REPLIES TO QUESTIONNAIRE ON LICENSING

Addendum

CANADA

Import control procedures in Canada involve only a limited range of products. A small number of commodities are subject to quantitative restrictions, largely because of their involvement in agricultural price support programmes or, in the case of narcotics, because of international commitments. In these cases, import permits are naturally required. Other products, although not limited as to amount, are also subject to import control on grounds of public interest. This is accomplished either through import licensing or through certain other formalities at the port of entry.

As the import controls are administered by a number of Government departments, it is difficult to provide any overall description of the procedures involved. For this reason, the replies to the questionnaire have been organized by product groups. Replies have not been prepared in relation to licensing procedures for coffee and sugar, which are maintained exclusively because of, and in accordance with, Canada's obligations under the respective international commodity agreements to control imports from non-member countries.
1. Imports of specified dairy products are limited in order to maintain a minimum price and volume for Canadian producers through a system of import quotas controlled by the issuing of import licences under the Export and Import Permits Act.

2. Dairy products covered by the import control list are: butter, butterfat in any form, dry buttermilk, dry casein caseinates, dry skimmed milk, dry whole milk, dry whey, evaporated and condensed milks, animal feed containing more than 40 per cent of non-fat milk solids, and cheese of all types (no quantitative limits are involved in import controls on natural cheese for direct consumption except for Cheddar or Colby, nor for traditional imports of processed cheese or animal feed).

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

4. The licensing is intended to limit the quantity of the imports (in the case of cheese it was necessary to place all types on control list in order to ensure control of specified types).

- Alternative methods for limiting subject imports have not been considered,
- Not applicable.

5. The licensing is maintained under the Export and Import Permits Act.

- The Export and Import Permits Act empowers the Government to place products covered by agricultural support programmes under licence. The placing of items under licence is effected by regulations.

- Individual products are not designated in the Export and Import Permits Act.

- Parliamentary approval is needed to abolish the Act but products can be removed from import control list without parliamentary approval.

6. (a) Information on quotas and formalities is published in the Canada Gazette and press releases distributed to associations and traders.

- Not applicable.
- Not applicable.

- Overall amounts are published.
- Not applicable.

- The amount allocated to each importer is not published.
6. (b) - Size of quota usually on yearly basis.

- Quota period and licence period usually coincide but not always.
- Where periods do not coincide - the importer would request either a new licence or an extension to existing licence.

(c) - Licences are generally given to producers (and some to brokers).

- Not applicable.
- Unused allocations are added to quotas for succeeding period.
- Names of licensed importers are not made known to exporters.
- Information given on import permits under the Export and Import Permits Act is confidential and cannot be revealed except to persons legally entitled thereto.

(d) - Submissions must be made prior to allocation period (prior to effective date of new quota).

(e) Applications are processed in from one to five days.

(f) Not applicable.

(g) - Licence applications may be considered by more than one organization.

- Applications may be considered by Department of Industry, Trade and Commerce and the Department of Agriculture.
- The importer approaches only one administrative body.

(h) - If the demand for licences cannot be fully satisfied they are allocated on the basis of past performance.

- A maximum amount is allocated per applicant related to an amount in a base period.
- A minimum allocation is reserved for new importers.
- Applications are examined on receipt.

(i) - Not applicable.

(j) - Not applicable.

(k) - Licences are issued for butter on condition that it is exported and not sold in domestic market.
7. Not applicable.

8. - Each application is considered on its own merits, e.g. a licence may be refused if applicant is not a producer or if application contains false information.

- Reason for refusal to grant licence not necessarily given.

- Applicants have a right to appeal to processing organ and in extreme cases to court.

9. Canadian citizens and companies can apply for licences.

10. - Information as required by regulations (copy attached).

- Sample form attached.

- The processing organ has the discretion to ask for any information that is relevant.

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

12. - There is no licence fee.

- Not applicable.

13. - There is no advance payment associated with issue of licences.

- Not applicable.

14. Validity of licences are generally for six months with provision for a six-month extension. The validity of the licence can be extended by written consent.

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

16. Licences are not transferable between importers.

- Not applicable.

17. Special conditions may apply from time to time on any product (e.g. requirement to export butter imports).

18. Importation is subject to requirements of customs regulations.

19. Not applicable.
GRAINS

1. The importation into Canada of wheat, oats, barley and certain grain products are subject to import control pursuant to Part IV of the Canadian Wheat Board Act and the regulations thereunder depending on the supply situation.

2. The Canadian Wheat Board Act prohibits any person, other than the Board except if permitted under the regulations, from importing into Canada wheat or wheat products owned by a person other than the Board. This provision extends by regulations to include oats and barley.

3. The system applies to grains coming from all countries.

4. The import control is intended to restrict the quantity imported for orderly marketing and distribution of Canadian grains. No.

5. The Canadian Wheat Board Act and the regulations thereunder. The licensing is statutorily required for wheat and wheat products and is extended by regulations to include oats and barley.

6. (a)(b)(c)(d) If it appears that domestic supplies of any of these products at market prices are inadequate, applications for import permits may be forwarded to the Board which makes assessment of the supply situation and decides whether a permit will be granted. It may also happen that the Board, even in the absence of applications, may decide that imports are necessary and would advise the trade that applications for import permits would be entertained.

   (e) Permits are issued immediately provided that the application is in order.

   (f) One month.

   (g) Yes, the Canadian Wheat Board.

   (h) Quotas are allocated and permits granted on the basis of the market situation in Canada at the time. Permits are issued to new importers on the same basis as those of the previous importers.

   (i) Not applicable.

   (j) Not applicable.

   (k) No.

7. Not applicable.

8. Not applicable.

9. Any Canadian citizens or companies.
10. The prospective importer must specify the quantity required and the port of entry.

11. The import permit with the usual customs invoices.

12. No.

13. No.

14. Permits are normally valid for thirty days and if extension is required, new permits are issued.

15. No.

16. No.

17. No.

18. No.

19. Not applicable.
MEATS

1. The importation of meats into Canada is covered by the Meat Inspection Act and by the regulations thereunder.

2. This Act permits meats to be imported which originate in countries whose slaughtering and meat inspection provisions have been recognized by the Canadian Department of Agriculture, and which have been inspected according to the laws of the country of origin and are packed and marked according to prescribed Canadian standards. Although meat is normally subject only to inspection at the port of entry, prior approval by the Health of Animals Division, Department of Agriculture, is required of the importer for the initial importation of each type of meat. Uncooked meats are not permitted from specified countries where such serious livestock diseases as rinderpest and foot-and-mouth disease are prevalent. This restriction does not apply to canned cooked meats, nor are there any restrictions on imports of meat, either fresh or cooked, from the United States, Australia, New Zealand and Ireland.

3. There are no restrictions on imports of meat either fresh or cooked, from the United States, Australia, New Zealand, Ireland, as a result of a mutual agreement between the veterinary services of countries concerned. See 2 above.

4. Licensing is intended to control the quality, i.e. the sanitary standards.


6. Not applicable.

7. (a)(b) It varies according to conditions specified in 2 above.
   (c) No.
   (d) Health of Animals Division, Department of Agriculture.

8. Not applicable.

9. All Canadian citizens or companies.

10. Sample form attached.

11. Import permit in addition to usual customs invoices.

12. No.

13. No.

14. Normally based on calendar year.

15. No.
16. No.
17. No.
18. No.
19. Not applicable.
LIVE ANIMALS

1. The importation into Canada of live animals and biologics subject to import licensing to ensure that the sanitary standards are met.

2. Under the Animal Contagious Diseases Act and the regulations thereunder, the prospective importer of live domestic and zoo animals (other than dogs and cats) as well as of veterinary biologics.

3. Imports are permitted only from approved countries, that is those which are considered free from diseases. The countries approved may, of course, differ for each type of animal. The movement of live animals between Canada and the United States is excepted from this requirement on the basis of a mutual agreement between the veterinary services of the two countries.

4. The licensing is intended to control the quality, i.e. that the import shipments meet the sanitary regulations.

5. The Animal Contagious Diseases Act and regulations thereunder.

6. Not applicable.

7. (a) (b) In the case of live animals or semen, all imports are inspected at the port of entry and permits are issued immediately provided that the importation is approved. In the case of biologics, samples and protocols for each must be submitted and approved prior to the issuance of the permit. They are examined for safety, freedom from contaminants and proper labelling.

   (c) No.

   (d) The Health of Animals Division, Department of Agriculture.

8. Not applicable.

9. All Canadian citizens or companies.

10. Applications must show these specific animals or products to be imported. In the case of biologics, samples and protocols for each must be submitted and approved prior to the issuance of the permit.

11. In the case of animals or semen, a certificate of health by the country of origin must accompany the shipment.

12. No.

13. No.

14. Usually six months. Yes, upon request by the importer.

15. No.
16. No.
17. No.
18. No.
19. Not applicable.
PLANTS AND PLANT PRODUCTS

1. The importation of plants and plant products into Canada is subject to import licensing to ensure that the sanitary standards are met.

2. Under the regulations pursuant to the Destructive Insect and Pest Act, the prospective importer of plants must apply for an import permit for each shipment of living plants and plant parts for propagation, root crops from most countries, used bags, broom corn and certain other plant products. Importation of certain plant materials subject to particular diseases or pests, or from countries where certain diseases or insects are prevalent, may be restricted or prohibited. Regulations under the Fruit, Vegetable and Honey Act apply to root crops, and Health of Animals Regulations to certain used bags. Different procedures are applied for different groups of products in that the inspection of most plants is required on arrival; these are subject to treatment or refused if infested or infected. Used bags and broom corn from Europe are subject to fumigation unless otherwise specified in the permit.

3. The system applied to plants and plant products from all countries, except as otherwise mentioned in 2 above.

4. The licensing is intended to control the quality, i.e. that the import shipments meet the sanitary regulations.


6. Not applicable.

7. (a)(b) Application for a permit may be made by letter, wire or telephone. For approved importation, permits are normally issued within twenty-four hours of application.

   (c) No.

   (d) Plant Protection Division, Department of Agriculture.

8. Not applicable.

9. All Canadian citizens or companies.

10. The application for a permit must specify the quantity and kind, the country and locality of origin, name and address of consignor and consignee, destination and form and particulars of transportation. The importer must then advise the shipper of the permit number which must appear on each container and on the accompanying documents. Phytosanitary certification issued by the inspection authorities of the country of origin is required.
11. In addition to the import permit and the normal customs invoices, phytosanitary certification issued by the inspection authorities of the country of origin is required.

12. No.

13. No.

14. The import permit is normally valid for one shipment or for one year from the date of issue. However, in cases of multiple shipments under the same conditions, the import permit may cover multiple shipments during a year. Yes, upon request by the importer.

15. No.

16. No.

17. No.

18. No.

19. Not applicable.
EXPLOSIVES

1. The importation of explosives is governed by the Explosives Act and Regulations. Before an explosive may be imported it must be declared an authorized explosive by the Minister of Energy, Mines and Resources. This consists of submitting the composition and a sample for testing in laboratory.

2. There are two basic types of importation permits. One is called a general and the other an annual. A general importation permit is valid for one importation. An annual importation permit may be issued for explosives that, in the opinion of the Minister, constitute only a limited hazard to the general public or that are for use in a manufacturing process. This type of permit is valid for an unlimited number of importations. In addition, special permits may be issued for quantities not exceeding 2 lb. in weight if required for purposes of chemical analysis or scientific research.

3. The system applies to explosives from all countries.

4. The licensing is intended to control the quality, i.e. only authorized explosives.

5. The Explosives Act and Regulations. Yes, the licensing is statutorily required. No, the legislation does not leave designation of products to administrative discretion. The system requires legislative approval to be abolished.

6. Not applicable.

7. (a) The import permit is normally issued within twenty-four hours if all is in order, but can be obtained within a shorter time. Permits should be on hand when shipment arrives at customs.

(b) Yes.

(c) No.

(d) Yes, Explosives Division only.

8. Not applicable.

9. (a) No.

(b) Yes.

10. See attached form. No other document required. (Form P)

11. Completion and return of Importers Transmission Schedule. (Form S)
12. Yes - $1.00.

13. No.

14. A general permit is valid for six months from date of issue. An annual is valid for calendar year. Yes the validity of a general permit may be extended by amending the permit.

15. No.

16. No.

17. (a) No.

  (b) No.

18. No.

19. Not applicable.
RADIOACTIVE MATERIALS

1. The Atomic Energy Control Board has established a strict licensing system for the distribution and use of radioactive materials. Under this system, any person or organization (other than Atomic Energy of Canada Limited, which operates under special authorization) proposing to deal in radioactive materials in Canada must apply to the Board, giving details of the material and quantity requested, the proposed use, the facilities and protection equipment available, and the experience of the user. When satisfied, the Board issues a licence authorizing the applicant to obtain and use the material subject to any conditions recommended by the Board's health advisers.

   This licence authorizes acquisition as well as use and it is the applicant who names the supplier. The Board does not interfere with or limit in any way the choice of supplier. If he is foreign, however, the licensee must, pursuant to Section 201 of the Regulations under the Atomic Energy Control Act, obtain an import permit.

2. Section 201 of the regulations refers to the importation into Canada of any prescribed substance or prescribed equipment. "Prescribed substances" refer to any radioactive material, i.e. uranium, thorium, plutonium, radioactive isotopes of other elements, deuterium, and any other substances containing any of the said elements or isotopes. "Prescribed equipment" is defined as any real or personal property, other than prescribed substances, which may in the opinion of the Atomic Energy Control Board be used for the production, use or application of atomic energy. Only nuclear reactors have been so specified to date.

3. The system applies to radioactive materials from all countries.

4. The import licensing (permit) is intended to ensure that the material is destined to a person qualified and equipped to use the materials safely.

5. The Atomic Energy Control Act. Yes, the licensing is statutorily required. The designation of products subject to licensing is made by the Board with the approval of the Governor General in Council pursuant to the Atomic Energy Control Act. No.

6. Not applicable.

7. (a)(b) The application for an import permit can be approved only if the applicant is already in possession of a licence from the Board to authorize the acquisition and use of the "prescribed substances" or the "prescribed equipment".

7. (c) No.
7. (d) The Atomic Energy Control Board is the only organ authorized to approve the application for an import permit. Once approved, the application is forwarded to the Department of National Revenue who issue the permit on behalf of the Board.

8. Section 700(2) of the regulations under the Atomic Energy Control Act stipulates that "every order made under these regulations shall be final and binding unless and until it has been reviewed and varied or vacated by the Board".

9. Canadian citizens, companies or organizations.

10. Standard form (attached).

11. The licence authorizing acquisition as well as use of the "prescribed substance" or the "prescribed equipment" together with import permit.

12. Free of charge.

13. No.

14. A specific import permit which is issued to authorize a single shipment from one supplier is normally valid for a three to six-months period. A general import permit which is issued to authorize a number of importations over the valid period of the related licence from a number of suppliers located in one or several countries, depending on the wishes of the licensee, may be issued for a period of up to two years.

15. No.

16. No, as the Board has to be satisfied that the imported product will be destined to a user that can use it safely.

17. No.

18. The importer has to obtain from the Board the authority to acquire as well as to use the "prescribed substance" or the "prescribed equipment" it wishes to import.

19. Not applicable.
NARCOTICS AND DRUGS

1. The importation into Canada of narcotics and controlled drugs is subject to import licensing to ensure that dealers' procedures are in conformity with Canada's international obligations and domestic regulations and meet Canadian medical requirements. The import control of controlled drugs is covered by the Food and Drugs Act and by the regulations thereunder (Section GOLO 01 (d) and (e) and Division 2 of the regulations under Part III of the Food and Drugs Act, and Division 1 of the regulations under Part IV of the same Act. The import control of narcotics is covered by the Narcotic Control Act and by the regulations thereunder (Section 2(d) and (e) and Sections 4 to 11 of the regulations), and in so far as the licensing of dealers of the movement of narcotics are concerned, the international conventions on narcotics drugs (1961) to which Canada is a party.

2. The prospective importers of controlled drugs (amphetamine, metamethamphetamine and their salts; barbituric acids, their salts and derivatives) must apply on a standard form (copy attached) for a permit to cover each importation, specifying the origin, quantity and type of the material required. When controlled drug medication is required for scientific evaluation, import permits may also be issued to appropriate government departments and occasionally to institutions and hospitals.

   Prospective importers of narcotics must be firms domestically licensed to sell, manufacture, produce and distribute specified narcotics and must apply for and receive an import permit to cover each importation; such applications are made on a prescribed form (copy attached) specifying the origin, quantity and type of narcotics required.

3. The system applies to controlled drugs from all countries. Imports of narcotics are made from countries which are party to the International Narcotic Conventions to which Canada is a signatory.

4. The licensing of controlled drugs is intended to ensure that the importer is a licensed dealer (that he is in possession of an annual licence from the Department of National Health and Welfare, authorizing him to sell or manufacture specified drugs), and that items stipulated are covered by his licence. Normal medical needs and justification must also be shown on the import permit application.

   The import licensing of narcotics is to ensure that the importer is a licensed dealer, that the material reported is for medical purposes, that the items stipulated are covered by the licence and that the quantities required are within the balance of estimate authorized by international narcotic authorities. All narcotic material is subject to quantitative restrictions by reason of Canada's international commitments but in so far as controlled and restricted drugs, there are no quotas.

5. The Narcotic Control Act (1961) as amended, Part III and IV of the Food and Drugs Act (1961) as amended. Licensing is statutorily required. The types of narcotics, controlled and restricted drugs are covered in the schedules to the Acts (copies attached), but products may be added or deleted by order in Council.
6. (a) Allocations of quotas of narcotics are not published. Dealers are advised in the event quantities requested are in excess of quotas. The allocation of quotas and granting of permits for imports of narcotics is based on the value of imports by the firms concerned in previous years and on expected medical demand. Permits to new importers are granted in conformity with the provisions of the regulations and with the international licensing system.

(b) The quotas of narcotics are annual.

(c) Permits to import narcotics are issued to licensed dealers only. There is no manufacture of narcotic products other than minor cough mixtures and sedatives by stipulated firms.

(d) All narcotics quotas are on a calendar year basis.

(e) All the import permits are issued within five working days of receipt of application.

(f) All permits are valid for three months from the date of issue.

(g) All applications for import of narcotics are sent to the Division of Narcotic Control, Department of National Health and Welfare, which examines each application, and permits are issued on authority of the Minister of the Department of National Health and Welfare.

(h) First-come-first served and past performance basis.

(i) Under the international estimate system and the international licensing system, narcotics covered by an import permit must also be covered by an export permit issued by the narcotics authorities of the supplying country. Both permits are documented by narcotic authorities of the opposite country.

(j) Not applicable.

(k) This applies to narcotics imported from the United States.

7. (a) The importer of controlled and restricted drugs must be in possession of an import permit.

(b) Import permits may be granted on request. A legitimate request from dealers in controlled drugs is accepted. In so far as restricted drugs are concerned, these are only imported for scientific evaluation.

(c) All permits are valid for three months from the date of issue.

(d) Yes, the Division of Narcotic Control, Department of National Health and Welfare.
8. In the case of narcotics, an application for a licence can be refused if there is an insufficient quota balance. Licensed dealers are routinely inspected by professional staff and no major administrative problems have been experienced with them.

9. Permits to import or export narcotics or controlled drugs may be issued to any licensed dealer subject to the qualifications in 6(a) and 7(b) above. In addition, and as a result of a special request, permits may be issued to appropriate government departments and to research branches of universities. A list of licensed dealers is published annually. Amendments to show additions and deletions are sent out periodically.

10. Form attached.

11. The import permit.

12. No.

13. No.

14. Three months. The period of validity of a licence can be extended on request from dealers.

15. No.

16. No.

17. No.

18. No.

19. Not applicable.