



Ottawa, September 17, 2008

MEMORANDUM D1-8-1

In Brief

LICENSING OF CUSTOMS BROKERS

1. This memorandum has been revised to reflect all relevant regulatory and policy changes made since March 26, 1993.
2. Three of the more significant changes are as follows:
 - (a) The *Customs Brokers Licensing Regulations* have been removed from Memorandum D1-8-1. However, they do still apply and can be found on the Department of Justice website.
 - (b) The Licensing Advisory Committee (LAC) now consists of representatives of the CBSA, the Canadian customs brokerage industry and the Canadian import and export industry. Furthermore, the LAC now advises on matters related to the licensing of customs brokers.



Printed in Canada



Ottawa, September 17, 2008

MEMORANDUM D1-8-1

LICENSING OF CUSTOMS BROKERS

This memorandum details the procedures to be followed by an individual, partnership, or corporation applying for a customs broker license and the conditions under which licensed customs brokers have to operate.

GUIDELINES AND GENERAL INFORMATION

1. A customs broker is an individual, partnership, or corporation that acts as an agent to transact business with the Canada Border Services Agency (CBSA) on behalf of the owner or importer of goods.
2. While for most purposes, any agent may represent a client when transacting business with the CBSA, only a licensed customs broker may account for goods and pay duties under section 32 of the *Customs Act* as the agent of the owner or importer of the goods.
3. Customs broker licenses are issued under Section 9 of the *Customs Act*. The requirements to obtain and hold a customs broker license are detailed in the *Customs Brokers Licensing Regulations*.

LICENSING ADVISORY COMMITTEE

4. The Licensing Advisory Committee (LAC) advises the Minister, or a person designated by the Minister, on matters related to the licensing of customs brokers including:
 - (a) the issue, renewal, suspension or cancellation of licenses;
 - (b) policies and procedures related to professional qualifications and licensing;
 - (c) disciplinary action and complaints against customs brokers; and
 - (d) other matters respecting the licensing of brokers.
5. The LAC consists of representatives of the CBSA, the Canadian customs brokerage industry, and the Canadian import and export industry. The terms of reference for the LAC are attached at Appendix A.
6. The Manager, Brokers Licensing and Account Security Programs, is the Secretary of the LAC. The role of the Secretary is to administer the business of the LAC and to advise individuals regarding LAC decisions in connection with the granting of licenses and other matters.

QUALIFICATIONS

General

7. A customs broker license can be granted to an individual, a corporation, or a partnership of individuals or corporations.
 8. An individual applying for a custom broker license has to be a citizen or permanent resident of Canada who is of good character, who is at least 18 years of age, who has the financial resources to conduct business in a responsible manner; and who has sufficient knowledge relating to imports and exports.
 9. A corporation applying for a custom broker license has to be incorporated in Canada, and a majority of directors have to be citizens or permanent residents of Canada. The corporation and all directors are to be of good character. The corporation has to have the financial resources to conduct business in a responsible manner, and at least one officer of the corporation has to be a qualified officer, as defined in the subsequent section "Qualified Officer", and have sufficient knowledge relating to imports and exports.
 10. In a partnership of individuals applying for a customs broker license, each individual has to be a citizen or permanent resident of Canada who is of good character and who is at least 18 years of age. The partnership has to have the financial resources to conduct business in a responsible manner, and at least one partner has to be a qualified officer and have sufficient knowledge relating to imports and exports.
 11. In a partnership composed of corporations applying for a customs broker license, all corporations have to be incorporated in Canada with a majority of directors who are citizens or permanent residents of Canada. All corporations and all directors have to be of good character. All corporations have to have the financial resources to conduct business in a responsible manner. At least one officer of at least one of the corporations has to be a qualified officer and have sufficient knowledge relating to imports and exports.
 12. All of the above reflects the requirements to be met in section 3 of the Regulations.
- ### Qualified Officer
13. Any individual or organization operating as a customs broker, whether a sole proprietorship, a corporation, or a partnership of individuals or corporations, has to have a

qualified officer. If the license is granted to a corporation or a partnership of corporations, the qualified officer has to be a partner, a director or an officer of the corporation. If the license is granted to a partnership of individuals, the qualified officer has to be one of the partners. If the license is granted to a sole proprietorship, the qualified officer has to be the owner of the unincorporated business granted the license.

14. The qualified officer is an individual who meets the requirement of sufficient knowledge relating to imports and exports. In addition to meeting the requirements of the general qualifications listed previously, this individual has to meet the knowledge and experience qualifications set out in section 4 of the Regulations, as detailed below.

15. For individuals to continue to meet the knowledge requirement of the Regulations, they have to be a partner or be a director or work in the customs brokerage industry as a qualified officer or as an employee of a licensed customs broker. If there is a break in service, the individual may no longer be eligible. The maximum length of a break in service depends on when the break occurred.

Loss of Status

16. To remain eligible as a qualified officer, individuals who meet the knowledge and experience requirements of the Regulations have to work in the customs brokerage industry as a qualified officer or as an employee of a licensed customs broker. If there is a break in service, the individual may no longer be eligible. The maximum length of a break in service depends on when the break occurred:

- (a) If the break in service occurred prior to November 1986, any length is acceptable;
- (b) If the break in service occurred between November 1986 and April 2002, it cannot exceed six months; and
- (c) If the break in service occurred after April 2002, it cannot exceed twelve months.

17. If an individual has forfeited eligibility due to a break in service, their status may be reacquired through successful completion of the customs brokers professional examination.

LICENSING PROCEDURES

Application

18. Applications are made on form L53, *Application for a Customs Brokers License*. Applications have to be completed in detail by the qualified officer to show information relating to the sole proprietor, all the partners, or all the directors of a corporation. A sample form L53 is contained in Appendix B.

19. A complete application package includes:

- (a) a completed application form L53;

- (b) security in the amount of \$50,000; and

- (c) a completed form L60, *Customs Brokers Questionnaire*, for the qualified officer and all partners and directors. A sample form L60 is contained in Appendix C to this memorandum.

20. If the applicant is a corporation or a partnership of corporations, the following documentation also has to be provided:

- (a) a copy of the certificate of registration or incorporation for each corporation, proving that the firm is registered in the province where it intends to conduct business; and
- (b) a resolution of the board of directors appointing the qualified officer as an officer of the corporation. If the applicant is a partnership of corporations, this is required for only one of the partners.

21. The applicant may be requested to provide information, such as financial statements, to demonstrate sufficient financial resources to conduct business in a responsible manner. This information does not have to be submitted with the application, but may be requested at any time during the licensing process.

22. The application form, signed by the Qualified Officer, is to be submitted to the CBSA commercial office where the applicant intends to conduct business.

Security

23. Security in the amount of \$50,000 is to be included with the application. The security can be in the form of cash, certified cheque, a transferable bond issued by the Government of Canada, or a D120 bond. Additional information on posting security can be found in Memorandum D1-7-1, *Posting Security for Transacting Bonded Operations*.

Processing of Applications

24. When all required information and completed documentation has been submitted to a CBSA office, the application process takes approximately three months from the date of submission to the approval of a license.

25. Upon receipt of an application, the chief officer of customs where the applicant intends to conduct business shall post form L56, *Notice of Application for Customs Brokers License*, for a period of two weeks (10 business days) inviting written comments or information from the public regarding the application. A sample of form L56 is contained in Appendix E to this memorandum. The form L56 will also be posted electronically, and may be distributed to interested parties by the CBSA for comment.

26. At the end of the period for public comments, the CBSA office shall forward the complete application package, including any written responses to the notice of

application, to the responsible regional director's office for review.

27. The good character requirement for qualified officers, directors, and partners is established by a departmental investigation conducted by the regional director's office. This investigation will examine criminal records and personal and work references. The information provided on form L60 will be used in this investigation.

28. Once the investigations have been completed, the regional director will review the complete application package, ensure that all required documentation has been submitted, sign the application form, and forward the complete application package to the Secretary of the LAC.

29. The Secretary will review the application to determine if the applicant meets all the requirements of the Regulations. The Secretary will then prepare an application summary, including a recommendation for approval or rejection of the application, and forward it to the LAC for review.

30. The Secretary will respond to all written comments received from the public in response to the notice of application.

31. If the LAC is satisfied that the applicant meets all requirements of the Regulations, they will recommend to the Vice-President of the Admissibility Branch that a license be granted.

32. If the Vice-President approves the application, the complete application package will be returned to the Secretary. The Secretary will notify the regional director who is responsible, on behalf of CBSA, for the commercial CBSA office where the licensed customs broker will be conducting business, that the application has been approved. A customs brokers license certificate will be prepared, signed, and forwarded to the applicant.

33. The regional director will conduct a site inspection of the applicant's place of business to ensure that it meets the requirements specified in this memorandum. If the inspection is completed successfully, the regional director will collect the license fee.

34. The customs broker is then authorized to begin business.

35. The regional director will inform the Secretary that the inspection has been completed and the fee has been paid.

Rejection of Application

36. If at any point during the application process, the application is found to be incomplete, it will be rejected and returned to the applicant. The application may be resubmitted once it has been completed.

37. If the LAC determines that any of the requirements of the Regulations have not been satisfied, they will reject the application. The Secretary will inform the applicant in

writing that the application has been rejected, specifying the requirement or requirements that have not been fulfilled.

The applicant may request that the LAC review the decision on the basis of new or additional information.

Additional Licenses

38. A licensed customs broker may apply for an additional license to conduct business at another commercial CBSA office. The requirements to apply for and hold an additional license are the same as for a new license. Additional security is to be posted for the additional office, and all steps in the application process have to be followed. The qualified officer will make the application on behalf of the company.

39. Upon receipt of an application for an additional license from the regional director, the Secretary may give permission to the broker to operate pending final approval, provided that no changes have taken place since the previous application and there are no problems identified by the background investigation. However, where any change or problem is identified, conditional permission cannot be granted and the application will be processed as a new application.

License Fees

40. The annual fee for a customs broker license is \$600. A separate fee is required for each license held by a broker.

41. The license fee will not be refunded when a customs broker ceases operations prior to the end of the licensing period.

CONDUCT OF BUSINESS

License Location

42. A successful application for a customs broker license authorizes the holder to transact business as a customs broker at a single commercial CBSA office, which is to be specified on the application and which will be named on the license.

43. As detailed in section 13 of the Regulations, a licensed customs broker is also permitted to transact business at designated offices where no customs broker is licensed. In addition, a licensed customs broker is permitted to transact business, by electronic means only, at any commercial CBSA office in Canada.

Commencing Business

44. Once the LAC has recommended approval of an application, they may issue a letter authorizing the applicant to commence business as a licensed customs broker pending final approval. This authority shall be valid for a period of no more than six months.

45. Upon completion of a site inspection and payment of the license fee, the broker may commence operations.

Business Office

46. The business office mentioned in section 13 of the Regulations will consist of not less than a separate desk, telephone, and independent files and records. The business office has to have access to a complete set of CBSA D-Series Memoranda. As these memoranda are published on the CBSA web site, a working computer with an Internet connection that is capable of downloading and displaying these memoranda is considered acceptable for this purpose.

47. Each business office shall display a sign bearing the name under which the customs broker is licensed to operate as well as the customs broker license or a copy thereof.

Importer Receipts

48. Subsection 14(c) and (d) of the Regulations requires customs brokers to provide their clients with copies of the accounting documents submitted on their behalf. Where the broker is a EDI (electronic data interchange) participant and copies of accounting documents bearing the customs accounting number and official customs stamp are not available, the customs broker will provide to the importer a receipt which reports the following details of the transaction:

- (a) the customs transaction number, including line number where applicable;
- (b) a description of goods;
- (c) the value and tariff code of each item;
- (d) the exchange rate;
- (e) the rates of duties and taxes; and
- (f) the amount of duties and taxes paid or refunded.

Records

49. The methods and procedures outlined in Memorandum D17-1-21, *Maintenance of Records and Books in Canada By Importers*, also apply to those records to be kept by customs brokers pursuant to subsection 17(1) of the Regulations.

License Renewal

50. In accordance with sections 11 and 12 of the Regulations, form L62A *Customs Broker License Renewal Fee Invoice* will be mailed to all licensed customs brokers annually.

51. Payment of the invoice is to be made at the CBSA office where the license is held. If a customs broker is licensed at more than one CBSA office, the fee may be paid at any of those offices. License renewal fees should not be sent to Headquarters.

52. Upon payment of the renewal fee, the commercial CBSA Office will stamp one copy of the invoice and return

it to the customs broker along with a receipt Form K21, *Cash Receipt*.

53. Cheques are made payable to the Receiver General for Canada.

Surrender of license

54. When a customs broker's license is cancelled or when the broker has ceased to transact business as a customs broker, the license is to be surrendered to the CBSA office where the license is held.

LICENSE CHANGES

Notification of Changes

55. Customs brokers are required to advise Brokers Licensing and Account Security unit in writing of any changes affecting the validity of a license. Such changes include, but are not limited to, changes in ownership, name changes, changes to the directors and officers of a corporation, the departure of a qualified officer, or the relocation of a business office. Notification of changes should be sent to the Secretary of the LAC. Failure to report changes will result in the application of penalties under the Administrative Monetary Penalties System (AMPS).

56. If a change to a license results in that customs broker no longer meeting the requirements of the Regulations, or if the change requires that a new license be issued, the secretary shall immediately inform the customs broker and the LAC.

Change of Ownership

57. When the ownership of a customs broker changes, Brokers Licensing and Account Security unit is to be advised in writing. The notification will include the following information in respect of the new ownership:

- (a) The reason for the change in ownership; and
- (b) The effective date of the change.

58. The Brokers Licensing and Account Security unit will acknowledge the change of ownership in writing.

59. The legal entity holding the license prior to the change has to continue to exist after the change. If the original license holder ceases to exist as a result of a change of ownership, a new license application has to be made. For example, if another corporation purchases the assets of a licensed customs broker, and the first corporation is then dissolved, the license is no longer valid. The purchasing corporation has to submit an application for a new license.

60. In the case of sole proprietorships or partnerships of individuals, a change of ownership is not allowed as the license is granted to the individual or partnership.

Amalgamation

61. When a customs broker, that is a corporation or a partnership of corporations, undergoes an amalgamation, Brokers Licensing and Account Security unit is to be advised in writing. During an amalgamation, the final legal entity which results from the amalgamation has to have existed and been licensed prior to the amalgamation. If the amalgamation results in a new or a previously unlicensed legal entity, a new application for a license is to be submitted.

62. The notification will include the following information in respect of the amalgamation:

- (a) A copy of amendments to the articles of incorporation reflecting the change;
- (b) The effective date of the change;
- (c) The names of any new directors that may have joined as a result of the change;
- (d) A completed form L60 for each of the new directors; and
- (e) If security has been posted in the form of a D120 *Customs Bond*, an endorsement to the bond is to be submitted to reflect the new structure.

63. If new directors have been appointed, the regional director located where the head office of the customs brokers office is situated, will conduct an investigation. Upon the completion of the investigation, the information on the new directors will be sent to the Brokers Licensing and Account Security unit in headquarters.

64. The Brokers Licensing and Account Security unit will acknowledge in writing the changes due to amalgamation, once any investigations have been completed.

Change of Name

65. When the name of the license holder is changed, Brokers Licensing and Account Security unit in headquarters is to be advised in writing. The notification will include the following information in respect of the new name:

- (a) Revised articles showing the new legal name;
- (b) A list of current officers and directors; and
- (c) If security has been posted in the form of a D120 *Customs Bond*, an endorsement to the bond is to be submitted to reflect the new name.

66. Brokers Licensing and Account Security unit will acknowledge the change of name in writing.

Change of Qualified Officer

67. When a customs broker that is a corporation, a partnership, or a partnership of corporations appoints a new qualified officer, the Brokers Licensing and Account

Security unit has to be notified in writing. The customs broker will submit the following documentation in respect of the new qualified officer:

- (a) A copy of a resolution of the board of directors appointing the new qualified officer as an officer of the corporation; and
- (b) A completed form L60 for the new qualified officer.

68. The regional director's office will conduct an investigation into the new qualified officer. Upon the completion of the investigation, the information on the new qualified officer will be sent to the Brokers Licensing and Account Security unit.

69. If the new qualified officer meets the requirements of the Regulations, Brokers Licensing and Account Security unit will inform the customs broker in writing that the change has been accepted. If the new qualified officer does not meet the requirements, Brokers Licensing and Account Security unit will inform the customs broker in writing that the change has been rejected, specifying the requirement or requirements that have not been fulfilled. The customs broker may request the LAC to review the decision on the basis of new or additional information.

70. Customs brokers that are sole proprietorships may not change their qualified officer.

Change of Directors

71. When there are new directors, or individuals cease to be directors, the Brokers Licensing and Account Security unit will be advised in writing. The notification will include, a completed form L60 for the new director.

72. The regional director's office will conduct an investigation on the new director. Upon the completion of the investigation, the information will be sent to the Brokers Licensing and Account Security unit.

73. The Brokers Licensing and Account Security unit will acknowledge the change of directors in writing once the investigation has been completed.

Change of Partners

74. When a partner enters or leaves a licensed partnership or partnership of corporations, Brokers Licensing and Account Security unit is to be advised in writing. The notification will include, in respect of the new partner, a completed form L60 for the new partner, if the customs broker is a partnership of individuals, or for the directors of the corporation, if the customs broker is a partnership of corporations.

75. The regional director's office will conduct an investigation on the new partner or directors. Upon the completion of the investigation, the information will be sent to Brokers Licensing and Account Security unit.

76. The Brokers Licensing and Account Security unit will acknowledge the change of partnership in writing once the investigation has been completed.

77. When a partner in a customs broker changes, the legal entity holding the license prior to the change has to continue to exist after the change. If the original license holder ceases to exist as a result of a change of partnership, a new license application is to be made.

Change of Address

78. If the address of the business office where a customs broker is licensed changes, Brokers Licensing and Account Security unit has to be advised in writing of the new address and of the date the new office will be opened. The regional directors will conduct a site inspection of the new business office to confirm that it meets the requirements of the Regulations.

SUSPENSION OR CANCELLATION

79. The Minister, or a person designated by the Minister, may suspend or cancel a customs broker's license if the license holder has failed to comply with the Regulations. Grounds for suspension or cancellation include:

- (a) Contravening an Act of Parliament or a Regulation related to the import or export of goods;
- (b) Fraud or attempted fraud;
- (c) Evading, attempting to evade, or suggesting the evasion of duties and taxes;
- (d) Failure to comply with the Regulations;
- (e) Insolvency or bankruptcy;
- (f) Dishonest conduct as a customs broker;
- (g) Failure to carry out the duties and responsibilities of a customs broker in a competent manner;
- (h) Ceasing to transact business as a customs broker; and
- (i) No longer being qualified under the Regulations.

80. When a license is to be suspended or cancelled, the licensee will be advised by registered mail of the reasons for, and, the effective date of the proposed suspension or cancellation and of the duration of the proposed suspension, if applicable.

81. The licensee will be provided thirty (30) calendar days to make representations in person or in writing as to why the license should not be suspended or cancelled.

82. If changes made within the thirty-day (30) period are such that the Minister, or a person designated by the Minister, is satisfied that the reasons for the suspension or cancellation no longer exist, the proposed suspension or cancellation shall be withdrawn.

83. A license that has been suspended can be reinstated if the license holder demonstrates that the issues leading to the suspension have been resolved. The Brokers Licensing and Account Security unit will advise the licensee by registered mail, when a suspended license has been reinstated.

84. Cancelled licenses will not be reinstated. The holder of a license that has been cancelled has to apply for a new license and be granted a new license in order to again conduct business as a customs broker.

BROKERAGE FEES

85. Fees charged for brokerage services constitute a private business transaction between the customs broker and the client. The CBSA does not intervene in fee disputes unless the client can demonstrate that the customs broker is in contravention of the Regulations by dishonest conduct, fraud or incompetence.

ADDITIONAL INFORMATION

86. All correspondence relating to the administration of the *Customs Brokers Licensing Regulations* should be addressed to:

Manager
Brokers Licensing and Account Security Programs
Canada Border Services Agency
Ottawa ON K1A 0L8

APPENDIX A

TERMS OF REFERENCE – LICENSING ADVISORY COMMITTEE

Mandate

Responsible for overseeing compliance of the Canadian customs brokers licensing program by:

- Reviewing and recommending approval of new and amended applications;
- Ongoing monitoring of current customs brokers actions;
- Recommending disciplinary action for those customs brokers who do not comply with regulations or who engage in misconduct;
- Responding to complaints related to customs brokers' actions;
- Reviewing and advising on policies and procedures related to professional qualifications of customs brokers; and
- Reviewing and advising on policies and procedures related to the licensing of customs brokers.

Members

- Director General, Border and Compliance Programs Directorate (chairperson) and/or Director, Licensing, Export and Accounting Policy, Canada Border Services Agency, CBSA.
- Manager, Brokers Licensing and Account Security Programs, CBSA (secretariat services).
- Two representatives from the Canadian Society of Customs Brokers (CSCB) who have professional status (e.g. passed the Customs Brokers Professional examination or who have the appropriate experience and knowledge to effectively contribute to the work of the LAC).
- One representative from the Association of International Customs and Border Agencies (AICBA) who has professional status (e.g. passed the Customs Brokers Professional examination or who have the appropriate experience and knowledge to effectively contribute to the work of the LAC).
- One representative from the Canadian Association of Importers and Exporters (IE Canada) who has relevant experience in the industry.

Note: The committee members will elect a co-chair each year.

Working Groups

Where issues require a more detailed analysis, a working group may be formed with the approval of the chairperson.

Meetings

Minimum of two (2) times/year, or as otherwise determined by the members. Teleconferences as required.

Venue

To be determined.

Administration

Brokers Licensing and Account Security Programs (CBSA) will be responsible for secretarial services. CBSA will be responsible for providing relevant issue sheets, background, data, etc. Background data or agenda items will be provided one week in advance of the scheduled meetings. Minutes of each meeting will be distributed within 10 working days of the meeting.

Funding

Each organizational area is responsible for funding its own representative(s).

Agenda

The agenda will be set at the discretion of the chairperson based on the following sources:

- Referrals from Licensing, Export and Accounting Policy Division, CBSA;
- Referrals from individual LAC representatives; and
- The catalogue of current issues.

Decision Making

The LAC is responsible for making recommendations to the CBSA on customs brokers licensing issues (see mandate). A recommendation will be considered approved by the LAC when the majority of members support the recommended approach.

APPENDIX B

FORM L53 – APPLICATION FOR CUSTOMS BROKERS LICENSE

Canada Border
Services AgencyAgence des services
frontaliers du Canada
PROTECTED **A** when completed
PROTÉGÉ **A** une fois rempli

APPLICATION FOR A CUSTOMS BROKERS LICENCE
DEMANDE D'AGRÈMENT DE COURTIER EN DOUANE

NOTE: The information on this form is collected for the purpose of maintaining a record of applications and is protected under the provisions of the *Privacy Act*. The form is stored in personal information bank, Applications for Customs Brokers Licence record # RCC-FPU 025.

NOTA: Les renseignements que contient ce formulaire sont recueillis dans le but de tenir un dossier des demandes et sont protégés par les dispositions de la *Loi sur la protection des renseignements personnels*. Le formulaire est conservé dans le fichier de renseignements personnels concernant les demandes de licence de courtier en douane # RCC-FPU 025.

This form is to be completed by the qualified officer – Ce formulaire doit être rempli par le Dirigeant qualifié

This application is for a licence to transact business at: Cette demande est pour une licence afin de faire des affaires à : ▶		Customs Office Code(s) - Code(s) du bureau de douane
Reason for filing this application: Raison d'enregistrer cette demande: ▶ <input type="checkbox"/> New licence Nouvelle demande d'agrément <input type="checkbox"/> Additional location Emplacement supplémentaire		
Name in which business will be transacted - Nom sous lequel les transactions seront effectuées		Business Number - Numéro d'entreprise
Legal name if different from above - Nom légal si différent de ce qui a été indiqué ci-haut		E-Mail address - Adresse courriel
Street address of brokerage office - Adresse rurale du bureau de courtage		Telephone number - Numéro de téléphone () ()
		Facsimile number - Numéro de télécopieur () ()
Have you attached the required \$50,000 security? - Avez-vous ci-joint la garantie de 50 000\$ requise? ▶ <input type="checkbox"/> Yes <input type="checkbox"/> No Oui Non		
Please indicate if your company is: Veuillez indiquer si votre société est: ▶ <input type="checkbox"/> Sole proprietorship Entreprise à propriétaire unique <input type="checkbox"/> Partnership Société en nom collectif <input type="checkbox"/> Corporation (If a corporation, attach appropriate incorporation documents) Société commerciale (Si une société commerciale, veuillez fournir les documents de constitution en société)		

• Please indicate below all directors and partners (given name, initials, surname) (attach L60 questionnaires) - *Attach an additional page if required.*
• Si vous plaît, indiquer tous les administrateurs et tous les associés (prénom, initiales, nom de famille) (joindre formulaire L60) - *Veuillez joindre une page additionnelle au besoin.*

1.	5.
2.	6.
3.	7.
4.	8.

Name of qualified officer, individual or partner - Nom du dirigeant qualifié, personne ou associé	Date of qualification - Date de qualification
Business address of qualified officer - Adresse d'affaires du dirigeant qualifié	Telephone number - Numéro de téléphone () ()
	Facsimile number - Numéro de télécopieur () ()

Declaration by the qualified officer - Déclaration par le dirigeant qualifié I declare that, to the best of my knowledge, the information given in this application is true. I make this declaration knowing it is of the same importance as if made under oath and by virtue of <i>The Canada Evidence Act</i> . I agree to advise the chief officer of customs of any change in ownership, partners, directors or qualified officers as well as change to the name, address and anything else affecting the licence if granted. I hereby authorized the CBSA to consult with bankers or other financial institutions regarding the financial situation of the applicant, and I undertake to provide the Agency with a copy of a business opening statement or of the most recent audited profit and loss financial statement and balance sheet when deemed necessary by the CBSA to support this application for a customs broker licence. I will fulfil all the duties and obligations of a customs broker in accordance with the <i>Customs Act</i> and the Regulations established by it. I hereby authorized the release, by the custodian thereof, of any information required by the CBSA, that is necessary in the determination of my suitability to become a licensed customs broker. Je déclare que les renseignements que contient la présente demande sont, à ma connaissance, véridiques. Je fais cette déclaration sachant qu'elle a la même importance que si elle était faite sous serment en vertu de la <i>Loi sur la preuve au Canada</i> . J'accepte d'aviser l'agent en chef des douanes de tout changement de propriétaire, d'associés, d'administrateurs ou de dirigeants qualifiés ainsi que de nom, d'adresse et tout autre changement influant sur la validité d'un agrément. Par la présente, j'autorise l'ASFC de consulter des banquiers et des institutions financières au sujet de la situation financière du demandeur, et, lorsque juger nécessaire par l'ASFC afin d'appuyer la demande pour un agrément de courtier en douane, je m'engage à fournir à l'Agence une copie de la déclaration d'ouverture d'affaires, soit la plus récente vérifiée de profits et de pertes d'états financiers ainsi que le bilan. Je m'engage à satisfaire à toutes les responsabilités et à tous les engagements d'un courtier en douane d'après la <i>Loi sur les douanes</i> et les Règlements qui en découlent. Par la présente, j'autorise la divulgation, par le détenteur, de tous renseignements requis par l'Agence des services frontaliers du Canada et nécessaires pour déterminer si j'ai les qualités voulues pour devenir courtier en douane agréé.	
Signature of qualified officer - Signature de l'agent compétent	Date

Do not use this area This table is to be completed by the region prior to forwarding to Broker Licensing		N'inscrivez rien ici Cette section doit être remplie par la région avant d'être soumise aux Programmes d'agrément des courtiers et des compte-garanties	
The incorporation documents are attached (if applicable) - Ci-joint se retrouve (si pertinent) l'intégration des documents			
Amendments to incorporation documents are attached (for changes of legal business name) - Ci-joint se retrouve les modifications à l'intégration des documents (aux fins de changer le nom commercial légal)			
Security is attached - La garantie est ci-jointe			
Minutes/Resolutions of shareholders meetings (for appointment of directors) - Procès-verbal/ Résolutions de l'assemblée des actionnaires (pour la nomination d'un administrateur)			
Minutes/Resolutions of meetings of board of director (for appointment of qualified officer) - Procès-verbal/ Résolutions du conseil d'administration (pour la nomination d'un dirigeant qualifié)			
Financial documents are attached - Les documents financiers sont ci-joints			
L60 questionnaires and investigation are attached (for appointment of directors, qualified officers and qualified persons) - Le formulaire L60 et les enquêtes sont ci-joints (pour la nomination des administrateurs, dirigeants qualifiés)			
Approval of the Regional Director of Customs Border Services - Approbation du Directeur Régional			
Please check only one box - Veuillez cocher une seule case			
<input type="checkbox"/> I do not know of any reason why a licence should not be granted to the applicant. Je ne connais pour de raisons pour lesquelles une licence ne devrait pas être accordé au demandeur.			
<input type="checkbox"/> I have reservation about this application (see attached). J'ai des inquiétudes à l'égard de cette demande (voir ci-joint).			
			Signature of Regional Director - Signature du Directeur Régional

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APPENDIX C

FORM L60 – CUSTOMS BROKERS QUESTIONNAIRE



Canada Border Services Agency / Agence des services frontaliers du Canada

Help

Aide

PROTECTED / PROTÉGÉ **A** when completed / une fois rempli

Criteria - Critères **CUSTOMS BROKER QUESTIONNAIRE** / **QUESTIONNAIRE À L'INTENTION DES COURTIER EN DOUANE** Reset/Restaurer

This form is to be completed by all newly appointed qualified officers, partners and directors. Please check the appropriate box. / Ce formulaire doit être rempli par tout dirigeant qualifié, partenaire et directeur nouvellement nommé. Veuillez cocher la case appropriée. Qualified officer / Dirigeant qualifié Partner / Partenaire Director / Directeur

Name - Nom	Date of birth / Date de naissance Y - A M D - J	Are you a Canadian citizen and/or a permanent resident of Canada? / Êtes-vous citoyen canadien/résident permanent du Canada? <input type="checkbox"/> Yes / Oui <input type="checkbox"/> No / Non
Home (principal) address - Adresse (principale) personnelle	Day telephone number - Numéro de téléphone pendant la journée ()	
	Evening telephone number - Numéro de téléphone pendant la soirée ()	
Name of brokerage firm - Nom de la maison de courtage	Facsimile number - Numéro de télécopieur ()	
	E-mail address - Adresse courriel	

Please indicate below any customs broker examinations you have passed together with the appropriate date. / Veuillez indiquer ci-dessous tout examen de courtier en douane que vous avez réussi ainsi que la date appropriée.

<input checked="" type="checkbox"/> Customs Brokers Professional Examination - Examen de compétences professionnelles des courtiers en douane	Y - A M D - J
<input type="checkbox"/> Customs Brokers Departmental Examination (prior to November 1986) - Examen ministériel des courtiers en douane (avant novembre 1986)	Y - A M D - J

Please indicate below your relevant employment history. The CBSA reserves the right to contact these employers for references. (To be completed only by the qualified officers.) / Veuillez indiquer ci-dessous vos antécédents professionnels pertinents. L'ASFC se réserve le droit de communiquer avec ces employeurs pour vérifier les références. (À être rempli uniquement par les dirigeants qualifiés.)

Customs broker and location - Courtier en douane et emplacement	Date from - Date de début	Date to - Date de fin
	Y - A M D - J	Y - A M D - J
	Y - A M D - J	Y - A M D - J
	Y - A M D - J	Y - A M D - J
	Y - A M D - J	Y - A M D - J

The Customs Brokers Licensing Regulations require that individuals, qualified officers, partners and directors be of good character; and partnerships and corporations licensed to transact business as customs brokers, be of good character/reputation. Please complete the following: / Le Règlement sur l'agrément des courtiers en douane exige que les personnes, dirigeants qualifiés, partenaires et directeurs jouissent d'une bonne réputation et que les sociétés de personnes et sociétés par actions agréés pour faire des transactions à titre de courtier en douane jouissent d'une bonne réputation. Veuillez remplir la section suivante :

Have you ever been convicted of a criminal offence for which you have not received a pardon? If "Yes," please provide details. / Avez-vous déjà été reconnu coupable pour un acte criminel pour lequel vous n'avez pas été réhabilité? Dans l'affirmative, veuillez préciser. Yes / Oui No / Non

Have you ever declared bankruptcy? If "Yes," please provide details. - Avez-vous déjà fait une déclaration de faillite? Dans l'affirmative, veuillez expliquer. Yes / Oui No / Non

I declare that to the best of my knowledge, the information given in this application is true. I make this declaration knowing it is of the same importance as if made under oath and by virtue of the Canada Evidence Act. I hereby authorize the release, by the custodian thereof, of any information required by the Canada Border Services Agency that is necessary in the determination of my suitability to become a licensed customs broker. / Je déclare que les renseignements que contient la présente demande sont, à ma connaissance, véridiques. Je fais cette déclaration sachant qu'elle a la même importance que si elle était faite sous serment en vertu de la Loi sur la preuve au Canada. Par la présente, j'autorise la divulgation, par le détenteur, de tous renseignements requis par l'Agence des services frontaliers du Canada et nécessaires pour déterminer si j'ai les qualités voulues pour devenir courtier en douane agréé.

Signature _____ Date _____

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Print - Imprimer

BSF346





**CRITERIA TO BE MET BY INDIVIDUALS WHO INTEND TO TRANSACT BUSINESS AS CUSTOMS BROKERS
AND BY DIRECTORS OF LICENSED CORPORATIONS
CRITÈRES QUE DOIVENT RESPECTER LES PERSONNES AYANT L'INTENTION DE FAIRE DES TRANSACTIONS À TITRE DE
COURTIER EN DOUANE ET LES DIRECTEURS DE SOCIÉTÉS PAR ACTIONS AGRÉÉES**

The *Customs Brokers Licensing Regulations* require that any individual who transacts business as a customs broker and all directors of licensed corporations meet certain criteria.

Individuals who transact business as customs brokers must meet all the requirements of these Regulations and be approved by the Canada Border Services Agency (CBSA).

Professional status is required of an individual who intends to apply for a customs broker licence either on his or her own behalf (as a sole proprietor), on behalf of a partnership or on behalf of a corporation. Applicants applying for a licence on behalf of a corporation must also be appointed as an "officer" of that corporation. "Officers" of corporations must be appointed by the directors of a corporation.

In order to be approved by the CBSA an individual must meet the following:

- be a citizen or a permanent resident of Canada;
- be of good character;
- be at least 18 years old;
- have passed the Customs Brokers Professional Examination; and
- apply for a customs broker licence on his/her own behalf or be appointed as an officer of a corporate applicant.

Directors of a corporate applicant for a customs brokers licence must meet the following:

- be of good character; and
- be at least 18 years old.

The **majority** of the directors must be citizens or permanent residents of Canada.

Directors of a corporate applicant must be appointed by the shareholders.

Loss of Status

Professional status may be lost if the individual holding such status has a break in employment as a customs broker. Please consult the CBSA's Memorandum D1-8-1, *Licensing of Customs Brokers*, for details.

Individuals who lose their professional status because of such a lapse may regain it by passing the Customs Brokers Professional Examination.

Le *Règlement sur l'agrément des courtiers en douane* exige que toute personne qui fait des transactions à titre de courtier en douane et que tout directeur d'une société par actions agréée respectent certains critères.

Les personnes faisant des transactions à titre de courtier en douane doivent satisfaire toutes les exigences de ce règlement et être agréées par l'Agence des services frontaliers du Canada (ASFC).

Le statut professionnel est exigé d'une personne qui a l'intention de demander l'octroi d'un agrément de courtier en douane pour elle-même (en tant que propriétaire unique), au nom d'une société de personnes ou au nom d'une société par actions. Tout requérant déposant une demande au nom d'une société par actions doit également être « agent » de cette société par actions. Un « agent » d'une société par actions doit avoir été nommé par le directeur de cette société.

De façon à obtenir l'approbation de l'ASFC, une personne doit :

- être citoyenne ou résidente permanente du Canada;
- jouir d'une bonne réputation;
- être âgée d'au moins 18 ans;
- avoir réussi l'Examen de compétences professionnelles des courtiers en douane;
- avoir déposé une demande d'agrément de courtier en douane en son propre nom ou avoir été nommée agent d'une société par actions requérante.

Les directeurs d'une société par actions demandant l'octroi d'un agrément de courtier en douane doivent :

- jouir d'une bonne réputation;
- être âgés d'au moins 18 ans.

La **majorité** des directeurs doivent être citoyens ou résidents permanents du Canada.

Les directeurs d'une société requérante doivent avoir été nommés par les actionnaires de celle-ci.

Perte de statut

Le statut professionnel peut être révoqué si une personne détenant un tel statut subit une interruption d'emploi à titre de courtier en douane. Veuillez consulter le Mémoire D1-8-1 de l'ASFC, *Agrément des courtiers en douane*, pour de plus amples informations.

Les personnes dont l'agrément est révoqué société par actions en raison d'une telle interruption peuvent l'obtenir de nouveau en réussissant l'examen de compétences professionnelles des courtiers en douane.

Return to form

Retour au formulaire

REFERENCES

<p>ISSUING OFFICE – Brokers Licensing and Account Security Programs Licensing, Export, and Accounting Division Admissibility Branch</p>	<p>HEADQUARTERS FILE – 7637-0</p>
<p>LEGISLATIVE REFERENCES – <i>Customs Act, Section 9</i> <i>Customs Brokers Licensing Regulations</i></p>	<p>OTHER REFERENCES – D1-1-1, D1-6-1, D1-6-2, D1-7-1, D1-8-3, D17-1-21</p>
<p>SUPERSEDED MEMORANDA “D” – D1-8-1, March 26, 1993</p>	

Services provided by the Canada Border Services Agency are available in both official languages.

