

# Export Controls Handbook

Export  
controls

May 2009

Export Controls Division  
Export and Import Controls Bureau  
Foreign Affairs and International Trade Canada  
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## Use of this Document

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This Export Controls Handbook is intended as a reference tool for exporters and provides information about the administration of Canada's export controls which are administered pursuant to the Export Control List, the Area Control List and the Automatic Firearms Country Control List under the authority of the *Export and Import Permits Act*. Information contained in this Handbook includes: how to obtain the necessary permits for the export or transfer of controlled items and how to comply with the requirements of the *Export and Import Permits Act* and its related regulations.

The information in this Handbook does not pertain to applications to export goods described in Items 5001 to 5204 (Medical Products, Forest Products, and Agriculture and Food Products) of the Export Control List.

In any case where a dispute arises due to differences between the Export Controls Handbook and the relevant legislation and regulations, the legislation and regulations will govern. For all purposes of interpreting and applying the law, please consult Part III of the Canada Gazette, "Acts of Parliament", and Part II of the Canada Gazette, "Official Regulations". These publications are available in most public libraries and on the internet at <http://canadagazette.gc.ca/index-e.html>. Electronic copies of the *Export and Import Permits Act* and its related regulations are also available on the internet at <http://laws.justice.gc.ca/en/E-19/index.html>.

## Contact Us

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The Export Controls Division of Foreign Affairs and International Trade Canada is responsible for the administration of export controls under the authority of the *Export and Import Permits Act*.

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For general enquiries, including the status of an export permit application, please call (613) 996-2387 or e-mail: [tie.reception@international.gc.ca](mailto:tie.reception@international.gc.ca). Please quote the export permit application identification (ref ID) number.

## For Enquiries Related to the CBSA

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For enquiries related to the Canada Border Services Agency (CBSA), including detention or seizure of goods, Customs Declaration Form (B-13A), or the Customs Automated Export Declaration, please call 1 (800) 461-9999 or contact your local CBSA office. Telephone numbers are available in the blue pages of your local telephone book under "Government of Canada". Information is also available on the internet at [www.cbsa-asfc.gc.ca](http://www.cbsa-asfc.gc.ca).

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## A. Introduction

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### **A.1. What is an export permit?**

The *Export and Import Permits Act* authorizes the Minister of Foreign Affairs to issue to any resident of Canada a permit to export items included on the Export Control List or to a country included on the Area Control List, subject to certain terms and conditions.

An export permit describes, among other things, the quantity, description, and nature of the items to be exported, as well as the final destination country and final consignee. Unless otherwise stated, an export permit may authorize multiple shipments, up to the expiry of the permit and as long as the cumulative total of the quantity or value of items exported does not exceed the quantity or value stated on the permit. An export permit constitutes a legally-binding authorization to export controlled goods or technology as described.

“Do I need an export permit?” This is the first question about export controls facing an exporter. Factors such as the nature, characteristics, origin, or destination of the goods or technology being exported (also referred to in this document as “items”), affect export permit requirements. As such, certain situations require that an exporter first obtain an export permit from the Export Controls Division of Foreign Affairs and International Trade Canada before these items can be exported legally. To help understand the decision process involved, please refer to the flowchart on the next page.

### **A.2. What are the Export Control and the Area Control Lists?**

The Export Control List identifies specific goods and technology that are controlled for export from Canada to other countries, regardless of their means of delivery (including, for example, shipments of goods, facsimile transmissions, electronic transfers, consulting services, etc.). “*A Guide to Canada’s Export Controls*”, hereinafter referred to as “the Guide”, includes the Export Control List and is available on the internet at [www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca).

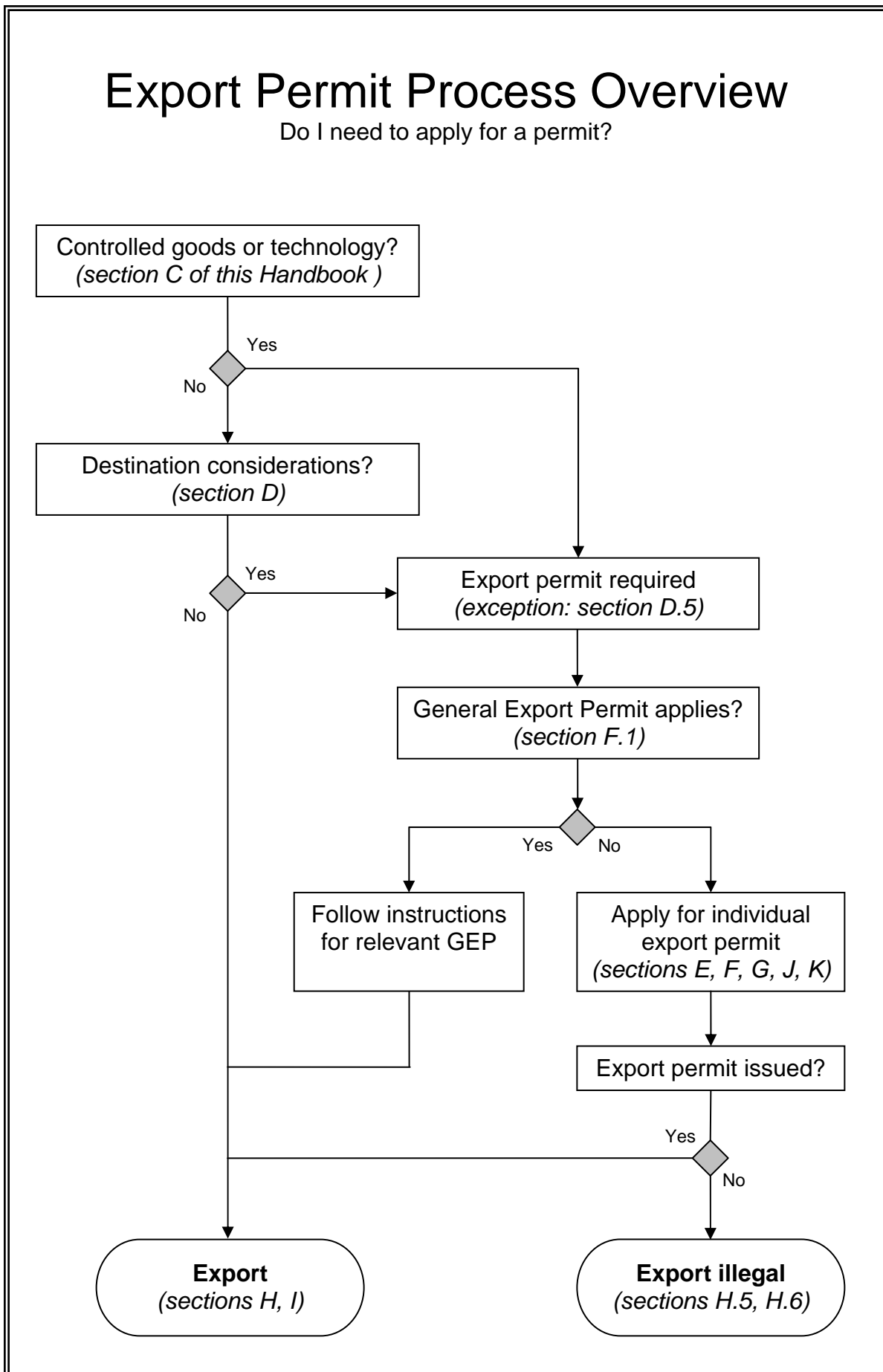
Exports of goods or technology on the Export Control List may be exempted from the requirement to obtain an export permit if they are being shipped to certain countries. For example, in most cases, controlled exports to final consignees in the United States are exempt from the permit requirement. Further information about the Export Control List is available in section C.

The *Area Control List* is a list of countries to which the Governor-in-Council deems it necessary to control the export of any and all goods. Further information is available in section D.1.

### **A.3. Fees**

Applications to export most goods and technology on the Export Control List, including those destined to countries on the Area Control List, may be made free of charge.

There is a \$14 fee for each application to export goods described in Items 5001 to 5204 (Medical Products, Forest Products, and Agriculture and Food Products) of the Export Control List, with the exception of Item 5104 (Softwood Lumber Products), to which a \$9 fee applies. For more information about these, please contact either the Trade Controls Policy Division at (613) 944-1803 or 944-0777, or the Softwood Lumber Division at (613) 944-2167.



## B. Objectives of Export Controls

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The principal objective of export controls is to ensure that exports of certain goods and technology are consistent with Canada's foreign and defence policies. Among other goals, export controls seek to ensure that exports from Canada:

- do not cause harm to Canada and its allies;
- do not undermine national or international security;
- do not contribute to national or regional conflicts or instability;
- do not contribute to the development of nuclear, biological, or chemical weapons of mass destruction, or of their delivery systems;
- are not used to commit human rights violations; and
- are consistent with multilateral economic sanctions (e.g. sanctions agreed at the United Nations Security Council).

Canada's export controls are not intended to hamper legitimate trade but seek to balance the economic and commercial interests of Canadian business with the national interest of Canada.

In addition to compliance with the relevant law, the *Export and Import Permits Act*, exporters of goods and technology that are subject to export controls have a responsibility to conduct due diligence verifications of actual and potential foreign customers and to provide any relevant information in an export permit application. The Government of Canada's reviews of applications to export goods and technology seek to ensure that exports from Canada will not be diverted to illegitimate end-uses or end-users that could harm Canada's foreign and defence interests or that could lead to considerable embarrassment or liability for the exporter. In other words, this review can be seen as another step in the exporter's due diligence process.

Most items on the Export Control List derive from Canada's commitments to like-minded countries which participate in multilateral export control regimes or from Canada's obligations as a signatory to multilateral or bilateral international agreements. The export of other types of goods and certain activities may also be subject to United Nations trade sanctions or arms embargoes against particular countries or regions.

The four major, multilateral export control regimes in which Canada participates are described below. Participating governments negotiate common lists of goods and technology that are implemented by all according to national legislation. These lists evolve in response to changing international and technological circumstances. Updates and amendments are typically made annually. Changes to Canada's Export Control List are incorporated through a regulatory amendment process.

### **B.1. Wassenaar Arrangement (Groups 1 and 2 on the Export Control List)**

The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-use Goods and Technology was established in 1996 to contribute to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technology, thus preventing destabilizing accumulations.

Participating States seek to ensure that transfers of these items do not contribute to the development or enhancement of military capabilities which undermine these



goals and to ensure that these items are not diverted to support such capabilities. The Wassenaar Arrangement is also intended to enhance co-operation to prevent the acquisition of armaments and sensitive dual-use items for military end-uses, if the situation in a region or the behaviour of a state is, or becomes, a cause for serious concern to the Participating States. The Wassenaar Arrangement is not directed against any state or group of states and does not seek to impede bona fide civil transactions. The Wassenaar Arrangement also complements and reinforces, with minimal duplication, the other export control regimes for weapons of mass destruction and their delivery systems.

Export Control List Group 1, which comprises dual-purpose items that have both civilian and military applications, and Export Control List Group 2, which comprises items that are specially designed or modified for military purposes and those that present a strategic military concern, include the items which Canada has committed to control for export as a result of its participation in the Wassenaar Arrangement.

More information about the Wassenaar Arrangement is available on the internet at [www.wassenaar.org](http://www.wassenaar.org).

## **B.2. Nuclear Suppliers Group (Groups 3 and 4 on the Export Control List)**

Canada has a long-standing nuclear non-proliferation policy that is designed, among other objectives, to ensure that Canada's nuclear exports are not used for any nuclear explosive purposes. As a party to the Treaty on the Non-Proliferation of Nuclear Weapons that came into force in 1970, Canada will not provide source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production, of special fissionable material, to any Non-Nuclear Weapon State for peaceful purposes, unless the source or special fissionable material is subject to International Atomic Energy Agency safeguards.

In the late 1970s, a group of nuclear suppliers, including Canada, agreed on a set of guidelines for nuclear transfers to any Non-Nuclear Weapon State for peaceful purposes. These became known as the Nuclear Suppliers Group Guidelines. In 1992, the Nuclear Suppliers Group established a list of nuclear-related dual-use goods and technology that could make a major contribution to a nuclear explosive activity or a non-safeguarded nuclear fuel cycle activity.

Export Control List Group 3 includes items that are nuclear-specific. Export Control List Group 4 includes nuclear-related, dual-use, items, i.e. items that are used in non-nuclear applications but that could also be used in a nuclear explosive activity or a non-safeguarded nuclear fuel cycle activity.

More information about the Nuclear Suppliers Group is available on the internet at: [www.nuclearsuppliersgroup.org](http://www.nuclearsuppliersgroup.org).

## **B.3. Miscellaneous Goods and Technology (Group 5 on the Export Control List)**

Export Control List Group 5 includes U.S.-origin goods (refer to section D.5), anti-personnel land mines, blinding laser weapons, nuclear fusion reactors. In addition to these are controls on a very limited number of goods that are subject to export controls for reasons of economic policy, such as certain forest products, medical products, agricultural and food products.

Item 5504 covers “strategic goods and technology” and includes certain global navigation satellite systems, propulsion and space-related equipment, payloads, ground control stations, chemi-luminescent compounds, radiation-hardened micro-electronic circuits, nuclear weapons test design and equipment, as well as related software and technology.

Group 5 also includes Item 5505 (Goods for Certain Uses). See section C.3. This item covers non-listed, commercial/civilian goods which could make a serious or major contribution to the proliferation of chemical, biological or nuclear weapons, or their missile delivery systems.

#### **B.4. Missile Technology Control Regime (Group 6 on the Export Control List)**

The Missile Technology Control Regime was established in 1987 to address concerns about the proliferation of systems capable of delivering weapons of mass destruction, namely chemical, biological or nuclear weapons. Export Control List Group 6 includes items agreed upon by the Partners of the Missile Technology Control Regime that are used in, or could be used in, the proliferation of systems capable of delivering chemical, biological or nuclear weapons.

More information about the Missile Technology Control Regime is available on the internet at [www.mtcr.info](http://www.mtcr.info).

#### **B.5. Australia Group (Group 7 on the Export Control List)**

The Australia Group was established in 1985 with the objective of preventing the proliferation of chemical and biological weapons. The participants (national governments) in the Australia Group have developed common export controls on chemical substances and biological agents and related items that could be used in the production of chemical and biological weapons. These export controls have been implemented in Canada on the Export Control List as Group 7.

More information about the Australia Group is available on the internet at [www.australiagroup.org](http://www.australiagroup.org).

##### **B.5.1. Chemical Weapons Convention / Biological and Toxin Weapons Convention**

Export Control List Group 7 also contains (as does Group 2, but to a lesser degree) chemicals and precursors controlled under the Chemical Weapons Convention. Some of the Chemical Weapons Convention chemicals and precursors are also controlled by the Australia Group.

More information about the Chemical Weapons Convention is available on the internet at the website of the Organization for the Prohibition of Chemical Weapons, [www.opcw.org](http://www.opcw.org).

## C. How to Use *A Guide to Canada's Export Controls* (including the Export Control List)

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*A Guide to Canada's Export Controls* (hereinafter referred to as the Guide), which includes the Export Control List, is available on the internet at [www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca). The Export Control List is divided into the following seven Groups:

- Group 1: Dual-Use List
- Group 2: Munitions List
- Group 3: Nuclear Non-Proliferation List
- Group 4: Nuclear-Related Dual-Use List
- Group 5: Miscellaneous Goods and Technology
- Group 6: Missile Technology Control Regime List
- Group 7: Chemical and Biological Weapons Non-Proliferation List

Each entry on the Export Control List is known as an Item and each Item is numbered. The first digit of an Item number represents that Item's Group. Items are further subdivided into more specific categories (or Sub-Items) with numbering schemes that vary somewhat between Groups. Sub-items are also identified by indentations in the text.

To identify a specific Export Control List item, the numbers and letters of each subsequent paragraph leading to that item are given. For example, 1-6.A.5.c.2.b.1 is an Export Control List Item number addressing Q-switch lasers.

There are some terms on the Export Control List in double quotes and some in single quotes. These quotes signify that the words or phrases contained in the quotes have specific definitions in the Guide. Terms in single quotes are defined in technical notes that apply to the Export Control List item, while those in double quotes are defined in specific Definitions sections, which are located at the end of Groups 2, 4, 6 and 7.

Below is an example that illustrates Export Control List text. This example may help demonstrate how the numbering system is structured and how items and sub-items relate to one another.

### Example of ECL Text:

- |   |   |
|---|---|
| <p><b>1-8.A. Systems, Equipment and Components</b></p> <p>1. a. Manned, tethered submersible vehicles designed to operate at depths exceeding 1,000 m;</p> <p>    b. Manned, untethered submersible vehicles having any of the following:</p> <p>        1. Designed to operate autonomously and having a lifting capacity of all the following:</p> <p>            a. 10% or more of their weight in air; and</p> <p>            b. 15 kN or more;</p> | <p><i>This large number is the main item number: Item 1-8.A. It is part of Group 1 (Dual-Use Goods).</i></p> <p><i>This would be sub-item '1-8.A.1.' The first level of sub-division is flush with the left margin.</i></p> <p><i>Additional levels of sub-division are indented directly below the previous level.</i></p> <p><i>This item is the fourth level of sub-division and would be identified as sub-item 1-8.A.1.b.1.b</i></p> |
|---|---|

There are two main ways to locate specific items on the Export Control List:

- Use the Index of the print version or use Adobe Reader's search capability to search through the Portable Document Format (.pdf) file of the Guide's Export Control List which is available on the internet at [www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca) to specifically find the item; or
- Search through Groups that contain like products to find items that might apply to your items.

The first step should be a search through the Guide for the item. At the back of the Guide is a detailed, but not exhaustive, Index. By using the Index or performing a search of the electronic version of the Guide, readers can quickly find all of the important references that may exist concerning a specific good or technology. Generic terms are generally used in place of common or trade terminology.

If a product is not specifically mentioned in the Index, exporters are advised to review the pertinent sections of the Guide to find out if controls nonetheless apply because some Export Control List Items apply to broad types of goods or technology that are not listed by name and do not appear in the Index. Item 5400 in Group 5 on the Export Control List is a good example of this. No specific items are mentioned in Item 5400 but all U.S.-origin items, as defined therein, require an export permit when exported to any destination other than the United States regardless of the nature of the item.

### **C.1. Items Identified Under More Than One Group or Export Control List Item**

Goods or technology identified in one Group or Item of the Export Control List may also be identified in other Groups or Items and each Group in this Guide must therefore be considered independently. Exporters should ensure that they have reviewed the Guide in sufficient detail to assure themselves that all relevant Groups and Export Control List items have been considered.

### **C.2. Important Note on U.S.-Origin Goods**

Exporters should note that the exports of all goods and technology of U.S.-origin, as defined in Item 5400 on the Export Control List, regardless of their nature and destination, require permits (refer to section D.5).

### **C.3. Items Destined to a Chemical, Biological or Nuclear Weapon or a Missile Application**

In 2002, Canada implemented "catch-all" controls that cover the export of any items not listed elsewhere on the Export Control List. Item 5505 on the Export Control List, Goods for Certain Uses, imposes a permit requirement on any item if it is determined that the item is destined to an end-use or end-user involved in the development or production of chemical, biological or nuclear weapons, or weapons of mass destruction, or their missile delivery systems. Before exporting any items, exporters must be satisfied that their exports are not being transferred, directly or indirectly, to a weapons of mass destruction end-use/end-user. If in doubt, the exporter should submit an export permit application that describes the circumstances of the transaction.

More information on this subject is available in *Notice to Exporters SER-135*, available on the internet at [www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca).

## D. Destination and Origin Considerations

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### **D.1. Area Control List**

The export or transfer of any goods or technology (including technical data, technical assistance and information necessary for the development, production or use of a good) to countries on the [Area Control List](#) is controlled and must be authorized by an export permit issued by the Minister of Foreign Affairs under the authority of the *Export and Import Permits Act*.

At the time of printing, the Area Control List comprised two countries: Myanmar (Burma), which was added to the List on August 5, 1997, and Belarus, which was added on December 14, 2006.

Policy guidance on exports to these countries is published in the following Notices to Exporters, which are available on the internet at [www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca):

- [SER-148 Export Controls to Belarus](#)
- [SER-155 Export Controls to Myanmar \(Burma\)](#)

### **D.2. Automatic Firearms Country Control List**

Canada has inter-governmental defence, research, development, and production arrangements with countries on the [Automatic Firearms Country Control List](#). Certain prohibited firearms, weapons, devices, or components thereof that are included on the Export Control List may be exported only to destinations on the Automatic Firearms Country Control List and only to consignees that are government or authorized by government. These must be authorized by an export permit issued by the Minister of Foreign Affairs under the authority of the *Export and Import Permits Act*.

The following goods and their components and parts, as defined in Section 4.1 of the *Export and Import Permits Act* and Section 84 of the Criminal Code, are subject to the Automatic Firearms Country Control List, when these items are also included on the Export Control List:

- an automatic firearm, whether or not it has been altered to discharge only one projectile with one pressure of the trigger;
- any firearm that is prescribed by regulation to be a prohibited firearm;
- any weapon, other than a firearm, that is prescribed by regulation to be a prohibited weapon;
- any component or part of a weapon, or any accessory for use with a weapon, that is prescribed by regulation to be a prohibited device;
- a cartridge magazine that is prescribed by regulation to be a prohibited device.

At the time of printing, the Automatic Firearms Country Control List was comprised of the following countries:

Australia	Denmark	Greece
Belgium	Estonia	Hungary
Botswana	Finland	Iceland
Bulgaria	France	Italy
Czech Republic	Germany	Latvia



Lithuania	Portugal	Sweden
Luxembourg	Romania	Turkey
Netherlands	Saudi Arabia	United Kingdom
New Zealand	Slovakia	United States
Norway	Slovenia	
Poland	Spain	

### **D.3. Export Prohibitions**

Certain export prohibitions have been implemented under the authority of the *Export and Import Permits Act*. Furthermore, the Parliament of Canada has enacted legislation authorizing the imposition of trade and economic sanctions through the *United Nations Act* and the *Special Economic Measures Act*. The Minister of Foreign Affairs is the responsible for these laws. The latest information on Canada's economic sanctions can be found on the internet at:

[www.international.gc.ca/sanctions](http://www.international.gc.ca/sanctions)

At the time of writing, the countries listed in Table 1 are subject to prohibitions on certain exports. Exporters are advised to be aware of these and any applicable sanctions if they are exporting to or otherwise doing business in or with any of the countries named. Sanctions do not necessarily take the form of export restrictions, nor do they necessarily apply to any country as a whole.

Exporters should also note that certain individuals and entities have been designated as terrorists under the Regulations Implementing the United Nations Resolutions on the Suppression of Terrorism and the United Nations Al-Qaida and Taliban Regulations, which both implement United Nations resolutions.

#### **D.3.1. Exports to Iran**

The [Regulations Implementing the United Nations Resolutions on Iran](#) (the Iran Regulations) were implemented under Canada's *United Nations Act* following the adoption by the United Nations Security Council of resolutions imposing sanctions against Iran in response to the proliferation risks resulting from Iran's uranium-enrichment related reprocessing, heavy water-related activities, and the development of nuclear weapon delivery systems.

The Iran Regulations prohibit any person in Canada and any Canadian outside Canada to knowingly sell, supply or transfer, directly or indirectly, to any person in Iran or for the benefit of Iran, certain items, material, equipment, goods, or technology which would contribute to Iran's uranium enrichment-related, reprocessing or heavy water-related activities, or to the development of a nuclear weapon delivery system. In general, the products that are prohibited for export to Iran, under Section 3 of the Iran Regulations, include the following Export Control List items:

- Group 1, items 1-1.A.1 to 1-1.A.3; item 1-1.C.; items 1-7.A. to 1-7.E.; and items 1-9.A. to 1-9.E.
- Group 2, items 2-10.c and 2-10.d; item 2-21.b.1.a; and items 2-21.b.1.d, and 2-21.b.2
- Group 3, all items
- Group 4, all items
- Group 6, all items

## Summary of Export Prohibitions\*

Country	Effective Date and Source	Export Prohibition	Exceptions
Belarus	December 14, 2006: EIPA	See Area Control List (section D.1 of this Handbook).	
Burma (Myanmar)	December 13, 2007: SEMA, Special Economic Measures (Burma) Regulations August 5, 1997: EIPA	All goods and technical data. See also Area Control List (section D.1 of this Handbook).	Subject to certain conditions, goods for humanitarian relief work; personal effects; certain medical supplies and food; information materials, including books; personal correspondence.
Côte d'Ivoire	May 3, 2005: <i>UN Act</i> – UN Côte d'Ivoire Regulations	Arms and related material; technical assistance related to military activities.	Subject to certain conditions, protective clothing: certain non-lethal military equipment intended for humanitarian or protective use. Arms and related material and technical assistance intended solely for the support of UNOCI and the French armed forces in support of UNOCI, or for their use; or for evacuation of foreign nationals; or for restructuring defence and security forces.
Democratic People's Republic of Korea (DPRK)	November 9, 2006: <i>UN Act</i> – Regulations Implementing the UN Resolution on the DPRK	Arms and related material and resources contributing to the DPRK's weapons program, and technical assistance; luxury goods.	
Democratic Republic of the Congo (DRC)	October 19, 2004 and October 4, 2005 (amendments): <i>UN Act</i> – UN DRC Regulations	Arms and related material; technical assistance related to military activities.	Subject to certain conditions, non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance; arms and related material and related technical assistance intended solely for support of, or use by, the MONUC.

### Summary of Export Prohibitions\*

Country	Effective Date and Source	Export Prohibition	Exceptions
Iran	February 22, 2007, May 17, 2007, and April 17, 2008 (amendments): <i>UN Act – Regulations Implementing the UN Resolution on Iran</i>	Goods identified in the following Items of the Export Control List (refer to Section D.3.1 of this Handbook): - Certain items in Groups 1 and 2; - All items in Groups 3, 4 and 6. Goods and technology subject to the Nuclear Non-Proliferation Import and Export Control Regulations. Dealings with "designated persons" (entities and individuals).	A person wishing to sell certain goods and technology which are otherwise prohibited for export may apply to the Minister for a certificate to exempt those products from the application of the prohibition under certain circumstances.
Iraq	October 19, 2004: <i>UN Act – UN Iraq Regulations</i>	Arms and related material.	Arms and related material that are required by the Government of Iraq, or by a multinational force under unified command, to serve the purposes of Resolution 1546 (2004).
Lebanon	September 18, 2007: <i>UN Act – Regulations Implementing the UN Resolution on Lebanon</i>	Arms and related material; technical assistance related to the provision, manufacture, maintenance or use of arms and related material.	Arms and related material and related technical assistance authorized in advance in writing by the Government of Lebanon or by the UN Interim Force in Lebanon.
Liberia	July 12, 2001 and June 17, 2004 (amendments): <i>UN Act – UN Liberia Regulations</i>	Arms and related material; technical assistance related to the provision, manufacture, maintenance or use of arms and related material.	Subject to certain conditions, non-lethal military equipment intended solely for humanitarian or protective use, and the provision of related technical assistance; arms and related material or technical assistance that is intended solely for the UN Mission in Liberia or for an international training and reform program for the Liberian armed forces and police.



## Summary of Export Prohibitions\*

Country	Effective Date and Source	Export Prohibition	Exceptions
Pakistan	May 28, 1998: <i>EIPA</i> (DFAIT News Release No. 136 of May 28, 1998)	Military exports.	
Rwanda	August 30, 1994: <i>UN Act</i> – UN Rwanda Regulations	Arms and related materials.	Does not apply in respect of activities related to UNAMIR.
Sierra Leone	July 28, 1998, September 21, 2000, and May 11, 2004 (Amendment): <i>UN Act</i> – UN Sierra Leone Regulations	Arms and related material.	
Somalia	March 12, 2009: Regulations Implementing the UN Resolutions on Somalia	Arms and related material; technical, financial or other assistance related to military activities. Dealings with "designated persons" (entities and individuals).	Subject to certain conditions, protective clothing temporarily exported to Somalia by UN personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only; non-lethal military equipment intended solely for humanitarian or protective use; supplies intended solely for the support of or use by the protection and training mission in Somalia established by the Intergovernmental Authority on Development and Member States of the African Union; supplies intended solely for the support of or use by the African Union Mission in Somalia; supplies intended solely for the purpose of helping develop security sector institutions.

### Summary of Export Prohibitions\*

Country	Effective Date and Source	Export Prohibition	Exceptions
Sudan	September 23, 2004 and May 2, 2005 (amendment): <i>UN Act – Regulations UN Sudan Regulations</i>	Arms and related material; technical assistance related to the provision, manufacture, maintenance or use of arms and related material.	Subject to certain conditions, protective clothing: non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use, and related technical assistance; arms and related material and related technical assistance for a monitoring, verification or peace support operation, or that are provided in support of implementation of the Comprehensive Peace Agreement or are brought into the Darfur region of Sudan, if their movement is approved by the Committee of the Security Council upon a request by the Government of Sudan.
Zimbabwe	September 4, 2008: <i>SEMA, Special Economic Measures (Zimbabwe) Regulations</i>	Arms and related material; technical or financial assistance or other services related to the supply, sale, transfer, manufacture or use of arms and related materials.	Subject to certain conditions, non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training; protective clothing and equipment; arms and related material for use by a member of the Canadian Forces who is in or travels to Zimbabwe in the performance of official duties.

\* This table has been prepared for convenience of reference only and has no official sanction. For all purposes of interpreting and applying the law, users should consult the Acts as passed by Parliament. More information is available at [www.international.gc.ca/sanctions](http://www.international.gc.ca/sanctions).

Abbreviations used: *EIPA – Export and Import Permits Act; SEMA – Special Economic Measures Act; UN – United Nations. UNOCI -- United Nations Operation in Côte d'Ivoire; MONUC -- Mission de l' Organisation des Nations Unies en République démocratique du Congo (Mission of the United Nations in the Democratic Republic of Congo); UNAMIR -- United Nations Assistance Mission for Rwanda.*

The Iran Regulations also address a wide variety of activities including, but not limited to, exports, imports, financial transactions, use of registered vessels and aircraft, and property transactions. Exporters must ensure that their transactions are in conformity with the Iran Regulations.

The Iran Regulations also contain important prohibitions in relation to dealings and transactions with “designated persons” – individuals and entities – who are engaged in, directly associated with, or providing support, for Iran's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems. These designated persons are listed in the United Nations Resolutions on Iran and can be found on the internet at [www.un.org/sc/committees/1737/index.shtml](http://www.un.org/sc/committees/1737/index.shtml) and [www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca).

Exports to Iran must comply with the Iran Regulations. Applications for permits to export controlled goods or technology to Iran must include information and supporting documents set out in the Iran Regulations. Details are available on the internet at [Exports to Iran: Regulatory Requirements Related to Economic Sanctions](#).

#### **D.4. Canadian Export Controls on U.S.-Origin Goods and Technology**

Export controls are generally defined with respect to technical characteristics, irrespective of the country of manufacture of an item. Section E.4.3 provides information on exports of military goods and technology that are of U.S.-origin.

However, Export Control List Item 5400 controls exports of the following:

*All goods that originate in the United States, unless they are included elsewhere on [the Export Control List], whether in bond or cleared by Canada Border Services Agency, other than goods that have been further processed or manufactured outside the United States so as to result in a substantial change in value, form or use of the goods, or in the production of new goods.*

For example, any goods or technology that are not controlled elsewhere on the Export Control List and that have been manufactured in the United States, imported into Canada, and are proposed for export without any value added in Canada, are controlled by Export Control List Item 5400.

Exports that are controlled by Item 5400 must be authorized by an export permit. Two types of export permits are possible in this case, depending on the destination of the items:

- Exports of Export Control List Item 5400 goods to Cuba, Iran, North Korea, Syria or to any destination on Canada's Area Control List require individual export permits.
- For all other destinations, General Export Permit No. 12 (GEP 12) applies. No individual export permit application is required. The exporter must simply quote "GEP 12" on the Export Declaration (B13A) or other export reporting documentation for presentation to the Canada Border Services Agency when the goods are tendered for export. For more information about General Export Permits, see section F.1.

Exporters are advised to apply for an export permit if there is doubt about the application of Item 5400 to their exports. Exporters will be notified in writing if their products are not subject to export controls.

### **Box 1: Exports of Controlled U.S. Goods and Technology**

The United States Government imposes re-transfer conditions on certain U.S.-origin goods and technology even after they have been exported from the U.S. Under U.S. law, U.S. export controls may apply extra-territorially, which means that they apply even after the goods or technology in question are outside the U.S. and out of the possession of U.S. persons or entities.

The two main U.S. export control systems are managed, respectively, by the Export Administration Regulations (commonly referred to as the EAR), administered by the U.S. Department of Commerce's Bureau of Industry and Security (see [www.bis.doc.gov](http://www.bis.doc.gov) for more information), and the International Traffic in Arms Regulations (commonly referred to as the ITAR), administered by the U.S. State Department's Directorate of Defense Trade Controls (see [www.pmdtdc.state.gov](http://www.pmdtdc.state.gov) for more information).

As a condition of authorizing exports of certain goods or technology to a Canadian company, the U.S. Government may require the Canadian company to obtain explicit re-export authorization before exporting the items from Canada to a third destination.

When certain goods or technology are exported from the U.S., invoices and shipping documents should contain a destination control statement which forbids, for example, further transfers to any country other than the specified destination "without the prior written approval of the U.S. Department of State" [ITAR Section 123.9(b)] or which prohibits "diversion contrary to U.S. law" (EAR Section 358.6).

Canadian exporters are advised to contact their U.S. suppliers or the U.S. Government for more information about re-export authorizations which may be required.

### **D.5. Exports to the United States**

Export permits are not required for most controlled goods or technology destined to a final consignee in the United States, including its territories, dependencies, and possessions.

Items that do require an export permit to the U.S. are defined on the Export Control List (there is a statement that the control applies to "All Destinations"). The Items that require individual permits to the U.S., at the time of writing, are listed for convenience of reference in the table below.

However, this exception does not apply to shipments that transit the U.S. to third destinations. If exports are destined to bonded or sufferance warehouses, exporters are advised to obtain written assurances from their U.S. consignee that U.S. export controls will apply should the goods be subsequently exported from the U.S.

If uncertain as to whether an export permit for the U.S. is required, an exporter should submit an export permit application to the Export Controls Division.

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**Export Control List Items that require permits for export to the United States**


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<p>Group 2 (Munitions List)</p> <ul style="list-style-type: none"> <li>• 2-1*</li> <li>• 2-2.a*</li> <li>• 2-2.b*</li> <li>• 2-3*</li> <li>• 2-4.a</li> </ul> <p>Group 3 (Nuclear Non-Proliferation List)</p> <ul style="list-style-type: none"> <li>• all items</li> </ul> <p>Group 4 (Nuclear-related Dual-Use List)</p> <ul style="list-style-type: none"> <li>• all items</li> </ul>	<p>Group 5 (Miscellaneous Goods)</p> <ul style="list-style-type: none"> <li>• 5001</li> <li>• 5011</li> <li>• 5101</li> <li>• 5102</li> <li>• 5103</li> <li>• 5105</li> <li>• 5201</li> <li>• 5202</li> <li>• 5203</li> <li>• 5204</li> <li>• 5501</li> <li>• 5502.1</li> <li>• 5503</li> <li>• 5504.2.h</li> </ul>	<p>Group 6 (Missile Technology Control Regime List)</p> <ul style="list-style-type: none"> <li>• 6-1</li> <li>• 6-2</li> </ul> <p>Group 7 (Chemical and Biological Weapons Non-Proliferation List)</p> <ul style="list-style-type: none"> <li>• 7-3</li> <li>• 7-13</li> </ul>
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\* *Exceptions apply to some exports of firearms to the U.S. Please consult section J of this Handbook.*

## E. Export Permit Application Process

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Exporters are encouraged to apply as early in the export process as possible in order to avoid unnecessary delays to shipment schedules. Please refer to section G.1 below for processing times.

The first and most important step is to have a complete understanding of the export. What is the product? Where is it going? Who are the intermediate and final consignees who will receive the shipment, and what are the exporter's contractual obligations for shipping the export controlled goods or technology? For what will the exported goods or technology be used, and by whom? The applicant must be able to answer all of these questions in detail before filling in the application.

### **E.1. Confidentiality of Information**

Foreign Affairs and International Trade Canada is committed to respecting the privacy rights of individuals, including safeguarding the confidentiality of information provided by companies and individuals.

Regardless of the method of application, the name and business contact information (such as address, e-mail and telephone number) are required for both the exporter and the consignee(s). This data is collected and used for the following purposes: evaluating and approving applications for export permits for controlled goods; tracking goods exported against authorized permits; and supporting other export processes such as delivery verification.

Depending on the nature and destination of the export commodities, consultations with other government departments may be required as part of the export permit approval process (such as the Department of National Defence, Canadian Nuclear Safety Commission, etc.). The data are not used for any secondary purpose (e.g. to create profiles, marketing, or follow-up research/survey).

All the information collected is retained for a minimum of 2 years after the last administrative use, is stored within the program records of the Export Controls Division, and is noted under the following Personal Information Bank: Export Import Controls.

Personal information is protected from disclosure to unauthorized persons and/or agencies pursuant to the provisions of the *Privacy Act*. While third-party commercial information may be subject to requests under the *Access to Information Act*, no information contained in an export permit application may be released without first consulting with the applicant.

### **E.2. Export Controls On-Line (EXCOL)**

**EXCOL** is an internet-based system which allows applicants to apply for export control documents electronically. EXCOL is offered through the Government of Canada's Secure Channel and assures client security and privacy for all on-line interactions. Users obtain their own, unique, Government of Canada ePass, which allows them to access the system through a web browser.

EXCOL applicants are either "Recognized" or "Non Recognized". By default, users are Non Recognized and may apply for export permits, International Import

Certificates, and Delivery Verification Certificates on-line, as well as attach electronic copies of required supporting documents to their applications.

Applicants who apply or have applied for more than one export permit annually are advised to become Recognized Users of EXCOL. In addition to the functions available to Non-Recognized Users, Recognized Users may also do the following on-line:

- save partially completed applications and finish them later;
- copy previously submitted applications, modify them, and submit them as new;
- request permit amendments;
- verify status of all submitted applications;
- download and print issued permits and certificates; and
- submit utilization reports.

#### E.2.1.1. EXCOL System Requirements

The following are current local system requirements to use EXCOL:

- Internet browsers: Internet Explorer 5.5, 6.0, 6.1, or 7.0; or Netscape 7.02 or 8.0 International.
- Operating systems: Microsoft Windows NT 4 SP4 and higher; 2000 Professional SP3 Millennium edition; XP Home edition or XP Professional edition; or Macintosh OS 8.6, 9.x or OSX in OS9 emulation. MS Vista is not currently supported.

In order to support the ePass login via Secure Channel, a small Java applet must be installed on the PC and your system will need Sun Java Runtime Environment v. 1.4.2\_01 or higher (download from [www.java.com](http://www.java.com)). The download is normally automatic unless some setting prevents the download.

#### **E.2.2. EXCOL Registration**

**Although it is not obligatory, export permit applicants are encouraged to become Recognized Users of EXCOL. This section explains several easy steps to do this.**

Recognized User privileges require registration of the exporting company and of each individual representative of the company who will access EXCOL. There are two forms: the Application for an EXCOL Recognized Business and the Application for an EXCOL Recognized Individual. These forms are available for printing from the [EXCOL section](#) of the *website* [www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca).

The information provided in the Recognized Business form is used to create an Export and Import Controls Bureau (EICB) account within EXCOL for the corporate entity. Each business then designates individual Recognized Users who will be able to access this information and use EXCOL on behalf of the corporate entity.

A Recognized User form must be submitted for each and every person who needs access to EXCOL on behalf of the Recognized Business, even if there is only one individual from the business who will use EXCOL. Each individual must sign the Recognized User form and thereby attest that (a) he or she understands the rules regarding the Access Code and electronic submissions, and (b) he or she consents



to the collection, retention and sharing of the personal information required for the EXCOL account.

Deletions and additions of Recognized Users can be requested in writing at any time.

Steps for EXCOL registration:

- Fill in *Recognized Business* and *Recognized Individual* forms and send them by fax to (613) 992-9397, post or courier to: EXCOL Registration, Administration and Technology Services Division (TIA), Foreign Affairs and International Trade Canada, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2.
- Each individual must create a unique ePass. To do this, users may access the EXCOL website ([www.excol-ceed.gc.ca](http://www.excol-ceed.gc.ca)), choose “Login now”, and then follow instructions to “Register for an Epass.”
- Following receipt by Foreign Affairs and International Trade Canada of the forms described in step 1, each Recognized Individual receives an e-mail from [enrolment@excol.com](mailto:enrolment@excol.com) containing an Access Code, the individual’s own e-mail address, and a hyperlink for completing enrolment on-line. By following the hyperlink, each user completes the registration process (users need to enter their ePass at this step).
- EXCOL then launches and the user’s name appears in the upper left corner. For all subsequent logins, users simply go to [www.excol-ceed.gc.ca](http://www.excol-ceed.gc.ca) and login using their ePass.

### **E.2.3. On-line Applications for Export Permits**

Instructions:

- Access the EXCOL website at [www.excol-ceed.gc.ca](http://www.excol-ceed.gc.ca) and choose the language of your choice.
- Recognized Users choose “Login now” from the left-hand menu.
- Under the heading “Apply for...” on the left-hand menu, select the type of application:

For exports of complete firearms or their receiver/frames (but not for other firearm parts, accessories, or ammunition):

- on the left-hand menu under the heading “Apply for ...” select Firearms.

For all other goods and technology (apart from logs and woodchips), including firearm parts, accessories, or ammunition:

- on the left-hand menu under the heading “Apply for ...”, select Other Controlled Goods

Two applications are required if firearms and other firearm parts, accessories, or ammunition are being exported together. At the time of writing, a consolidated EXCOL application form for firearms, firearms-related components, and ammunition is under development.



- Read and accept the Privacy Disclaimer.
- Complete the form (see below for detailed instructions for export permit applications). Please provide your Business Number with your first export permit application.
- Attach all supporting documentation electronically. All paper documents should be scanned and saved in .pdf or .jpg formats. If it is impossible to attach electronic documents, you must indicate on the export permit application that they will be sent by fax to (613) 996-9933 or by mail to: Export Controls Division (TIE), Foreign Affairs and International Trade Canada, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2.

Once you have submitted your application, the system will automatically generate a reference number (Ref ID). Please quote the Ref ID on all correspondence regarding your export permit application.

If you have technical difficulties using the EXCOL system, please contact EXCOL Help at 1 (877) 808-8838 or via e-mail to: [excol-ceed.TIA@international.gc.ca](mailto:excol-ceed.TIA@international.gc.ca).

#### **E.2.4. Paper Applications for Export Permits**

Data entry of all paper applications may delay the processing time for export permit applications. Required forms may be downloaded from the Export Controls Division website at [www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca) (on the EXCOL information page) or may be requested from the Export Controls Division at telephone (613) 996-2387.

Forms that are not legible may be returned without action.

For exports of complete firearms or their receiver/frames (but not for other firearm parts, accessories, or ammunition):

- fill in forms [EXT-1042 \(General Information Form\)](#) and [EXT-1042-2 \(Firearms Application\)](#)

For all other goods and technology (apart from logs and woodchips), including firearm parts, accessories, or ammunition:

- fill in forms [EXT-1042 \(General Information Form\)](#) and [EXT-1042-1 \(Controlled Goods Detail Form\)](#)

Two applications are required if firearms and other firearm parts, accessories, or ammunition are being exported together.

Export permit applications should be sent, with all supporting documents, by fax to (613) 996-9933 or by mail to: Export Controls Division (TIE), Foreign Affairs and International Trade Canada, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2.

### **E.3. How to Complete the Application to Export**

The following section describes the content that is required in each field of the export permit application, either in EXCOL or on paper forms.

Applicants should bear in mind that an export permit and all documentation submitted with it are legally binding on all parties once an export permit is issued. The *Export and Import Permits Act* prohibits the “export or attempt to export any goods included on the Export Control List or any goods to any country included on

the Area Control List except under the authority of and in accordance with an export permit issued under this Act.” (Section 13) Furthermore, the *Export and Import Permits Act* states that, “No person shall willfully furnish any false or misleading information or knowingly make any misrepresentation in any application for a permit ... or for the purpose of procuring its issue or grant or in connection with any subsequent use of the permit ... or the exportation ... of goods to which it relates.”

Incomplete export permit applications may be returned without action by the Export Controls Division. Information entered on the export permit application must be consistent with information entered on the Export Declaration (or other export reporting documents) submitted to the Canada Border Services Agency when the goods or technology are presented for export, otherwise the goods or technology may be detained.

### **E.3.1. EXCOL Field: Applicant information**

The Client Name is the name of the business or individual acting as Applicant.

Section 7 of the *Export and Import Permits Act* requires that the Applicant be a resident of Canada (defined as “...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”).

The Applicant and Exporter do not need to be identical.

If the Applicant is a business, the Applicant must hold a resident Business Number (formerly known as a GST Number) issued by the Canada Revenue Agency (more information on the internet at [www.cra-arc.gc.ca/tx/bsnss/tpcs/bn-ne/menu-eng.html](http://www.cra-arc.gc.ca/tx/bsnss/tpcs/bn-ne/menu-eng.html)). A Business Number is not necessary for an application by an individual. The Applicant must hold an Export and Import Controls Bureau (EICB) Number issued by Foreign Affairs and International Trade Canada (application forms are available on the internet at [www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca)) before the export permit application can be processed. However, export permit applications submitted through EXCOL by businesses that do not already have an EICB Number will be assigned one upon receipt of the export permit application by Foreign Affairs and International Trade Canada.

Please note that Canadian telephone numbers should be separated by a dash (e.g., 613-996-2387).

### **E.3.2. EXCOL Field: Exporter information**

The Client Name provided must be the Exporter, the business or individual which exports the goods or technology or has the legal right to cause them to be exported. The wording “cause them to be exported” does not mean the person involved in the transportation (carriage) of the goods. For more information, please consult the publication “Exporting Goods from Canada, A Handy Guide for Exporters”, available on the internet at [www.cbsa.gc.ca](http://www.cbsa.gc.ca).

The Exporter address must be the location from which the goods or technology will be shipped at the time of export. The exporter name and address provided must match the exporter information as stated in the Export Declaration (B13A) or other documentation which is presented to customs authorities when the goods are presented for export.

The exporter may be a non-resident of Canada but the applicant must always be a resident of Canada. In the case of a non-resident exporter, the applicant accepts legal responsibility for the use of the export permit if issued.

If the Exporter is a business, the Exporter must hold a resident or non-resident Business Number (formerly known as a GST Number) issued by the Canada Revenue Agency (more information on the internet at [www.cra-arc.gc.ca/tx/bsnss/tpcs/bn-ne/menu-eng.html](http://www.cra-arc.gc.ca/tx/bsnss/tpcs/bn-ne/menu-eng.html)). A Business Number is not necessary for an exporter who is an individual. The Exporter must hold an Export and Import Controls Bureau (EICB) Number issued by Foreign Affairs and International Trade Canada (application forms available at [www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca)) before the application can be processed. However, applications submitted through EXCOL by businesses which do not already have an EICB Number will be assigned one upon receipt of the application in the Export Controls Division.

### **E.3.3. EXCOL Field: Consignee information**

Foreign parties (individuals, companies or other entities) that must be identified in an export permit application typically fall into the following categories:

- Consignees (final consignees, intermediary consignees)
- End-Users

Information on other foreign parties involved in the export, if any, such as freight forwarders and financial institutions, may be provided by the applicant, or requested in certain circumstances by the Export Controls Division, but does not usually appear on the export permit.

Accurate and complete information about the foreign parties involved in the export of goods and technology from Canada is essential to the Export Control Division's review of an application. Verification of the legitimacy of the foreign parties to the transaction is one of the factors used to determine whether the proposed transaction is consistent with Canada's foreign and defence policies.

Such verification is also a responsibility of the applicant. It is expected that Canadian exporters of controlled goods and technology will make appropriate enquiries as to intended end-use of the export and to fully declare this end-use when making an application. Furthermore, suspicious information should also be disclosed in the application (see Box 3: Evaluating Foreign Clients below for more information). In other words, an exporter should exercise due diligence and know who the foreign parties are, including the end-users.

#### **E.3.3.1. Final Consignee**

The term "consignee" refers to the foreign party or parties that are named in the exporter's contract and to which the Canadian exporter is shipping the goods or technology.

In many cases, there are only two parties named in an export contract: the Exporter and the Final Consignee. The Canadian exporter has signed a contract directly with and will deliver the goods or technology to a foreign customer, for their own use. In this case, the customer is the Final Consignee (or "Ultimate Consignee" on documents such as the Export Declaration that are required by the Canada Border Services Agency – see section I below).

In cases where the Canadian exporter is carrying or shipping goods or technology to several countries (for example, for demonstrations at trade shows or visits to customers), the location in the first country of destination should be used for the Final Consignee. Other destinations should be described in the Overall Description of Goods and End-Use (see Section E.3.4 below). The Canadian export permit will cover the movement from Canada to the first country of destination and subsequent movements between countries may be subject to foreign export controls.

A “carnet” issued by the Canadian Chamber of Commerce may help to facilitate subsequent movements between countries. A carnet is an international customs document used for temporary, duty-free exports (i.e., the exported goods will return to Canada after less than 1 year). It is currently honoured in approximately 75 countries. Items which enter a country under the authority of a carnet are not to be sold. For more information about Canadian carnets, please visit a local Chamber of Commerce or consult the following website: [www.chamber.ca/article.asp?id=259](http://www.chamber.ca/article.asp?id=259).

Applicants may submit permit applications with multiple Final Consignees, provided they are located in the same country.

#### E.3.3.2. Intermediary Consignee

As stated above, the term “consignee” refers to the foreign party or parties that are named in the exporter’s contract and to which the Canadian exporter is shipping the goods or technology.

In some cases, more than one party is named in the exporter’s contract. An Intermediary Consignee is a party who receives the goods or technology prior to their delivery to the Final Consignee. Among other things, the role of an intermediary consignee may be to temporarily warehouse the goods, to repackage them or to install them on behalf of the exporter. The Intermediary Consignee is not required to be located in the same country as the Final Consignee.

Freight forwarders, financial institutions and/or forwarding agents are generally not considered to be intermediary consignees.

#### E.3.3.3. End-user

Applicants for export permits are required to identify end-users of the goods or technology proposed for export. In general, the end-user is the entity that employs the goods or technology that were exported from Canada for the purpose for which they were intended.

In many cases, the Final Consignee is the end-user of an exported good or technology. In other cases, when there are several foreign parties with an interest in a transaction, the end-user may be more difficult to identify.

A foreign manufacturer that uses goods (such as components, assemblies, etc.) or technology to produce or develop new products, or which integrates them into new products, is the end-user of the goods or technology exported from Canada. Subsequently, the new products may be sold by the foreign manufacturer to a third party. The foreign manufacturer may consider the buyers of these new products with Canadian content to be its own end-users.

In cases where the Final Consignee resells or distributes the goods or technology (in their original form, as they were exported from Canada), the Final Consignee is

**Box 2: Examples of Consignees and End-Users**

The following examples may help to distinguish between consignees and end-users in more complex cases.

**Intermediary consignee:** A Canadian exporter hires a foreign sales agent to act on its behalf and promote its goods overseas. The sales contract is always made directly between the Canadian exporter and the foreign customer identified by the sales agent. However, the sales agent is also named in each contract as an intermediary, and it receives and delivers the goods to the customer. In this situation, the foreign sales agent is the intermediary consignee and the party which accepts final ownership of the goods and delivery from Canada is the final consignee.

**Final consignee re-sells to end-user:** A company in the UK wins a contract to supply parachutes to the UK Ministry of Defence. The UK company buys the parachutes from Canada and, according to its contract with the UK company, the Canadian exporter delivers the parachutes to the UK company. The UK company subsequently sells these Canadian parachutes to the Ministry of Defence. In this scenario, the UK company is the final consignee and the Ministry of Defence is the end-user.

**Canadian exporter delivers to end-user:** A company in the UK wins a contract to source parachutes for the UK Ministry of Defence. The UK company buys these parachutes from Canada and contracts with the Canadian exporter to deliver them directly to the UK Ministry of Defence. In this scenario, the Ministry of Defence is both the final consignee and the end-user.

**Final consignee is a manufacturer:** A company in the UK that manufactures pilot ejector seats buys parachutes from Canada. The Canadian exporter delivers the parachutes to the UK. The UK company sells its pilot ejector seats, which include the Canadian parachutes, to a company in France, which installs the seats in aircraft. The Canadian exporter has no direct relationship with the French company. The UK company is the final consignee and the end-user of the goods exported from Canada (the parachutes). The end-use of the Canadian goods is for production of pilot ejector seats and export to the French company; this needs to be fully described in the Canadian export permit application.

**Parts used for repair overseas:** A company in Italy buys spare aircraft parts from a Canadian exporter. According to its contract, the exporter ships the goods directly to a company in Portugal which uses the goods to repair an aircraft owned by the Italian company. In this scenario, the final consignee is the Portuguese company and the end-user is the company in Italy.

**Multiple trade shows:** A Canadian exporter intends to participate in trade shows in 3 different countries within a period of 2 months. The first trade show is Germany, the next in France and the last in the Netherlands, and the goods will then return to Canada. The Canadian export permit will identify a final consignee in Germany only. The Canadian exporter should obtain a carnet from the Canadian Chamber of Commerce to cover the movement of the goods to France and the Netherlands. The details of the full itinerary must be submitted with the permit application, including if possible a copy of the carnet.



not considered to be the end-user. In this case, the end-user would be the third party who will acquire the goods or technology.

In the case of repairs, the entity which owns the goods that are being repaired is typically the end-user.

If roles of the parties are uncertain, applicants should provide sufficient information about the transaction for the Export Controls Division to make a determination, including copies of contracts and invoices.

End-use statements are an essential part of export permit applications. More information about end-use statements can be found in section E.4.2 below.

#### E.3.3.4. Other information about consignees

For the purpose of export permit applications, all consignees are located outside Canada. Export permit applications that list a Canadian consignee address cannot be processed and will be returned without action.

Consignee addresses should identify the location of the consignees where they take physical possession of the exported goods or technology. Consignee addresses must be complete. Post office boxes alone are generally not acceptable. Where available, consignee website addresses should be indicated along with contact e-mail addresses.

When entering telephone and fax numbers, applicants should separate country and area codes by using a dash between each set of numbers (e.g., 1-613-996-2387).

Applicants should verify all consignee contact information (including telephone and fax numbers, e-mail addresses, and websites). Information that is found to be incomplete or inaccurate may result in the return of the export permit application without action.

Exporters may wish to refer to [Canada Border Services Agency Memorandum D20-1-1](#), which provides a definition of consignee for the purpose of export reporting.

### **E.3.4. EXCOL Field: Overall description of goods and end-use**

The exporter should provide general information about the proposed export in this field, including the following (as applicable):

- a description of the goods or technology which is understandable to a layperson;
- a description of the exporter's understanding of the end-use of the exported goods or technology by the final consignee and, if known, subsequently by other parties;
- in the case of temporary exports, such as for repair or for demonstration at a trade show, a detailed explanation of the reason for the export and a statement as to whether the exported goods or technology will remain in the possession of an employee of the exporter while outside Canada;
- in the case of U.S.-origin goods, a declaration of the U.S. authority under which the goods and/or their subcomponents or technology, were imported into Canada. If controlled under the International Traffic in Arms Regulations, under what authority are the goods, subcomponents or technology being re-exported from Canada;

- more precise descriptions where “Spares”, “Kits”, or “Accessories” are concerned. General terms like these will usually prompt us to ask for a full breakdown of what is actually to be exported as it is unclear exactly what might be encompassed. Recognizing that breakdowns of such lists may be impractical in some cases, there is an alternative that could be considered, such as using generic groupings of certain types or categories of items. Terms like “Components of...” or “Tooling for...”, are more accurate ways of describing goods rather than “Spares for” or “Accessories”;
- date when the export is expected to leave Canada, if known, or desired duration of the permit for multiple shipments (see section G.6)

### **Box 3: Evaluating Foreign Clients**

The following questions are meant to assist exporters to evaluate the legitimacy and credibility of foreign customers who wish to acquire export controlled goods or technology. If answers to the following questions raise suspicions about potential foreign customers, exporters should describe the circumstances in their export permit application in the EXCOL field "Overall Description of Goods and End-Use".

- How well do you know the foreign customer? Is it difficult to obtain information about that company or entity?
- Is the customer reluctant to provide an end-use assurance document or is information not forthcoming in comparison to past experiences with other customers? Does the product fit the customer’s business profile?
- If you have done business with the customer before, is this a usual request for him/her to make?
- Does the customer seem familiar with the product type and its performance characteristics or is there an obvious lack of technical knowledge?
- Does the customer reject the customary installation, training, or maintenance services provided?
- Is unusual packaging and labelling required?
- Is the shipping route unusual?
- Is the customer ordering an excessive amount of spare parts or other items that are related to the product, but not related to the stated end-use?
- Is the customer offering unusually profitable payment terms, such as a much higher price than normal? Is the customer offering to pay in cash?
- Is the customer or the end-user tied to the military or the defence industry, or to any military or governmental research body?

The Applicant should also provide any other information to support the export permit application and to help the Export Controls Division to fully understand and assess the transaction and the proposed export.

Such information may alternatively be provided in a separate cover letter on company letterhead, signed by the Registered Individual who is making the application or a senior officer of the applicant business, which the Applicant should attach to the completed export permit application.

#### **E.3.5. EXCOL Field: Applicant/Exporter comments**

Additional comments which may be pertinent to the application.

For example, the Applicant should state in this field if the application to export is being made to allow the exporter to participate in marketing or bidding (such as responding to a Request for Proposal) prior to a contract being concluded (supporting documents to this effect must be attached to the application).

See Box 5 below if foreign sales are not denominated in Canadian dollars.

### **E.3.6. EXCOL Field: Export type**

Indicate the type of export, whether permanent (the goods will be exported and are not intended to return to Canada) or temporary (the goods will be exported and are intended to return to Canada after a period of time).

#### **E.3.6.1. Permits for Temporary Exports**

Permits for temporary exports are common for export controlled items exported for trade shows, exhibitions, demonstrations, provision of services, repair by the original manufacturer, and other activities after which the items will be returned to Canada. Exporters must apply for an export permit in the normal manner and must note in the body of the application that they are asking for a permit for a temporary export. In granting an export permit for a temporary export, the Export Controls Division may place certain conditions on the export. These conditions may include:

- adhering to the expiry date of the export permit (normally 12 months);
- ensuring the items are properly supervised while abroad; and
- submitting proof that the items were returned to Canada unchanged (except as otherwise authorized by the export permit).

### **E.3.7. EXCOL Field: Description**

The Description is how the goods or technology will be identified on the export permit, which will also be verified against the Export Declaration submitted to the Canada Border Services Agency at the time of export (see section I).

Provide the name of the goods and include, where possible, models, brand names, part numbers, serial numbers, and so on. This information should be consistent with packaging labels, invoices, and shipping documents.

Where quantity is given as a weight or volume, the unit of measure must be stated in the Description field.

When large or complex products are disassembled for shipment into several units or major components, these major components should be listed on separate lines, with a reference to the complete system (for example, a disassembled car might be described as follows: “5.4 L V8 engine for Ford F350 truck” on one line; “Chassis for Ford F350 truck” on a second line).

Do not describe the purpose, use, or physical appearance of the product; this should be provided instead in the field “Overall Description of Goods and End-Use” (see section E.3.4). Do not include references to the Export Control List (self-assessments should be provided in the field “ECL No.”, section E.3.14).



**E.3.8. EXCOL Field: Item Type (including quantity and value)****E.3.8.1. Quantity**

Select one item type: quantity, lot or no commercial value and provide the corresponding information for the selection.

If a unit of measure is used, it should be stated in the item Description. This typically occurs in the case of bulk shipments. For example, to describe an export of 10 litres of milk, the applicant would state "10" in the quantity field and include a description of: "Milk (quantity stated in litres)".

**Box 4: Applications to Export Goods After Temporary Import into Canada (including Repairs and Equipment on Loan)**

When applying to permanently export goods that have been temporarily imported into Canada and are being returned to a foreign client, the value of each line item should reflect only the cost of new revenue generated due to the transaction, as paid for by the customer. This amount, in Canadian dollars, is entered in the Unit Value field in EXCOL or on the paper forms.

With respect to repairs, if the cost of repairs is unknown at the time of the export permit application, a high estimate may be entered to ensure that the actual value of repairs which is declared on customs documents at the time of export does not exceed the value stated on the export permit.

The repair value should be zero in the case of repairs made under warranty, which result in no new revenue for the exporter; applicants for such permits may choose the "No commercial value" option in the EXCOL Description field in order to obtain a dollar value of zero.

Similarly, in cases where loaned or leased equipment is being returned to a foreign consignee (that is, the owner of the goods) and does not result in any new revenue for the Canadian business, the Unit Value should be reported as zero.

For clarity, the Item Description of each good that is being returned should contain the following: "(Repair value stated.)" or "(Warranty repair.)" or "(Return of loaned equipment.)". Furthermore, the Item Description field should include the value that would be charged for the export of each unit of the good if it were new (i.e. the normal sale price or normal commercial value).

Examples as they might be displayed on an export permit:

Item No.	Item Description	Quantity	Unit Value	Total Value
1	X35 microprocessor (Warranty repair. Normal commercial value is \$560 per unit.)	10	\$0	\$0
2	Utopia display unit (Repair value stated. Normal commercial value is \$2,000 per unit)	2	\$400	\$800
3	XYZ amplifier (Return of loaned equipment. Normal commercial value is \$1,000 per unit.)	1	0	0

“No Commercial Value” is used when there is a positive quantity but a dollar value of zero (used, for example, when goods are being exported under warranty; see Box 3 for more information).

“Lot” should be chosen when the goods described on a single line cannot be easily quantified but they have a positive dollar value for the purpose of the application. Lots are frequently used when a line describes miscellaneous spare parts for a complete product that is identified on another line of the same application; lots are also commonly used with exports of information that may be transferred in different intangible forms (such as in meetings and electronic downloads).

### **Box 5: Exports by Intangible Means**

Export controls apply to both physical shipments of controlled goods and technology and to transfers of controlled technology by intangible means. Certain types of products lend themselves to exportation by intangible means, such as: software and source code, services, and other technology. Exports by intangible means may occur by way of, for example:

- provision of services or training
- downloads or other electronic file transfers
- e-mails
- faxes
- telephone conversations
- face-to-face meetings.

#### How to apply for export permits for exports by intangible means

Transfers by intangible means of technology that is subject to export controls must be authorized by an export permit. When applying for export permits which include exports of controlled technology by intangible means, the applicant should enter the product that will be exported by intangible means on a separate line on the export permit application. The export permit application line description for items which will be exported or transferred by intangible means should include the following elements:

- What is it? e.g. what is the brand and product name?; is it technical data, technical assistance, information, etc.? – usually a brief description is necessary in this field.
- What is the purpose of the export or transfer of technology? e.g. for the development or production or use of a product or article which is controlled for export on the Export Control List? What is the name of the project under development for which purpose the technology will be exported?
- In what form will the technology be exported? e.g.:
  - Technical data: blueprints, formulae, plans, models, engineering designs and specifications, manuals, instructions, etc.
  - Technical assistance: instruction, skills development, working knowledge, consulting services, training, etc.
  - Software (you should clearly define the item being exported): executable code, source code, etc. (see section E.3.13 for other examples)
  - Services: such as training, consulting, troubleshooting, or instruction – exports of services by intangible means are often linked to physical

goods exports, however transfers by intangible means should be covered on a separate export permit application line

- How will the product be exported? e.g. electronic file transfers, fax, in-situ training seminars, “help desk” advice, telephone discussions or negotiations?

Line item descriptions should not contain Export Control List numbers or make reference to documents or statements attached or mentioned elsewhere. The line item description entered on the export permit application should stand alone as a description of the export by intangible means, identifying the item being exported or transferred.

Line item descriptions allow the establishment of clear and appropriate parameters which effectively define the proposed export or transfer and support its monitoring. A proper line description avoids potential confusion for all parties involved in the transfer/export process.

Fictional examples of acceptable item descriptions would be:

- *Operation and maintenance manuals and diagrams for the use of X35 Transmitters in the Acme military communications satellite program to be exported by downloads from a secure website.*
- *Technical and engineering services and manuals for overhaul of the N40 jet engine to be directly provided by exporter's employees.*
- *Source code sharing for international co-development of ABC operating system.*
- *Executable software upgrade downloads for previously exported training simulators, model XYZ (originally exported under export permit number xxx).*

Due to the nature of technology and the ability to export it in different forms (e.g. in a physical form or by electronic means), exporters are advised to request quantities as “lots” when applying for an export permit. Total value entered on such applications should reflect the total value of the supply contract over the life of the export permit. In some cases, a condition of using the export permit may be that reports of actual shipments of the products authorized for export must be submitted at regular intervals. In cases where the quantity measure is a lot, exporters may report a share of the total value of the lot exported in the relevant period.

### Compliance and records

Exporters of controlled goods and technology are obliged by law to maintain for a period of six years all records with respect to exports made under the authority of export permits issued under the EIPA. This record-keeping obligation applies equally to exports by intangible means.

The export control function has historically been carried out by a company's shipping department. However, in the modern environment of electronic communications and globalized technology development – an environment in which exports of controlled technology can take place from the desktop of an employee – responsible exporters should ensure that all business units conform to enterprise-wide policies and procedures on export controls compliance.

### E.3.8.2. Value

Value must be expressed in Canadian dollars and should represent the invoice or sale price paid by the foreign customer (see Box 5 below on how to account for exchange rate fluctuations if the sale price is denominated in another currency). If the exact unit value is not known at the time that the application is submitted, it should be estimated. Exporters should ensure that the actual value that will be declared at the time of export does not exceed the estimate declared on the export permit.

For permanent exports of new goods or technology, the value should reflect the full sale price.

For permanent exports of goods repaired in Canada, the value should reflect only the cost of repairs in Canada (see Box 3: Applications to Export Goods Repaired in Canada).

The value of temporary exports from Canada should be declared as the normal commercial value of the goods or technology being exported.

Exports which exceed those defined on the export permit in value or quantity may constitute a violation of the *Export and Import Permits Act*. If the value of goods or technology increases between the time the application was made and the date of export, a Permit Amendment Request should be submitted to change the permit prior to shipment.

#### **Box 6: Exchange Rate Fluctuations**

The value of an export authorized by an export permit may not exceed the value stated on the permit. Since this value is stated in Canadian dollars, when sales are denominated in another currency, exchange rate changes may cause the value of the export to exceed the value stated on the permit, even though the goods or technology being exported are otherwise as described on the permit.

This problem may be more acute in the case of permits that are valid for several years. This problem is particularly important when exporters are required to submit periodic reports of exports made under the authority of a permit (see for example section H.2.1 below).

To avoid this problem, applicants are encouraged to use an estimated rate of exchange (up to 15% above the actual rate) that offsets potential currency fluctuations. The exchange rate used should be identified in the "Exporter/Applicants Comments" field of the permit application (for example, "Sales are made in US dollars. Exchange rate used here is \$1.35 Canadian = \$1 US").

When the exchange rate fluctuates outside this range, exporters must submit a Permit Amendment Request to change the unit value reflected on the permit prior to shipment in order to ensure that the Canadian dollar value of an export authorized by a permit does not exceed the value stated on the permit. The applicant should attach a statement which notes the exchange rate at the time of the original application and the prevailing exchange rate at the time of the amendment request.

**E.3.9. EXCOL Field: U.S. Content**

U.S.-origin value as (estimated) percentage of the total value in Canadian dollars.

If the goods or technology being exported contain some U.S. content and are controlled in Groups 2 or 6, or by Item 5504 of the Export Control List, refer also to section E.4.3 below.

**E.3.10. EXCOL Field: Country of Manufacture**

Country where the goods or technology were produced or assembled into their final form prior to export from Canada.

**E.3.11. EXCOL Field: Goods are specially designed or modified for**

Specify whether the goods are designed or modified for (select one): "military use", "space use", "nuclear use", "other (specify)". Appropriate supporting documentation should be attached to the application. Otherwise leave blank.

**E.3.12. EXCOL Field: Goods employing cryptography**

For information security products, indicate if the goods employ cryptography (including encryption or decryption). Otherwise leave blank.

**E.3.13. EXCOL Field: Supplementary information**

Optional statements that clarify the nature of the export, such as:

- cryptographic executable code
- cryptographic source code
- complete system
- part of a system
- raw material
- replacement part
- software executable code
- software source code
- substance or compound
- technical data for design or development
- technical data for production
- technical data for repair/overhaul
- test, inspection or production equipment

**E.3.14. EXCOL Field: ECL No.**

Using the latest version of the Export Control List as published in the [Guide to Canada's Export Controls](#), identify the Export Control List Item number which describes the goods or technology proposed for export. See section C for information on determining the Export Control List Item Number.

**E.3.15. EXCOL Field: Additional information attached**

Specify any additional, supporting documentation that is attached to the application (you must attach some documents, see section E.4.)

**E.4. Mandatory Supporting Documentation**

The following information is required to supplement the completed export permit application form.

Electronic documents (including scans of paper copies) should be attached to export permit applications made on-line using the EXCOL system. Applicants are requested to separate different documents into individual electronic documents for ease of transmission and reference at different stages of the review process.

#### **E.4.1. Technical description of the goods or technology**

The Export Controls Division undertakes a technical assessment of the goods, services, and technology listed in the export permit application to determine under which Export Control List Item(s) they fall. For this purpose, technical specifications of the export must be detailed and adequately describe the characteristics of the goods and services. Enough details must be provided to establish the true nature of the items. These could be provided in the form of drawings, data sheets, manuals, component lists, block diagrams, exploded view drawings, and so on. Marketing brochures may also provide useful additional information. The information that is submitted should make clear the type and function of the goods and provide key technical parameters.

Failure to provide technical specifications for the items may delay the processing of your export permit application or result in it being returned to you without action.

#### **E.4.2. End-Use Assurances**

There are several types of end-use assurance documents. The provision of end-use assurances does not in any way imply that an export permit will be issued. All export permit applications are considered on a case-by-case basis and on their own merits.

Exporters must submit at least one end-use assurance document with their export permit application and are encouraged to include several such documents, as available. This will ensure that the Export Controls Division has a clear understanding of the proposed export and will help to expedite the review process.

##### E.4.2.1. End-Use Certificates

An End-Use Certificate is issued by the government of the final destination country and is attached to the Canadian export permit application. An End-Use Certificate:

- identifies the quantity and value of the goods or technology that will be exported from Canada to that country;
- describes the end-use of the items in that country; and
- confirms that the government of that country accepts responsibility to ensure that the items will not be diverted to uses other than those stated.

##### E.4.2.2. End-Use Statements

If an official document from the final destination government is not available, an End-Use Statement from the final consignee is generally acceptable (see Box 2 in section E.3.3 above for more information on consignees and end-users).

In certain cases the applicant may be requested to provide a statement or statements from parties other than the final consignee (e.g., in certain cases when the final consignee is not the end-user).

An End-Use Statement must be written on company letterhead in either English or French and should:

- Identify the items, including quantities, which are the subject of the export permit application;
- Identify the end-user and the location where the items will be delivered;
- Identify any consignees (both intermediary and final), agents, or other entities involved in the export from Canada;
- State the purpose and end-use of the products, including a statement of whether the intended end-use of the items is civilian (commercial) or military;
- State whether the goods or technology are intended for re-sale, re-transfer or re-export to another party or parties and, if so, describe the circumstances; or state that the goods or technology will not be resold, re-transferred or re-exported;
- Declare whether the goods and technology will be used for any purpose associated with the development or production of chemical, biological or nuclear weapons, or their delivery systems (such as missiles);
- State that the goods or technology will not be transhipped to other destinations or otherwise diverted from what has been previously described;
- Identify the name and title of the person signing the End-Use Statement, his/her address, telephone number, fax number, e-mail address and corporate website.

#### E.4.2.3. International Import Certificates

An International Import Certificate is provided to the exporter by the final consignee and is issued to the final consignee by the government of the final destination country. It states the items (including quantities and values) which will be imported and provides both governments with an assurance that the goods will not be diverted to illegitimate end-users. The Canadian exporter must attach the International Import Certificate to the export permit application and submit it to the Export Controls Division within the validity period (usually 6 months) of the International Import Certificate.

#### E.4.2.4. Import Licenses

Import Licenses are issued by the government of the final destination country when imports of the items proposed for export from Canada are controlled. If an Import License is required, the final consignee must obtain it and provide a copy to the Canadian exporter, who must then attach the copy of the Import License to the export permit application.

#### E.4.2.5. Informal End-Use Assurance Documents

Applicants are encouraged to attach the documents described below to their export permit applications, in addition to formal end-use assurances. These will ensure that the Export Controls Division has a clear understanding of the proposed export and will help to expedite the review process.

At the discretion of the Export Controls Division, in some situations applicants may substitute one or more of the alternative, informal, end-use assurance documents listed below for the formal end-use assurances described above. These informal end-use documents support the applicant's statements about the destination, consignees, and end-use of the goods or technology proposed for export:

- a copy of the contract of sale between the applicant or exporter and the person to whom the applicant or exporter sold the goods for export [i.e. the foreign consignee (s) or end-user(s)]
- a copy of the service contract between the applicant or exporter and the person to whom the exporter will ship goods for the provision of such services (if applicable)
- a copy of the commercial invoice which relates to the export
- a copy of a letter of credit or other financial documentation which identifies the Canadian and foreign financial institutions involved in the export
- evidence of registration for display at exhibitions, in the case of temporary exports
- proof of import of goods (such as B3 or import waybill) and defect slip or failure report in the case of:
  - Canadian-owned items that are being exported from Canada to a foreign country for repair or replacement
  - foreign-owned items which have been repaired or maintained in Canada and are returning to the foreign owner
  - export of replacements or spare parts for service or maintenance (in addition to prior export permit numbers)
  - copies of official documents or correspondence originating from other departments and agencies of the Government of Canada or of foreign governments when those agencies are involved in the proposed transaction.

#### E.4.2.6. End-Use Assurance for Firearms, Components, Ammunition and Explosives

Export permits for firearms, firearm components and ammunition may not be issued unless the exporter provides an import license or other proof that the items will legally enter the country of destination. To meet the requirements of the Organization of American States' Convention on Firearms, Explosives and Related Material, proof of a transit authorization may be required if the items are transiting a third country.

#### E.4.2.7. Delivery Verification Certificates

A Delivery Verification Certificate is typically issued to the final consignee by the government of the country to which the item has been exported and provides official confirmation that the goods have been delivered in accordance with the terms of both the Canadian export permit and/or the foreign-issued International Import Certificate. In some cases, Canadian exporters are required to obtain and submit to the Export Controls Division applicable Delivery Verification Certificates as a condition of the export permit.

For information about applying for a Canadian Delivery Verification Certificate (to confirm that items controlled in another country have been imported into Canada), please see section K.3.

### **E.4.3. U.S. Export Authorization**

The Export Permits Regulations require that a U.S. Export Authorization be provided with every application to export goods or technology that are:

- controlled goods that are goods of U.S.-origin,



- goods incorporating any goods of U.S.-origin that are controlled goods, or
- goods manufactured in Canada using any goods of U.S.-origin that are controlled goods.

In this context, the term "controlled goods" is defined in the *Defence Production Act* to comprise the following items on the Export Control List:

- goods included in Export Control List Item 2-1 that are prohibited firearms, as defined in paragraph (c) of the definition "prohibited firearm" in Subsection 84(1) of the Criminal Code;
- goods included in Export Control List Item 2-2;
- goods included in Export Control List Item 2-3 that are ammunition with a calibre greater than 12.7 mm;
- goods included in Export Control List Items 2-4 to 2-22;
- goods included in Export Control List Item 5504;
- all goods listed in Group 6 on the Export Control List.

A U.S. Export Authorization means a copy of any of the following approvals issued by the United States (Department of State) under the International Traffic in Arms Regulations:

- Export license;
- Warehouse and Distribution Agreement;
- Technical Assistance Agreement;
- Manufacturing License Agreement;
- Re-export authorization letter; or
- U.S. export license exemption.

In general, goods that are, or that incorporate, goods or technology that were exported from the U.S. under the authority of the U.S. Department of State and the International Traffic in Arms Regulations fall into this category (see Box 1 for related information).

Exports of controlled goods that are not of 100% U.S. origin but contain some U.S. content that is not subject to the International Traffic in Arms Regulations (ITAR) must describe what the U.S. content consists of and explicitly state in the application to export those goods from Canada that this U.S. content is not subject to ITAR. In such cases, a U.S. Export Authorization is not required.

## F. Other Export Control Issues

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### **F.1. General Export Permits**

General Export Permits are, by order, issued generally to all residents of Canada by the Minister of Foreign Affairs. General Export Permits (GEPs) allow the export of certain items from Canada to certain eligible destinations by means of a simplified administrative procedure (i.e. citing the relevant GEP on your Customs Declaration form) as opposed to the standard procedure of having to obtain an individual export permit.

When exporting items listed on the Export Control List where a General Export Permit applies, the exporter must cite the appropriate General Export Permit number in the relevant box on the appropriate form prescribed by the Canada Border Services Agency (see section I). However, some General Export Permits contain conditions that must be adhered to in order to use them. In some cases, the use of a General Export Permit is conditional upon an exporter undertaking to report on actual volumes of exports or on specific final consignees made against the General Export Permit.

General Export Permits have been issued for specific items and specific destinations. The current list of General Export Permits is available on the internet at [www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca) or by contacting the Export Controls Division. For additional details on how to use a General Export Permit, please contact the Export Controls Division (information about General Export Permit No. 12 is found in section D.4).

### **F.2. Controlled Goods Program**

The Controlled Goods Program, managed by the Controlled Goods Directorate of Public Works and Government Services Canada, was established in 2001 to administer the *Defence Production Act* and the Controlled Goods Regulations. Generally speaking, companies or persons having access to or who possess, examine, or transfer "controlled goods" as defined in the Schedule to the *Defence Production Act*, including related technology, within Canada, must be registered with the Controlled Goods Directorate. If an exporter is not registered, an export permit application cannot be issued and the application will be held in abeyance until there is evidence that the exporter has registered.

For information on the Controlled Goods Program, please refer to:

Controlled Goods Directorate (CGD)  
Public Works and Government Services Canada  
c/o Central Mail Room  
Place du Portage, Phase III OB3  
11 Laurier Street, Gatineau, Quebec, K1A 0S5  
(Visitors go to: 2745 Iris Street, Ottawa, Ontario)  
Telephone: 1 (866) 368-4646 (toll-free)  
Fax: (613) 948-1722  
Internet: <http://ssi-iss.tpsgc-pwgsc.gc.ca/dmc-cgd>

**F.3. Canadian Nuclear Safety Commission**

In addition to export controls imposed under the *Export and Import Permits Act*, the exports of nuclear and nuclear-related items are also controlled by the Canadian Nuclear Safety Commission under the *Nuclear Safety and Control Act* and Regulations. Therefore, the exports of Export Control List Groups 3 and 4 items also require licenses from the Canadian Nuclear Safety Commission. There are also nuclear and nuclear-related items not listed in the Guide that are controlled under the *Nuclear Safety and Control Act* and Regulations and require licenses from the Canadian Nuclear Safety Commission prior to exportation. Information on the Canadian Nuclear Safety Commission's export licensing requirements may be obtained by contacting:

Office of International Affairs  
 Non-Proliferation, Safeguards and Security Division  
 Canadian Nuclear Safety Commission  
 280 Slater Street  
 P.O. Box 1046, Station B  
 Ottawa, ON K1P 5S9  
 Telephone: (613) 995-0369 or 1 (800) 668-5284  
 Fax: (613) 995-5086  
 Internet: [www.cnsccsn.gc.ca](http://www.cnsccsn.gc.ca)

Exports of Group 3 and 4 items can only occur when export authorizations are obtained from both the Export Controls Division and the Canadian Nuclear Safety Commission.

In the case of Group 3 items, in order to obtain such authorizations, an exporter shall submit an export permit application along with the appropriate supporting documents to the Export Controls Division, which will forward all pertinent information to the Canadian Nuclear Safety Commission.

In the case of Group 4 items, separate applications must be submitted to the two organizations.

**F.4. Canadian National Authority for the Chemical Weapons Convention**

The Canadian National Authority for the Chemical Weapons Convention is responsible for the collection and monitoring of Canadian data dealing with the importation of Import Control List Item Number 74, Chemicals and Precursors, and the exportation of Export Control List Item 7-3. These items correspond to Schedules 1, 2 and 3 of the Chemical Weapons Convention. For further information, please contact the Canadian National Authority at 613-944-1913. Information about the Import Control List is available on the internet at:

[www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca)

**F.5. Other Government Departments**

It is possible that export authorizations may be required from other government departments or entities for other goods. These entities include, but are not limited to: Agriculture Canada, Canadian Wheat Board, Environment Canada, Fisheries and Oceans, Health Canada, Heritage Canada, and Natural Resources Canada. Exporters may obtain information relating to such controls by contacting the appropriate department or agency.

## G. Administrative Procedures

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### **G.1. Processing Time**

When possible and depending on the total volume of export permit applications, from the date a complete export permit application is received, every effort is made to process an application destined to Open Policy Countries within 10 business days and those to other countries within 8 weeks. Open Policy Countries are like-minded countries and belong to the same export control regimes as Canada (and have effective export controls).

Incomplete export permit applications (e.g. without supporting documentation) may take longer to process and may be returned to the applicant without action.

### **G.2. Status Enquiries**

Applicants may obtain information regarding the processing of permit applications by contacting the Export Controls Division by telephone at (613) 996-2387 or by email to [tie.reception@international.gc.ca](mailto:tie.reception@international.gc.ca) and citing the Ref ID number generated by EXCOL. Callers should allow at least 10 working days from the time of submission of an export permit application before enquiring as to its status.

### **G.3. Policy Review**

Once the control status of the goods or technology proposed for export is known, each export permit application is reviewed for consistency with Canada's foreign and defence policies.

If, in the course of the review, it is determined that the items proposed for export are not controlled and/or that no export permit is required, the applicant will be notified in writing and the application will be closed.

Other export permit applications are examined in detail, with particular attention being given to the country of destination, the intended use, and the consignees and/or end-users of the product. Where concerns exist about a proposed export, a decision may be referred to the Minister of Foreign Affairs.

### **G.4. Consultations**

The purpose of intra- and inter-departmental consultations is to fully assess the risks and implications of proposed exports with respect to Canada's foreign and defence policies (see section B). Various Canadian government departments and agencies, including various divisions within Foreign Affairs and International Trade Canada, may be involved in the consultation process.

### **G.5. Military Goods and Technology**

With respect to military goods and technology, Canadian export control policy has, for many years, been restrictive. Under present policy guidelines set out by Cabinet in 1986, Canada closely controls the export of military items to:

- countries which pose a threat to Canada and its allies;
- countries involved in or under imminent threat of hostilities;

- countries under United Nations Security Council sanctions; or
- countries whose governments have a persistent record of serious violations of the human rights of their citizens, unless it can be demonstrated that there is no reasonable risk that the goods might be used against the civilian population.

## **G.6. Export Permit Validity**

Export permits for Export Control List items may be subject to different validity periods. Applicants should state in the “Overall Description of Goods and End-Use” field of the application (see section E.3.4) or in a cover letter if it is known when the export is expected to be completed or if the export permit will be required for a specific duration.

Unless otherwise stated, an export permit may authorize multiple shipments, up to the expiry of the permit and as long as the cumulative total of the quantity or value of items exported does not exceed the quantity or value stated on the permit.

The validity period of export permits may be amended after issuance (see section H.3).

Permits for temporary exports may be valid for up to 2 years.

Permits for permanent exports have validity periods according to the following guidelines.

### **G.6.1. Group 1**

Standard – up to 2 years; up to 5 years upon request and with evidence of a long-term contract to export to an Open Policy Country or to export to a government consignee of an Open Policy Country.

### **G.6.2. Group 2**

#### **G.6.2.1. Single Shipments**

Export Control List Items 2-1 to 2-4 – Single shipment for most items to all destinations

As a general rule, export permits for military items falling under Export Control List Items 2-1 through 2-4 will be issued only for a single shipment to a single consignee. The export permit becomes invalid after the first shipment is made even if the shipment is only a partial one. Exporters must re-apply for a new export permit to cover any shortfall.

#### **G.6.2.2. Multiple Shipments**

Export Control List Items 2-5 to 2-22 – Standard – up to 2 years; up to 5 years upon request and with evidence of a long-term contract to export to a government entity or to a consignee acting on behalf of a government entity of an Open Policy Country.

Applicants should note that permits for permanent exports in this Group may be subject to a quarterly reporting condition (see section H.2.1). Such reports must be made even when there have been no exports in a given quarter. To reduce the number of unnecessary reports, applicants should state when the exports described

in the permit application are expected to be made and request a shorter validity period than 2 years where appropriate.

**G.6.3. Group 3**

All Group 3 Export Control List Items – up to 5 years

The exporter must also be in possession of a valid export license issued by the Canadian Nuclear Safety Commission prior to export.

**G.6.4. Group 4**

All Group 4 Export Control List Items – up to 5 years

The exporter must also be in possession of a valid export license issued by the Canadian Nuclear Safety Commission prior to export.

**G.6.5. Group 5**

Export Control List Item 5400 when General Export Permit No. 12 does not apply (see section D.4) – up to 2 years

Export Control List Item 5504: Standard – up to 2 years; up to 5 years upon request and with evidence of a long-term contract to a consignee of an Open Policy Country.

**G.6.6. Group 6**

Export Control List Items 6-1 and 6-2 – Single shipment

Export Control List Items 6-3 to 6-20: Standard – up to 2 years; up to 5 years upon request and with evidence of a long-term contract to export to a government entity or to a consignee acting on behalf of a government entity of an Open Policy Country.

**G.6.7. Group 7**

All Group 7 Export Control Items – up to 2 years

## H. After Issuance of an Export Permit: Compliance with Export Controls

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It is the responsibility of exporters of sensitive goods and technology to ensure that they are aware of and comply with Canadian export controls.

### **H.1. Permit Issuance and Distribution**

Once issued, export permits are sent to the applicant depending on the selected method of distribution, including by courier or surface mail. Recognized Users of EXCOL may download and print valid export permits directly from EXCOL. Export permits for firearms are sent only by courier or mail.

Paper copies of valid export permits must be presented with other export reporting documents to the Canada Border Services Agency when the goods or technology are presented for export.

If a permit has been issued for multiple shipments, a copy of the export permit must be presented with every shipment. The exporter must quote the export permit number on the appropriate export reporting documentation at time of export. This and other requirements under the *Customs Act* administered by the Canada Border Services Agency are further described in section I.

The exporter must maintain records of, and retain copies of all documents with respect to, each shipment or transfer made under the authority of an export permit, including both General Export Permits and Individual Export Permits, for a period of six years from the expiry date of the permit.

### **H.2. Terms and Conditions**

Exports may be made under the authority of an export permit no later than the expiry date of that permit.

Unless otherwise stated, an export permit may authorize multiple shipments, up to the expiry of the permit and as long as the cumulative total of the quantity or value of items exported does not exceed the quantity or value stated on the permit.

Some export permits are issued on with special, mandatory terms or conditions of use. Exporters must review permits to determine whether or not any conditions apply.

A persistent or repeated failure to fulfill the obligations of an export permit may result in a number of consequences, including suspension of export permits.

Two of the more common reporting conditions are described below.

#### **H.2.1. Quarterly Reporting**

Export permits issued for Group 2 items authorize the export of a maximum quantity and value of the goods and technology identified, to specific customers in specific countries. Multiple shipments are allowed. A report on actual shipments made against each export permit must be submitted on a quarterly basis; exporters should refer to the instructions on their export permit for more information.



Recognized Users of EXCOL may enter reports on-line. To view a list of permits that have been issued and that have reporting conditions, users should select “My Reporting Conditions” from the EXCOL Menu and may choose to view a list of all permits with reporting conditions or a list of only those permits with conditions that require immediate action. The last column displays an icon which indicates the status of reporting on a permit:

- a red icon indicates that immediate action is required;
- a yellow icon indicates that the relevant reporting period has ended and that you should report within a deadline set on your permit (typically, within 30 days of the end of the reporting period);
- a green icon indicates that no action is required at this time.

An electronic form for entering the required information is available by clicking on the Permit Utilization tab. Step-by-step instructions are also provided there.

Exporters who are not Recognized Users of EXCOL should contact the Export Controls Division to request a quarterly reporting form. Information about becoming a Recognized User is available in section E.2.1 above.

### **H.2.2. Reporting the Return of Temporary Exports (including Demonstration Conditions)**

All exports authorized by an export permit must be declared to the Canada Border Services Agency at the time of export using either a completed B13A Export Declaration or other acceptable form of export report (see [www.cbsa-asfc.gc.ca](http://www.cbsa-asfc.gc.ca) for more information). Temporary exports of controlled goods or technology, including those that are carried by hand, must also be reported in this way.

All export permits for temporary exports contain the following standard condition:

*The exporter must report to the Export Controls Division (TIE), Export & Import Controls Bureau, Foreign Affairs and International Trade Canada, 125 Sussex Drive, Ottawa, Ontario, K1A 0GJ2 the return of the goods to Canada and provide proof of re-entry no later than four weeks after the return of the goods to Canada.*

The report of return consists of a copy of the completed B3 Canada Customs Coding Form. When temporary exports authorized by an export permit return to Canada, permit holders must declare these goods to Canadian customs authorities using the B3. Presentation of a completed B13A Export Declaration or other acceptable document showing that the goods originated in Canada facilitate processing of the B3 for returning temporary exports. A copy of the B3 form should then be provided to the Export Controls Division to fulfill the reporting requirement.

### **H.3. Amendments of Export Permits**

A Recognized EXCOL user may submit a Permit Amendment Request using the on-line EXCOL system no later than 14 days before the expiry of an export permit (see section E.2 for information on how to become a Recognized User).

The following amendments may be requested through a Permit Amendment Request. Applicants should attach an electronic document that requests and provides a justification for the amendment, as well as attaching any other relevant supporting documents.



- an increase in the quantity and/or unit value of exports defined on the export permit, up to a maximum increase of 50%
- extension of the expiry date by up to one year from the date of expiry of the original permit
- minor changes to the addresses and contact details provided for consignees (for example, to correct typographical errors on the original application)

The following amendments may be requested through the Permit Amendment Request when the country of final destination is an Open Policy Country (see section G.2 for more information):

- addition of intermediate consignees (appropriate end-use assurances should be attached; see section E.4.2 for more information)
- addition of final consignees in the same country of final destination as stated on the original permit (appropriate end-use assurances should be attached; see section E.4.2 for more information)

Amendments are authorized at the discretion of the Export Controls Division. Amendments may be refused, for example, in cases where the exporter has not yet fulfilled conditions imposed on the original permit.

Export permit amendments will not typically be issued to add new goods or technology. Exporters who wish to amend export permits in these circumstances should submit a new export permit application. Export permit amendments shall not be granted for export permits that have expired.

A Permit Amendment Request cannot be used to change information about the Applicant or Exporter. Changes in the name, address, or other contact details of the Applicant and Exporter must be requested in writing with appropriate supporting documents to the Export Controls Division. Any existing export permits that need to be updated must be clearly identified so that new export permits may be issued with the new corporate details.

Export permits are only valid for use by the Exporter named therein. Inconsistencies between the export permit and other customs or shipping documents, such as different exporter names and addresses, different goods or technology being exported and so on, may cause the export shipment to be subject to detention and/or penalties at the point of export under the authority of the *Customs Act*. Exporters must ensure they are in possession of a legally amended export permit before any export takes place.

#### **H.4. Inspection and Record-Keeping**

Section 10 of the *Export and Import Permits Act* specifies important requirements related to record-keeping and to the inspection, audit, and examination of such records.

#### **H.5. Offences and Penalties**

Violations of the prohibitions defined in Sections 13-18 of the *Export and Import Permits Act* may result in prosecution. Some examples of offences under the Act are:

- Exporting or attempting to export any goods or technology included on the Export Control List except under the authority of and in accordance with an export permit, such as:
  - Export of goods or technology in excess of the quantities or values declared on the applicable export permit
  - Export of goods or technology to destinations or to consignees that are not listed on the applicable export permit
  - Failure to respect conditions included in an export permit
- Exporting or attempting to export any goods or technology to any country included on the Area Control List except under the authority of and in accordance with an export permit
- Exporting or attempting to export prohibited firearms to any country that is not included on the Automatic Firearms Country Control List, except under the authority of and in accordance with an export permit
- Furnishing false or misleading information or knowingly making any misrepresentation in an application for an export permit for the purpose of procuring its issue or in connection with any subsequent use of the export permit.

Penalties for contraventions of the *Export and Import Permits Act* or the Regulations are set out in Section 19 of the Act. Penalties can be, for an offence punishable on summary conviction, a fine of up to \$25,000 or imprisonment for up to 12 months, or both; and for an indictable offence, a maximum fine set by the court or imprisonment for a maximum of 10 years, or both.

In accordance with Section 20 of the Act, where a corporation commits an offence under the Act, any officer or director of the corporation who directed, authorized, assented to, acquiesced in, or participated in the commission of the offence, is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

In accordance with Section 21 of the Act, the export permit applicant, who must be a Canadian resident, may be held responsible for any offences committed by a non-resident exporter.

## **H.6. Report Illegal Exports**

If you wish to pass on information about possible violations of the *Export and Import Permits Act*, please call the Export Controls Division, a local detachment of the Royal Canadian Mounted Police, or a Canada Border Services Agency office. Telephone numbers can be found at the front of this document or in the blue pages of your local telephone book under “Government of Canada”. Your call will be handled in confidence.

## **H.7. Disclosures of Non-Compliance**

The Export Controls Division recognizes that, on occasion, responsible exporters inadvertently fail to comply with the *Export and Import Permits Act*. We encourage all exporters in such a situation to disclose such episodes to us as soon as possible.

The Export Controls Division looks favorably upon disclosures if, after considering the information provided, we are satisfied that the exporter has fully cooperated and that no further action is warranted. Depending on the circumstances of a case, we

may refer it to the Canada Border Services Agency or the Royal Canadian Mounted Police for further review.

### **H.7.1. Disclosure Procedures**

Any voluntary disclosure must be accompanied by a cover letter, signed by a senior company officer and addressed to the Director, Export Controls Division, Foreign Affairs and International Trade Canada, 125 Sussex Drive, Ottawa, Ontario K1A 0G2, which clearly states that its purpose is to disclose non-compliance with the *Export and Import Permits Act*. Included in the cover letter or in accompanying documentation must be the following:

- Details of the products concerned (including technical specifications for assessment of export control status)
- Dates of all shipments, mode of transport, and port of exit
- Quantities and values of each shipment for each product concerned (including copies of the B13 or Canadian Automated Export Declaration submitted to the Canada Border Services Agency, as well as copies of bills of lading or commercial invoices)
- Contract of sale between the exporter and the final consignee
- For each export shipment in question, a statement as to whether the export took place intentionally
- Description of the circumstances underlying each export shipment in question
- Description of steps taken or processes and procedures put in place to ensure that where required, export permits will be obtained in future, and
- Any other documentation that the exporter believes is relevant to the purpose of the disclosure.

Disclosures may be submitted in writing or electronically. You should contact the Export Controls Division for advice on the most appropriate means of submitting a disclosure of non-compliance.

## I. Customs Procedures (Canada Border Services Agency)

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For detailed information about Canada Border Services Agency procedures, please consult the following documents published by the Agency which are available on the internet at [www.cbsa-asfc.gc.ca](http://www.cbsa-asfc.gc.ca):

- [Exporting Goods from Canada, A Handy Guide for Exporters](#)
- [Memorandum D20-1-1, Export Reporting](#)
- [Export Reporting](#)

Exporters must report electronically or in writing to an export reporting office all goods being exported from Canada. Certain exceptions apply. It is the responsibility of the exporter to cite the permit number in the appropriate field of the Export Declaration (Form B13A) or other export reporting documents.

The exporter is responsible for ensuring that export permits are submitted to the Canada Border Services Agency when items are tendered for export, i.e. for each shipment. Each shipment will be recorded by the Agency until the export permit expires or the quantity/value of the export permit has been reached, whichever comes first. However, it should be noted that it is the responsibility of the exporter to keep records and not to ship beyond the quantity or value limits of the export permit.

If no permit is required (e.g. if an export permit application has been made and the technical assessment has determined that the items are not controlled), this should be stated on the export documentation. In this case, the Export Controls Division may issue a letter stating that the technology or goods are not controlled for export.

For more information, please refer to the Canada Border Services Agency's "Exporting Goods from Canada: A Handy Guide for Exporters" available on the internet at [www.cbsa-asfc.gc.ca](http://www.cbsa-asfc.gc.ca). Appendix 4 "Quick Reference Table" outlines documentary requirements for exporters.

### **I.1. Enforcement**

Border Services Officers, before allowing the export of any goods, must satisfy themselves that the exporter has fully complied with, and not contravened, the provisions of the *Export and Import Permits Act* and Regulations, or any other Act of Parliament.

Under the authority of the *Customs Act*, Border Services Officers may exercise certain powers, respecting search, detention, seizure, forfeiture and condemnation, with respect to any goods that are tendered for export or exported or otherwise dealt with contrary to this Act, to the *Export and Import Permits Act* and to relevant Regulations or any other Act of Parliament that controls the export of goods from Canada.

### **I.2. Examination and Detention**

Canada Border Services Agency has the authority to examine goods that are to be exported. If an examination is required, the exporter or the person in control of the goods at the time of the request (normally the freight forwarder or the exporting

carrier) will be asked to bring the goods to a customs sufferance warehouse. In all cases, destuffing for examination purposes and other related fees are costs to the exporter.

Some shipments may be detained to confirm whether export controls apply to such shipments and if proper export permits have been obtained. Export shipments of goods or technology subject to export controls will be detained in the following circumstances:

- additional information is required from the exporter and/or a controlling entity to determine if the goods or technology are controlled for export;
- verification that the export permit presented is valid for the goods being exported or that a declaration of “No Permit Required” is valid;
- the required export permit has not been presented;
- discrepancies exist between the information provided on the export declaration and the export permit with regard to the description of the goods, quantity and unit of measure, or the destination;
- the required export permit is not yet effective or has expired.

Items that have been detained by the Canada Border Services Agency may be referred to the Export Controls Division for a determination of control status. The Export Controls Division evaluates the export documentation submitted by the exporter at time of export and in many instances will contact the exporter to request additional documents or information. It is in the best interest of the exporter to make all requested information available as quickly as possible.

Exporters may enquire about the status of the control status determination process by contacting the Export Controls Division at telephone (613) 996-2387 and providing the appropriate detention reference number assigned to the case by the Canada Border Services Agency.

Upon finalizing the control status of the items tendered for the specific export, the Export Controls Division will advise the Canada Border Services Agency of its findings. However, the exporter must contact the Agency regarding any further information or actions required on the specific detention.

Exporters with items under detention may apply for a permit to export the same items. Applications must be made through the normal channels as described, for example, in section E above, and must state clearly that goods had been detained in a prior shipment. However, issuance of an export permit for such items does not necessarily cause detained goods to be released to the exporter, nor does it absolve the applicant or exporter of any infractions or offences that may have been committed. Detentions may be lifted when the Canada Border Services Agency receives:

- a valid export permit;
- proof that an export permit was not required;
- adequate clarification of the discrepancy between the export declaration and the export permit.

The Administrative Monetary Penalty System is a civil penalty regime designed to encourage compliance with customs legislation. The penalties are intended to be corrective rather than punitive. The initial amount and increments of these monetary penalties are established after giving due consideration to the type,

frequency, and severity of each infraction. Most penalties are graduated and take the compliance history of the client into consideration.

Most contraventions will be dealt with using the Administrative Monetary Penalty System's penalties. However, because legislative requirements provide that certain goods may enter or leave Canada only under controlled conditions and that some infractions require greater deterrence, seizures and ascertained forfeitures continue to form part of the measures needed to address certain serious offences which may also include criminal prosecution.

A seizure is a legal action, the result of which calls for certain goods taken from offenders to become the property of the Government of Canada. It is invoked when reasonable grounds exist to conclude legislative requirements pertaining to a suspected infraction call for the goods or the conveyance to be seized or when the goods are deemed to be dangerous or socially unacceptable. Seizures are subject to appeal within 90 days. Nearly all seized goods are ultimately destroyed or otherwise disposed of as prescribed by the Minister of Public Safety.

Ascertained forfeiture is the legal process used when seizure constitutes excessive punishment, or would be impractical or impossible, as in the case of goods that have already been exported. Used under basically the same conditions as a seizure, an ascertained forfeiture normally results in a monetary penalty equivalent to seizure of the goods. However, the Minister of Public Safety may prescribe a reduced penalty amount under certain circumstances. Like seizures, ascertained forfeitures are subject to a 90-day appeal period. Any outstanding amount not paid on time is subject to interest.

Seizure and ascertained forfeiture are the responsibility of the Canada Border Services Agency and the Export Controls Division will not enter into correspondence with exporters about such actions. Exporters whose shipments are subject to such legal action may apply for permits to export similar items. Applications must be made through the normal channels as described, for example, in section E above, and must state clearly that goods had been detained in a prior shipment. However, issuance of an export permit for such items does not absolve the applicant or exporter of any infractions or offences that may have been committed.

### **1.3. Useful Internet Pages**

- Exporting Goods From Canada -- A Handy Guide for Exporters ([www.cbsa.gc.ca/publications/pub/rc4116-eng.html](http://www.cbsa.gc.ca/publications/pub/rc4116-eng.html))
- Information for Exporters ([www.cbsa.gc.ca/export/menu-eng.html](http://www.cbsa.gc.ca/export/menu-eng.html))
- Memorandum D20-1-1 -- Export Reporting ([www.cbsa.gc.ca/publications/dm-md/d20/d20-1-1-eng.html](http://www.cbsa.gc.ca/publications/dm-md/d20/d20-1-1-eng.html))
- Memorandum D19-10-3 *Export and Import Permits Act* (Exportations) ([www.cbsa.gc.ca/publications/dm-md/d19/d19-10-3-eng.pdf](http://www.cbsa.gc.ca/publications/dm-md/d19/d19-10-3-eng.pdf))
- The Administrative Monetary Penalty System ([www.cbsa.gc.ca/trade-commerce/amps/penalty-penalite-eng.html#redress](http://www.cbsa.gc.ca/trade-commerce/amps/penalty-penalite-eng.html#redress))
- Directory of Canada Border Services Agency Offices ([www.cbsa.gc.ca/dorrb/map-carte/map-carte-eng.html](http://www.cbsa.gc.ca/dorrb/map-carte/map-carte-eng.html))

## J. Applications to Export Firearms, Related Goods, and Ammunition

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### **J.1. Specific Information**

In addition to the general guidance on export permit applications provided in section E, exporters of firearms, firearms-related goods, and ammunition should note the following examples of common scenarios for the export of firearms, which can be found on the internet at [www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca).

Before starting an export permit application, applicants should have the following information available:

- Firearms licence number (whether a business or an individual).
- Registration certificate number for the firearm to be exported.
- The following information for each firearm (if using the on-line application, drop-down menus are available in some fields from which the applicable information may be selected):
  - Make
  - Model
  - Type
  - Action
  - Calibre
  - Barrel Length
  - Serial Number (serial number ranges may be indicated if consecutively numbered firearms are to be exported) and
  - Legal Classification (non-restricted, restricted, or prohibited).
- Descriptions of firearms-related goods include silencers, special gun mountings, clips (magazines), weapons sights and flash suppressors.
- If cartridge magazines are proposed for export, the magazine capacity, the model of firearm and calibre for which the magazine is intended (this is required in order to determine whether the item is a prohibited device under Canadian law).
- If ammunition is proposed for export, ensure that the noted unit value correctly reflects the unit of measure used, i.e. value per box if box is used, value per cartridge if cartridges are used as the unit of measure.

Exporters should be aware of Canada's Export Control List, in particular Group 2.

- Firearms, their components and certain accessories are controlled under Export Control List Item 2-1 and 2-2;
- Ammunition and related items are controlled under Export Control List Item 2-3; and
- Firearms-related goods including technology may be controlled elsewhere in Group 2.

It is recommended that exporters apply for export permits to export firearms by using the [Export Controls On-line \(EXCOL\)](#) secure website. Please refer to section E.2.3 above for more information on making an electronic application.

Paper application forms may also be used. Please refer to section E.2.4 above for more information on making a paper application. Forms that are not legible may be returned without action.



Canadian exporters should be aware of the firearms laws of the destination country. In order to prevent any disappointment or delays, it is strongly recommended that these requirements be thoroughly researched before booking any transport arrangements involving firearms.

If firearms transit a third country on the way to their final destination, whether they are in the possession and control of the owner or are being shipped separately, they may be subject to special requirements imposed by that third country. It is the exporter's responsibility to be aware of, and comply with, any such requirements.

## **J.2. Export Permit Requirements for Firearms**

### **J.2.1. Exports to the United States**

Both temporary and permanent exports of either Restricted or Non-Restricted firearms to the U.S. may be made without obtaining an export permit.

All exports of Prohibited firearms to any destination, including the U.S., must be authorized in advance with an export permit.

Applications to export Prohibited firearms to the U.S. must include a copy of the U.S. import permit that specifically identifies the firearm to be exported. Additional supporting documentation, such as a cover letter, registration certification for the firearm(s) in question and valid firearms licence, must be included in the export permit application, as described above in the General Notes.

However, for all types of firearms, a U.S. import permit must have been issued by the Bureau of Alcohol, Tobacco and Firearms (ATF) prior to their entry into the U.S. Forms are available online at the following website: [www.atf.gov/forms/5000.htm#firearms](http://www.atf.gov/forms/5000.htm#firearms).

For temporary imports into the U.S., Canadian applicants must complete Form 6NIA (ATF F 5330.3D), Application and Permit for Temporary Importation of Firearms and Ammunition by Non-immigrant Aliens. It can take up to 12 weeks to process an application, so it is advisable to apply for a permit well in advance.

For permanent imports into the U.S., Form 6 (ATF F 5330.3A) must be completed.

### **J.2.2. Exports to Countries Other than the United States**

In general, both temporary and permanent exports of either Restricted, Non-Restricted, or Prohibited firearms to countries other than the United States must be authorized in advance with an export permit.

Exception: Permanent exports of Restricted and Non-Restricted firearms that were temporarily imported into Canada by individuals who are non-residents of Canada and are returning to the country from which they came from do not require Canadian export permits. However, all such visitors must have a valid Non-Resident Firearm Declaration (CAFC909) for the duration of their stay in Canada.

### **J.2.3. Other Requirements**

Individual visitors who are non-residents of Canada and who wish to leave a firearm in Canada permanently must pay duties and taxes and have it registered in Canada. If the firearm is sold or otherwise transferred to a Canadian resident, the

parties must meet all legal requirements associated with transferring firearms. Visitors may not, under any circumstances, import or export Prohibited firearms.

Canadian exporters are required to report the permanent export of all firearms to the Canada Firearms Centre. It is recommended that copies of the Export Permit, foreign import authorization and any waybill issued by the carrier be provided to the Canada Firearms Centre ([www.cfc-cafc.gc.ca](http://www.cfc-cafc.gc.ca)) to support the exporter's claim of permanent export. A photocopy of the foreign import authorization should be included with the package when shipped.

### **J.3. Additional Considerations**

If the firearms, ammunition, or firearms-related goods or technology proposed for export are "controlled goods" as defined in Part 2 of the *Defence Production Act*, registration under the Controlled Goods Program may be required. "Controlled goods" are listed in Groups 2, 6 or Item 5504 of the Export Control List. These include the following firearms or firearms-related goods:

- prohibited firearms [as defined in paragraph (c) of the definition of "prohibited firearm" in subsection 84(1) of the Criminal Code] that are included on Export Control List Item 2-1 ("Smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12.7 mm (calibre 0.50 inches) or less and accessories, as follows, and specially designed components therefor");
- any goods listed on Export Control List Items 2-2 ("Smooth-bore weapons with a calibre of 20 mm or more, other weapons or armament with a calibre greater than 12.7 mm (calibre 0.50 inches), projectors and accessories, as follows, and specially designed components therefor"); and
- ammunition with a calibre of greater than 12.7mm that is included on Export Control List Item 2-3.

See section F.2. above for more information about the Controlled Goods Program.

See Box 1 and section E.4.7. above for information about "controlled goods" and U.S. Export Authorizations.

## K. Import-related Documents

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### **K.1. Import Permits**

Canada has a range of goods over which it imposes import controls. These goods are listed on the *Import Control List* of the *Export and Import Permits Act*. More information is available on the internet at [www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca). Certain military goods and firearms are controlled by paragraphs 70-73 and 91. Chemical Weapons Convention items are controlled by paragraph 74 of the Import Control List.

An Import Permit authorizes the import into Canada of certain goods that are controlled on the Import Control List and must be presented to Border Services Officers of the Canada Border Services Agency at the time of import. Importers are advised to refer to the Import Control List to determine whether a specific good or goods require an Import Permit for entry into Canada.

Applications for import permits for these items must be submitted to the Export Controls Division. Application forms may be requested from the Export Controls Division.

Current policy allows for the waiver of an import permit for goods defined in paragraphs 70(1)(a) and 70(1)(b), firearms and their parts, when destined to sporting or recreational use.

### **K.2. International Import Certificates**

**Important note: An International Import Certificate is meant to allow a foreign supplier to obtain the approvals it needs from its own government to allow the export of goods or technology to Canada. An International Import Certificate does not authorize the import of goods into Canada. If an Import Permit is required, please consult the following website: [www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca).**

The International Import Certificate is an end-use assurance document that formally recognizes that the Government of Canada is aware of, and has no immediate objections to, the proposed import of specific goods to Canada by the stated importer, for the stated end-use and end-user.

A Canadian-issued International Import Certificate may be required by an exporting country prior to that country authorizing an export permit/license. Canadian International Import Certificates are issued to Canadian applicants, who in turn provide a copy to their foreign suppliers, who use the International Import Certificates to obtain a foreign export permit. The International Import Certificate is used by the export control authorities of the exporting state in their export permit/license issuance process. Once approved, the International Import Certificate is valid for use only if presented to the authorities of the exporting state within six months of its issuance by Canada.

#### **K.2.1. How to apply for an International Import Certificate**

Applications for International Import Certificates may be submitted online using Export Controls On-Line (EXCOL) (from the [EXCOL home page](#) on the internet at [www.excol-ceed.gc.ca](http://www.excol-ceed.gc.ca), click on *International Import Certificate* on the left-hand menu bar). Paper application forms are also available [on our website](#).

An application for an International Import Certificate must present an accurate and complete reflection of the proposed transaction. The International Import Certificate is a stand-alone document, meaning that the issued document will not be supplemented by attachments, invoices, statements, or letters at the time of issuance. The application should include the following information:

- **Description:** Name of the goods, including, where possible, models, brand names, part numbers, serial numbers, and so on. Each type of product should be entered on a separate line on the application. The Import Certificate Regulations require that item descriptions must “describe the goods concerned in sufficient detail as to disclose their true identity and, in so doing, avoid the use of trade names, technical names or general terms that do not adequately describe the goods”.
- **Quantity:** for each line item, state the number of units. Where quantity is given as a weight or volume, the unit of measure must be stated in the Description field.
- **Value:** for each line item, state the value of the total quantity of units imported. Currency used for value must be indicated on the application (e.g. CAD, USD, EUR, GBP, or YEN).
- **End-User:** applicants must state the End-Use and End-User of the goods in Canada. Goods imported under an International Import Certificate and incorporated into final goods for re-export may be subject to export controls.

#### **K.2.2. International Import Certificates for Firearms, Firearms-Related Goods, and Ammunition**

In addition to the general information above, applications for International Import Certificates to import firearms, firearms-related goods, and ammunition should include the following information:

- **Description:** You must include the make, model, type, action, calibre and Canadian legal classification of any firearm proposed for import. If cartridge magazines are proposed for import, the magazine capacity, and the model of firearm and calibre for which the magazine is intended should be noted in order to determine whether the item is a prohibited device under Canadian law. Cartridges and reloading components should be clearly noted as such and should also list the applicable calibre. Parts for firearms must be clearly described.
- **Quantity:** Units of measure should be noted within the item description to correlate the quantity and value stated on the International Import Certificate application; e.g. quantity of gunpowder for reloading is noted in pounds; cartridge cases are noted as units; ammunition is noted in boxes of 20 (if quantity is expressed in number of boxes), and so on.
- **Supporting documents:** Applicants may be requested to submit a copy of a valid Firearms Possession and Acquisition License or Firearms Business License to confirm their eligibility to receive the items proposed for import. International Import Certificates will not be issued to applicants who are unable to legally possess the requested materials in Canada. This documentation may be attached to the International Import Certificate application at time of submission to expedite the evaluation process.

Incomplete export permit applications (e.g. without supporting documentation) may take longer to process and may be returned to the applicant without action.

### **K.3. Delivery Verification Certificates**

A Delivery Verification Certificate is issued by the Export Controls Division on behalf of the Government of Canada to provide official confirmation that imported goods or technology have been delivered to a consignee in Canada. A Delivery Verification Certificate may also be issued to confirm delivery of goods identified on an International Import Certificate. Your foreign supplier of controlled goods or technology may be required to provide a Delivery Verification Certificate to its government in order to fulfill the conditions of a foreign export permit.

Applications for Delivery Verification Certificates may be submitted online using Export Controls On-Line (EXCOL) (from the EXCOL home page on the internet at [www.excol-ceed.gc.ca](http://www.excol-ceed.gc.ca), click on Delivery Verification Certificate on the left-hand menu bar). Paper application forms are also available [on our website](#).

An application for a Delivery Verification Certificate should include the following information:

- Description: Name of the goods, including, where possible, models, brand names, part numbers, serial numbers, and so on. Each type of product imported should be entered on a separate line in the application.
- Quantity: Number of units of each line item imported. Where quantity is given as a weight or volume, the unit of measure must be stated in the Description field.
- Value: value of the total quantity of units imported for each line item in the application. Currency used for value must be as indicated on the application (e.g. CAD, USD, EUR, GBP, or YEN).

An application for a Delivery Verification Certificate should include the following supporting documents:

- B3 Canada Customs Coding Form as submitted to the Canada Border Services Agency;
- Canada Border Services Agency Customs Entry Recapitulation;
- Entry waybill, manifest, bill of lading or cargo control document; and
- Commercial invoice.

Information provided in the Delivery Verification Certificate application form must match or correspond closely to that provided on all supporting documents. In certain cases where the documents provided do not correspond exactly with the application, the applicant may be requested to provide additional information. If the information requested is not provided within a reasonable period of time, the application may be returned without action.

## L. Further Information and Reference

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### **L.1. Websites**

Export Controls Division Export and Import Controls Bureau (Foreign Affairs and International Trade Canada)	<a href="http://www.exportcontrols.gc.ca">www.exportcontrols.gc.ca</a> See in particular links to EXCOL, Notices to Exporters, and Specific Controls
<i>Export and Import Permits Act</i> and regulations	<a href="http://laws.justice.gc.ca/en/showtdm/cs/E-19">http://laws.justice.gc.ca/en/showtdm/cs/E-19</a>
Canadian economic sanctions	<a href="http://www.international.gc.ca/sanctions">www.international.gc.ca/sanctions</a>
Canada Border Services Agency	<a href="http://www.cbsa-asfc.gc.ca">www.cbsa-asfc.gc.ca</a>
Canadian Nuclear Safety Commission	<a href="http://www.cnsccsn.gc.ca">www.cnsccsn.gc.ca</a>
Controlled Goods Directorate (Public Works and Government Services Canada)	<a href="http://ssi-iss.tpsgc-pwgsc.gc.ca/dmc-cgd">http://ssi-iss.tpsgc-pwgsc.gc.ca/dmc-cgd</a>

### **L.2. Commonly Used Export Controls Acronyms**

ACL	Area Control List
AFCCCL	Automatic Firearms Country Control List
AG	Australia Group
AMPS	Administrative Monetary Penalty System
B13A	Export Declaration Form
CAED	Canadian Automated Export Declaration
CBSA	Canada Border Services Agency
CGP	Controlled Goods Program
CNSC	Canadian Nuclear Safety Commission
CWC	Chemical Weapons Convention
DFAIT	(Department of) Foreign Affairs and International Trade Canada
DPA	<i>Defence Production Act</i>
DVC	Delivery Verification Certificate
ECL	Export Control List
EIPA	<i>Export and Import Permits Act</i>
EUC	End-Use Certificate
EUS	End-Use Statement
EXCOL	Export Controls On-Line ( <a href="http://www.excol-ceed.gc.ca">www.excol-ceed.gc.ca</a> )
EXT-1042	Application for Permit to Export Goods (paper form)
EXT-1719	Information on Logs in Support of Federal Application EXT-1042
GEP	General Export Permit
ICL	Import Control List
IIC	International Import Certificate
IL	Import Licence
MTCR	Missile Technology Control Regime
NPT	Nuclear Non-Proliferation Treaty

NSCA	<i>Nuclear Safety and Control Act</i>
NSG	Nuclear Suppliers' Group
OPC	Open Policy Countries – like-minded countries that belong to the same export control regimes as Canada and that have effective export controls
TIE	An administrative identifier for the Export Controls Division
UN	United Nations
WA	Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technology
WMD	Weapons of mass destruction



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