



Memorandum D19-11-1

Ottawa, March 3, 2022

Canadian Sanctions

In Brief

This memorandum has been revised to:

- (a) update the office of primary interest information;
- (b) update text and hyperlinks where necessary to relevant legislation and regulations; and,
- (c) clarify roles and responsibilities among Government of Canada departments.

This memorandum outlines and explains the legislation, regulations and general guidelines that apply to Canada's sanctions regime relating to restrictions on the import and/or export of goods into and out of Canada.

Legislation

[Customs Act](#)

[Customs Tariff](#)

[Export and Import Permits Act](#)

[Special Economic Measures Act](#)

[United Nations Act](#)

[Area Control List](#)

[Export Control List](#)

[Import Control List](#)

[Justice for Victims of Corrupt Foreign Officials Act](#)

The [Current sanctions imposed by Canada](#) page of the Canadian sanctions website contains the most up-to-date information on sanctions imposed under the [United Nations Act](#), the [Special Economic Measures Act](#), and the [Justice for Victims of Corrupt Foreign Officials Act](#), including links to the relevant regulations.

Guidelines and General Information

Definitions

1. For the purpose of this document, the following definitions will apply:

entity means a body corporate, trust, partnership, fund, an unincorporated association or organization or a foreign state;

foreign state means a country other than Canada, and includes

- (a) any political subdivision of a foreign state,

(b) the government, and any department, of a foreign state or of a political subdivision thereof, and

(c) any agency of a foreign state or of a political subdivision thereof;

person means an individual or an entity;

property means any real or personal property;

Introduction

2. The Canada Border Services Agency (CBSA) and the [Royal Canadian Mounted Police \(RCMP\)](#) assist [Global Affairs Canada \(GAC\)](#) with the administration of the [United Nations Act](#), the [Special Economic Measures Act](#), the [Justice for Victims of Corrupt Foreign Officials Act](#), and the [Export and Import Permits Act](#) and associated regulations. This memorandum outlines the key elements of the legislation administered by the CBSA.
3. 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).
4. The imposition of sanctions against foreign states and non-state actors remains an important instrument for the international community in the enforcement of international norms and laws. GAC is the department responsible for the administration of these statutes.
5. Changes to sanctions may occur frequently and on short notice as international situations continually evolve. The [Canadian sanctions](#) website includes the most up-to-date information on the various sanctions regimes, including links to the relevant regulations.

Import / Export Prohibitions and Restrictions

6. 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.
7. 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](#), the [Special Economic Measures Act](#), and the [Justice for Victims of Corrupt Foreign Officials 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.

Permits and Certificates

8. The Minister of Foreign Affairs has the authority to issue permits that allow any transaction or activity, or class of transactions or activities that would otherwise be prohibited by the regulations under the [Special Economic Measures Act](#) or the [Justice for Victims of Corrupt Foreign Officials Act](#). Similarly, under the [United Nations Act](#) and associated regulations, Global Affairs Canada may issue a certificate to exempt an activity from the application of the regulations. The requirements for such permits and certificates are set out in the relevant regulations. Please refer to the [Permits and Certificates page](#) for more information.

Detention and Disposal of Goods

9. The CBSA applies elements of import and export sanctions, from an enforcement perspective.
10. Border services officers will review import/export documents such as bills of lading, invoices and certificates of origin to determine if goods or shipments/transactions are subject to prohibition or control measures.
11. Shipments that appear to be in contravention of the legislation on sanctions will be detained in accordance with section 101 of the [Customs Act](#), and may be referred to GAC for further assessment. GAC may provide the CBSA with additional information relating to detained shipments, including with respect to how the sanctions regime operates. 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](#) or the [Special Economic Measures Act](#).
12. Some of the goods controlled under sanctions legislation may also be controlled under the [Export and Import Permits Act](#) through the [Import Control List](#) and [Export Control List](#). GAC oversees the [Export and Import](#)

[Permits Act](#) and is responsible for administering this legislation. For further information about goods controlled under the Export and Import Permits Act, please refer to [D19-10-2, Export and Imports Permits Act \(Importations\)](#) and [D19-10-3, Administration of the Export and Import Permits Act \(Exportations\)](#).

13. If it appears that a good is being imported or exported in contravention of sanctions legislation, the CBSA will detain goods suspected of non-compliance and will consult with GAC to obtain further information before final disposition of detained goods.
14. In the event when goods that are in contravention of the sanction-related legislation are also subject of an infraction under the *Customs Act*, the CBSA, in consultation with GAC, will detain the goods and determine if charges will be laid under the [Customs Act](#) and/or sanctions legislation.
15. All costs associated with the detention of goods that are attempted to be exported or imported in violation of the [United Nations Act](#), [Special Economic Measures Act](#), the [Justice for Victims of Corrupt Foreign Officials Act](#), or the [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

16. Contravening sanctions may result in the application of the following penalties:

[United Nations Act](#)

17. 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](#)

18. 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.

[Justice for Victims of Corrupt Foreign Officials Act](#)

19. Section 11 (1) of the [Justice for Victims of Corrupt Foreign Officials Act](#) states:

11 (1) Every person who willfully contravenes an order or regulation made under section 4:

(a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than five years; or

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

Administrative Monetary Penalty System (AMPS)

20. The [Administrative Monetary Penalty System](#) (AMPS) authorizes the CBSA to impose monetary penalties for non-compliance with [Customs Act](#), [Customs Tariff](#) and the regulations under these Acts, as well as contraventions of the terms and conditions of licensing agreements and undertakings. Please refer to the [Memorandum D22-1-1, Administrative Monetary Penalty System](#) for details.

Additional Information

21. For more information relating to sanctions under the [United Nations Act](#), the [Special Economic Measures Act](#), the [Justice for Victims of Corrupt Foreign Officials Act](#) and associated regulations, or the process to apply for a permit or certificate, contact GAC at:

Sanctions Policy and Operations Coordination Division
Global Affairs Canada
Lester B. Pearson Building
125 Sussex Drive
Ottawa, ON K1A 0G2

Telephone: 1-877-808-8838 (Toll free)
Email: sanctions@international.gc.ca
Website: [Canadian Sanctions](#)

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

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

23. For more information regarding the CBSA's programs and services, please contact the Border Information Service (BIS) line. Within Canada, you can call BIS toll-free at **1-800-461-9999**. From outside Canada, please 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 at **1-866-335-3237**.

References	
Issuing Office	Program and Policy Management Division Commercial Programs Directorate Programs Branch
Headquarters File	
Legislative References	Customs Act Customs Tariff Export and Import Permits Act Special Economic Measures Act United Nations Act Area Control List Export Control List Import Control List Justice for Victims of Corrupt Foreign Officials Act The Current sanctions imposed by Canada page of the Canadian sanctions website contains the most up-to-date information on sanctions imposed under the United Nations Act , the Special Economic Measures Act , and the Justice for Victims of Corrupt Foreign Officials Act , including links to the relevant regulations.

Other References	D19-6-4 , D19-10-2 , D19-10-3 , D20-1-1 , D22-1-1
Superseded Memorandum D	D19-11-1 dated December 16, 2016