



Memorandum D11-11-1

Ottawa, May 29, 2021

NATIONAL CUSTOMS RULINGS (NCRs)

In Brief

1. This memorandum is part of an overall revision of the D Memoranda series to reflect the implementation of the following trade agreements:
 - [Comprehensive and Progressive Agreement for Trans-Pacific Partnership \(CPTPP\)](#); and
 - [Canada-United States-Mexico Agreement \(CUSMA\)](#).
2. This memorandum has been updated to advise that National Customs Rulings for country of origin marking of goods now include requests for goods to be imported from the United States or Mexico, in addition to goods imported from all other countries.
3. This memorandum has also been revised to highlight the benefits associated with applying for a National Customs Ruling through the new CBSA Assessment Revenue Management (CARM) system.

This memorandum provides information concerning the Canada Border Services Agency's (CBSA) National Customs Ruling (NCR) program.

Legislation

[Customs Act](#)

[Australia Tariff and New Zealand Tariff Rules of Origin Regulations](#)

[Commonwealth Caribbean Countries Tariff Rules of Origin Regulations](#)

[Determination of Country of Origin for the Purpose of Marking Goods \(CUSMA Countries\) Regulations](#)

[Determination of Country of Origin for the Purpose of Marking Goods \(non-CUSMA Countries\) Regulations](#)

[General Preferential Tariff and Least Developed Countries Tariff Rules of Origin Regulations](#)

[Most-Favoured-Nation Tariff Rules of Origin Regulations](#)

[Valuation for Duty Regulations](#)

Guidelines and General Information

Definitions

1. For the purposes of this memorandum, the following definitions apply:

Applicant - means the person requesting a National Customs Ruling.

Authorized Person – any person who is authorized to transact business with the CBSA on behalf of another person (i.e. agents, brokers, trade consultants).

CARM – CBSA Assessment and Revenue Management.

CARM Client Portal (CCP) – an online interface allowing a registered user to submit and respond to an application for a ruling, in addition to its withdrawal, modification or revocation.

National Customs Ruling (NCR) - is a written statement by the CBSA, outlining how the provisions of existing customs legislation would apply to goods to be imported into Canada.

Person – means an individual, a partnership, a corporation, a trust, the estate of a deceased individual or a body that is a society, a union, a club, an association, a commission or other organization of any kind.

Trade Chain Partner (TCP) - person with a business number (BN9) and a program identifier (RM) (e.g. 123456789RM0001) including importers of goods in Canada, customs brokers, trade consultants, etc.

General

2. An NCR will provide instruction concerning the CBSA’s valuation, origin (non-Free Trade Agreement preferential tariff treatment or Most-Favored Nation (MFN) tariff treatment), or marking programs. NCRs are provided as an administrative service for the convenience and guidance of importers, foreign exporters, and foreign producers.

Note: As of July 1, 2020, the CBSA provides country of origin marking of goods rulings, including those requested for goods to be imported from the United States or Mexico, through the NCR program. For more information, refer to Appendix C of this memorandum and Memorandum D11-3-1, Marking of Imported Goods.

3. Requests concerning the tariff classification of goods are to be submitted as requests for advance rulings, pursuant to Memorandum D11-11-3, Advance Rulings for Tariff Classification.

4. Requests concerning the origin of goods and their entitlement to a preferential tariff treatment under Canada’s free trade agreements (FTAs) are to be submitted as requests for origin advance rulings pursuant to Memorandum D11-4-16, Advance Rulings for Origin Under Free Trade Agreements.

5. The CBSA has developed CARM to provide registered Trade Chain Partners (TCPs) with the ability to electronically submit requests for ruling decisions to the CBSA and to view their rulings via the CARM Client Portal. CARM facilitates the rulings process by introducing information technology in submitting and receiving rulings requests, and subsequent execution, further information, modification, or revocation of a ruling decision.

Who may Request an NCR

6. An importer, foreign exporter or foreign producer of a good, or an authorized person thereof, may request a valuation, origin or marking NCR. The NCR will be issued to the applicant.

Note: Any authorized person who wishes to transact business with the CBSA on behalf of another person is responsible for ensuring that the proper authority has been delegated to them as per the requirements referenced in Memorandum D1-6-1, Authority to Act as an Agent, or Memorandum D1-8-1, Licensing of Customs Brokers. If submitting the request for delegated authority through CARM, refer to the applicable document in the CARM Client Portal. If further assistance or information is required, contact the CARM Client Support Help Desk.

7. A request for an NCR can be submitted through the CARM Client Portal by an existing registered TCP.

Note: For ease of reference, the links to the CARM Client Portal and the CARM Client Support Help Desk can be found in the “Additional Information” section of this memorandum.

8. The CBSA may initiate and publish an NCR of general application for tariff classification, valuation, origin or marking to ensure consistency in the interpretation of legislation and trade program requirements (e.g. in response to a request by industry or to reflect the findings of a general policy review, verification activity, or court decision).

How to Request an NCR

9. The CBSA has set a standard for issuing an NCR within 120 days of receiving complete information. When laboratory or other particularly complex analysis is required, the standard shall remain at 120 days.

Note: All correspondence throughout the NCR process will be via mail, by e-mail, or through the CARM Client Portal, depending on the method chosen by the applicant to communicate with the CBSA.

10. If submitting through CARM, for information on the registration and account setup, refer to the applicable document in the CARM Client Portal. If further assistance or information is required, contact the CARM Client Support Help Desk.

11. Once the TCP has registered and created an account in CARM, they must follow the Completing Portal Setup steps to gain access to the CARM Client Portal, the interface used to submit an application for an NCR and where the application is processed. For more information, refer to the applicable document in the CARM Client Portal. If further assistance or information is required, contact the CARM Client Support Help Desk.

12. An NCR request can also be submitted in the form of a letter or an e-mail, in English or in French, and must be signed by the applicant or a person authorized by the applicant to make the request. The person who signs the application for an NCR should have knowledge of the goods pertaining to the request. The CBSA may decline the issuance of the NCR if these conditions are not fulfilled.

13. The CBSA has enhanced the NCR program by publishing NCRs in their entirety, in both official languages on the CBSA website and with the applicant's consent. Consequently, an applicant's NCR request must include one of the consent to publish statements provided in Appendix D of this memorandum, to either grant or withhold consent to the publication of their NCR in its entirety on the CBSA website. Failure to provide either consent statement will result in the request for an NCR to be considered incomplete and declined.

14. For the purposes of efficiency, the CBSA encourages the exchange of information by e-mail with the applicant. If an applicant chooses to exchange information by e-mail with the CBSA, they must provide a valid e-mail address as well as the consent to exchange information by e-mail with the CBSA statement found in Appendix E of this memorandum.

15. A request must include a statement that indicates that, to the applicant's knowledge, the issue in the request is not currently the subject of another/separate request for an NCR, a re-determination, a verification, an administrative review or appeal, a judicial or quasi-judicial review, and if so, a brief statement setting forth the status or disposition of the matter.

16. A request must include a statement as to whether an NCR or other instruction on the issue had been requested previously from the CBSA and, if so, the result of any previous request.

17. If the applicant is aware of any request for a re-determination, a further re-determination or a review or dispute of an NCR on an identical or similar good or, in the case of valuation, an import scenario that the CBSA, the Canadian International Trade Tribunal (CITT), or the courts have not yet decided/ruled on, the applicant must disclose this information in the request for an NCR.

18. NCR requests should be sent by registered (traceable) mail or by e-mail to the responsible office of the Trade Operations Divisions. If the applicant has an office in Canada, the request should be sent to the office responsible for the region in which the applicant's office is located; this also applies to non-resident importers who have an office in Canada. If the applicant does not have an office in Canada, the request for an NCR should be sent to the office responsible for the region that serves the area where the majority of importations are expected to occur. The regional CBSA office will redirect the request for an NCR, if required. A list of the regional offices for Trade Operations Divisions is available on the CBSA web site.

Note: An applicant should not submit an NCR request for the same good in multiple regions, as it undermines the integrity and value of the NCR program. Upon its issuance by the CBSA, the NCR will apply throughout Canada, regardless of the region in which the applicant's request was submitted and the region(s) into which the goods, that are the subject of the NCR, are ultimately imported. This will ensure consistent application of the NCR to imported goods.

19. A **valuation** NCR will, based on the information provided by the applicant,

- (i) address the issue in the applicant's request; and

(ii) provide instruction on the specific element(s) of the valuation legislation in the *Customs Act* (the Act) referenced in the request. For more information and instructions on requests for valuation NCRs, refer to Appendix A of this memorandum.

Note: Separate requests for **valuation** NCRs must be submitted to address importations made in different circumstances.

20. An **origin** NCR will identify whether a good qualifies under a specific tariff treatment, aside from those established pursuant to Canada's FTAs. For more information and instructions on requests for origin NCRs, refer to Appendix B of this memorandum.

21. A **marking** NCR will indicate whether a good imported to Canada is required to be marked or not, the appropriate country to be indicated if marking is required, and the acceptable method and manner of marking the goods. For more information and instructions on requests for a marking NCR, refer to Appendix C of this memorandum.

22. Requests for **origin** or **marking** NCRs must be limited to individual goods. However, a request involving the origin or marking of a range of goods may be considered if the goods in question are so similar that a decision on one model or style of the good can be considered representative of other models or styles. The decision to accept an origin or marking NCR request for a range of goods shall be made at the discretion of the CBSA, and no request will be accepted that would result in the issuance of an NCR for more than five separate goods produced by a single producer. Documents and correspondence that may be required in support of an origin or marking NCR request are provided for in Appendices B and C of this memorandum.

Note: For those who have previously received a North American Free Trade Agreement (NAFTA) country of origin marking advance ruling, please note that the ruling and any modifications to the latter are only valid until June 30, 2020. For information on country of origin marking ruling requests, including those submitted under the Canada-United States-Mexico Agreement (CUSMA), refer to the instructions contained in Appendix C of this memorandum.

23. At any time during the course of reviewing and processing an NCR request, the CBSA may solicit additional information from the applicant. The applicant will be given a period of 30 calendar days from the date of the letter (or such longer period as the letter may provide) to supply any additional information that is requested. If no response to the letter or through the CARM Client Portal is received within the time allotted, the NCR request will be closed administratively and considered withdrawn. If submitting through CARM, refer to the information on how to provide supplementary information in the CARM Client Portal. If further assistance or information is required, contact the CARM Client Support Help Desk.

24. It is the applicant's responsibility to provide complete and accurate information in support of the subject in the NCR request. The CBSA will not issue an NCR where the information provided is incomplete or inaccurate.

25. In circumstances where the CBSA deems it unreasonable to require an applicant to gather and submit the information normally included with an NCR request (for example, requests for non-commercial "one-time only" importations), the CBSA will alternatively provide written instructions to the applicant in lieu of an NCR.

26. A request for an NCR may be withdrawn by the applicant at any time before an NCR is issued either by mail, e-mail or through the CARM Client Portal. If submitting by mail or e-mail, the applicant must inform the CBSA office responsible for processing the NCR. Should the CBSA identify any issues in cases where an NCR request is withdrawn, the CBSA may later pursue the matter with the importer, foreign exporter or foreign producer, in respect of the NCR request.

Confidentiality

27. Any confidential business information contained in a request for an NCR or in a request for the review of an NCR will remain confidential. All information provided to the CBSA is protected from disclosure by section 107 of the Act. The only specific information with respect to an NCR that will be released to a party other than to the person to whom the ruling was issued, is whether a particular NCR number remains in effect or has been revoked or modified. Further information on the ruling must be obtained from the person to whom the ruling was issued. Alternately, if entitled to do so, a person may request that the CBSA issue them their own ruling on the subject.

The CBSA will issue an NCR that contains confidential business information obtained by the CBSA from someone other than the applicant only with the permission of the owner of the confidential business information. However, if consent has been given to the CBSA to publish the NCR in its entirety, such information would be included.

Circumstances Where an NCR will be Postponed

28. Circumstances in which an NCR will be postponed include:

- (a) where the request relates to an issue that is currently under a review by the CBSA, the CITT, or the courts;
- (b) where a verification is being conducted under section 42.01, and the outcome of the verification may affect the NCR request; or
- (c) the request involves an issue that is subject to legislative or regulatory amendment.

29. The CBSA authorizes an officer to postpone the issuance of an NCR in cases where policy interpretation is under review as a result of a legislative or regulatory change, a court decision or the implementation of an FTA.

30. In cases of postponement of the issuance of the NCR, the CBSA will advise the applicant via the method chosen by the applicant to communicate with the CBSA, of the reasoning for the postponement, and when the process will resume.

Circumstances Where an NCR Will Not be Issued and the Request Declined

31. Circumstances in which it is not appropriate for the CBSA to issue an NCR include:

- (a) where the request is hypothetical in nature;
- (b) where the request pertains to multiple goods such as the contents of commercial catalogues (except, in the case of a valuation NCR, to different goods imported in identical circumstances);
- (c) where it is not possible to determine all the material facts (e.g., information required to determine the origin of the goods);
- (d) where supplementary information was requested and not provided within 30 days or by a date as determined by the officer; or
- (e) where the request does not meet the requirements listed within this memorandum.

32. An NCR request will also be declined when a consent statement is not signed, an importer's business number is not provided (where the applicant is an importer), or there is no signed authorization for representation (where the applicant is said to be an authorized person).

33. An NCR will not be issued where necessary information is not provided in support of an applicant's request. Refer to Appendices A, B and C of this memorandum for information that may be required to support an NCR request.

34. The CBSA will inform the applicant in writing, via the applicant's chosen method of communication, of the reason(s) why an NCR will not be issued. This does not preclude an applicant from submitting a new request which meets the conditions described in this memorandum.

Modification or Revocation of an NCR

35. An NCR is effective on the date on which it was issued, or on such a later date as may be specified in the NCR and will remain valid until it is either modified or revoked. At any time, the CBSA may review an NCR to confirm its continued validity. As a result of the review, the CBSA may retroactively modify or revoke an invalid or incorrect NCR. Should the CBSA believe it is necessary to modify or revoke an NCR, the applicant will be advised accordingly and invited to present additional information.

36. If a modification is requested through CARM by the applicant, refer to the applicable document in the CARM Client Portal. If further assistance or information is required, contact the CARM Client Support Help Desk.

37. In cases of an NCR modification or revocation, the CBSA may, under its own initiative or upon receipt of a request from the applicant, delay the effective date of the modification or revocation for a period of up to 90

calendar days from the date of issue. Such a delay shall be granted to the applicant, provided they can demonstrate to the satisfaction of the CBSA that they relied in good faith and to their detriment on the NCR. The delay shall apply with respect to goods covered by the NCR that are imported by the applicant or any other person importing those goods directly from that applicant. The evidence of reliance shall include contracts, purchase orders, past importations, or other documentation tending to establish that contracts for, and production of goods to be imported after the modification or revocation, were arranged prior to the modification or revocation and shall specifically identify the NCR on which reliance is claimed.

38. An application for postponement of the effective date of the modification or revocation should be made in writing, to the office that issued the modification or revocation, within 90 days from the issuance of the modification or revocation, or within 90 days of receipt of a reassessment of goods imported in the 90-day period after the issuance of a modification or revocation.

39. A modification or revocation of an NCR issued may be applied retroactively to goods imported before the modification or revocation is issued in the following circumstances:

- (a) there was a failure to act in accordance with the terms and conditions of the ruling, which might include, *inter alia*:
 - (i) a request for an NCR containing a misstatement or omission of material facts,
 - (ii) the ruling, although correct when issued, ceased to be correct at a later date because there was a change in the material facts or circumstances upon which the ruling was based and the CBSA was not notified. In such a case, the NCR may be retroactively revoked or modified to the date of the change in the material facts or circumstances;
- (b) the modification or revocation being to the benefit of the applicant who requested the ruling.

Note: It is the responsibility of the applicant to notify the CBSA of a change in material facts or circumstances.

40. If, subsequent to an NCR being issued, the CBSA is notified or becomes aware that there is a change or omission to the material facts or circumstances on which the NCR was based, the CBSA is not required to honour the NCR with respect to goods produced after the change and may retroactively modify or revoke the NCR to reflect these changes or omissions. In these instances, the modified or revoked NCR would be considered in effect from the date of the initial importation of the good, or as specified in the modified NCR or revocation letter.

41. In a similar fashion, should the CBSA discover that the NCR issued is incorrect due to a CBSA interpretive or administrative error, the NCR will be modified or revoked. In such instances, the CBSA will consider and treat the original incorrect NCR as being valid from the effective date of the original NCR, to the day before the effective date of the modified NCR or revocation letter.

42. In the event an authorized person has submitted multiple NCR requests for the same good on behalf of multiple applicants and the authorized person receives conflicting NCRs, the authorized person must notify one of the CBSA Offices of the Trade Operations Divisions from which an NCR was received. The CBSA will immediately undertake a review of the NCRs and, as appropriate, modify or revoke the existing NCRs. Any modified NCR will indicate its effective date and will be valid from that date forward.

43. Depending upon the reason for modification or revocation, an importer may be obliged to self-correct any incorrect declarations or may ask for a refund, retroactive from the revocation date of an NCR to a maximum of four years. For more information on corrections, refer to Memorandum D11-6-6, "Reason to Believe" and Self-adjustments to Declarations of Origin, Tariff Classification, and Value for Duty. For more information on refunds, refer to Memorandum D6-2-3, Refund of Duties.

44. If a CBSA, CITT, or court decision that conflicts with an NCR is reported to the CBSA in a request for a re-determination or further re-determination made under section 60 of the Act, and the subsequent decision supports the CBSA, CITT or court decision and not the NCR, a modified NCR will be issued that reflects the subsequent decision.

45. Similarly, where an NCR is disputed and the subsequent decision made by the CBSA, the CITT, or any court, requires a change or revision to the NCR, that NCR will be modified or revoked. The modified or revoked NCR

would be considered in effect from the date of the initial importation of the good, or as specified in the modified NCR or revocation letter.

46. Where the CBSA determines that the information submitted in support of an NCR request differs from the facts in respect of importations subject to the NCR, the NCR will be revoked retroactive to its issue date and the CBSA will consider re-determination or enforcement measures provided for in the Act.

47. The applicant will be advised of the results of the review and the validity of the NCR, via the method of communication chosen by the applicant. The 120 day service standard applies to a request for a modification of an NCR.

Reason to Believe

48. An NCR is considered to be a document providing specific information giving the importer “reason to believe” that a declaration is incorrect, in accordance with paragraph 1(e) of Memorandum D11-6-6.

49. When specific information that gives reason to believe was available to the importer before the NCR was issued, the importer has the obligation to make corrections to all incorrect declarations for same or similar goods that are the subject of the NCR, from the date on which the specific information was first available, up to a maximum of 4 years after the goods are accounted for.

Validity of an NCR

50. An NCR will be considered valid and will be honoured by the CBSA as long as the following conditions continue to apply to the ruling issued with respect to the subject goods or, in the case of valuation, the import scenario:

- (a) all conditions in the ruling have been met and there were no misstatements or omissions of material facts relevant to origin or valuation;
- (b) the ruling has not been revoked or modified as a result of a dispute, determination, re-determination, further re-determination, or a change to the legislation upon which the NCR is based;
- (c) relevant CBSA legislation has not been amended;
- (d) an importation that has been accounted for in accordance with the instructions contained in an NCR is not successfully disputed; or
- (e) the duration of its applicability indicated in the NCR has not expired.

51. An NCR will apply only to the future importation of good(s) to which the ruling applies. As such, the information provided in support of the NCR request must relate to the anticipated future importation. For example, a request for an NCR on whether a good is entitled to MFN will not be considered if the information provided in support of the request relates only to a discontinued model of the good, or to a current model with requisite materials or production methods that differ from those to be represented in future importations.

Note: It is the applicant’s responsibility to advise the CBSA of any changes to the information upon which an NCR was based.

52. At the time of accounting for the goods, importers should indicate that they are in possession of a valid NCR by either attaching a copy of the NCR or by quoting the NCR (case) number on to their import documentation (i.e. Form B3-3 - Canada Customs Coding Form).

Conflicting Rulings, Re-determination and Further Re-determination

53. An NCR will take precedence over any advice, opinion, etc., provided by the CBSA before or after the issuance of the NCR.

54. If a person has been issued conflicting rulings or conflicting decisions under section 59, 60 or 61 of the Act for the same goods or, in the case of valuation, the same import scenario, the most recent decision will take precedence. If the original NCR requires a change or a revision, that NCR will be modified or revoked.

55. In instances where the CBSA becomes aware of conflicting NCRs, re-determination or further re-determination, the Agency will immediately undertake a review of the issue and will, upon conclusion of that review, modify or revoke the incorrect ruling to resolve the matter.

56. An importer, foreign exporter or foreign producer who disagrees with an NCR instruction may request an informal review before the importation of the good that is the subject of the NCR. The request should be made to the CBSA office that issued the NCR and should read “This is a request for an informal review of NCR (state the NCR (case) number)”.

Note: The informal review process is not accessible through CARM. The request will need to be submitted in writing by mail or e-mail.

57. The following information, as appropriate, must be provided in such a request:

- (a) the number of the NCR that is the subject of the request or a copy of the NCR; and
- (b) the reason(s) for the request, including:
 - (i) corrections to factual information about the goods (i.e. description, composition), including proof or substantiation, or in the case of a valuation NCR, to the factual information in respect of the legislated element(s) at issue;
 - (ii) arguments to contest the rationale provided by the CBSA in the NCR;
 - (iii) the number(s) of other similar or relevant NCRs; and
 - (iv) a statement that the goods, or in the case of a valuation NCR, the legislated element(s) at issue, are not the subject of a review or verification under the Act.

58. It is important to note that time standards for the submission of requests for self-correction or refund made under the Act are not protected during an informal review of an NCR for importations that have occurred since the NCR was issued. For more information regarding requests for self-correction or refund, refer to Memorandum D11-6-6 and D6-2-3.

59. If the importation becomes the subject of a re-determination or verification under the Act before the informal review is completed, the CBSA will cancel the informal review. The applicability of the NCR on a going forward basis will be assessed as part of the re-determination or verification process.

60. Where an NCR issued to a foreign exporter or foreign producer is modified or revoked, it will be the responsibility of the foreign exporter or foreign producer to inform the importer(s) of their goods of any changes to their NCR.

Disputes

61. An importer, foreign exporter or foreign producer who disagrees with the results of their NCR or informal review may challenge the decision by first importing and accounting for the goods in accordance with the NCR, and then submitting a Form B2 - Canada Customs – Adjustment Request, quoting in Field 37, the NCR (case) number and an explanation as to why the importer, foreign exporter or foreign producer believes the NCR (and therefore, the import accounting document) is incorrect. For more information regarding the adjustment process, refer to Memorandum D17-2-1, The Coding, Submission and Processing of Form B2 Canada Customs Adjustment Request.

62. Should the adjustment request be denied, a request for a re-determination or further re-determination under section 60 of the Act may be submitted as outlined in Memorandum D11-6-7, Request under Section 60 of the *Customs Act* for a Re-determination, a further Re-determination or a Review by the President of the Canada Border Services Agency.

63. Where an NCR is disputed and the subsequent decision made by the CBSA, the CITT, or any court, requires a change or revision to the NCR, that NCR will be modified or revoked as per the instructions above.

Third Party Reliance on an NCR

64. Although an importer may quote on their import declaration the number of an NCR that was issued to another specific importer, foreign exporter or foreign producer, the CBSA is not bound to recognize or adhere to the ruling's content with regards to that importation. Quoting the NCR number on the import declaration will however, make the CBSA aware that there is an NCR which may relate to the goods or, in the case of valuation matters, the import scenario in question. Refer to Memorandum D17-1-10, Coding of Customs Accounting Documents, specifically Field No. 22 – Description, for information on how to make reference to an NCR.

65. Only the applicant to whom the NCR is issued may request a review or any revocation or modification of the NCR, and only the applicant will be notified if the NCR is revoked or modified by the CBSA. Additionally, only the applicant may request a postponement of the effective date of the revocation or modification of that NCR by up to 90 days. For these reasons, it is recommended that persons request their own NCR rather than rely on a ruling issued to another person.

Record Retention and Disposal

66. The request for an NCR is subject to record retention and disposal procedures. The CBSA will retain the request for an NCR for a period of ten years at which time it may be disposed of in the appropriate manner. Should applicants wish to have their NCR request, and/or supporting literature returned to them, appropriate packaging, labelling, and postage must be provided to the CBSA at the time the request is made. The cost of returning the request to the applicant is at their expense.

Additional Information

67. For more information, call the [CBSA Border Information Service \(BIS\)](#):

Calls within Canada & the United States (toll free): **1-800-461-9999**

Calls outside Canada & the United States (long distance charges apply):

1-204-983-3500 or 1-506-636-5064

TTY: **1-866-335-3237**

Email: contact@cbsa-asfc.gc.ca

[Contact Us](#) on the CBSA website may also be accessed for information.

68. For more information on CARM:

Call toll free: **1-800-461-9999 (Option 2)**

For the CARM Client portal login and the Onboarding documentation for managing rulings, refer to the website:

<https://ccp-pcc.cbsa-asfc.cloud-nuage.canada.ca/en/homepage>

If further assistance or information is required, contact the CARM Client Support Help Desk by completing the web form at:

<https://www.cbsa-asfc.gc.ca/contact/csform-formulairesc-eng.html>

APPENDIX A

Content of a Valuation National Customs Ruling (NCR) Request

1. The program described in this Appendix is administered by the CBSA for the convenience and guidance of importers, foreign exporters, and foreign producers with respect to customs valuation matters, and also to meet the requirements of Article 5.3, paragraph 1(b) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and Article 7.5, paragraph 4(b) of the Canada-United States-Mexico Agreement (CUSMA).
2. This Appendix outlines the requirements for obtaining an NCR relating to the valuation of imported goods. Such an NCR will provide information concerning the issue in the applicant's request and instruction on the specific method(s) or element(s) of the valuation legislation in the *Customs Act* referenced in the request.
3. The information requirements detailed below and throughout this memorandum are set out so that an applicant is aware of the extent of the specific information required. The CBSA retains the right to request any additional information required before issuing an NCR, or to decline the request as incomplete.
4. A valuation NCR request must include the following information:
 - (a) The request should be marked "Attention: Valuation National Customs Ruling Request".

Note: If submitting through CARM, refer to the applicable documents in the CARM Client Portal. If further assistance or information is required, contact the CARM Client Support Help Desk.

- (b) Name, mailing address, and e-mail address of the applicant (if the applicant chooses to exchange information electronically). If the applicant is an importer, the importer's business number must be indicated. If an authorized person is submitting an NCR request on behalf of an importer, foreign exporter or foreign producer, the full name and address of the importer, foreign exporter or foreign producer must be indicated. As well, the importer, foreign exporter or foreign producer must provide a written statement indicating that the person is duly authorized to submit the request to the CBSA, on their behalf. The NCR will be issued in the name of the importer, foreign exporter or foreign producer.
 - (c) Name and telephone number of a contact person. This person must be someone with full knowledge of the issue that is the subject of the NCR request.
 - (d) A narrative explaining the commercial circumstances in respect of the legislated valuation element(s) at issue.
 - (e) Principal ports of entry through which it is anticipated the good(s) to which the NCR will apply will be imported.
5. Documents identified in the following list may be required to be submitted in support of a valuation NCR request:
 - (a) commercial invoices;
 - (b) credit notes;
 - (c) purchase order confirmations;
 - (d) sale agreements, contracts or bills of sale;
 - (e) letters of credit;
 - (f) evidence of proof of payment;
 - (g) quota or licensing agreements;
 - (h) warranty agreements;
 - (i) conditions of sale, for example, information relating to trade-ins;
 - (j) agreements or written contracts (for example, CBSA agreements);

- (k) information identifying the purchaser in Canada of the good in accordance with section 2.1 of the *Valuation for Duty Regulations*, agreements to provide assists and agreements between third parties with information supporting the value and/or apportionment of the assist;
- (l) royalty agreements;
- (m) trade mark agreements;
- (n) licence fee agreements;
- (o) copyright agreements;
- (p) evidence of freight costs;
- (q) details of rebates;
- (r) information relating to the proposed point of direct shipment;
- (s) information which substantiates the value of identical/similar goods; and
- (t) detailed calculations indicating the applicability of the transaction value of identical goods method, transaction value of similar goods method, deductive, computed, or residual value methods, as appropriate.

APPENDIX B

Content of Origin “Non-Free Trade Agreement (FTA) Preferential Tariff Treatment” or “Most-Favored Nation Tariff (MFN) Treatment” National Customs Ruling (NCR) Requests

1. This Appendix outlines the requirements for obtaining an NCR relating to the origin of a good to be accorded:

- the General Preferential Tariff (GPT), the Least Developed Country Tariff (LDCT), the Commonwealth Caribbean Countries Tariff (CCCT), the Australia Tariff (AUT) or the New Zealand Tariff (NZT) treatment (i.e. non-FTA preferential tariff treatment); or
- the MFN tariff treatment.

Note: The program described in this Appendix with respect to MFN tariff treatment is administered by the CBSA to satisfy the requirements of the World Trade Organization Agreement on Rules of Origin.

2. The information requirements detailed below and throughout this memorandum are set out so that an applicant is aware of the extent of the specific information required. The CBSA retains the right to request any additional information required before issuing an NCR, or to decline the request as incomplete.

3. An origin NCR request should be marked “Attention: [see paragraph 1 and indicate the tariff treatment sought] = National Customs Ruling Request”.

Note: If submitting through CARM, refer to the applicable documents in the CARM Client Portal. If further assistance or information is required, contact the CARM Client Support Help Desk.

4. An origin NCR request must include the name, mailing address and e-mail address of the applicant (if the applicant chooses to exchange information electronically). Where the applicant is:

- (a) the **importer** of the good, also include the importer’s business number, the name and address of the foreign exporter and, if known, the foreign producer of the good;
- (b) the foreign **exporter** of the good, also include the name and address of the foreign producer and importer of the good, if known; or
- (c) the foreign **producer** of the good, also include the name and address of the foreign exporter and importer of the good, if known.

5. Include the name and telephone number of a contact person. The contact person must be someone with full knowledge of the subject good and the circumstances of the importation under consideration.

6. Indicate the principal port(s) of entry through which it is anticipated the good, that is the subject of the NCR request, will be imported.

7. An origin NCR may only be issued to determine the originating status of a good in accordance with the rules of origin applicable to the tariff treatment to be claimed upon importation. If requested in writing, and should the CBSA have enough information to determine the tariff classification of the good, an advance ruling on the tariff classification may be issued (pursuant to Memorandum D11-11-3, Advance Rulings for Tariff Classification) in conjunction with an NCR for origin.

8. NCR requests concerning eligibility of a good under the GPT, LDCT, CCCT, AUT or NZT (i.e. non-FTA preferential tariff treatment) or MFN tariff, must contain information demonstrating that the rules of origin, proof of origin, and shipping conditions necessary to qualify for preferential tariff treatment provided for in the corresponding rules of origin regulations and D Memoranda, respectively have been met.

Tariff Treatment	Rules of Origin Regulations	D Memorandum
GPT, LDCT	<i>General Preferential Tariff and Least Developed Countries Tariff Rules of Origin Regulations</i>	D11-4-2, D11-4-4

CCCT	<i>Commonwealth Caribbean Countries Tariff Rules of Origin Regulations</i>	D11-4-2, D11-4-5
AUT, NZT	<i>Australia Tariff and New Zealand Tariff Rules of Origin Regulations</i>	D11-4-2, D11-4-6
MFN	<i>Most-Favoured-Nation Tariff Rules of Origin Regulations</i>	D11-4-2, D11-4-3

9. For origin NCR requests, the applicant must submit the following information:

- (a) the tariff classification the applicant believes to be correct and the reasons for this belief, including, if available, a copy of a CBSA tariff classification ruling, or information indicating the following:
 - (i) a full description of the good including, where applicable, trade names (**Note:** Submission of only a trade name, part number, etc. is unsatisfactory and would result in the CBSA declining the NCR request);
 - (ii) the composition of the good;
 - (iii) the tariff classification, origin and cost of production of all sub-assemblies and materials sourced outside of Canada;
 - (iv) a description of the manufacturing process for the good;
 - (v) a description of the packaging in which the good is ordinarily sold for consumption and of the packing required for the transportation of the good;
 - (vi) the anticipated use of the good; and
 - (vii) the manufacturer's literature, drawings, photographs, schematics for the good.

Note: A sample of a good is not to be submitted with an NCR request. If a sample of a good is required, the applicant will be notified subsequent to the CBSA's receipt of the NCR request.

- (b) the country where the good is finished in the form in which it is imported into Canada;
- (c) how the good will be shipped to Canada;
- (d) the identification of a consignee in Canada, if known;
- (e) whether the good will be transshipped, and if so, through what countries, and what operations (if any) the good will undergo during transshipment; and
- (f) the tariff treatment the applicant believes to be correct, and the reason(s) for this belief.

GPT and LDCT-specific Information Requirements

10. The *General Preferential Tariff and Least Developed Country Tariff Rules of Origin Regulations* (the Regulations) identify the requirements for a good to be deemed originating in a beneficiary country. If a good includes materials, parts or products that originate outside of the beneficiary country, a request must also contain a statement, completed and signed by the exporter of the good, that no more than 40% of the ex-factory price of the good is for costs incurred outside of one or more beneficiary countries or Canada, and must be accompanied by:

- (a) the information required under paragraph 9 of this Appendix;
- (b) a list of all materials including their tariff classification, origin, value and description;
- (c) a list indicating the value of all costs included in the ex-factory price, as per Memorandum D11-4-4, Rules of Origin Respecting the General Preferential Tariff and Least Developed Country Tariff, and a calculation of these costs expressed as a percentage of the ex-factory price; and
- (d) proof of origin of materials originating in the country where the good is manufactured or produced, or originating in any other beneficiary country.

11. The Regulations also identify the requirements for a good to be deemed originating in a Least Developed Country (LDC). If a good other than those set out in Parts A1 and B of Schedule 1 to the Regulations includes materials, parts or products that originate outside the LDC, an NCR request must also contain information showing that no more than 60% of the ex-factory price of the good is for costs incurred outside one or more LDCs or Canada, and must be accompanied by:

- (a) the information required under paragraph 9 of this Appendix;
- (b) a list of all materials including their tariff classification, origin, value and description;
- (c) a list indicating the value of all costs included in the ex-factory price (as per Memorandum D11-4-4), and a calculation of these costs expressed as a percentage of the ex-factory price;
- (d) proof of origin of materials originating in the country where the good is manufactured or produced, or originating in any other LDC or Canada; and
- (e) calculations demonstrating that materials originating in a country set out in Schedule 2 of the Regulations that is not an LDC, do not have a combined value in excess of 20% of the ex-factory price of the good.

12. Schedule 1 to the Regulations groups certain textile and apparel goods into categories, with each category subject to a specific rule of origin. These rules delineate the manufacturing activities and where they must occur for a good to qualify under the LDCT. An NCR request must contain sufficient information demonstrating that the good satisfies its specific rule of origin. According to the specific rule of origin and Schedule 1 to the Regulations, the following information must be submitted:

- (a) For seeking eligibility of a good under an LDCT specific rule for Apparel;
 - (i) identify the specific rule under which LDCT eligibility is being sought (for example, pursuant to paragraph 2(4)(a) of the Regulations);
 - (ii) the information required under paragraph 9 of this Appendix;
 - (iii) a list of all materials including their tariff classification, origin, value and description;
 - (iv) a list indicating the value of all costs included in the ex-factory price (as per Memorandum D11-4-4);
 - (v) proof of origin of materials originating in the country where the good is manufactured or produced;
 - (vi) the proof of origin of yarns used in the production of the fabric; and
 - (vii) the proof of origin of the fabric, or parts knit to shape.
- (b) For seeking eligibility of a good under the LDCT specific rule for Made-up Textile Articles:
 - (i) identify the specific rule under which LDCT eligibility is being sought (for example, pursuant to subsection 2(6) of the Regulations);
 - (ii) the information required under paragraph 9 of this Appendix;
 - (iii) a list of all materials including their tariff classification, origin, value and description;
 - (iv) a list indicating the value of all costs included in the ex-factory price (as per Memorandum D11-4-4);
 - (v) proof of origin of materials originating in the country where the good is manufactured or produced;
 - (vi) the proof of origin of yarns used in the production of the fabric; and
 - (vii) the proof of origin of the fabric, or parts knit to shape.

13. For further guidance on the LDCT textile and apparel specific rules of origin, refer to Memorandum D11-4-4.

APPENDIX C

Content of Country of Origin Marking National Customs Ruling (NCR) Requests

1. This Appendix outlines the requirements for obtaining an NCR relating to the country of origin marking of a good.

Note: The program described in this Appendix with respect to marking under the Most-Favored Nation (MFN) tariff treatment is administered by the CBSA to satisfy the requirements of the World Trade Organization Agreement on Rules of Origin.

2. The information requirements detailed below and throughout this memorandum are set out so that an applicant is aware of the extent of the specific information required. The CBSA retains the right to request any additional information required before issuing an NCR, or to decline the request as incomplete.

3. A country of origin NCR request should be marked “Attention: Country of Origin Marking National Customs Ruling Request”.

Note: If submitting through CARM, refer to the applicable documents in the CARM Client Portal. If further assistance or information is required, contact the CARM Client Support Help Desk.

4. A country of origin marking NCR request must include the name, mailing address and e-mail address of the applicant (if the applicant chooses to exchange information electronically). Where the applicant is:

- (a) the **importer** of the good, also include the importer’s business number, the name and address of the foreign exporter and, if known, the foreign producer of the good;
- (b) the foreign **exporter** of the good, also include the name and address of the foreign producer and importer of the good, if known; or
- (c) the foreign **producer** of the good, also include the name and address of the foreign exporter and importer of the good, if known.

5. Include the name and telephone number of a contact person. The contact person must be someone with full knowledge of the subject good and the circumstances of the importation under consideration.

6. Indicate the principal port(s) of entry through which it is anticipated the good, that is the subject of the NCR request, will be imported.

7. A country of origin marking NCR will remain valid for three years from the date of issuance, provided that the facts and conditions, including the rules of origin or marking under which the NCR has been issued, remain unchanged.

8. For country of origin marking purposes, an NCR request should also include an indication as to which of the following component(s) of the marking program is being requested:

Component number 1: whether the goods are required to be marked;

Component number 2: the correct country of origin to be marked on the goods; and/or

Component number 3: the acceptable method and manner of marking the goods (e.g., size, location, printing, stenciling).

9. It is mandatory that a request for a country of origin marking NCR include component number 1. Component numbers 2 and 3 will be considered as optional, however a request may be submitted which includes all three components.

10. For purposes of whether the goods are required to be marked (component number 1), the request shall include:

- (i) where the applicant is of the opinion that the goods may be exempt from marking as per the exemptions contained in Schedule II of the *Determination of Country of Origin for the Purpose of Marking Goods (CUSMA Countries) Regulations* or the *Determination of Country of Origin for the Purpose of Marking Goods (Non-CUSMA Countries) Regulations*, as applicable, the specific exemption number and a detailed explanation outlining the rationale for the application; and

(ii) where possible, the item in the list of goods contained in Schedule I of the *Determination of Country of Origin for the Purpose of Marking Goods (CUSMA Countries) Regulations* or the *Determination of Country of Origin for the Purpose of Marking Goods (Non-CUSMA Countries) Regulations*, as applicable.

11. Where the request for a country of origin marking NCR includes the issue of what country/countries are to be marked on the goods (component number 2), the request shall also include:

- (i) a listing of each material that is used in the production of the good;
- (ii) with respect to each material referred to in paragraph (i) that is claimed to be a domestic material, a complete description of the material, including the basis on which it is considered that the material is domestic;
- (iii) with respect to each material referred to in paragraph (i) that is a foreign material or the origin of which is unknown, a complete description of the material, including its tariff classification, if known; and
- (iv) a description of all processing operations employed in the production of the good, the location of each operation, and the sequence in which the operations occur.

12. Where the request for a country of origin marking NCR includes the issue of the method and manner of marking the goods (component number 3, e.g., size, location, legibility, etc.), the request shall include:

- (i) If the goods are currently being produced, and there is some form of marking on the products, the following specific details regarding the method and manner of marking:
 - the size of the country of origin marking contained on the goods in measurement of inches or millimeters;
 - a specific description as to where the country of origin marking is located on the good;
 - the method of marking being used (e.g., stamping, etching, engraving);
 - the legibility of the country of origin marking used (e.g., colour of marking and background);
 - if applicable, where abbreviations are used to represent the country of origin, provide the specific wording used; and
 - the language of the country of origin marking.
- (ii) Any reasons, due to the nature of the goods, that certain methods of marking would not be suitable;
- (iii) An indication as to how the goods will be packaged and a specific description of the container to be used for shipping purposes;
- (iv) If known at the time of importation, the name and address of the ultimate purchaser, and a brief explanation as to what happens to the goods after importation, i.e., how the goods will be sold or distributed. If the name of the ultimate purchaser is not known at the time of importation, provide a brief explanation as to what happens to the goods after importation, i.e., how the goods will be sold or distributed;
- (v) If the words “Canada” or “Canadian” or any abbreviations thereof, or the name of any country or place other than the name of the country of origin of the goods appears on the goods:
 - indicate the wording used; and
 - indicate the location(s) of all such wording on the goods.
- (vi) (vi) If the goods are iron or steel pipes or tubes, the following information should be provided:
 - the inside diameter measurement of the goods in inches or millimeters;
 - the method of packaging that will be used; and
 - where the goods described have a critical surface finish, provide a description of the finish.

Note: Applicants should refer to Memorandum D11-3-1, *Marking of Imported Goods*, to obtain additional information regarding the marking of iron or steel pipes and tubes.

13. For information on the list of goods that are required to be marked, refer to Memorandum D11-3-1.

APPENDIX D

Publication of the National Customs Ruling (NCR)

1. The CBSA has enhanced the NCR program by publishing NCRs in their entirety, in both official languages on the CBSA website, and with the applicant's consent. Consequently, an applicant's NCR request must include one of the consent statement options provided below, to either grant or withhold consent to the publication of their NCR once it has been issued by the CBSA. The consent statement must be signed by the importer, foreign exporter, foreign producer, or an authorized person thereof. Failure to provide either consent statement will result in the request for an NCR to be considered incomplete and declined.
2. Publishing NCRs benefits the trade community by establishing an easily accessible online repository of NCRs, providing a valuable resource to assist importers in properly reporting and accounting for goods, and contributing to a uniform and transparent administration of the corresponding trade programs.
3. It is important to note that NCRs are binding only between the CBSA and the applicant to whom the NCR is issued. While published NCRs are for reference purposes only, they provide meaningful guidance to the trade community, including foreign exporters and foreign producers in complying with Canada's trade legislation. For these reasons, although there is no obligation for the applicant to do so, the CBSA encourages applicants to consent to the publication of their NCR.

Disclaimer

There is no obligation on the applicant to consent to the publication of its NCR. A decision to not authorize its public release will neither have any bearing on any CBSA decision with respect to the NCR(s), nor any other adverse consequences in terms of the CBSA's processing of the applicant's request.

1) Consent to the Publication of a National Customs Ruling

I, **(Name of Individual)** of **(Importer/Foreign Exporter/Foreign Producer/Authorized Person)** hereby give my consent to allow the Canada Border Services Agency (CBSA) to publish, on the CBSA's website, the entirety of the National Customs Ruling issued to me by the CBSA in respect of **(Subject of the Request)**, in both official languages.

Signature

Date

2) Do not consent to the Publication of a National Customs Ruling

I, **(Name of Individual)** of **(Importer/Foreign Exporter/Foreign Producer/Authorized Person)** hereby confirm that I do not give my consent to allow the Canada Border Services Agency (CBSA) to publish the National Customs Ruling issued to me by the CBSA in respect of **(Subject of the Request)**.

Signature

Date

APPENDIX E

Request for Exchange of Information with the Canada Border Services Agency (CBSA) by E-mail

1. The applicant must provide a valid e-mail address as well as their consent to the exchange of information with the CBSA by e-mail.
2. An authorized person can present an exchange of information request to the CBSA by e-mail request on behalf of their client.
3. The applicant who elects to use encrypted e-mail for processing their request is responsible to ensure the use of compatible software (Winzip and others).
4. The applicant has the responsibility to inform the CBSA of any contact information changes (phone number, e-mail address, etc.).
5. The request for exchange of information with the CBSA by e-mail, if granted, is valid for a single request for an NCR (including all communications relevant to the request).
6. An applicant who does not clearly indicate their choice between encrypted or non-encrypted e-mail, or does not meet the required conditions, will have their request for an NCR processed using the regular exchange of information procedures (registered mail).
7. The CBSA does not guarantee the security of electronic communications. By consenting to communicate by e-mail with the CBSA, the applicant accepts all inherent risks with this mode of communication and thus relieves the CBSA from all responsibility, present and future, in relation to the protection of the information exchanged by e-mail.
8. The CBSA must obtain an electronic delivery/read receipt from the applicant for every document exchanged by e-mail during the NCR process. If it is not possible to obtain an electronic delivery/read receipt, other forms of acknowledgement will be considered valid (e-mail, phone call, etc.)
9. The reception date of the documents is deemed to be the date when the e-mail is sent.
10. For more information on the procedures relating to the exchange of information with the CBSA by e-mail, please contact the Border Information Service (BIS) or a CBSA Trade Operations Division office.

Consent Statement

“I choose to communicate by {**Non-Encrypted / Encrypted**} ****Please indicate your choice**** e-mail with the CBSA during processing of the national customs ruling request. This includes the sending and receiving of documents, as well as any other correspondence required during the processing of the NCR request. I authorize the communication by e-mail for all exchanges and I accept all inherent risks. I hereby relieve the CBSA from any responsibility, present and future, in relation to the protection of the information exchanged by e-mail. I have read and I accept the conditions of this agreement.”

Case number (if already given by the CBSA):

Name of the good or relevant valuation method or element(s) subject to the NCR:

Name of the applicant/authorized person:

Business Name:

Occupation/Title:

Business Number (BN):

Telephone number:

E-mail address:

Signature :

Date:

References	
Issuing Office	Trade and Anti-dumping Programs Directorate
Headquarters File	
Legislative References	<u>Customs Act</u> <u>Australia Tariff and New Zealand Tariff Rules of Origin Regulations</u> <u>Commonwealth Caribbean Countries Tariff Rules of Origin Regulations</u> <u>Determination of Country of Origin for the Purpose of Marking Goods (CUSMA Countries) Regulations</u> <u>Determination of Country of Origin for the Purpose of Marking Goods (non-CUSMA Countries) Regulations</u> <u>General Preferential Tariff and Least Developed Countries Tariff Rules of Origin Regulations</u> <u>Most-Favoured-Nation Tariff Rules of Origin Regulations</u> <u>Valuation for Duty Regulations</u> <u>World Trade Organization Agreement on Rules of Origin</u>
Other References	<u>D11-3-1, D11-4-3, D11-4-4, D11-4-16, D11-6-6, D11-6-7, D11-11-3, D17-1-10, D17-2-1, D6-2-3, D11-4-2, D11-4-5, D11-4-6, D1-6-1, D1-8-1</u> <u>CARM Client Portal</u> <u>CARM Client Support Help Desk</u> <u>Form B2, Form B3-3</u> <u>CBSA Trade Operations Divisions offices</u> <u>Canada-United States-Mexico Agreement</u> <u>Comprehensive and Progressive Agreement for Trans-Pacific Partnership</u>
Superseded Memorandum D	D11-11-1 dated August 26, 2019