



# Memorandum D19-11-1

Ottawa, December 16, 2016

## Canadian Economic Sanctions

### In Brief

This memorandum has been updated to:

- (a) reflect the name change from Department of Foreign Affairs and International Trade Canada to Global Affairs Canada;
- (b) update the office of primary interest information; and,
- (c) update text and link where necessary to relevant legislation and regulations.

### Legislation

[Customs Act – Section 101](#)

[Export and Import Permits Act](#)

[Special Economic Measures Act](#)

[United Nations Act](#)

[Area Control List](#)

[Export Control List](#)

[Import Control List](#)

[Special Economic Measures \(Burma\) Regulations](#)

[Special Economic Measures \(Democratic People's Republic of Korea\) Regulations](#)

[Special Economic Measures \(Iran\) Regulations](#)

[Special Economic Measures \(Russia\) Regulations](#)

[Special Economic Measures \(South Sudan\) Regulations](#)

[Special Economic Measures \(Syria\) Regulations](#)

[Special Economic Measures \(Ukraine\) Regulations](#)

[Special Economic Measures \(Zimbabwe\) Regulations](#)

[Special Economic Measures \(Burma\) Permit Authorization Order](#)

[Special Economic Measures \(Democratic People's Republic of Korea\) Permit Authorization Order](#)

[Special Economic Measures \(Iran\) Permit Authorization Order](#)

[Special Economic Measures \(Russia\) Permit Authorization Order](#)

[Special Economic Measures \(South Sudan\) Permit Authorization Order](#)

[Special Economic Measures \(Syria\) Permit Authorization Order](#)

[Special Economic Measures \(Ukraine\) Permit Authorization Order](#)

[Special Economic Measures \(Zimbabwe\) Permit Authorization Order](#)

[Regulations Implementing the United Nations Resolutions on the Central African Republic](#)

[Regulations Implementing the United Nations Resolutions on the Democratic People's Republic of Korea](#)

[Regulations Implementing the United Nations Resolution on Eritrea](#)

[Regulations Implementing the United Nations Resolutions on Iran](#)

[Regulations Implementing the United Nations Resolution on Lebanon](#)

[Regulations Implementing the United Nations Resolutions on Liberia](#)

[Regulations Implementing the United Nations Resolutions on Libya](#)

[Regulations Implementing the United Nations Resolutions on Somalia](#)  
[Regulations Implementing the United Nations Resolution on South Sudan](#)  
[Regulations Implementing the United Nations Resolution on Yemen](#)  
[United Nations Al-Qaida and Taliban Regulations](#)  
[United Nations Côte d'Ivoire Regulations](#)  
[United Nations Democratic Republic of the Congo Regulations](#)  
[United Nations Iraq Regulations](#)  
[United Nations Sudan Regulations](#)

---

## **Guidelines and General Information**

1. The Canada Border Services Agency (CBSA) assists [Global Affairs Canada](#) with the administration of the [United Nations Act](#), the [Special Economic Measures Act](#), the [Export and Import Permits Act](#) and associated regulations. This memorandum outlines the key elements of the legislation administered by the CBSA.
2. This document covers elements of the sanctions regime relating to restrictions on the import and/or export of goods that the CBSA has direct involvement in administering. It does not include all measures that may have been imposed against a foreign state, persons in a foreign state, or designated persons (e.g., restrictions on financial transactions and provision of technical assistance).
3. The imposition of trade and economic sanctions against foreign States and non-State actors remains an important instrument for the international community in the enforcement of international norms and laws. The Parliament of Canada has enacted legislation authorizing the imposition of trade and economic sanctions through the [United Nations Act](#), the [Special Economic Measures Act](#), and some provisions of [Export and Import Permits Act](#). Global Affairs Canada is the department responsible for the administration of these statutes. The CBSA and the [Royal Canadian Mounted Police \(RCMP\)](#) assist [Global Affairs Canada](#) by ensuring compliance with and enforcement of the regulations under the above noted Acts.
4. Changes to sanctions may occur frequently and on short notice as international situations continually evolve. To obtain a current up-to-date listing of the various countries and groups that are subject to Canadian economic sanctions, please refer to the regulations made under the [United Nations Act](#), the [Special Economic Measures Act](#) and to the [Area Control List](#) under the [Export and Import Permits Act](#). The [Global Affairs Canada sanctions website](#) contains the most up-to-date information on the various sanctions regimes.

## **Import / Export Prohibitions and Restrictions**

5. The import and export prohibitions and restrictions under Canada's sanctions regime cover a wide range of commodities that include but are not limited to: arms and related material, luxury goods, nuclear and nuclear related goods, certain sector-specific goods, etc. The CBSA has direct involvement in the administration of those aspects of the regulations that relate to the import and/or export of such goods. As set out in regulations under the [United Nations Act](#) and the [Special Economic Measures Act](#) there are prohibitions on the provision of any goods to, or dealing in the property of, a designated or "listed" person. These prohibitions are also applicable in an import/export context.

## **Certificates and Permits**

6. The Minister of [Global Affairs Canada](#) has the authority under *Special Economic Measures Permit Authorization Orders* to issue permits which allow any transaction or activity, or class of transaction or activity that would otherwise be prohibited by the regulations under the [Special Economic Measures Act](#). Such permits provide an exemption to the application of the regulations. Similarly, under the [United Nations Act](#) and associated regulations, the Minister of Global Affairs Canada may issue a certificate to exempt an activity from the

application of the regulations. The requirements for such certificates and permits are set out in the relevant regulations under the [United Nations Act](#) or the [Special Economic Measures Act](#).

## Detention and Disposal of Goods

7. The CBSA will review import/export documents such as bills of lading, invoices and certificates of origin issued by the relevant government authority to determine if goods or shipment/transactions are subject to prohibition or control measures. Shipments that appear to be in contravention of the legislation on trade and economic sanctions will be detained based on the authority contained in section 101 of the [Customs Act](#). Immediate contact should then be made with [Global Affairs Canada](#) to inform them of a possible infraction of the legislation on trade and economic sanctions, and one of its regulations. The Trade Controls Bureau is responsible for administering the [Export and Import Permits Act](#). The Economic Law Section should be contacted in the event of a suspected violation of the regulations under the [United Nations Act](#) or the [Special Economic Measures Act](#).

8. [Global Affairs Canada](#) will provide the CBSA with an assessment of whether or not the transaction falls within scope of the legislation on trade and economic sanctions. If Global Affairs Canada determines that the transaction is prohibited by sanctions imposed pursuant to the [United Nations Act](#), it will inform the Department of Justice of its findings. The [Department of Justice](#) and the [RCMP](#) may then proceed with the execution of a seizure, laying of charges and prosecution for offences under the United Nations Act.

9. Where [Global Affairs Canada](#) has determined that the transaction is prohibited by the regulations under the [Special Economic Measures Act](#), and in the absence of a permit request to the Minister of Global Affairs Canada or when the Minister denies such a request, the goods will be forfeited to the Crown.

10. Some of the goods controlled under the legislation on trade and economic sanctions may also be controlled under the [Export and Import Permits Act](#) through the [Import Control List](#) and [Export Control List](#) (e.g., arms and munitions). [Global Affairs Canada](#) oversees the [Export and Import Permits Act](#) and is responsible for administering this legislation and making decisions regarding whether or not charges should be laid under this Act. For further information about goods controlled under the Export and Import Permits Act, please refer to [D19-10-2, Export and Imports Permits Act \(Importations\)](#).

11. If it appears that a good is being imported or exported in contravention of the legislation on trade and economic sanctions, the CBSA will consult with [Global Affairs Canada](#) to determine if charges will be laid.

12. In the event that a CBSA infraction also applies to the importation of any such goods, the goods will be detained by the CBSA. In these situations, the CBSA will consult with [Global Affairs Canada](#) to determine if charges will be laid under the [Customs Act](#) and/or the legislation on economic and trade sanctions.

13. All costs associated with the detention of goods that are attempted to be exported or imported in violation of the [United Nations Act](#) or the [Special Economic Measures Act](#), [Export and Import Permits Act](#) and any of the related regulations (e.g., storage, disposal, and transportation) will be the responsibility of the importer/exporter.

## Penalties

14. Contravention of this legislation and/or related regulations may result in the application of a penalty.

### [United Nations Act](#)

15. Section 3.(1)(a) and (b) of the [United Nations Act](#) states:

3(1) Any person who contravenes an order or regulation made under the [United Nations Act](#) is guilty of an offence and liable

(a) on summary conviction to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year, or to both; or

(b) on conviction on indictment, to imprisonment for a term of not more than 10 years.

[Special Economic Measures Act](#)

16. Section 8. Of the [Special Economic Measures Act](#) states:

8. Every person who willfully contravenes or fails to comply with an order or regulation made under the [Special Economic Measures Act](#):

(a) is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year, or to both; or

(b) is guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years.

## **Additional Information**

17. For more information relating to sanctions covered by the [United Nations Act](#), the [Special Economic Measures Act](#) and associated regulations, or the process to obtain a certificate or permit contact [Global Affairs Canada](#) at:

Economic Law Section (JLHB)  
United Nations, Human Rights and Economic Law Division  
Global Affairs Canada  
Lester B. Pearson Building  
125 Sussex Drive  
Ottawa, ON K1A 0G2

Facsimile: 343-203-2451

Email: [sanctions@international.gc.ca](mailto:sanctions@international.gc.ca)

Website: <http://www.international.gc.ca/sanctions/index.aspx?lang-eng>

18. Information relating to the Export and Import Permits Act may be obtained by contacting [Global Affairs Canada's](#) Trade Controls Bureau at:

Trade Controls Bureau  
Global Affairs Canada  
Lester B. Pearson Building  
125 Sussex Drive  
Ottawa, ON K1A 0G2

Telephone: 613-996-2387

Facsimile: 613-996-9933

Email: [TIE.reception@international.gc.ca](mailto:TIE.reception@international.gc.ca)

Website: <http://www.international.gc.ca/controls-controles/index.aspx?lang=eng>

19. The CBSA [Border Information Service](#) (BIS) responds to public inquiries related to import requirements of other government departments, including Industry Canada. You can access BIS toll-free throughout Canada by calling 1-800-461-9999. If you are calling from outside Canada, you can access BIS by calling 204-983-3500 or 506-636-5064 (long-distance charges will apply). To speak directly to an agent, please call during regular business hours from Monday to Friday (except holidays), 8 a.m. to 4 p.m. local time.

<b>References</b>	
<b>Issuing Office</b>	Commercial Programs Policy and Management Division Commercial Programs Directorate Programs Branch
<b>Headquarters File</b>	
<b>Legislative References</b>	<p><a href="#"><u>Customs Act – Section 101</u></a>  <a href="#"><u>Export and Import Permits Act</u></a>  <a href="#"><u>Special Economic Measures Act</u></a>  <a href="#"><u>United Nations Act</u></a>  <a href="#"><u>Area Control List</u></a>  <a href="#"><u>Export Control List</u></a>  <a href="#"><u>Import Control List</u></a>  <a href="#"><u>Special Economic Measures (Burma) Regulations</u></a>  <a href="#"><u>Special Economic Measures (Democratic People’s Republic of Korea) Regulations</u></a>  <a href="#"><u>Special Economic Measures (Iran) Regulations</u></a>  <a href="#"><u>Special Economic Measures (Russia) Regulations</u></a>  <a href="#"><u>Special Economic Measures (South Sudan) Regulations</u></a>  <a href="#"><u>Special Economic Measures (Syria) Regulations</u></a>  <a href="#"><u>Special Economic Measures (Ukraine) Regulations</u></a>  <a href="#"><u>Special Economic Measures (Zimbabwe) Regulations</u></a>  <a href="#"><u>Special Economic Measures (Burma) Permit Authorization Order</u></a>  <a href="#"><u>Special Economic Measures (Democratic People’s Republic of Korea) Permit Authorization Order</u></a>  <a href="#"><u>Special Economic Measures (Iran) Permit Authorization Order</u></a>  <a href="#"><u>Special Economic Measures (Russia) Permit Authorization Order</u></a>  <a href="#"><u>Special Economic Measures (South Sudan) Permit Authorization Order</u></a>  <a href="#"><u>Special Economic Measures (Syria) Permit Authorization Order</u></a>  <a href="#"><u>Special Economic Measures (Ukraine) Permit Authorization Order</u></a>  <a href="#"><u>Special Economic Measures (Zimbabwe) Permit Authorization Order</u></a>  <a href="#"><u>Regulations Implementing the United Nations Resolutions on the Central African Republic</u></a>  <a href="#"><u>Regulations Implementing the United Nations Resolutions on the Democratic People’s Republic of Korea</u></a>  <a href="#"><u>Regulations Implementing the United Nations Resolution on Eritrea</u></a>  <a href="#"><u>Regulations Implementing the United Nations Resolutions on Iran</u></a>  <a href="#"><u>Regulations Implementing the United Nations Resolution on Lebanon</u></a>  <a href="#"><u>Regulations Implementing the United Nations Resolutions on Liberia</u></a>  <a href="#"><u>Regulations Implementing the United Nations Resolutions on Libya</u></a>  <a href="#"><u>Regulations Implementing the United Nations Resolutions on Somalia</u></a>  <a href="#"><u>Regulations Implementing the United Nations Resolution on South Sudan</u></a>  <a href="#"><u>Regulations Implementing the United Nations Resolution on Yemen</u></a>  <a href="#"><u>United Nations Al-Qaida and Taliban Regulations</u></a>  <a href="#"><u>United Nations Côte d’Ivoire Regulations</u></a>  <a href="#"><u>United Nations Democratic Republic of the Congo Regulations</u></a>  <a href="#"><u>United Nations Iraq Regulations</u></a>  <a href="#"><u>United Nations Sudan Regulations</u></a></p>
<b>Other References</b>	D19-6-4, <a href="#"><u>D19-10-3</u></a>
<b>Superseded Memorandum D</b>	D19-11-1 dated April 30, 2010