Information on import licensing procedures of Canada submitted in response to the questionnaire annexed to document L/5126, has been made available to contracting parties in document L/5126. The following notification describing the procedures maintained under the National Energy Board Act (Part VII of L/5126) and under the Export and Import Permits Act in respect of beef and veal (Part VIII(b)(6) of L/5126) supplements the data previously submitted by Canada.

VII - National Energy Board Act
NATURAL GAS AND ETHANE

Outline of system

1. The National Energy Board Act and the Part VI Regulations made thereunder control imports of natural gas by pipelines, railway tank cars and tank trucks or tankers. Imports are authorized by both licences and orders. Licences are issued for large volume imports while orders are used in the case of small volume and emergency imports. An application is made to the Board for import authorization and depending on the type of authorization requested (licence or order) the application may or may not be set down for a public hearing. Any licence or order, other than an emergency import order, is not effective until approved by the Governor-in-Council.

Purposes and coverage of the licensing

2. As stated, the licences are issued for the larger volume imports of natural gas while orders are used in the case of small volume and emergency imports of natural gas (or liquefied natural gas or ethane).

3. The system described applies to goods originating in and coming from any country. In practice, however, all imports of natural gas have, to date, been from the United States.

4. The licensing of imports is for regulatory and emergency purposes. Since the formation of the National Energy Board in 1959 there has been a shortage of natural gas in the United States and a surplus of natural gas produced in Canada. Therefore, the purpose of licensing has not been to restrict the quantity or value of imports per se.
The licensing is maintained under the National Energy Board Act, a statute of the Government of Canada. The designation of products, i.e., natural gas, is specifically referred to in the Act and is not subject to administrative discretion. Legislative action would be required to abolish the system.

Procedures

6. (a)(b)(c)(d) Since natural gas is not restricted as such as to the quantity or value of imports, sub-sections (a), (b), (c) and (d) of this section of the questionnaire would not seem to be applicable.

(e) For processing applications, the minimum length of time is approximately one month, while the maximum length depends on whether a public hearing is required and could take up to four months or longer. Applications for emergency import purposes can be approved immediately.

(f) Between the granting of licences and the date of opening of the period of importation, the time remaining may be immediate or some practical interval not unduly restrictive.

(g) The importer has to approach one administrative organ only, the National Energy Board. However, the licence or order granted for such an import, other than an emergency import order, has to be approved by the Governor-in-Council before final authorization is granted.

(h) Applications are examined on receipt, except for special situations arising as a result of emergency conditions. To date, import licences have not been allocated. Any licences authorized to date have recognized the special circumstances of export-imports (passage through foreign soil only), emergency situations and trade-offs.

(i) There are no applicable bilateral arrangements.

(j) The granting of import licences would be conditional on an export licence being granted by the appropriate foreign government agency.

(k) Not applicable.

7. (a) Application for a licence should be made in advance of importation by a reasonable length of time, depending on the scope of the importation.

(b) An order can be granted immediately by the Board in an emergency situation.

(c) There are no limitations as to the period of the year during which application for licence and/or importation may be made.
(d) See response to 6(g) above.

8. An application for a licence may be refused for failure to meet ordinary criteria such as price, failure to consider alternate domestic supplies, etc. An applicant, in the event of refusal to issue a licence may resubmit his application with appropriate amendments to the same Board. Appeal can be made to the Federal Court of Appeal, on leave being obtained from that Court.

Eligibility of importers to supply for licences

9. All firms, persons and institutions, within the meaning of the Act, are eligible to apply for licences.

Documentational and other requirements for application of Licence

10. The Board may have regard to the following information in the applications: the availability of gas; the existence of markets, natural or potential; the economic feasibility; the financial responsibility; and the public interest. The Governor-in-Council may make regulations respecting the information to be furnished by applicants for licences and the procedure to be followed in applying for licences as constituted in the National Energy Board Act under the Regulations made pursuant to Part VI of that Act, and specifically Section 5 entitled "Information to be Furnished by Applicant for Licence to Import Gas".

11. Documents required upon actual importation are as stated in the licence or order authorizing the import. Full details of documentation requirements are set out in the National Energy Board Part VI Regulations.

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

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

Conditions of licensing

14. No import licence shall be issued for any period in excess of twenty-five years from a date to be fixed in the licence. The validity of a licence cannot be extended beyond this period without an amendment to the Act, by Parliament.

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

16. Licences are not transferable between importers.
17. Conditions attached to the issue of a licence would normally include installation of metering, inspection and reporting, subject to requirements defined by the Board.

Other procedural requirements

18. Apart from procedures defined in the Regulations made pursuant to the Act, no additional administrative procedures are required.

19. Not applicable.

VIII - Export and Import Permits Act

(b) Other Responses - by Product Groups

(6) BEEF AND VEAL

Outline of system

1. Beef and veal meats are on the Import Control List established under the Export and Import Permits Act. The importation of these meats into Canada is currently allowed under open general licensing.

Purposes and coverage of licensing

2. Beef and veal in fresh, chilled and frozen form except offals are subject to general import licensing. Feet, livers, kidneys, hearts and brains are excluded from the coverage of this licensing.

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

4. Beef and veal are on the Import Control List in support of a domestic cattle stabilization programme under the Agricultural Stabilization Act. The general licensing has no restrictive effect.

6. Not applicable.

7. Not applicable under open general licensing.

10. Not applicable.

11. Not applicable.

18. Imports of beef and veal must satisfy usual customs requirements as well as the requirements of the Canada Meat Inspection Act and the Animal Disease and Protection Act.