



# Memorandum D11-4-13

Ottawa, November 29, 2017

## Rules of Origin for Casual Goods Under Free Trade Agreements

### In Brief

1. This memorandum has been revised to reflect the implementation of the Canada-Ukraine Free Trade Agreement and the Canada-European Union Comprehensive Economic and Trade Agreement. Changes have been made to the “Guidelines and General Information” to provide policy and procedural information related to the administration of this free trade agreement.
2. The editing revisions made in this memorandum do not affect or change any of the existing policies or procedures.

Rules of origin for casual goods regulations are used to determine the entitlement of casual goods to preferential tariff treatment with respect to Canada’s Free Trade Agreements. This memorandum contains guidelines concerning the administration of the regulations named below.

### Legislation

#### Customs Act

[NAFTA Rules of Origin for Casual Goods Regulations](#)

[CIFTA Rules of Origin for Casual Goods Regulations](#)

[CCFTA Rules of Origin for Casual Goods Regulations](#)

[CCRFTA Rules of Origin for Casual Goods Regulations](#)

[CPFTA Rules of Origin for Casual Goods Regulations](#)

[CCOFTA Rules of Origin for Casual Goods Regulations](#)

[CEFTA Rules of Origin for Casual Goods Regulations](#)

[CJFTA Rules of Origin for Casual Goods Regulations](#)

[CPAFTA Rules of Origin for Casual Goods Regulations](#)

[CUFTA Rules of Origin for Casual Goods Regulations](#)

[CETA Rules of Origin for Casual Goods Regulations](#)

[Proof of Origin of Imported Goods Regulations](#)

### Guidelines and General Information

1. Casual goods, defined in each of the regulations listed in the Legislation section above, are goods that are not intended for sale or for any industrial, occupational, commercial, institutional, or other like use. The goods may accompany an importer or traveller arriving in Canada, or they may be parcels addressed to individual recipients in Canada.
2. Casual goods, as defined in each of the Regulations listed in the Legislation section above, are deemed originating where:
  - (a) the goods are acquired in the FTA territory; and
  - (b) marked as originating in Canada;

(c) the goods are originating in another country that is a party to that agreement, and the marking is in accordance with the marking legislation of that other party; or

(d) the goods have no country of origin marking but there is no evidence that the goods are the product of a country which is not a party to the agreement in question.

3. In addition, under NAFTA, casual goods acquired in the United States are eligible for the Mexico tariff treatment if they are marked so as to indicate that they are a product of Mexico and they are marked in accordance with U.S. marking legislation. Similarly, casual goods acquired in Mexico are eligible for the United States tariff treatment if they are marked so as to indicate that they are a product of the United States and they are marked in accordance with Mexican marking legislation.

4. To be eligible for preferential tariff treatment under a Free Trade Agreement (FTA), casual goods must be acquired in the FTA territory and must enter Canada, or be shipped to Canada, from that territory as defined in the FTA. For example, to be eligible for preferential tariff treatment under the Canada-European Union Comprehensive Economic and Trade Agreement (CETA), casual goods acquired in an EU country or other CETA beneficiary must enter Canada, or be shipped to Canada, from an EU country or other CETA beneficiary. The territory of the CETA is defined in the [Regulations Defining “EU country or other CETA beneficiary”](#). The territory of all other FTAs is defined in each FTA.

5. Marking imported goods in a deceptive manner, or altering or removing marks, so as to mislead another person as to the country of origin, is considered an offence under paragraph 153(c) of the [Customs Act](#) (the Act). This paragraph prohibits any action that evades or attempts to evade the payment of duties. An offence under section 153 of the Act is subject to sanctions under section 160 of the Act.

6. The [Proof of Origin of Imported Goods Regulations](#) exempts importers of casual goods from the requirement to present a certificate of origin for the goods or to make a declaration of origin attesting to possession of a certificate.

#### **Additional Information**

7. For more information, within Canada call the Border Information Service at **1-800-461-9999**. From outside Canada call 204-983-3500 or 506-636-5064. Long distance charges will apply. Agents are available Monday to Friday (08:00 – 16:00 local time / except holidays). TTY is also available within Canada: **1-866-335-3237**.

<b>References</b>	
<b>Issuing Office</b>	Trade and Anti-dumping Programs Directorate
<b>Headquarters File</b>	
<b>Legislative References</b>	<a href="#"><u>Customs Act</u></a> <a href="#"><u>NAFTA Rules of Origin for Casual Goods Regulations</u></a> <a href="#"><u>CIFTA Rules of Origin for Casual Goods Regulations</u></a> <a href="#"><u>CCFTA Rules of Origin for Casual Goods Regulations</u></a> <a href="#"><u>CCRFTA Rules of Origin for Casual Goods Regulations</u></a> <a href="#"><u>CPFTA Rules of Origin for Casual Goods Regulations</u></a> <a href="#"><u>CCOFTA Rules of Origin for Casual Goods Regulations</u></a> <a href="#"><u>CEFTA Rules of Origin for Casual Goods Regulations</u></a> <a href="#"><u>CJFTA Rules of Origin for Casual Goods Regulations</u></a> <a href="#"><u>CPAFTA Rules of Origin for Casual Goods Regulations</u></a> <a href="#"><u>CUFTA Rules of Origin for Casual Goods Regulations</u></a> <a href="#"><u>CETA Rules of Origin for Casual Goods Regulations</u></a> <a href="#"><u>Proof of Origin of Imported Goods Regulations</u></a>
<b>Other References</b>	
<b>Superseded Memorandum D</b>	D11-4-13 dated June 6, 2017