the CER Act is that licenses and orders will no longer be required for the importation of oil and gas into Canada on or before 28 August 2022.

The *Canadian Energy Regulator Act* and the *National Energy Board Act Part VI (Oil and Gas) Regulations* (Part VI Regulations) made under the predecessor NEB Act control imports of natural gas, whether in gaseous or liquid state, by pipeline, railway tank cars and tank trucks or tankers. Imports are authorized by both licences and orders. Licences are issued for long-term imports while orders are used in the case of long-term small volume imports, emergency imports or and short-term large volume imports. An application is made to the Board for import authorization. No licence is effective until approved by the Governor-in-Council. The issuance of an import order requires the approval of the Board and does not require a public hearing or Governor in Council approval. The new *Canadian Energy Regulator Act* removes the requirement to obtain a license or order before importing oil and gas into Canada subject to changes to the Part VI Regulations).

Purposes and coverage of licensing

2. Under the CER Act, licenses or orders will no longer required for the importation of oil or gas as of 28 August 2019. The import license and order requirements of the Part VI Regulations will remain in effect until the earlier of the date they are amended or replaced, or 28 August 2022.

3. The system described applies to gas originating in and coming from any country.

4. The import license and order requirements of the Part VI Regulations will remain in effect until the earlier of the date they are amended or replaced, or 28 August 2022.

5. The authorization of imports is maintained under the *Canadian Energy Regulator Act* for all new import activities on or after 28 August 2019. For imports authorizations initiated prior to 28 August 2019, the *National Energy Board Act*, a statute of the Parliament of Canada, and the *National Energy Board Act Part VI (Oil and Gas) Regulations* continue to apply. The term "gas" is defined in the Act and is not subjected to administrative discretion. Legislative action would be required to abolish the system.

Procedures

6. There is no quota system. Determinations are made on a case-by-case basis.

7.(a) Application for a licence should be made in advance of importation by a reasonable length of time, depending on the size and complexity of the importation arrangement. In some cases, imports commence immediately upon issuance of the authorization, or, depending on the requirements of the import arrangement, there may be some interval between the authorization and the commencement of the import.

(b) An order can be granted very quickly by the Commission. A licence may, at the discretion of the CER require that a public hearing be held.

While the requirement to obtain a license remains in effect, for processing license applications a public hearing may be required and is at the discretion of the CER. The length of time to process a licence application is approximately four months or longer depending on whether a public hearing is deemed necessary. Applications for orders can be approved very quickly. Typical processing time for emergency and short-term imports is 48 hours, while processing time for long-term import orders is two to six weeks or more.

(c) There are no limitations as to the period of the year during which application for import authorization may be made.

(d) The prospective importer has to approach one administrative organ only, the Canada Energy Regulator.

8. An application for a licence may be refused for failure to meet criteria set out in the Part VI Regulations or where the import is not in the public interest. An applicant, in the event of refusal to issue a licence, may resubmit his application to the Canada Energy Regulator with appropriate amendments or may request a review. Appeal can be made to the Federal Court of Appeal on a question of law or jurisdiction, on leave being obtained from the Court. The import license and order requirements of the Part VI Regulations will remain in effect until the earlier of the date they are amended or replaced, or 28 August 2022.

Eligibility of importers to apply for licence

9. Any person is eligible to apply for an import licence.

Documentational and other requirements for application for licence

10. The Governor-in-Council may make regulations respecting the information to be furnished by applicants and the procedures to be followed in applying for import authorization. Section 5 of the Part VI Regulations entitled "Information to be Furnished by Applicant for Licence to Import Gas" sets out the information required to be filed by an applicant for a licence to import gas. These Regulations will be updated to reflect changes to the import/export regime under the CER Act. In addition, the Canada Energy Regulator may require further information about import activities. With respect to import orders, applicants must file such information as the Canada Energy Regulator may require. However, no specific information requirements for order applications are set out in the Act or in the Part VI Regulations.

11. No documents are required upon actual importation. However, the holder of an import authorization is required to provide the Canada Energy Regulator with information as required, including the actual volumes imported during the term of the authorization, and their value in Canadian currency.

12. There is no fee or administrative charge in respect of an application at present.

13. There is no deposit or advance payment requirement associated with the issue of the import authorization.

Conditions of licensing

14. No import license may be issued for a term in excess of 25 years. The validity of an order cannot be extended beyond this period without an amendment to the Act by Parliament.

15. There is no penalty for the non-utilization of an order or a portion of an order. Orders are permissive only.

16. Yes. They are transferable subject to Canada Energy Regulator and Governor-in-Council approval.

17. Conditions attached to the issue of orders may include those matters prescribed by the Part VI Regulations, including: duration of the order, the period within which the import must commence, the quantities of import, points of importation into Canada, environmental requirements and the granting of export authorization by the appropriate foreign government agency.

Other procedural requirements

18. Apart from procedures defined in the Regulations made pursuant to the Act, including requirements associated with inspection, metering and reporting, no additional administrative procedures are required.

19. Not applicable.

8 EXPORT AND IMPORT PERMITS ACT

For this *Export and Import Permits Act* section, general responses in respect of dairy products and margarine; chicken, turkey, eggs and broiler hatching eggs and chicks; beef and veal; and wheat, barley and their products have been provided for questions 5, 8-10, 12-19 of the Questionnaire. The replies to the remaining questions have been organized by separate product groups owing to difference in the procedures involved.

8.1 General Responses Applicable to Dairy Products and Margarine; Chicken, Turkey, Eggs and Broiler Hatching Eggs and Chicks; Beef and Veal; and Wheat, Barley and their products

Note: Effective 1 January 1995 (or 1 August 1995, for wheat, barley and their products, butter, dry whey and cream), in compliance with its World Trade Organization (WTO) commitments, Canada converted its agricultural import controls to a system of tariff rate quotas (TRQs). Under these TRQs, imports within the TRQ level, i.e. within the access commitment, require a permit issued through either the Supply-Managed Trade Controls or the Non-Supply Managed Trade Controls division of Global Affairs Canada in order to benefit from the lower rate of duty. Imports over the quota level, subject to higher rates of duty, may enter under a General Import Permit. For margarine, wheat, barley and their products, the TRQ is administered on a first-come, first-served basis. All other TRQs require an allocation to be eligible to use the TRQ.

Effective 8 September 2008, Canada implemented import controls for milk protein substances with a milk protein content of 85% or more by weight, calculated on the dry matter, that do not originate in a NAFTA country, Chile, Costa Rica, or Israel. Import controls were established to implement a change in Canada's WTO obligations subsequent to a re-negotiation of a tariff concession, outlined in Joint Letters, as concluded with New Zealand, Switzerland and the EC under GATT Article XXVIII. A TRQ for milk protein substances with a milk protein content of 85 per cent or more by weight, calculated on the dry matter, that do not originate in a NAFTA country, Chile, Costa Rica, or Israel, was established effective 1 April 2009. Certification of these changes to Canada's Schedule V became effective 6 July 2011.

Effective 21 September 2017, the date of the entry into force of the Comprehensive Economic and Trade Agreement (CETA) between Canada and the European Union, import controls for milk protein substances, beef and veal and wheat, barley and their products were amended to remove controls for such products originating from an EU country or other CETA beneficiaries.[2] Consistent with its commitments, Canada also introduced two new bilateral cheese TRQs.

Effective 30 December 2018, the Comprehensive and Progressive agreement for Trans-Pacific Partnership (CPTPP) entered into force. Consistent with its commitments, Canada introduced 16 new plurilateral TRQs for dairy products and four for poultry products.

Effective 1 July 2020, the Canada-United States-Mexico Agreement (CUSMA) entered into force, replacing the NAFTA. Consistent with its commitments, Canada introduced 16 new bilateral TRQs with the United States: 14 for dairy and two for poultry and egg products.

Effective 1 April 2021, the Canada-UK Trade Continuity Agreement (Canada-UK TCA) entered into force. This agreement provides that the United Kingdom, and other beneficiaries of the Canada-UK TCA, continue to receive the same tariff treatment as was provided in CETA.

[2] Regulations Defining "EU country or other CETA beneficiary", SOR/2017-178, https://laws-lois.justice.gc.ca/.

Canada has initiated a comprehensive review of Canada's supply managed tariff rate quotas (TRQs), including all of Canada's dairy and poultry TRQs and covering all aspects of TRQ allocation and administration.

Outline of system

1. See Section 8.2.

Purpose and coverage of licensing

2.-4. See section 8.2.

5. Licensing is maintained through regulations under the *Export and Import Permits Act*. Individual products are not designated in the Act.

An *Import Control List* has been established by regulation by the Governor-in-Council. The list includes goods, the import of which it is deemed necessary to control for any of the following purposes, namely:

- to ensure, in accordance with the needs of Canada, the best possible supply and distribution of an article that is scarce in world markets or in Canada or is subject to government controls in the countries of origin or to allocation by intergovernmental arrangement;
- to restrict, for the purpose of supporting any action taken under the *Farm Products Marketing* Agencies *Act*, the importation in any form of a like article to one produced or marketed in Canada the quantities of which are fixed or determined under that Act;
- to implement any action taken under the *Agricultural Marketing Programs Act or the Canadian Dairy* Commission *Act, with the object or effect of supporting the price of the article;*
- to implement an intergovernmental arrangement or commitment; and
- where at any time it appears to the satisfaction of the Governor-in-Council on a report of the Minister made pursuant to an inquiry made under section 20 or 26 of the *Canadian International Trade Tribunal Act* by the Canadian International Trade Tribunal in respect of any goods, that goods of any kind are being imported or are likely to be imported into Canada at such prices, in such quantities and under such conditions as to cause or threaten serious injury to the production in Canada of like or directly competitive goods, any goods of the same kind may, by order of the Governor-in-Council, be included on the *Import Control List* in order to limit the importation of such goods to the extent and for the period that, in the opinion of the Governor-in-Council, is necessary to prevent or remedy the injury.

Once an item has been placed on the *Import Control List*, an import permit, either specific or general, is required by the Act to import such goods into Canada.

Specific products can be made subject to either individual licensing or open general licensing by the Minister.

Licensing requirements may be abolished by the Governor-in-Council by removing an item from the *Import Control List*. Only Parliament can alter or amend the *Export and Import Permits Act*.

The Minister may also decide to allocate shares of the within-TRQ access for any product in advance. Where this system is used, import permits (licences) are normally issued automatically up to the level of an importer's share.

Procedures

6.-7. See Section 8.2.

8. Permit applications that are complete and meet the general requirements are not normally refused. If eligibility criteria have not been met (e.g., no quota entitlement) or the application contains errors, the applicant will be informed; in such event the applicant may correct the application or request reconsideration, or the applicant may choose to pay the over-access tariff and import the goods under a General Import Permit, which is automatically applicable.

Eligibility of importers to apply for licence

9. See Section 8.1. All residents of Canada are eligible to apply for an allocation, and permits are only granted to allocation holders.

Documentational and other requirements for application for licence

10. The applicant is required to provide the information requested on the application for an import permit. For certain products, additional information and/or documentation may be required, as indicated in the specific product group responses.

11. See Section 8.2.

12. Any applicant may apply directly to the Global Affairs Canada in Ottawa for a permit, for which the associated fee ranges from CAN$15.00 to CAN$31.00, according to the value of the goods.

For permits issued at other authorized (non-Government) computer terminals, permit fees range from CAN$10.00 to CAN$26.00 (according to the value of the goods). This fee does not cover the cost of any additional services provided by such issuers.

13. No.

Conditions of licensing

14. Import permits normally have a validity of 30 days. Requests for extension of the validity period submitted prior to the original expiry date are considered on their merits, e.g., supporting documentation outlining extraordinary circumstances that prevented the importation of goods within the time frame of the permit. If a permit has not been used, the importer may apply for its cancellation.

15. There is no penalty for non-utilization of import permits that are returned for cancellation.

16. Permits are not transferable between importers.

17. Under very particular circumstances, special conditions may be attached from time to time.

Additional information required under CETA, CPTPP and CUSMA - Under Annex 2-A of Chapter 2 of the CETA, Canada reserved its right to apply an end-use requirement to imports under the TRQ for industrial cheese; namely, that all imports under this TRQ be used as ingredients for further food processing (secondary manufacturing) imported in bulk (not for retail sale),

Under Appendix A to Chapter 2-D of Chapter 2 of the CPTPP, Canada reserved its right to apply end-use requirements to imports under certain CPTPP TRQs; specifically, that all imports under the TRQ for concentrated milk be for retail sale only; that specified percentages of the TRQs for milk, butter, yogurt and buttermilk be reserved for goods in bulk (not for retail sale) to be processed into ingredients for further food processing (secondary manufacturing).Additionally, that the industrial cheese TRQ be reserved for goods in bulk (not for retail sale) used as ingredients for further food processing (secondary manufacturing); and, that the imports under the TRQ for eggs be used in priority for the importation of eggs for breaking purposes for further food processing (secondary manufacturing).

Under Section A to Appendix 2 of Chapter 2 of the CUSMA, Canada reserved its right to apply end-use requirements to imports under certain CUSMA TRQs; that specified percentages of the milk, cream, and butter and cream powder TRQs, be reserved for goods in bulk (not for retail sale) to be processed into ingredients for further food processing (secondary manufacturing). Additionally, that the entire industrial cheeses TRQ be reserved for goods in bulk (not for retail sale) for further food processing and, that the imports under the TRQ for eggs and egg products be used in priority for the importation of eggs for breaking purposes for further food processing (secondary manufacturing).

Other procedural requirements

18. Additional information required under CETA, CPTPP and CUSMA - Where Canada allocates shares of the within-TRQ access, obtaining a shipment-specific import licence depends upon having received an allocation in advance. As part of TRQ allocation processes, Canada does not impose any of the following conditions: membership in an industry association; approval by an industry association of the request for an import licence; a minimum importer or end user registered capital; or contractual or other relationship between the importer and a distributor in the Party's territory.

19. Not applicable.

8.2 Other Responses – by Product Groups

8.2.1 Dairy Products

Outline of system

1. Dairy products (hereafter including margarine) remain on the *Import Control List*, established under the *Export and Import Permits Act*; effective 1 January 1995, existing import controls on these products were replaced with tariff rate quotas (1 August 1995 for butter, cream and dry whey).

Purposes and coverage of licensing

2. Dairy products were added to the *Import Control List* under the authority of Paragraph 5(1)(a) and (d) and Section 5.3 of the *Export and Import Permits Act*. This includes fluid milk, cream, milk and cream powders, condensed milk, yoghurt and buttermilk, powdered buttermilk, whey powder, products consisting of natural milk constituents, butter, cheese of all types, dairy-based products falling within tariff item number 1901.90.33, ice cream and ice cream products, milk protein substances, and margarine and butter substitutes, excluding liquid margarines. All TRQs for dairy products are administered under an import licensing regime based on shipment specific permits and previous allocation of import quota, with the exception of the WTO TRQ for fluid milk for personal consumption, which is administered by way of a general import permit.

3. The licensing system applies: for global TRQs, to goods originating in and imported from all countries; for CETA TRQs, to goods originating in and imported from CETA Parties; for CPTPP TRQs, to goods originating in and imported from CPTPP Parties; and for CUSMA TRQs, to goods originating from the United States.

4. This licensing system is used to implement TRQs for dairy products in accordance with Canada's commitments under the WTO, CETA, CPTPP and CUSMA.

5. See Section 8.1.

Procedures

6.I. Information on TRQs and related formalities is published on the Global Affairs Canada website. Some TRQ-specific information is published in the Notices to Importers published individually for each TRQ, and which are available through the same website.

II. TRQ size is determined on a yearly basis. There is no case where licenses are issued for import on a quarterly basis.

III. For WTO TRQs, if an allocation holder uses less than 90% of its allocation (95% for cheese, products of natural milk constituents, dry whey, milk protein substances, and cream), the allocation in the next year will normally reflect the actual level of use. Allocations not used in a quota year cannot be carried into the next quota year.

For CETA, CPTPP and CUSMA TRQs, if an allocation holder uses less than 95% of its allocation (90% for CPTPP and CUSMA ice cream and mixes TRQs, and CPTPP and CUSMA yogurt and buttermilk TRQs), the allocation in the next year will be reduced downwards by the percentage of the allocation not utilized in the previous year. Allocations not used in a quota year cannot be carried into the next quota year.

IV. Individual import permits are required for each shipment at the within-TRQ rates of duty.

V-VII. Import permits are issued through an on-line automated system either (a) in the offices of customs brokers in major cities across Canada, or (b) at the Technology and Administration Services Division of Global Affairs Canada in Ottawa. Requests for permits are accepted 30 days prior to the expected date of arrival of the shipment to Canada. Import permits are normally issued with a validity period of 30 days around the date of arrival specified by importers (five days prior to and 24 days after). Utilization of permits for one quota year may not be utilized in the next quota year.

VIII. Allocation methods vary by TRQ. Please refer to the Notices to Importers referred to in response I for allocation and administration policies for individual TRQs.

IX-X. Not applicable.

XI. Supplementary imports may also be authorized for re-export or to meet domestic market shortages.

7. Where there is no quantitative limit on importation of a product, importers can claim a General Import Permit.

8. See Section 8.1.

Eligibility of importers to apply for licence

9. See Section 8.1.

Documentational and other requirements for application for licence

10. See Section 8.1.

11. Documents required upon actual importation: import permit, customs entry documents and food certificates as required under the *Canadian Dairy Products Act and Regulations*.

12. Any applicant may directly apply for a permit via customs brokers equipped with authorized computer terminals. Permit fees range from CAN$10.00 to CAN$26.00 (according to the value of the goods). This fee does not cover the cost of any additional services provided by such issuers. Permits may also be requested, by fax, from Global Affairs Canada in Ottawa for which the associated fees range from CAN$15.00 to CAN$31.00 (according to the value of the goods).

13. No.

Conditions of licensing

14-17. See Section 8.1.

Other procedural requirements

18-19. See Section 8.1.

8.2.2 Chicken, Turkey and Eggs

Outline of system

1. Chicken, turkey, egg and egg products, and broiler hatching eggs and chicks remain on the *Import Control List*, established under the *Export and Import Permits Act*. Effective 1 January 1995, existing import controls on these products were replaced with TRQs.

Purposes and coverage of licensing

2. Imports of chicken and chicken products, turkey and turkey products, eggs and egg products and broiler hatching eggs and chicks are subject to global TRQs and preferential TRQs under the CPTPP and CUSMA. All shipments within the TRQ access are administered using shipment specific permits and previous allocation of import quota. These products were placed on the *Import Control List* under the authority of Paragraph 5(1)(a) and (b) and Sections 5.3 and 6 of the *Export and Import Permits Act.*

3. The system applies to: for global TRQs, goods originating in and imported from all countries; for CPTPP TRQs, goods originating in and imported from CPTPP Parties; and, for CUSMA TRQs, goods originating in and imported from the United States.

4. The licensing system is used to implement TRQs on chicken and chicken products, turkey and turkey products, eggs and egg products and broiler hatching eggs and chicks in accordance with Canada's commitments under the WTO, the CPTPP and the CUSMA.

5. See Section 8.1.

Procedures

6.I. Information on TRQs and related formalities is published on the Global Affairs Canada website. Some TRQ-specific information is published in the Notices to Importers published individually for each TRQ, and which are available through the same website.

II. TRQ size and import license allocations are determined on a yearly basis.

III. If an allocation holder for these products uses less than 90% of its allocation (95% in the case of CPTPP and CUSMA breaking eggs sub-TRQs, and WTO egg products and egg powder sub-TRQs), the allocation in the next year will be reduced by the percentage of the allocation not utilized in the previous quota year. Allocation not used in one quota year is not available for carry-over to the next quota year.

IV. Individual import permits are required for each shipment at the within-TRQ rates of duty.

V-VII. Import permits are issued through an on-line automated system either (a) in the offices of customs brokers in major cities across Canada, or (b) at the Technology and Administration Services Division of Global Affairs Canada in Ottawa. Requests for permits are accepted 30 days prior to the expected date of arrival of the shipment to Canada. Import permits are normally issued with a validity period of 30 days around the date of arrival specified by importers (five days prior to and 24 days after). Utilization of permits for one quota year is not allowed in the next quota year.

VIII. Allocation methods vary by TRQ. Please refer to the Notices to Importers referred to in response I for allocation and administration policies for individual TRQs.

IX-X. Not applicable.

XI. A supplementary import policy is in place to allow supplementary imports in certain situations, including market shortages. Supplementary imports may also be authorized for re-export.

7. Where there is no quantitative limit on importation of a product, importers can claim a General Import Permit at the border.

8. See Section 8.1.

Eligibility of importers to apply for licence

9. See Section 8.1.

Documentational and other requirements for applications for licence

10. See Section 8.1.

11. Import permits and normal customs entry forms are required in addition to health certificates as required under the *Canada Agriculture Products Act.*

12. Any applicant may directly apply for a permit via customs brokers equipped with authorized computer terminals. Permit fees range from CAN$10.00 to CAN$26.00 (according to the value of the goods). This fee does not cover the cost of any additional services provided by such issuers.

Permits may also be requested, by fax, from Global Affairs Canada in Ottawa for which the associated fees range from CAN$15.00 to CAN$31.00 (according to the value of the goods).

13. No.

Conditions of licensing

14-17. See Section 8.1.

Other procedural requirements

18-19. See Section 8.1.

8.2.3 Beef and Veal

Outline of system

1. Effective 1 January 1995, beef and veal were placed on the *Import Control List* established under the *Export and Import Permits Act*; and the existing import control measures for these products provided for under the *Meat Import Act* were replaced with a tariff rate quota (TRQ).

Purposes and coverage of licensing

2-3. In order to implement Canada's WTO commitments, beef and veal were placed on the *Import Control List*. This action was taken under the authority of Paragraph 5(1)(a) and Section 5.3 of the *Export and Import Permits Act*. An import permit is required for each shipment of these products originating in and imported from all countries except the United States; Mexico; Chile; an EU country or other CETA beneficiary, or a beneficiary of the Canada-UK Trade Continuity Agreement.

4. This licensing system is used to implement TRQs for beef and veal in accordance with Canada's WTO commitments.

5. The issuance of permits is governed by the *Export and Import Permits Act*.

Procedures

6.I. Information on TRQs and related formalities is published in the Canada Gazette and in Notices to Importers. The latter are distributed to customs brokers, associations and traders and are available upon request from Global Affairs Canada.

Notices to Importers and additional information are also available on the Global Affairs Canada website at: http://www.international.gc.ca/controls-controles/prod/agri/index.aspx?menu_id=3&menu=R.

II. In keeping with its WTO commitments, Canada has established an annual TRQ level for imports of fresh, chilled and frozen beef and veal from non-FTA countries of 76,409 tonnes. Of this quantity, 29,600 tonnes are reserved for imports from New Zealand and 35,000 tonnes are reserved for imports from Australia. The balance of the TRQ, 11,809 tonnes (known as the MFN reserve) is reserved for imports from all other eligible suppliers, including those from

New Zealand and Australia once their country-specific allocations are filled. Allocations are issued on a yearly basis, however permits are shipment-specific and are valid for 30 days.

III. Allocations and permits are issued to active importers of beef and veal. An allocation not used in one quota year will not be available for carryover to the next quota year. The names of allocation holders are available on our website: https://www.international.gc.ca/controls-controles/prod/agri/beef-boeuf/index.aspx?lang=eng

IV. Applications for allocations under the TRQ are accepted between 1 October and 15 November each year. Once a party has been issued an allocation, they may apply for permits any time throughout the year until the TRQ has been filled.

V. Permit applications input directly into the control system, with no errors, are issued immediately. Applications which require further information, or data entry at Global Affairs Canada are issued within 48 hours. Applications with complex issues may take longer.

VI. Allocation advances are issued two weeks before the opening of the period of importation. Full allocations are issued shortly after the period of importation opens. Permits are only available once the allocation advance has been issued.

VII. Consideration of permits applications is effected by a single administrative organ.

VIII. Allocations are determined based on market share. If an allocation holder required additional allocation, they can request this once they have reached 80% utilization of their current allocation. Additional allocation is granted on a first-come, first-served basis.

IX-X. Not applicable.

XI. Yes.

7. Not applicable.

8. Import permits are not normally refused if the criteria relating to issuance are met. If a permit is refused, for example, because of incomplete information on the application, the applicant is advised and given the opportunity to correct the anomaly.

Eligibility of importers to apply for permit

9. See Section 8.1. All residents of Canada are eligible to apply for an allocation, and permits are only granted to allocation holders.

Documentational and other requirements for application for licence

10. Permit applications must include information including where the product is coming from, which port it is being shipped to, and date of arrival.

11. Import permits and normal customs entry forms are required in addition to health certificates as required by the Canada Food Inspection Agency.

12. Any applicant may directly apply for a permit via customs brokers equipped with authorized computer terminals. Permit fees range from CAN$10.00 to CAN$26.00 (according to the value of the goods). This fee does not cover the cost of any additional services provided by such issuers.

Permits may also be requested, by email, from Global Affairs Canada for which the associated fees range from CAN$15.00 to CAN$31.00 (according to the value of the goods).

13. No.

Conditions of licensing

14. Permits are valid for 30 days and cannot be extended.

15. No.

16. No.

17. No.

Other procedural requirements

18. No.

19. Not applicable.

8.2.4 Wheat, Barley and their Products

Outline of system

1. Effective 1 August 1995, wheat, barley, wheat products, and barley products were placed on the *Import Control List*, established under the *Export and Import Permits Act*; and existing import controls on these products were replaced with tariff rate quotas (TRQs).

Purposes and coverage of licensing

2. In order to fulfil its WTO commitments for wheat, barley and their products, Canada removed the requirement under the Canadian Wheat Board Act and related regulations for import licences for wheat, barley and their products and replaced them with a system of TRQs. This required placing them on the *Import Control List* under the authority of Paragraph 5(1)(a), 5(1)(b) and Section 5.3 of the *Export and Import Permits Act*.

3. The system applies to goods originating in and imported from all countries at the "within access" lower rate of duty. Once the TRQ levels are reached, the goods will be subject to the "over access" higher rate of duty, with the following exceptions:

(a) If the good originates in and is imported from a country with an applicable free trade agreement with Canada, then it continues to be assessed at the "within access" lower rate of duty after the TRQ levels are reached.

(b) In the case of the wheat and barley products listed below, the "over access" rate of duty is equal to the "within access" rate when imported from any country:

(i) mixes and doughs, falling under tariff item No. 1901.20.14;
(ii) pasta products, falling under tariff items Nos. 1902.11.21, 1902.19.12, 1902.19.22, 1902.19.92, 1902.30.12 and 1902.30.31;
(iii) cereals, falling under tariff items Nos. 1904.10.21, 1904.10.41, 1904.20.21, 1904.20.41, 1904.30.21 and 1904.90.21;
(iv) bread products, falling under tariff item Nos. 1905.10.21, 1905.10.51, 1905.40.31, 1905.40.61 and 1905.90.32;
(v) biscuits, waffles and wafers falling under tariff item Nos. 1905.31.22, 1905.31.92, 1905.32.92 and 1905.90.43; and
(vi) pretzels of tariff No. 1905.90.62 in packages of a weight not exceeding 1.36 kg.

4. This licensing system is used to implement TRQs for wheat, barley and their products in accordance with Canada's WTO commitments.

5. Licensing is governed by the *Export and Import Permits Act*.

Procedures

6.I. Information on TRQs and related formalities is published in the Canada Gazette and in Notices to Importers. The latter are distributed to customs brokers, associations and traders and are available upon request from Global Affairs Canada.

Notices to Importers and additional information are also available on the Global Affairs Canada's website at: http://www.international.gc.ca/controls-controles/prod/agri/index.aspx?menu_id=3&menu=R.

II. The TRQ levels are: wheat - 226,883 tonnes, barley - 399,000 tonnes, wheat products - 123,557 tonnes (grain equivalent) and barley products - 19,131 tonnes (grain equivalent). There are no allocations to importers. The TRQ is administered on a first-come, first-served basis from 1 August to 31 July each year.

III. General Import Permits are issued to active importers of wheat, barley, wheat products and barley products on a first-come, first-served basis. After the TRQ levels are filled, importers may apply for Supplementary Imports Authorization at "within access" lower rate of duty if the item is not directly substitutable nor available in Canada. TRQ not used in any quota year will not be available for carry-over to the quota year.

IV. The General Import Permit number must be stated on the customs entry document. When the TRQ level for any product is reached, a different General Import Permit allows importation at the applicable over-access rate of duty.

V-VII. Not applicable because the general import permits are issued on a first-come, first-served basis.

VIII. See Section 6(II).

IX-X. Not applicable.

XI. No.

7. Not applicable.

8. Import permits are not normally refused if the criteria relating to issuance are met. If a permit is refused, for example, because of incomplete information on the application, the applicant is advised and given the opportunity to correct the anomaly.

Eligibility of importers to apply for licence

9. See Section 8.1. All residents of Canada are eligible to apply for an allocation, and permits are only granted to allocation holders.

Documentational and other requirements for application for licence

10. Permit applications must include information including where the product is coming from, which port it is being shipped to, and date of arrival.

11. Normal customs entry forms indicating the appropriate General Import Permit are required.

12. Any applicant may directly apply for a permit via customs brokers equipped with authorized computer terminals. Permit fees range from CAN$10.00 to CAN$26.00 (according to the value of the goods). This fee does not cover the cost of any additional services provided by such issuers.

Permits may also be requested, by email, from Global Affairs Canada for which the associated fees range from CAN$15.00 to CAN$31.00 (according to the value of the goods).

13. No.

Conditions of licensing

14. Permits are valid for 30 days and cannot be extended.

15. No.

16. No.

17. No.

Other procedural requirements

18. No.

19. Not Applicable.

8.2.5 Textiles

Outline of system

1. Textiles are on the *Import Control List*, established pursuant to the *Export and Import Permits Act*. Quantitative restraints (i.e., quotas) on imports of textiles were eliminated for goods shipped after 31 December 2004 in accordance with the WTO Agreement on Textiles and Clothing (ATC). Individual import licensing or open general licensing requirements for such goods were eliminated on 1 April 2005. An import licensing system remains in place for textiles shipped in connection with Tariff Preference Level (TPL) provisions established pursuant to the Canada-United States-Mexico, Canada-Chile, Canada-Costa Rica, and Canada-Honduras Free Trade Agreements and for origin quotas established pursuant to the Canada-European Union Comprehensive Economic and Trade Agreement (CETA) and the Canada-UK Trade Continuity Agreement (Canada-UK TCA).

Purposes and coverage of licensing

2. Textile products on the *Import Control List* which are subject to individual import permits for TPL preferential access are as follows: cotton or man-made fibre fabrics and made-up goods (CUSMA, Chile, Costa Rica); wool fabrics and made-up goods (Chile and Costa Rica); cotton or man-made fibre spun yarns (CUSMA, Chile, Costa Rica), and fabrics and made-up goods (Honduras). Origin quotas established under the CETA and the Canada-UK TCA include certain woven fabrics, sewing thread, twine, carpets, plastic-coated/covered/laminated fabrics, linoleum, transmission or conveyor belts or belting, technical textile products, bed linens, toilet and kitchen linens, floor-cloths, polishing-cloths, dish-cloths and dusters.

3. The system applies to imports from the United States, Mexico, Chile, Costa Rica, Honduras, the European Union or other CETA beneficiaries, and beneficiaries of the Canada-UK TCA.

4. TPLs are special FTA provisions that provide tariff preferences for imports of non-originating textile and apparel goods up to a specified quantity. Above these specified quantities, non-originating textile and apparel goods are subject to the Most-Favoured-Nation rate of duty. The import licensing system is in place in order to implement quantitative import limits on goods shipped in connection with TPL provisions established pursuant to the Free Trade Agreements.

Origin quotas are alternative rules of origin that enable preferential tariff access for imports of eligible textile goods up to a specified quantity. Above these specified quantities, textile goods that do not meet the main rules of origin are subject to the Most-Favoured-Nation rate of duty. The import licensing system is in place in order to implement quantitative import limits on goods shipped in connection with origin quota provisions established pursuant to the CETA and the Canada-UK TCA.

5. The *Export and Import Permits Act* provides for the establishment of an *Import Control List* to implement an intergovernmental arrangement or to prevent the frustration or the circumvention of such arrangements. Import permits are issued for goods, including textiles, on the *Import Control List*.

Procedures

6.I. Information on TPLs and origin quotas and related formalities are published in the Canada Gazette, Canada Border Services Agency (CBSA) D-Memoranda and Customs Notice and in Notices to Importers. This information is available to customs brokers, associations and traders and upon request from Global Affairs Canada. Notices to Importers and additional information are also available on Global Affairs Canada and CBSA websites at:

TPL: http://www.international.gc.ca/controls-controles/textiles/index.aspx?menu_id=21&view=d
http://www.cbsa-asfc.gc.ca/publications/dm-md/d11/d11-4-22-eng.html

Origin Quotas: http://www.international.gc.ca/controls-controles/prod/ceta_origin_quotas-contingents_origine_aecg.aspx?lang=eng
https://www.international.gc.ca/trade-commerce/controls-controles/notices-avis/1037.aspx?lang=eng
https://www.cbsa-asfc.gc.ca/publications/cn-ad/cn17-30-eng.html

II. The TPL level primary units of measure (other than for yarns) are converted into Square Metre Equivalents (SMEs) by means of conversion factors found in each FTA. The yearly TPL levels for each FTA are as follows:

- Canada-Honduras Free Trade Agreement – Fabrics and made-up goods: 1,000,000.
- Canada-Costa Rica Free Trade Agreement - Cotton or man-made fabrics and made-up goods: 1,000,000 SME; Wool fabrics and made-up goods: 250,000 SME; and Cotton or man-made fibre spun yarn: 150,000 kg.
- Canada-Chile Free Trade Agreement - Cotton or man-made fabrics and made-up goods (limited to goods of Chapter 60 of the HS): 1,000,000 SME; Wool fabrics and made-up goods: 250,000 SME; and Cotton or man-made fibre spun yarn: 500,000 kg.
- Canada-United States-Mexico Agreement - United States: Cotton or man-made fabrics and made-up goods: 15,000,000 SME; and Cotton or man-made fibre spun yarn: 1,000,000 kg; Mexico: Cotton or man-made fabrics and made-up goods: 7,000,000 SME; and Cotton or man-made fibre spun yarn: 1,000,000 kg.
- There are no allocations to importers. The TPLs are administered on a first-come, first-served basis from 1 January to 31 December each year.

The origin quotas are measured by kilograms and square metres. The yearly origin quota levels are found in Table C.3 of the Protocol on rules of origin and origin procedures of the CETA; the same list has been incorporated by reference into the Canada-UK TCA: http://international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ceta-aecg/text-texte/P1.aspx?lang=eng#5_1

- There are no allocations to importers.
- The origin quotas are administered on a first-come, first-served basis from 1 January to 31 December each year.

III. Available TPL or origin quotas quantities not used in one year are not available to carry-over to the following year.

IV. Applications for TPL and origin quota permits are accepted until the TPL or origin quota level for a given TPL or origin quota is filled.

V. Permit applications input directly into the control system, with no errors, are issued immediately. Applications which require further information, or data entry at GAC are issued within 48 hours. Applications with complex issues may take longer.

VI. Not applicable because import permits are issued on a first-come, first-served basis.

VII. Consideration of permit applications is effected by a single administrative organ.

VIII. TPLs and origin quotas are made available on a first-come, first-served basis, whereby import permits are issued to importers on demand until the TPL or origin quota has been filled in a given year.

IX-X. Not applicable.

XI. No.

7. Not applicable.

8. Import permits are not normally refused if the criteria relating to issuance are met. If a permit is refused, for example, because of incomplete information on the application, the applicant is advised and given the opportunity to correct the anomaly.

Eligibility of importers to apply for licence

9. Applicants are eligible if they are a "resident of Canada." "Resident of Canada" is defined as meaning, in the case of a natural person, a person who ordinarily resides in Canada and, in the case of a corporation, a corporation having its head office in Canada or operating a branch office in Canada.

Documentational and other requirements for application for licence

10. Instructions and the information required to complete an import permit application and the form can be found on the web at:

- http://www.international.gc.ca/controls-controles/about-a_propos/impor/permits-licences.aspx
- http://www.cbsa-asfc.gc.ca/publications/dm-md/d11/d11-4-22-eng.html
- https://www.cbsa-asfc.gc.ca/publications/cn-ad/cn17-30-eng.html

11. Import permits and normal customs entry forms are required.

12. Any applicant may directly apply for a permit via customs brokers equipped with authorized computer terminals. Permit fees range from CAN$10.00 to CAN$26.00 (according to the value of the goods). This fee does not cover the cost of any additional services provided by such issuers.

Permits may also be requested, by email, from Global Affairs Canada for which the associated fees range from CAN$15.00 to CAN$31.00 (according to the value of the goods).

13. No.

Conditions of licensing

14. A permit is valid for 30 days. Should the permit expire, the cancellation and subsequent issuance of a replacement permit may be completed upon request.

15. No.

16. Licences are not transferable.

17. No.

Other procedural requirements

18. No.

19. Import permits issued pursuant to the *Export and Import Permits Act* are not a condition of foreign exchange transactions.

8.2.6 Clothing

Outline of system

1. Clothing is on the *Import Control List*, established pursuant to the *Export and Import Permits Act*. Quantitative restraints (i.e., quotas) on imports of clothing and handbags were eliminated for goods shipped after 31 December 2004 in accordance with the WTO Agreement on Textiles and Clothing (ATC). Individual import licensing or open general licensing requirements for such goods were eliminated on 1 April 2005. An import licensing system remains in place for clothing shipped in connection with Tariff Preference Level (TPL) provisions established pursuant to the Canada-United States-Mexico, Canada-Chile, Canada-Costa Rica, and Canada-Honduras Free Trade Agreements and for origin quotas established pursuant to CETA and the Canada-UK TCA.

Purposes and coverage of licensing

2. Clothing products on the *Import Control List* subject to individual import permits for TPL are as follows: wool apparel (CUSMA, Chile); cotton or man-made fibre apparel (CUSMA, Chile); and apparel (Costa Rica, Honduras). Origin quotas established under CETA and incorporated by reference in the Canada-UK TCA include certain knitted or woven garments such as: men's or boys' shirts, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches, shorts tracksuits, ski suits, and swimwear; women's or girls' blouses, shirts, t-shirts, jerseys, pullovers, cardigans, pantyhose, tights, stockings, socks, overcoats, raincoats, carcoats, capes, cloaks, anoraks, windcheaters, wind jackets, suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches, shorts, brassieres, girdles, corsets, braces, suspenders, and garters.

3. The system applies to imports from the United States; Mexico; Chile; Costa Rica; Honduras; the European Union or other CETA beneficiaries, and beneficiaries of the Canada-UK TCA.

4. TPLs are special FTA provisions that provide tariff preferences for imports of non-originating textile and apparel goods up to a specified quantity. Above these specified quantities, non-originating textile and apparel goods are subject to the Most-Favoured-Nation rate of duty. The import licensing system is in place in order to administer quantitative import limits on goods shipped in connection with TPL provisions established pursuant to these Free Trade Agreements.

Origin quotas are alternative rules of origin that enable preferential tariff access for imports of eligible apparel goods up to a specified quantity. Above these specified quantities, apparel goods that do not meet the main rules of origin are subject to the Most-Favoured-Nation rate of duty. The import licensing system is in place in order to implement quantitative import limits on goods shipped in connection with origin quota provisions established pursuant to the CETA and the Canada-UK TCA.

5. The *Export and Import Permits Act* provides for the establishment of an *Import Control List* to implement an intergovernmental arrangement or to prevent the frustration or the circumvention of such arrangements. Import permits are issued for goods, including clothing, on the *Import Control List*.

Procedures

6.I. Information on TPLs and origin quotas and related formalities are published in the Canada Gazette, Canada Border Services Agency (CBSA) D-Memoranda and Customs Notice and in Notices to Importers. This information is available to customs brokers, associations and traders and upon request from Global Affairs Canada. Notices to Importers and additional information are also available on the Global Affairs Canada and CBSA websites at:

TPL: http://www.international.gc.ca/controls-controles/textiles/index.aspx?menu_id=21&view=d
http://www.cbsa-asfc.gc.ca/publications/dm-md/d11/d11-4-22-eng.html

Origin Quotas: http://www.international.gc.ca/controls-controles/prod/ceta_origin_quotas-contingents_origine_aecg.aspx?lang=eng
https://www.international.gc.ca/trade-commerce/controls-controles/notices-avis/1037.aspx?lang=eng
https://www.cbsa-asfc.gc.ca/publications/cn-ad/cn17-30-eng.html

II. The TPL level primary units of measure are converted into Square Metre Equivalents (SME) by means of conversion factors found in each FTA. The yearly TPL levels for each FTA are as follows:

- Canada-Honduras Free Trade Agreement – Apparel goods: 4,000,000 SME.
- Canada-Costa Rica Free Trade Agreement - Apparel goods: 1,379,570 SME.
- Canada-Chile Free Trade Agreement - Cotton or man-made fibre apparel: 2,252,324 SME; and Wool apparel: 112,616 SME.
- Canada-United States-Mexico Agreement - United States: Cotton or man-made fibre apparel: 20,000,000 SME; and Wool apparel: 700,000; Mexico: Cotton or man-made fibre apparel: 6,000,000 SME; and Wool apparel: 250,000 SME.
- There are no allocations to importers. The TPLs are administered on a first-come, first-served basis from 1 January to 31 December each year.

The origin quotas are measured by units, kilograms, pairs or dozens. The yearly origin quota levels are found in Table C.4 of the Protocol on rules of origin and origin procedures of the CETA and as incorporated by reference in the Canada-UK TCA: http://international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/ceta-aecg/text-texte/P1.aspx?lang=eng#5_1

- There are no allocations to importers
- The origin quotas are administered on a first-come, first-served basis from 1 January to 31 December each year.

III. TPL or origin quota not used in one year is not available for carry-over in the following year.

IV. Applications for TPL permits and origin quotas are accepted until the TPL or origin quota level for a given TPL or origin quota is filled.

V. Permit applications input directly into the control system, with no errors, are issued immediately. Applications which require further information, or data entry at GAC are issued within 48 hours. Applications with complex issues may take longer.

VI. Not applicable because the import permits are issued on a first-come, first-served basis.

VII. Consideration of permit applications is effected by a single administrative organ.

VIII. TPL and origin quotas are made available on a first-come, first-served basis, whereby import permits are issued to importers on demand until the TPL or origin quota has been filled in a given year.

IX-X. Not applicable.

XI. No.

7. Not applicable.

8. Import permits are not normally refused if the criteria relating to issuance are met. If a permit is refused, for example, because of incomplete information on the application, the applicant is advised and given the opportunity to correct the application.

Eligibility of importers to apply for licence

9. Applicants are eligible if they are a "resident of Canada." "Resident of Canada" is defined as meaning, in the case of a natural person, a person who ordinarily resides in Canada and, in the case of a corporation, a corporation having its head office in Canada or operating a branch office in Canada.

Documentational and other requirements for application for licence

10. Instructions and the information required to complete an import permit application and the form can be found on the web at:

- http://www.international.gc.ca/controls-controles/about-a_propos/impor/permits-licences.aspx?menu_id=62&view=d
- http://www.cbsa-asfc.gc.ca/publications/dm-md/d11/d11-4-22-eng.html
- https://www.cbsa-asfc.gc.ca/publications/cn-ad/cn17-30-eng.html

11. Import permits and normal customs entry forms are required.

12. Any applicant may directly apply for a permit via customs brokers with access to the Export and Import Controls System. Import permit fees range from CAN$10.00 to CAN$26.00 (according to the value of the goods). This fee does not cover the cost of any additional services provided by such issuers. Import permits may also be requested, by email, from Global Affairs Canada for which the associated fees range from CAN$15.00 to CAN$31.00 (according to the value of the goods).

13. No.

Conditions of licensing

14. A permit is valid for 30 days. Should the permit expire, the cancellation and subsequent issuance of a replacement permit may be completed upon request.

15. No.

16. Permits are not transferable.

17.(a)No.

(b) No.

Other procedural requirements

18. No.

19. Import permits issued pursuant to the *Export and Import Permits Act* are not a condition of foreign exchange transactions.

8.2.7 Carbon and Specialty Steel

Outline of system

1. Carbon and specialty steel products are found in items 80 and 81 of the *Import Control List*, established under the *Export and Import Permits Act*. Products under items 80 and 81 are subject to general import permits with reporting and record keeping requirements (i.e., under General Import Permits No. 80 and 81).

Purposes and coverage of licensing

2. Carbon steel products were placed on the *Import Control List* under the authority of subsection 5(3) of the *Export and Import Permits Act* with effect 1 September 1986, for the purpose of monitoring their entry into Canada following a reference to the Canadian Import Tribunal pursuant to section 48 of the *Special Import Measures Act*. The Tribunal concluded that carbon steel products were being and likely to be imported into Canada at such prices, in such quantities and under such conditions as to make it advisable to collect information with respect to the importation of such goods. Carbon steel products, under item 80 of the *Import Control List*, are defined as semi-finished steel products (ingots, blooms, billets, slabs and sheet bars), plate, sheet and strip, wire rods, wire and wire products, railway-type products, bars, structural shapes and units, and pipes and tubes.

Specialty steel products were added to the *Import Control List* on 1 June 1987, following an amendment to the *Export and Import Permits Act*, in order for the monitoring system for steel to be comprehensive. Specialty steel products, under item 81 of the *Import Control List*, are defined as stainless steel flat-rolled products (sheet, strip and plate), stainless steel bar, stainless steel pipe and tube, stainless steel wire and wire products, stainless steel in ingots or other primary forms, semi-finished products of stainless steel, alloy tool steel, mold steel and high-speed steel.

Carbon and specialty steel products were re-added to the *Import Control List* on 2 November 2020 under the authority of subsection 5(1)(e) and section 6 of the *Export and Import Permits Act* for the purpose of implementing an intergovernmental arrangement or commitment, specifically, the Joint Statement by Canada and the United States on Section 232 Duties on Steel and Aluminum issued on 17 May 2019.

Products subject to General Import Permits No. 80 and 81 are subject to reporting and record keeping requirements as a term and condition of their applicable general import permit (effective 26 August 2019).

3. The import monitoring program applies to carbon and specialty steel imports from all countries.

4. The General Import Permits No. 80 and 81 are not intended to restrict the quantity or value of imports, but to monitor the volume and the origin of carbon and specialty steel products.

5. The action of placing carbon and specialty steel products on the *Import Control List* was taken under the authority of paragraph 5(1)(e) and section 6 of the *Export and Import Permits Act*.

Whether a product meets the description found in the general import permits is determined by the importer and may be subject to confirmation by the Canada Border Services Agency.

The Governor in Council may repeal or amend the *Import Control List*.

Procedures

6. N/A.

7. N/A.

8. N/A.

Eligibility of importers to apply for licence

9. Any resident of Canada may use the General Import Permits No. 80 and 81.

Documentational and other requirements for application for licence

10. N/A.

11. Customs entry forms.

12. N/A.

13. No.

Conditions of licensing

14-17. For General Import Permits No. 80 and 81, the applicable general import permit number (80 or 81) must simply be stated on the customs entry document. However, the permits have reporting and record keeping requirements as part of the terms and conditions of use. Detailed information on the steel general import permits and their terms and conditions is available in the Notice to Importers No. 1032: Steel General Import Permits No. 80 and 81 – Carbon and Specialty Steel Products, published on the website of Global Affairs Canada.

Other procedural requirements

18. No.

19. N/A.

8.2.8 Aluminum

Outline of system

1. Aluminum products are found in item 83 of the *Import Control List*, established under the *Export and Import Permits Act*. Products under item 83 are subject to a general import permit with reporting and record keeping requirements (i.e., General Import Permit No. 83).

Purposes and coverage of licensing

2. Aluminum products were placed on the *Import Control List* under the authority of subsection 5(1)(e) and section 6 of the *Export and Import Permits Act* (effective 1 September 2019) for the purpose of implementing an intergovernmental arrangement or commitment, specifically, the Joint Statement by Canada and the United States on Section 232 Duties on Steel and Aluminum issued on 17 May 2019. Aluminum products, under item 83 of the *Import Control List* are defined as: alloyed and not alloyed unwrought aluminum products, and wrought aluminum products limited

to bars, rods, profiles, wires, plates, sheets, strips, foils, tubes and pipes, tube and pipe fittings and other articles of castings and forgings.

Products subject to the General Import Permit No. 83 are subject to reporting and record keeping requirements as part of the terms and conditions of use (effective 1 September 2019).

3. The monitoring system applies to certain aluminum imports from all countries.

4. The General Import Permit No. 83 for aluminum is not intended to restrict the quantity or value of imports, but to monitor the volume and the origin of certain aluminum products.

5. The action of placing aluminum products on the *Import Control List* was taken under the authority of subsection 5(1)(e) and section 6 of the *Export and Import Permits Act*.

Whether a product meets the description found in the general import permit is determined by the importer and may be subject to confirmation by the Canada Border Services Agency.

The Governor in Council may repeal or amend the *Import Control List*.

Procedures

6. N/A.

7. N/A.

8. N/A.

Eligibility of importers to apply for licence

9. Any resident of Canada may use the General Import Permit No. 83.

Documentational and other requirements for application for licence

10. N/A.

11. Customs entry forms.

12. No.

13. No.

Conditions of licensing

14-17. The General Import Permit No. 83 must simply be stated on the customs entry document. However, the permit has reporting and record keeping requirements as part of the terms and conditions of use. Detailed information on the aluminum general import permit and its terms and conditions is available in the Notice to Importers No. 969: Item 83 – Aluminum Products, published on the website of Global Affairs Canada.

Other procedural requirements

18. No.

19. N/A.

9 PLANT PROTECTION ACT

Outline of system

1. A permit to import outlines phytosanitary conditions which must be met prior to export from the country of origin, during export and upon arrival in Canada. These conditions are required to prevent the introduction or spread within Canada of plant pests.

Purpose and coverage of licensing

2. In accordance with Section 31 of the *Plant Protection Regulations* and pursuant to the *Plant Protection Act*, a prospective importer must apply in writing for an import permit. According to section 32 and section 43 of the *Plant Protection Regulations*, the Minister of Agriculture and Agri-Food, on the basis of a pest risk assessment, may issue a permit for the importation of a thing that is either a plant pest, constitutes or could constitute a biological obstacle to the control of a plant pest or is/could be infested with either a plant pest or a biological obstacle to the control of a plant pest if, the Minister determines that every precaution necessary can and will be taken to prevent the introduction into Canada or the establishment and spread within Canada of a plant pest or biological obstacle to the control of a plant pest.

3. The system applies to plant pests (e.g., pathogens, insects, weeds, molluscs), plants and plant products and any other article whose importation into Canada is regulated under the *Plant Protection Act* and *Regulations*.

4. The permit system is not intended to restrict the quantity or value of imports. The purpose of the import permit system is to ensure that plant pests, plants and plant products and other articles regulated under the *Plant Protection Act* and *Regulations* imported in Canada conform to Canada's plant protection phytosanitary import requirements. The permit system is one measure used to reduce the risk of introduction into and spread in Canada of pests injurious to plants.

5. The permit system is legislated and regulated under the *Plant Protection Act* and the *Plant Protection Regulations*. The permit system is statutorily required. The determination that a product needs a permit is based on the assessment of the phytosanitary risk it poses. Lastly, it is not possible for the government to abolish the system without a regulatory amendment.

Procedures

6. There are no quantitative or value limits on the importation of products from other countries.

7.(a) An importer must obtain a valid import permit prior to importation. Once application for a permit is made with all required information and a review of the application has been completed, the CFIA will endeavour to issue a Permit to Import between five to ten business days (subject to change).

The Canadian Food Inspection Agency will not issue an import permit for regulated commodities that have already arrived in Canada. This is because an import permit is not retroactive.

(b) No. An application cannot be granted immediately upon request as it must be subject to a pest risk review.

(c) No, there are no limitations as to the period of the year in which an application for a permit to import can be submitted.

(d) Yes. All applications for a permit to import are sent to and approved by one administrative body. All applications are sent to the Centre of Administration, Regulatory Permissions and Registration Division, National Service Centres Directorate of the Canadian Food Inspection Agency. However, some commodities may be regulated by other governments departments and may be subject to other requirements.

Note: The Centre of Administration of the Canadian Food Inspection Agency delivers and coordinates the full range of operational administrative services required for import related

permissions under this section (http://inspection.gc.ca/about-the-cfia/permits-licences-and-approvals/eng/1395348112901/1395348237219).

8. The plant protection import permit may be refused on the grounds that the plants, plant products or other matter intended for importation will result or is likely to result in the introduction into Canada of a plant pest. A permit can also be refused or revoked if a person has contravened the Act and/or Regulations. The importer is advised of the refusal or revocation. The *Plant Protection Act* or *Plant Protection Regulations* do not prescribe an appeal procedure in cases where a permit is refused or revoked.

Eligibility of importers to apply for licence

9. An applicant for a Permit to Import must be one of the following: 1) a Canadian citizen or permanent resident; 2) a person authorized under the laws of Canada to reside in Canada for a period of six months or more and who will have possession, care or control of the thing to be imported; or 3) in the case of a corporation with a place of business in Canada, the applicant must be an agent or officer of the corporation who resides in Canada.

Note: The CFIA will not accept applications for Permits to Import submitted by brokerage firms on behalf of their clients. The actual Canadian importer (person/company) must submit the application.

Documentational and other requirements for application for a permit to import

10. An application for a permit shall be in writing, signed and dated by the person applying for the permit and contain the following information:

(a) The name, complete address and telephone number of the person;

(b) The name, complete address and telephone number of the owner of the thing to be imported, if different from paragraph (a);

(c) The name and complete address of the exporter;

(d) A description and the common and scientific names of the thing;

(e) The quantity of the thing;

(f) The purpose for which the thing is to be admitted into Canada;

(g) The place of entry and the location of the place of destination of the thing in Canada;

(h) The country and place where the thing was propagated or produced, and the country and place from which it was shipped to Canada;

(i) The number of packages, if sent by mail or courier service; and

(j) Any other information respecting any activity undertaken in respect of the thing, or the precautions that will be taken to prevent the spreading of any pest or biological obstacle to the control of a pest while the thing is transported, as the Minister may require.

11. The documents (e.g., phytosanitary certificate, certificate of inspection, certificate of treatment, certificate of origin, affidavit, etc.) specified on the permit are required at the time of importation.

12. Fees for each permit application can range between CAN$15 and CAN$250, depending on the reason for importation and the need for a pest risk assessment.

13. There is no deposit or advance payment that is required or associated with the issuance of a permit. However, full payment is required before a permit can be issued.

Conditions of permit

14. Permits to import are valid for the period of time specified on the permit. The permit to import is valid for multiple shipments and unlimited quantities unless otherwise specified. When a permit has expired, it is the responsibility of the importer to apply for a new permit.

15. There is no penalty for the non-utilization of a permit or a portion of a permit.

16. Import permits are not transferable between importers.

17. The issuance of an import permit relates only to the provisions of the *Plant Protection Act* and *Regulations*. There may be requirements under other Canadian legislation that also apply.

Other procedural requirements

18. Generally, there are no other administrative procedures apart from the import permit application procedures.

19. Not applicable.

10 HEALTH OF ANIMALS ACT

Outline of system

1. Under the Health of Animals Act and the Health of Animals Regulations, along with the associated Import Reference Documents for terrestrial animal health, the importation of live terrestrial and aquatic animals, animal and aquatic animal products, animal by-products, aquatic animal carcases, animal pathogens, and other things (such as used equipment) may be imported under certain conditions. Imports are permitted from countries that have negotiated export market access with Canada and comply with the negotiated animal health conditions.

Animal products and by-products used in the preparation of food, cosmetics, drugs (including pharmaceuticals for use in animals, pharmaceuticals and biologics for human use, and natural health products for use in animals or humans), and medical devices are also regulated by Health Canada through product-specific regulatory programs. For these products, the regulatory requirements for animal products and by-products are administered by the CFIA under the authority of the Food and Drugs Act and the Food and Drug Regulations. Veterinary biologics and their components are regulated by the CFIA under the Health of Animals Act and the Health of Animals Regulations. Importers must comply with the import requirements of all Canadian government departments or agencies for a particular commodity.

Authority for animal pathogens is shared between the CFIA and the Public Health Agency of Canada (PHAC). In 2013 an Order in Council (OIC SI/2013-41) transferred authority from the Minister of Agriculture to the Minister of Health for the responsibility of pure cultures of indigenous, terrestrial animal pathogens (HAR 51a). The CFIA maintains regulatory authority over non-indigenous terrestrial animal pathogens, aquatic animal pathogens and animal pathogens imported in an animal product or by-product (HAR 51a and 51b). For the pathogens under its authority, PHAC administers pathogen and toxins licences to certified containment laboratories for periods of 1 to 5 years depending on the risk groups of the pathogens. For pathogens under CFIA authority, answers are provided below.

In response to changes in health status, import requirements can change at any time.

For importation of aquatic animals (finfish, molluscs and crustaceans) and their products listed in the Health of Animals Regulations as susceptible to the diseases of concern, a permit and a zoosanitary certificate is required. For importation of aquatic animals (finfish, molluscs and crustaceans) and their products from shared waters within the U.S. which have been established as having the same health status for specific diseases of concern and are intended for specific end uses such as those for human consumption (Food Service, Retail Use and Further Processing), only an import permit may be required. Import permits are not required for aquatic animals not considered susceptible to diseases of concern and for products that are considered safe in accordance with international standards of the OIE or as a result of a risk assessment.

For the most up to date information and additional details on CFIA import requirements, please refer to the Automated Import Reference System (AIRS) at: http://www.inspection.gc.ca/english/imp/airse.shtml

Purpose and coverage of licensing

2. The following products are covered: Terrestrial live animals and germplasm, Susceptible species of live aquatic animals (finfish, molluscs and crustaceans) and their germplasm and products, Terrestrial animal products and by-products, Animal pathogens and Veterinary biologics.

For countries other than the U.S., a permit is required for:

- all terrestrial animals (except pet dogs and domesticated cats, certain rodents, reptiles excluding turtles and their eggs, amphibians and marine mammals),
- susceptible species of live aquatic animals, germplasm and their products
- semen (except canine),
- embryos,
- veterinary biologics,
- animal pathogens (CFIA permit or PHAC pathogen and toxin license), and
- certain animal products and by-products depending on the species and country of origin.

For importation from the U.S., a permit is required for the following:

- semen (except for equine and canine),
- embryos,
- veterinary biologics,
- psittacine birds (other than pet birds),
- turtles, tortoises,
- skunks, foxes and raccoons,
- some ruminants and swine,
- elephants,
- honeybees,
- dogs under eight months of age (commercial shipments and for research)
- certain rodents,
- certain animal products and by-products dependent on species,
- susceptible species of live aquatic animals, germplasm and their products, and
- animal pathogens (CFIA permit or PHAC pathogen and toxin license).

3. For terrestrial animals (both live animals and products/by-products): Imports are permitted only from countries which are recognized by the Canadian Food Inspection Agency as free of serious animal diseases which may affect the species of animal imported. However, certain animal products may be imported from countries that are not free of these diseases under an import permit if they have been treated or processed to eliminate the disease. Imports may also be restricted on behalf of other government agencies when there is concern about a disease which may be transmitted to people.

For aquatic animals: Imports are permitted only from countries with which a zoosanitary certificate has been negotiated based on an evaluation of their aquatic animal health regulatory system. Imports of aquatic animals and their products may be permitted without a zoosanitary certificate only from shared waters with the US that have been established as having the same health status for diseases of concern and are intended for certain end uses.

For animal pathogens: Imports may be permitted into containment laboratories certified and approved by the Government of Canada to appropriately handle the risks associated with the pathogen and/or the animal product or by-product associated with the animal pathogen. Animal pathogens in an animal product or by-product are subject to the same restrictions as indicated above - imports may be restricted from countries not recognized by the Canadian Food Inspection Agency as free of serious animal diseases. Under certain circumstances imports may be permitted if treated or processed to eliminate the disease.

If there is interest in importing a new commodity for which established import conditions do not exist, or from a country which has not been previously assessed by Canada, an Animal Health Risk

Assessment (AHRA) may be conducted which is a science-based risk evaluation. If supported by the outcome of the AHRA, the commodity may be imported.

4. The permit system is intended to ensure that all items identified in No. 1 are imported in conformity with Canada's sanitary health regulations to protect against the introduction of diseases into or spread within Canada. Decisions are made following a risk analysis and risk assessment process.

The value of imports is not restricted by import permits. For single entry permits a finite quantity may be stipulated in the permit and this quantity may not be exceeded. For multi entry permits this is no restriction on the quantity that may be imported.

5. The *Health of Animals Act and Regulations* thereunder. Importers of aquatic and terrestrial animals or their products or by-products are also required to comply with the requirements of all other applicable CFIA legislation, regulations, policies and directives, such as the *Safe Food for Canadians Act* and *Regulations*, the *Feeds Regulations*, and the *Fertilizers Act* and *Regulations*. Goods, products and animals requiring permits are specified (see No. 1). There is no authority to waive regulations.

Procedures

6. There are no quotas under the Health of Animals Act. If all aspects of an application package are compliant and it is for a commodity that may be imported into Canada, the import permit is issued.

7.(a) In the case of live animals, animal semen, animal by-products, animal pathogens, aquatic animals and their products an import permit must be issued prior to the commodity arriving in Canadian territory. The permit describes the conditions of importation pertaining to health certification, post-import conditions, treatments, etc. that must be satisfied. On arrival at the port of entry in Canada:

(i) animals and their products may be subject to veterinary inspection, as applicable, and the accompanying permit and health certification (if required) are inspected to assure that import requirements are met;

(ii) product inspection may occur at designated receiving centres inland;

(iii) some aquatic and terrestrial animals require post-import quarantine;

(iv) some aquatic and terrestrial animals require post-import testing (in quarantine); and

(v) ornamental aquatic animals may be required to be imported to designated premises.

In the case of veterinary biologics, production outlines and data to support purity, safety, potency and efficacy for each product must be submitted and approved prior to the issuance of the permit. They are examined and reviewed to assure the product is safe, free from contaminants and that the label meets all requirements.

In the case of animal pathogens, the importing laboratory must demonstrate compliance to the applicable Canadian biosafety standard prior to the issuance of the permit.

(b) There is no lag time between the import permit being issued and when the shipment may enter Canada. However, an import permit may not be issued to a shipment that has already arrived in Canadian territory. Most straightforward import permits not requiring an in-depth analysis are issued within ten business days of submitting the application. More complex applications may take additional time.

(c) No.

(d) The National Centre for Permissions (NCP) (formerly the Centre of Administration of the Canadian Food Inspection Agency) delivers and coordinates the full range of operational administrative services required for import related permissions under this section (http://inspection.gc.ca/about-the-cfia/permits-licences-and-

approvals/eng/1395348112901/1395348237219). All permit applications are sent to the NCP, Regulatory Permissions and Registration Division, National Service Centres Directorate of the Canadian Food Inspection Agency.

Other regulatory bodies may also have applicable import requirements for the commodity.

Examples include:

- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)-listed species which require an additional permit from Environment Canada;
- Other federal domestic requirements for introduction of aquatic animals into natural waters under Fisheries and Oceans Canada;
- requirements for products with medicinal claims under the Veterinary Drugs Directorate of Health Canada.

8. The CFIA can refuse to issue import permits on some occasions. Examples of these are:

(a) When the disease status of a country does not meet minimum criteria, a permit will not be issued.

(b) When a country does not have a satisfactory disease diagnosis capability or disease control organization, a permit may not be issued.

(c) Dependent on the departmental mandate for a particular commodity or risk factor/hazard, CFIA consults with either Health Canada, or Public Health Agency of Canada, with regard to zoonoses or communicable diseases common to humans and animals or in the case of aquatic animals, Fisheries and Oceans Canada with respect to introduction into natural waters.

(d) Commercial importers of veterinary biologics must be approved by the foreign company manufacturing the products and also must have acceptable facilities and procedures to meet the CFIA's import conditions, such as maintaining the cold chain and reporting adverse events.

If an applicant wishes to have a decision to decline an import permit reviewed or appealed, they may do so according to the protocol on the CFIA website.

Eligibility of importers to apply for permit to import

9. Any resident of Canada or company registered in Canada who has the necessary qualifications and facilities to satisfy the import permit conditions may apply for an import permit. There are applicable fees for import permits. There is no published list of authorized importers. The CFIA does not make information regarding import permits publicly available.

Documentational and other requirements for application for a permit to import

10. Application must be made electronically or in writing using the appropriate application form, and must specify the species, quantities, date of arrival, country of origin and purposes of import. For aquatic animals, Part XVI of the *Health of Animals Regulations* requires specific species listed in Schedule III to have an import permit. All aquatic animals must meet the requirements of Section 194 which includes name and address of the importer and exporter, taxonomic name, quantity/number and the location where the animal was born. For rendered products and pet food, inspection questionnaires for the exporting premises must be completed by the competent authority of the exporting country and included with the application.

Import permits may be applied for through the National Centre for Permissions (NCP) (formerly the Centre of Administration). Formalities for completing applications can be found at this site https://www.inspection.gc.ca/about-the-cfia/permits-licences-and-approvals/centre-of-administration-for-permissions/eng/1395348583779/1395348638922.

11. In addition to the permit to import animals, animal by-products, animal pathogens, aquatic animals and their products and the normal customs documentation, a zoosanitary certificate of health issued by the Competent Authority or Veterinary Services of the country of origin must accompany the shipment if required. Some exceptions exist for aquatic animals and their products.

A customs document is also needed. For terrestrial animals, some form of animal identification is generally required. Please consult the Automated Import Reference System for additional information on import requirements.

12. Yes. See CFIA Fees notice at: https://inspection.canada.ca/about-cfia/acts-and-regulations/list-of-acts-and-regulations/cfia-fees-notice/eng/1582641645528/1582641871296.

13. Yes, payments are requested at the time of submitting the application.

Conditions of permit

14. Will often vary depending on the commodity and the purpose of the importation. It varies from single entry shipment to multiple shipments over a one-year period. A single-entry permit is generally valid for three months.

15. No.

16. No.

17. Some commodities may fall under the import requirements of the Health of Animals Act as well as the requirements of other legislation under the administration of the CFIA. They may also fall under the requirements of other government bodies. It is the importer's responsibility to comply with all applicable legislation.

The conditions within an import permit are tailored to the specific commodity and are intended to prevent the introduction of animal diseases into Canada. Examples may include, the disease status of the country or origin, testing, quarantine, treatments etc.

If an importer is not able to meet one of Canada's established import conditions they may apply to the Canadian Food Inspection Agency for a derogation. This requires that the importer provide a written request outlining the reason the import condition cannot be met and an equal alternative risk mitigation measure to be reviewed and considered by the CFIA.

There is provision for the importation of certain food products to a maximum amount for sample purposes only under approved conditions.

Other procedural requirements

18. Pre-import quarantine and testing may be required.

For animal products and by-products, the conditions for import vary by the risk posed by the commodity, the processing, end use and origin. The importer may be required to obtain an import permit, and zoosanitary certification endorsed by the exporting country. To verify import conditions for terrestrial animal products and by products, please check the Automated Import Reference System (AIRS) as well as published import policies at http://www.inspection.gc.ca/animals/terrestrial-animals/imports/policies/animal-products-and-by-products/eng/1320833457085/1320851008731.

Once the importer receives the import permit, they are legally required to comply with the conditions within it in order to import the commodity.

19. Not applicable.

11 SAFE FOOD FOR CANADIANS ACT

Outline of system

1. The importation into Canada of food for human consumption is subject to licensing under the *Safe Food for Canadians Act* and *Regulations*, which are administered by the Canadian Food Inspection Agency. Under the *Safe Food for Canadians Regulations*, Canadian food businesses that conduct any of the following activities are required to obtain a license:

- import food
- manufacture, process, treat, preserve, grade, package, or label food to be exported or sent across provincial or territorial borders
- export food that requires an export certificate – even if not preparing the food
- slaughter food animals from which meat products are derived for export or to be sent across provincial or territorial borders
- store and handle a meat product in its imported condition for inspection by the Canadian Food Inspection Agency.

Import licensing under the *Safe Food for Canadians Act* and *Regulations* does not apply to:

- food additives
- alcoholic beverages (beverage that contains more than 0.5% absolute ethyl alcohol by volume)
- unprocessed food listed in Schedule 1 of the SFCR if it:
    - will be manufactured, processed or treated for use as grain, oil, pulse, sugar or beverage;
    - has a label applied or attached to it, or accompanying it, that bears the expression "For Further Preparation Only" or "pour conditionnement ultérieur seulement", and
    - is not a consumer prepackaged food.

Purposes and coverage of licensing

2. Under the *Safe Food for Canadians Regulations*, any imported food must be manufactured, prepared, stored, packaged and labelled under conditions that provide the same level of protection as foods made in Canada. To learn more about the requirements for importing food please visit https://inspection.canada.ca/importing-food-plants-or-animals/food-imports/general-requirements/eng/1526656464895/1526656465161

The provisions of the SFCA and SFCR do not apply to food in the following cases:

- food for personal use, when the food is not intended for commercial use, and
    - the quantity of food is equal to or under the maximum quantity limits, found in the document "Maximum Quantity Limits for Personal Use" (http://inspection.gc.ca/about-the-cfia/acts-and-regulations/list-of-acts-and-regulations/documents-incorporated-by-reference/personal-use-exemption/eng/1520439688578/1520439689098); and
    - the food is imported, exported, sent or conveyed from one province to another by an individual other than in the course of business; or
    - the food is imported or exported as part of the personal effects of an immigrant or emigrant
- food that is carried on any conveyance that is intended for the crew or passengers
- food that is intended and used for analysis, evaluation, research, or a trade show provided that the food is part of a shipment that weighs 100kg or less or, in the case of eggs, is part of a shipment of five or fewer cases
- food that is not intended or sold for human consumption
- food that is imported from the United States onto the Akwesasne Reserve by a permanent resident of the Reserve for their use
- food that is imported in bond (in transit) for use by crew or passengers of a cruise ship or military ship in Canada
- food that is traded between federal penitentiaries
- transporting a food commodity, if that is the sole activity of a person.

3. The licensing system applies to all importers, regardless of the food imported. A person importing food additives, beverages that contain more than 0.5% absolute ethyl alcohol by volume and foods used as a grain, oil, pulse, sugar or beverage (listed in Schedule 1 of the regulations) does not need a licence if those foods meet the requirements stipulated in section 11(2). Other non-quantitative restrictions exist for the import of certain species. For example, the importation of live freshwater mitten crab (genus *Eriocheir*) or puffer fish (family *Tetraodontidae*) is not permitted under the *Safe Food for Canadians Regulations*.

4. The licensing system is not intended to restrict the quantity or value of imports. Licensing will help the CFIA to:

- better identify food safety risks in order to target inspections
- communicate important food safety information directly to food businesses
- take enforcement actions, ranging from requiring corrective measures to suspending or cancelling a licence, when regulatory requirements are not met.

Importers must ensure they and the food they import meet all the applicable regulatory requirements.

5. The licensing of importers is legislated and regulated under the *Safe Food for Canadians Act* and *Regulations*. Licensing is statutorily required (see *Safe Food for Canadians Regulations*). There is no administrative discretion with respect to the products subject to licensing. Legislative approval would be required in order to abolish elements of the import system described in the *Safe Food for Canadians Regulations*.

Procedures

6. There are no restrictions under the SFCR regarding the quantity or value of food imports.

7.(a) A person must apply for a Safe Food for Canadians (SFC) licence to import in advance of declaring their shipment to the Canada Border Services Agency and the CFIA. The CFIA may issue a licence immediately on application or the CFIA may conduct an assessment prior to issuing the licence to verify that the conditions specified in section 29 of the regulations are met. Goods arriving at a port of entry without an SFC licence will not be permitted entry into Canada.

(b) See response to part (a).

(c) There are no limitations regarding the time of year during which an application can be made.

(d) Any person, which includes an organization, who wishes to import food into Canada for sale or distribution for human consumption, must first obtain an import licence from the CFIA via the MyCFIA application.

The application for a Safe Food for Canadians Licence is submitted solely through the My CFIA portal. The Centre of Administration of the CFIA delivers and coordinates the full range of operational administrative services required for import related permissions; it is a "single-window" process.

8. Under the *Safe Food for Canadians Regulations* (SFCR), there are certain conditions that must be met in order for a Safe Food for Canadians (SFC) licence to be issued. The list of conditions for issuance, renewal or amendment of an import licence is found in section 29. As part of these conditions, the CFIA cannot issue a licence to a person who is in default of payment of any fee related to the *Safe Food for Canadians Act* that is fixed under the *Canadian Food Inspection Agency Act*. Additionally, a licence cannot be issued where the CFIA is of the opinion that the issuance of a licence would present a risk of injury to human health.

The CFIA may also decide not to issue a SFC licence if, in the five years prior to the date of the licence application, the applicant (or any of their directors or operators) has had a licence suspended or cancelled or has been convicted of an offense under the *Safe Food for Canadians Act* or the *Food and Drugs Act*.

The reasons for not issuing a licence are available from CFIA's Centre of Administration.

In the event of a refusal, applicants can appeal the decision by submitting a complaint or appeal through CFIA's complaints and appeals process. More information, including the appeals process, is available on CFIA's Complaints and Appeals webpage.

Eligibility of importers to apply for licence

9. Any person or company is eligible to apply for a Safe Food for Canadians Licence. To be issued a licence, importers must have a place of business in Canada or in a country that has been recognized by the CFIA in accordance with section 12 of the Safe Food for Canadians Regulations. To learn more about the limited conditions in which an import licence can be granted to an importer residing in a

country other than Canada see the following: https://inspection.canada.ca/importing-food-plants-or-animals/food-imports/nri/eng/1539874432061/1539874432404.

Documentation and other requirements for application for licence

10. To apply for an import licence, the applicant must first create an account and business profile on the My CFIA portal. All information needed is listed on the Before you sign up for My CFIA webpage. Information required includes: business number, legal business name, proof of authority form, office address, mailing address and CFIA billing account number where they have one.

After signing up for the My CFIA account, the applicant can consult the Webpage "What to consider before applying for a Safe Food for Canadians Licence": http://inspection.gc.ca/food/sfcr/general-food-requirements-and-guidance/licensing/obtain-a-licence/eng/1543359915240/1543360663242#step3. Applicants will find all the information and the fees that they have to submit in order to get a licence.

11. The import licence holder must provide information on each import shipment, including their Safe Food for Canadians licence number through the Single Window Integrated Import Declaration (SW IID). The information that must be provided is listed in section 13 of the *Safe Food for Canadians Regulations.* The information must be provided at the time of or prior to import.

12. The fee for a Safe Food for Canadians Licence is CDN$260.61. Depending on the food commodity additional fees related to import may apply. See the CFIA's Fees Notice for more information.

13. The licensing fee of CDN$260.61 must be paid in order for a Safe Food for Canadians licence to be issued. There is no other deposit or advance payment required for the issuance of a licence.

Conditions of licensing

14. A Safe Food for Canadians Licence is valid for 2 years from the date of issuance. The period of validity of a licence can only be extended by renewing the licence prior to expiry. Licences are renewed through the My CFIA portal. Licence holders must update their licence information and pay the CDN$260.61 fee to renew their licence.

15. There is no penalty for the non-utilization of a Safe Food for Canadians licence.

16. Licences are not transferable between persons or businesses.

17. Other conditions attached to the issue of a licence:

(a) Not applicable.

(b) All conditions attached to the issuance of a Safe Food for Canadians licence are specified under section 29 of the *Safe Food for Canadians Regulations*. Licence applicants must meet all applicable requirements of the SFCR, including, in most cases, putting in place preventive food safety controls and documenting these controls in a written Preventive Control Plan. Import licence holders must also maintain procedures and processes for handling and investigating complaints and recalls.

Other procedural requirements

18. Certain products might have additional requirements related to plant protection or animal health under other legislation. Apart from this and the procedures provided for in the *Safe Food for Canadians Regulations*, including requirements associated with inspections, record keeping and declaration of import shipments, no additional administrative procedures are required.

19. Not applicable.

12 WILD ANIMAL AND PLANT PROTECTION AND REGULATION OF INTERNATIONAL AND INTERPROVINCIAL TRADE ACT

Outline of system

1. The Wild Animal and Plant Trade Regulations (WAPTR) is established under the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA). It serves for the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), to which Canada is a Party. WAPTR contains three Schedules; two of these Schedules (Schedule I and II) list species that are subject to licensing requirements. Schedule I lists species that are listed in one of the three Appendices to the CITES. Schedule II of WAPTR lists species which may be harmful to Canadian ecosystems if ever released into the wild. Schedule III of WAPTR lists species which are recognized as endangered or threatened in Canada. The trade controls under WAPTR apply to live specimens as well as parts and derivative products.

Information on how to comply with the requirements of these controls is published in the Canada Gazette, on the Canada.ca website, in press releases and in Notices to Importers distributed to associations and traders and, in addition, available upon request from the Department of the Environment.

Purposes and coverage of licensing

2. The purpose of this coverage is:

(a) to place a strict control on trade in specimens of species classified as endangered or harmful to Canadian ecosystems;

(b) to establish a system of trade controls to monitor trade of species that are endangered or species that are susceptible to becoming endangered as a result of international trade; and

(c) to allow individual countries to exercise surveillance on importation in other countries specimens of species which are considered endangered by the exporting country only.

3. The system applies to specimens of endangered species (listed in one of the three Appendices of CITES, which are mirrored in Schedule I of WAPTR), or species harmful to Canadian ecosystems (listed in Schedule II of WAPTR), originating in and exported from all countries.

4. The purpose of the licensing system is to control importation of: i) specimens of species, listed in one of the three Appendices of CITES, under internationally agreed circumstances and; ii) species listed in Schedule II of WAPTR, in the case where there are sufficient safeguards and security to prevent harm to Canadian ecosystems.

5. Licensing is effected by the WAPTR made under the WAPPRIITA. Individual products are not designated in the Act. Species are placed in Schedule I of the WAPTR, established by the Governor-in-Council to implement an intergovernmental arrangement or commitment (see No. 1 above). In addition, species which may be harmful to Canadian ecosystems if ever released into the wild, are listed in Schedule II of WAPTR and are also subject to licensing requirements.

Procedures

6. Not applicable.

7.(a) When importing a specimen of a species listed in either Appendix II or Appendix III of CITES, no Canadian import permit is required; the permit or certificate issued by the exporting country is sufficient to allow import into Canada. However, when importing a specimen of a species listed in Appendix I of CITES as indicated in Schedule I of the WAPTR, an application for a Canadian import permit should be made at least 35 days prior to the expected date of arrival. Individual import permits for species listed in Schedule II of WAPTR can be applied for at least 70 days prior to the expected date of arrival. Permits are not issued retrospectively.

(b) An individual import permit for species listed in Appendix I of CITES, as indicated in Schedule I of the WAPTR, is normally granted within 35 days from receipt provided the criteria for

issuing a permit are met. Import permits can be obtained within a shorter time limit in special circumstances, for instance where live animals are involved. An individual import permit for species listed in Schedule II of WAPTR is normally granted within 70 days from receipt provided the criteria for issuing a permit are met. Import permits for species listed in Schedule II of WAPTR can likewise be obtained within a shorter time limit in special circumstances, for instance where live animals are involved.

(c) Not applicable.

(d) Permit applications are processed by the CITES Authorities of the Department of Environment and Climate Change.

8. If the criteria have not been met, the applicant will be informed. In such event, the applicant may request reconsideration by providing new information.

Eligibility of importers to apply for licence

9. Citizenship and residency are not criteria.

Documentational and other requirements for application for licence

10. The importer is required to provide all the information requested by the Act and regulations depending on the type of animal or plant specimen intended for import. There are many application forms specific to the type of animal or plant specimen and trade activity.

CITES documents issued by the appropriate CITES authorities in the country of origin or in any subsequent re-exporting country, must accompany applications for CITES import permits.

11. Same documents as in the response to Question 10. Specimens of CITES listed species arriving in Canada without a duly authentic CITES export permit will not be cleared by Canada Customs and are subject to seizure. Specimens of species listed in Schedule II of WAPTR must be accompanied by a Canadian permit issued under subsection 10(1) of WAPPRIITA. Specimens of species listed on Appendix I of CITES (as mirrored in Schedule I of the WAPTR) must be accompanied by a Canadian CITES import permit. Customs entry forms are also required.

12. No fees.

13. Not applicable.

Conditions of licensing

14. Import permits required under WAPTR are valid for one year from the date of issue. In cases of permit expiration before use, the applicant can apply for a replacement permit upon return of the expired permit.

15. No.

16. No.

17. No.

Other procedural requirements

18. Applicants for import permits have to meet any provincial/territorial/federal administrative procedures with regards to the specimen such as provisions for possession or transport within Canada.

19. Not applicable.

13 EXPORT AND IMPORT OF ROUGH DIAMONDS ACT

Outline of system

1. The *Export and Import of Rough Diamonds Act* (S.C., 2002, c.25) received Royal Assent on 12 December 2002 and came into force on 1 January 2003. The Act provides for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for the export of rough diamonds in order to meet Canada's obligations under the Kimberley Process. Under this system, every person who exports rough diamonds must ensure that the diamonds are in a container that meets the requirements of the *Export and Import of Rough Diamonds Regulations* (SOR/2003-15) and are accompanied by a Canadian Certificate. On receiving an application for a Canadian Certificate from a resident of Canada for the export of rough diamonds, the Minister of Natural Resources must issue a Canadian certificate if the application meets the requirements of the Regulations. Before issuing a Canadian Certificate, the Minister must be satisfied that the export is to a participant, the information contained in the application is accurate, and the rough diamonds in respect of which the application is made originated in Canada, were extracted from mineral concentrates in Canada, were imported from a participant or were in Canada prior to 1 January 2003.

Every person who imports rough diamonds must ensure that the diamonds are in a container that meets the requirements of the Regulations and are accompanied by a valid Kimberley Process Certificate that was issued by a participant, has not been invalidated by the participant and that contains accurate information. For the purpose of this Act, in-transit rough diamonds are deemed not to be imported or exported.

Purposes and coverage of licensing

2. The purpose of this Act is to provide for controls on the export, import or transit across Canada of rough diamonds in order to meet Canada's obligations under the Kimberley Process. The Kimberley Process is an international understanding among participants that was recognized by Resolution No. 55/56 adopted by the General Assembly of the United Nations on 1 December 2000. The Kimberley Process establishes minimum requirements for an international scheme of certification for rough diamonds with a view to breaking the link between armed conflict and the trade in rough diamonds. A rough diamond is defined as a diamond that is unsorted, unworked or simply sawn, cleaved or bruted, and that falls under subheading 7102.10, 7102.21 or 7102.31 in the List of Tariff Provisions set out in the schedule to the Customs Tariff, but does not include diamonds that are of a class prescribed by regulation.

3. The system applies to rough diamonds originating in and coming from a participant. A participant is defined as a State, international organization of States or dependent territory of a State, or a customs territory, named in the Schedule to the Act.

4. The licensing is intended to impose controls on rough diamonds to regulate their import, export and transit across Canada in order to meet Canada's obligations under the Kimberley Process. The Kimberley Process establishes minimum requirements for an international certification scheme for rough diamonds with a view of breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts.

5. The licensing of exports is a requirement under section 8 of the Act, which establishes that a Canadian Kimberley Process Certificate is required for exporting rough diamonds from Canada. Section 12 provides that if the Minister of Natural Resources determines that information provided by an applicant in order to obtain a Canadian Certificate, or information appearing on the certificate, is inaccurate or has changed, the Minister may invalidate the certificate.

Section 14 of the Act requires that imports of rough diamonds be accompanied by a Kimberley Process Certificate issued by a participant, that has not been invalidated, and that contains accurate information. Subsection 15(1) provides that if imported rough diamonds arrive in Canada accompanied by a Kimberley Process Certificate that meets the requirements of section 14 of the Act, but are in a container that has been opened, the Minister may order the person who imported the rough diamonds to return them to the participant who issued the certificate.

Pursuant to paragraph 35(a), the Minister of Natural Resources may make regulations to prescribe the classes of diamonds to be excluded from the definition of "rough diamond".

Legislative approval would be required to abolish this system.

Procedures

6. Not applicable. Quantity and value restrictions, beyond the minimum requirements for Certificates in Annex I of the Kimberley Process Certification Scheme Document, do not apply to imports of rough diamonds.

7. The Kimberley Process Certification Scheme is implemented through the national legislation of the respective participants. The participants' exporting authority is responsible for issuance of licences for export. Although participants' licensing systems conform to the Kimberley Process minimum requirements, the terms vary from participant to participant in respect to application requirements and time frame for issuance of licences.

It takes typically a business day to issue a Canadian licence for exports of rough diamonds from Canada. For clients with remote printing capability, it may take as little as a couple of hours from the submission of an application to issue a Canadian Certificate for exports. The Canadian licences for exports are issued by the Kimberley Process Office in the Department of Natural Resources based in Ottawa. There are no further approvals required from other administrative entities for the issuance of export licences.

8. If an application for a Canadian licence for exports does not meet the criteria in subsection 9(2) of the Act, paragraph 9(1)(c) provides that the Minister must reject the application and the applicant is provided with the reasons for rejection in writing. Section 10 provides that if the applicant does not remedy the deficiency, within such time as the Minister considers reasonable, the Minister may reject the application.

Eligibility of importers to apply for licence

9. Import licences are issued by foreign authorities of the respective participants. Export licences are issued by the Kimberley Process Office in the Department of Natural Resources under the authority of the *Export and Import of Rough Diamonds Act*. Only Canadian residents may apply for a licence to export rough diamonds from Canada. Although the system does not currently require registration of persons or firms, the Minister may make regulations respecting the manner of submitting an application, specifying the information that must be included in it and the documents that must accompany the application

Documentational and other requirements for application for licence

10. An application for a Canadian licence for export of rough diamonds under section 9 of the Act must include the following information as set out in section 2 of the Regulations:

(a) The applicant's name and address in Canada and, if the applicant is a corporation, the name of the individual submitting the application on its behalf;
(b) If the applicant is not the exporter of the rough diamonds, the name and address of the exporter;
(c) The name and address of the person to whom the exporter is exporting the rough diamonds;
(d) The name of the participant to which the rough diamonds are to be shipped;
(e) The origin of the rough diamonds including:
    (i) If they were mined in Canada, the place and name of the mine;
    (ii) If they were recovered during exploration in Canada, the longitude and latitude of the exploration site, and the place and name of the facility in which they were extracted;
    (iii) if they were extracted in Canada from mineral concentrates that originated outside Canada, the place and name of the facility in which they were extracted;
    (iv) if they were present in Canada at the coming into force of section 8 of the Act, documentary evidence establishing their presence in Canada at that time; and
    (v) if they were imported into Canada after the coming into force of section 8 of the Act, the serial number of each Kimberley Process Certificate that accompanied the rough diamonds;
(f) The mass, measured in carats, of the rough diamonds in the shipment;
(g) The value, in United States dollars, of the rough diamonds in the shipment;

(h) The subheading in the List of Tariff Provisions in the schedule to the Customs Tariff under which the rough diamonds are classified;
(i) The number of containers in the shipment and a seal number for each container; and
(j) A declaration signed and dated by the applicant stating that the information contained in the application is accurate.

Section 3 of the Regulations provides that an application for the replacement of a Canadian licence for the export of rough diamonds under section 11 of the Act must meet the following criteria:

(a) Be made before the export of the rough diamonds;
(b) Contain all the information required under section 2 of the Regulations including any information appearing on the Canadian licence that is inaccurate of has changed; and
(c) Be accompanied by the Canadian licence in respect of which the application is made.

Under section 4 of the Regulations, an application to the Minister under section 9 or 11 of the Act must be delivered by hand or sent by mail or courier or by facsimile or other electronic means

11. Pursuant to subsection 14(1) of the Act, a Kimberley Process Certificate issued by a participant is required to accompany import shipments of rough diamonds into Canada.

12. There are currently no licensing fees or administrative fees charged to applicants for the issuance of licences for export of rough diamonds from Canada. However, section 34 of the Act provides that the Governor in Council may make regulations to prescribe the fees payable for the issuance or replacement of a Canadian licence.

13. There is no deposit or advance payment requirement associated with the issuance of export licences.

Conditions of licensing

14. Section 6 of the Regulations provides that a Canadian Certificate is valid until 24:00 Greenwich mean time of the day that is 60 days after the date of issue. The validity of a licence cannot be extended. However, the period of validity may be changed by regulation by the Minister of Natural Resources pursuant to subsection 35 (b) of the Act.

15. There is no penalty for the non-utilization of a licence.

16. Licences are not transferable.

17.(a)Not applicable.

(b) The Minister of Natural Resources may make regulations specifying the content of Canadian licences. Additionally, pursuant to section 7 of the Regulations, every exporter of rough diamonds must report the export to attest to the accuracy of the information contained in the Canadian licence by signing the report and sending it to the Minister within seven days of Export.

Other procedural requirements

18. Apart from procedures provided for in the Act and the Regulations, including requirements associated with inspections, record keeping and export and import reporting, no additional administrative procedures are required.

19. Not applicable.

14 FISHERIES ACT

Outline of system

1. The importation of shark fins or parts of shark fins that are not attached to a shark carcass for scientific research purposes is governed by regulations made under the *Fisheries Act*, which came into force on 21 June 2021.

Subsection 32.1(1) of the *Fisheries Act* establishes a legislative framework that prohibits attempted or actual import into Canada and export from Canada, any shark fins or parts of shark fins that are not attached to a shark carcass, except in accordance with a permit to conduct these activities. Only the Minister of Fisheries, Oceans and the Canadian Coast Guard can issue these permits for scientific research purposes related to shark conservation and the survival of shark species.

Purposes and coverage of licensing

2. Subsection 32.1(2) of the *Fisheries Act* has a provision for import permit licensing for shark fins and parts of shark fins that are not attached to a shark carcass to be used for research purposes; products under tariff item numbers 0302.92.00 (fresh or chilled shark fin), 0303.92.00 (frozen shark fin), 0305.71.00 (Dried, salted or smoked shark fins) and 1604.18.00 (Prepared or preserved shark fins) are covered under this licensing system.

3. The licensing system applies to goods originating in and imported from all countries.

4. The purpose of this licensing system is to permit the import of fins not attached to a shark carcass for scientific research purposes.

5. See paragraph 1 and 2.

Procedures

6. Not applicable in relation to the import permitting licence for shark fins for scientific purposes.

7.(a) The service standard for issuing a licence is 35 calendar days so the applicant must apply accordingly.

There is no expedited process to obtain a licence. If the item is imported without a licence, the applicant risks enforcement action.

(b) No.

(c) Time of year has no effect on the issuance of licences or when importation or exportation can occur.

(d) Licence applications are solely issued by the Department of Fisheries and Oceans Canada (DFO) and no other department is involved in the licence issuance.

8. The Minister of Fisheries, Oceans and the Canadian Coast Guard retains discretion in issuing permits under s. 32.1(2) of the *Fisheries Act* and they can make exceptions to these principles. The Minister may also impose any conditions that he or she considers appropriate in a permit issued under s. 32.1(2) of the *Fisheries Act*, and retains the power to amend, suspend or cancel a permit that has been issued.

Reasons for refusal would be provided to the applicant. DFO would be in contact with the applicant to discuss eligibility, missing information and any other possible issues after permit was applied for and in the review stage and advise the applicant on how to correct the issue(s). If after review, DFO officials recommend the permit not be issued, then officials would advise the applicant of the reasoning behind the refusal.

Since the Minister has discretion and the final decision-making power, if the Minister refuses to issue the permit then officials would, in turn, advise the applicant of this decision. The final authority for issuing or denying these permits rests with the Minister and there is no formal established appeal procedure. Nonetheless, the applicant can still contact the Minister's office to attempt to have a decision reconsidered.

Eligibility of importers to apply for licence

9. Persons, firms and institutions associated with a research institution or recognized international organization that has played an active role in shark conservation are eligible to apply for licences.

There is no system of registration of persons, firms or institutions to engage in importation or exportation. The eligibility of the applicant would be determined from the supporting documentation received.

There is no registration fee and no published list of authorized importers.

Documentational and other requirements for application for licence

10. The applicant must provide details regarding the objectives and protocols related to their research for each planned scientific study that is relevant to the permit being requested. Information on shark fins and/or parts of shark fins (i.e., product description, quantity, weight, etc.) is required with the application, including a rationale for the number of shark fins requested for import and/or export.

The applicant must submit relevant scientific publications that demonstrate that the researchers involved in the proposed research activities have published work that is relevant to shark conservation.

The applicant must submit proof of association with a research institution or recognized international organization that has played an active role in shark conservation during recent years and has developed widely used tools and/or approaches to support shark conservation initiatives; The applicant must describe how the proposed research activities are likely to benefit the survival of shark species or are required to enhance the chances of survival of shark species in the wild; The applicant must explain why the proposed research activities cannot be conducted in the country where the shark fins or parts of shark fins are currently located, and why importing or exporting the shark fins is essential to support the proposed research activities.

The justification must include information on other options that have been considered (i.e., working with a research institution in the country where the shark fins are currently located; using pictures of the shark fins if the objective of the research is to identify species) and why they should not be preferred.

The applicant must provide qualifications for any collaborators or research assistants involved (if applicable) and indicate whether or not they will be working independently from the applicant with the shark fins or parts of shark fins.

The applicant must submit a document explaining how the shark fins or parts of shark fins will be securely kept and/or disposed of to ensure that they will not be used for purposes other than the described scientific research; and if the applicant previously received a *Fisheries Act* authorization to import or export shark fins or parts of shark fins, the applicant must provide details that demonstrate proof of incremental progress to advance research on shark conservation or to benefit the survival of shark species in the wild (i.e., proof of publication, research results, statistics).

The latest information on applying for a license can be found on Department of Fisheries and Oceans website at: https://www.dfo-mpo.gc.ca/about-notre-sujet/publications/policy-politiques/shark-requin/permits-research-permis-recherche-eng.html.

11. Canadian import permits:

Importers are required under the *Customs Act,* that information reported to the Canada Border Services Agency (CBSA) must be true, accurate and complete. This means that the scientific or taxonomic names of all sharks and shark products imported must be declared upon entry. Importers must report scientific names of all imported shark species in the commodity description field of Form CI1, Canada Customs Invoice or the commercial invoice, either electronic or paper as per the instructions in Memorandum D1-4-1, CBSA Invoice Requirements, and/or in accordance with the technical requirements, specifications and procedures for electronic data interchange as set out in the Electronic Commerce Client Requirements Document (ECCRD). The latest import process is described in Canada Border Services Agency's Customs Notice 21-02 at: https://www.cbsa-asfc.gc.ca/publications/cn-ad/cn21-02-eng.html

Importers may be required to obtain a Convention on the International Trade of Endangered Species (CITES) permit for the import or export of shark fins if the species is covered by the Convention.

A CITES import permit is issued by Environment and Climate Change Canada (ECCC), who issue import permits for all species. Applicants may also be required to obtain a Species at Risk Act (SARA) permit and adhere to any SARA provisions for shark species listed in Canada as extirpated, endangered or threatened. SARA permits for aquatic species are issued by DFO.

12. There is no licensing fee or administrative charge for importing shark fin for research licence and for SARA permit.

13. No.

Conditions of licensing

14. A licence is valid for six months from date of issue. A licence cannot be extended. The applicant has to re-apply after the expiration of the licence.

15. There is no penalty for the non-utilization of a licence. The licence would simply expire. Licences can only be used once, so if an applicant used a portion of the licence (fewer items imported than listed on licence) the licence could not be reused for remaining items.

16. Licences are issued to one specific importer and are not transferable between importers.

17. No other conditions attached to the issuance of a license whether (a) for products subject to quantitative restriction or (b) for products not subject to quantitative restriction. If not covered by the permit issued in accordance with Section 32.1(2) of the *Fisheries Act*, all other related products would be covered by Canada's quantitative restrictions related to shark fins.

Other procedural requirements

18. No.

19. N/A