

**Export Controls
Handbook**

Exports

Export Controls Handbook

Amended August 2017

Export Controls Division
Foreign Affairs, Trade and Development Canada
Website: www.exportcontrols.gc.ca

Ce document est également disponible en français.
Veuillez contacter la Direction des contrôles à l'exportation.

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Use of this Document

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

The information in this Handbook does not pertain to applications to export goods described in Items 5101 to 5204 (Forest Products, and Agriculture and Food Products) of the Export Control List as administering controls over these items are not within the mandate of the Export Controls Division.

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

Contact Us

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For Enquiries Related to the CBSA

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

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A. Introduction

A.1. What is an export permit?

The *Export and Import Permits Act*¹ authorizes the Minister of Foreign Affairs to issue to any resident of Canada a permit to export items included on the Export Control List or to a country included on the Area Control List, subject to certain terms and conditions.

An export permit describes, among other things, the quantity, description and nature of the items to be exported, as well as the final destination country and final consignee. Unless otherwise stated, an export permit may authorize multiple shipments, up to the expiry of the permit and as long as the cumulative total of the quantity or value of items exported does not exceed the quantity or value stated on the permit. An export permit constitutes a legally-binding authorization to export Export Control List controlled goods or technology as described.²

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

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

The Export Control List identifies specific goods and technology that are controlled for export from Canada to other countries, regardless of their means of delivery (including, for example, shipment of goods, electronic transfer or transmission of information, provision of technical or consulting services, etc.). *A Guide to Canada’s Export Controls*³, which lists the goods and technology controlled on the Export Control List, is available on the internet at www.exportcontrols.gc.ca.

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

The *Area Control List*⁴ is a list of countries to which the Governor-in-Council deems it necessary to control the export or transfer of any goods or technology. Further information is available in section D.1.

A.3. Fees

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

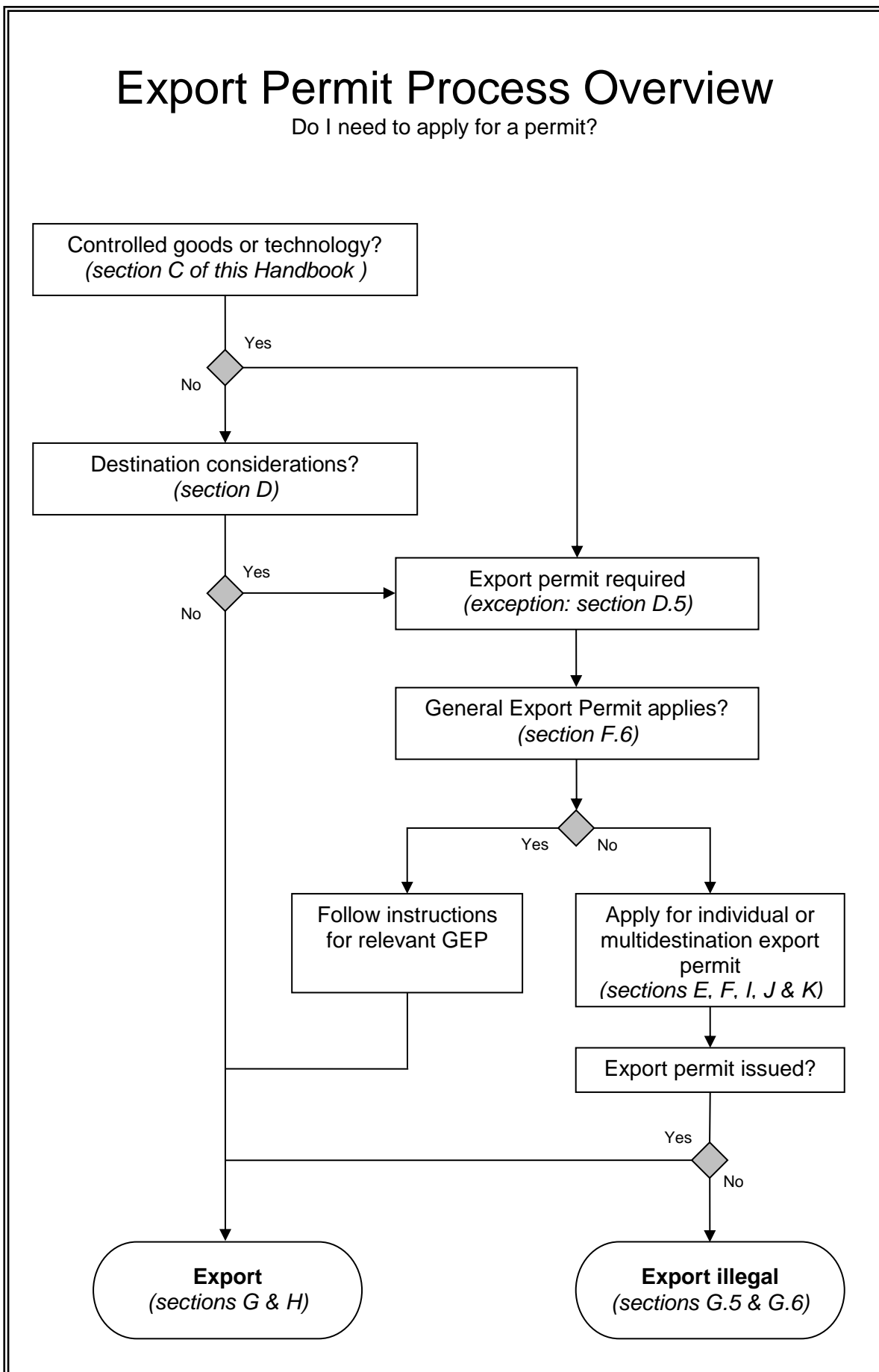
¹ <http://laws.justice.gc.ca/en/E-19/index.html>

² For the purpose of this document, controlled goods means “goods or technology” included in the ECL .

³ http://www.international.gc.ca/controls-controles/about-a_propos/expor/guide-2013.aspx?lang=eng

⁴ <http://laws-lois.justice.gc.ca/eng/regulations/SOR-81-543/FullText.html>

There is a \$14 fee for each permit to export goods described in Items 5101 to 5204 (Forest Products, and Agriculture and Food Products) of the Export Control List, with the exception of Item 5104 (Softwood Lumber Products), to which a \$9 fee applies. For more information about export controls for Agricultural and Food products (items 5201, 5203 and 5204 please contact the Trade Controls Policy Division at tic@international.gc.ca, or the Softwood Lumber Division at softwood.boisdoeuvre@international.gc.ca.



B. Objectives of Export Controls

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

- do not cause harm to Canada and its allies;
- do not undermine national or international security;
- do not contribute to national or regional conflicts or instability;
- do not contribute to the development of nuclear, biological or chemical weapons of mass destruction, or of their delivery systems;
- are not used to commit human rights violations; and
- are consistent with existing economic sanctions' provisions.

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

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

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

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

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

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

Participating States seek to ensure that transfers of these items do not contribute to the development or enhancement of military capabilities which undermine these goals, and to ensure that these items are not diverted to support such capabilities. The Wassenaar Arrangement is also intended to enhance co-operation to prevent the acquisition of armaments and sensitive dual-use items for military end-uses, if the situation in a region or the behaviour of a state is, or becomes, a cause for serious concern to the Participating States. The Wassenaar Arrangement is not directed against any state or group of states and does not seek to impede bona fide transactions. The Wassenaar Arrangement also

complements and reinforces, with minimal duplication, other export control regimes for weapons of mass destruction and their delivery systems.

Export Control List Group 1, which is comprised of dual-use items, pertains to goods and technology originally designed for civilian purposes, but that could have a military use. Export Control List Group 2, which is comprised of items that are specially designed or modified for military purposes and those that present a strategic military concern, includes items which Canada has committed to controlling for export as a result of its participation in the Wassenaar Arrangement.

More information about the Wassenaar Arrangement is available on the internet at www.wassenaar.org.

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

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

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

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

More information about the Nuclear Suppliers Group is available on the internet at: www.nuclearsuppliersgroup.org.

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

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

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

Group 5 also includes Item 5505 (Goods and Technology for Certain Uses – see section C.3). This item is intended to be used to control exports that pose a significant risk to weapons of mass destruction proliferation, and not to unnecessarily hinder legitimate exports. It is assumed that exporters will conduct appropriate due diligence and that they will not do business with foreign entities involved with weapons of mass destruction.

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

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

More information about the Missile Technology Control Regime is available on the internet at www.mtcr.info.

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

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

More information about the Australia Group is available on the internet at www.australiagroup.org.

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

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

More information about the Chemical Weapons Convention is available on the internet at the website of the Organization for the Prohibition of Chemical Weapons, www.opcw.org.

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

*A Guide to Canada's Export Controls*⁵ (hereinafter referred to as the "Guide"), which includes all items controlled on the Export Control List, is available on the internet at www.exportcontrols.gc.ca. The Export Control List is divided into the following seven Groups:

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

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

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

There are some terms on the Export Control List in double quotes and some in single quotes. These quotes signify that the words or phrases contained in the quotes have specific definitions in the Guide. Terms in single quotes are defined in technical notes that apply to the Export Control List item, while those in double quotes are defined in specific Definitions sections, which are located at the end of Groups 2, 4, 6 and 7. Below is an example that illustrates Export Control List text. This example may help demonstrate how the numbering system is structured and how items and sub-items relate to one another.

Example of ECL Text:

1-8.A. Systems, Equipment and Components

This large number is the main item number: Item 1-8.A. It is part of Group 1 (Dual-Use Goods).

1-8.A.1 Submersible vehicles and surface vehicles as follows;

This would be sub-item '1-8.A.1.' The first level of sub-division is flush with the left margin.

...

a. Manned, tethered submersible vehicles designed to operate at depths exceeding 1,000 m;

Additional levels of sub-division are indented directly below the previous level.

b. Manned, untethered submersible vehicles having any of the following:

1. Designed to 'operate autonomously' and having a lifting capacity of all the following:

- a. 10% or more of their weight in air; **and**
- b. 15 kN or more;

This item is the fourth level of sub-division and would be identified as sub-item 1-8.A.1.b.1.b.

⁵ http://www.international.gc.ca/controls-controles/about-a_propos/expor/guide-2013.aspx?lang=eng

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

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

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

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

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

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

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

Exporters should note that the exports of all goods and technology of U.S.-origin, as defined in Item 5400 on the Export Control List, regardless of their nature and destination, require permits (refer to section D.4).

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

In 2002, Canada implemented "catch-all" controls that cover the export of any items not listed elsewhere on the Export Control List. Item 5505 on the Export Control List, Goods and Technology for Certain Uses, imposes a permit requirement on any item if it is determined that the item is likely destined to an end-use or end-user involved in the development, or production, handling, operation, maintenance, storage, detection, identification, or dissemination of chemical or biological weapons, nuclear explosive or radiological dispersal devices, or their missile delivery systems. Item 5505 applies to any good or technology that is exported from Canada, regardless of whether or not they are included in the Export Control List. Goods or technology may be subject to concurrent control under Item 5505 and under one or more other Items of the Export Control List.

Before exporting any items, exporters must be satisfied that their exports are not being transferred, directly or indirectly, to such an end-use or end-user. If in doubt, the exporter should submit an export permit application that describes the circumstances of the transaction. Goods or technology controlled under Item 5505 may not be lawfully exported under the authority of a General Export Permit.

More information on this subject is available in *Notice to Exporters SER-176*⁶, available on the internet at www.exportcontrols.gc.ca.

C.4. Advisory Opinions

Goods and Technology requiring an export permit for the purposes of export or transfer, as required under Section 13 of the *Export and Import Permits Act*⁷, are included in the Export Control List, and published in *A Guide to Canada's Export Controls*⁸.

In addition to self-assessment against the Index of the Guide, an exporter may also choose to obtain greater certainty in regard to the control status of a particular export under the *Export and Import Permits Act* by either applying for an advisory opinion or submitting an export permit application.

The advisory opinion (AO) process is a tool provided by the Export Controls Division as a courtesy to assist individuals with learning to navigate the Export Control List and understand the commodity assessment process. The AO is not a legislated requirement and does not bind the Minister's discretion under the *Export and Import Permits Act* or its regulations. To obtain a binding decision, an Application for Export Permit must be submitted.

Advisory Opinions are conducted as operational commitments permit. If you have an urgent export requirement, it is recommended you complete and submit an Application for Export Permit. For further information on how to apply for an export permit, please see section E of this Handbook.

Please ensure that your Application for an Advisory Opinion contains all of the necessary material for it to be processed. In this regard, please refer to sections C.4.1 through C.4.4 below.

C.4.1. Limitations of an Advisory Opinion

- An Advisory Opinion does not provide a legally binding document and does not bind the Minister's discretion in regard to permit issuance under the *Export and Import Permits Act* or its regulations;
- Does not establish whether an item is a "controlled good" under the *Defence Production Act* or whether an individual or company must be registered under the Controlled Goods Program administered by the Controlled Goods Directorate (for more information on the Controlled Goods Program, please refer to section F.9 below.);
- Does not address the requirements of other statutes or regulations, such as the *United Nations Act* and the *Special Economic Measures Act* (for more information on these statutes, please refer to section D.3 below.);
- Does not address the likelihood of receiving an Export Permit;
- Does not address issues that may be raised by virtue of particular destinations or particular consignees (for more information on the export process, please refer to sections D and E below.);
- Is not conducted on generic descriptions, catalogues of items, company inventories, hypothetical situations, country destinations, interpretations of control text, etc.; and,

⁶ <http://www.international.gc.ca/controls-controles/systems-systemes/excol-ceed/notices-avis/176.aspx?lang=eng&view=d>

⁷ <http://laws.justice.gc.ca/eng/E-19/index.html>

⁸ http://www.international.gc.ca/controls-controles/about-a_propos/expor/guide-2013.aspx?lang=eng

- Is restricted to uniquely identifiable items (i.e., unique engineering / shipping configuration control nomenclature (product name, product number, part number, configuration / revision designation, etc.)).

C.4.2. Advisory Opinion Letter Disclaimers

- **Legal considerations:** This letter is provided as general advice based on the data submitted. The process involved in the provision of Advisory Opinions (AOs) is of a distinct nature from that involved in the assessment of an export permit application; it does not entail any degree of data verification and internal government consultation, such as would normally occur during an export permit application process. Consequently, AOs contain no reference to, nor are they indicative of, the prospects of the Minister subsequently issuing an export permit for the item(s). Furthermore, this letter does not bind the Minister's discretion under the *Export and Import Permits Act* or its related regulations. Where an export permit application is subsequently submitted, the Minister may nonetheless issue or refuse to issue a permit, or return the export permit application with an indication that a permit is not required. If an applicant requires a binding decision, an export permit application should be submitted for processing to Foreign Affairs, Trade and Development Canada.
- **Controlled Goods Program (CGP):** An applicant should be aware that although the AO process may include the technical assessment of a uniquely identifiable commodity against the Export Control List for export in accordance with the *Export and Import Permits Act*, it does not indicate whether the item is a "controlled good" under the *Defence Production Act* nor whether registration with the Controlled Goods Directorate (CGD) is required. Information on the CGP, the schedule of "controlled goods" under the *Defence Production Act*, and clarification of the terms 'examine', 'possess' and 'transfer' may be found on the [Public Works and Government Services – Controlled Goods Directorate website](#)⁹.
- **Economic Sanctions:** An applicant should be aware that other legislated authorizations may be required for exports to particular destinations subject to Canadian Economic Sanctions, as provided for under the *United Nations Act* or the *Special Economic Measures Act*. Information related to these sanctions can be obtained from the [Canadian Economic Sanctions](#)¹⁰ web page, or by contacting the Economic Law Section (JLHB) of Foreign Affairs, Trade and Development Canada.
- **ECL Item 5505 – Goods and Technology for Certain Uses (Catch All):** An applicant should be aware that ECL item 5505 controls the export of goods and technology not controlled elsewhere in the ECL, to certain countries of concern, when the items are intended for certain uses or end-users. (For more information, please refer to section C.3, above.)
- **Other Government Departments:** As an exporter, you should be aware that other government departments and agencies may require additional export authorisations related to your export. You should contact your internal export compliance officer, or your legal counsel to confirm whether any additional authorisations are required.
- **Post-AO Modifications:** Notwithstanding the foregoing, any modifications subsequently made for any reason to the uniquely identified commodities assessed under an AO application would require a re-evaluation for control status under the ECL.
- **Export Control List Changes:** The technical assessment provided under the Advisory Opinion is based on the Export Control List in force at the time of the

⁹ <http://ssi-iss.tpsgc-pwgsc.gc.ca/dmc-cgd/index-eng.html>

¹⁰ <http://www.international.gc.ca/sanctions/index.aspx?lang=eng>

assessment. Amendments to the Export Control List are published in the Canada Gazette. It is the individual's responsibility to conduct the due diligence required to confirm whether any intervening changes may have affected the control status of their particular goods or technology to be exported or transferred.

C.4.3. AO Applications - Supporting Information

In order to assist the Export Controls Division in properly assessing the control status of the identifiable commodity for which the applicant requires advice, it is highly recommended that applicants refer to the following list to guide them on information which should be included in an application for an AO, as applicable, in order to receive the most accurate advice possible:

- Identify the specific variant for which a technical assessment is requested and provide the unique engineering / shipping configuration control nomenclature that uniquely identifies the specific item (product name, product number, part number, configuration / revision designation, etc.).
- Provide technical information sufficient to fully describe the technical characteristics / capabilities of the item. This may take the form of product descriptions, marketing brochures, technical specification sheets, etc.
- Is the item part of a larger assembly or end-item? What is the larger assembly? What is the ultimate end-item? Provide details. In many instances, an exploded view drawing from a maintenance manual or parts manual highlighting the item under assessment in relation to the larger assembly and ultimate end-item can be extremely useful.
- Was the larger assembly or ultimate end-item specially designed or modified for military, nuclear, or space use? Provide details.
- What was the item under assessment originally designed for?
- Was the item under assessment specially designed or modified for military, nuclear, or space use? Provide details.
- Is the item a commercial-off-the-shelf (COTS) catalogue part? If it is a COTS catalogue part, provide details including the catalogue front cover, applicable pages (highlighting the specific item) and part number reference material (including appropriate prefix and suffix references) cross referenced to the specific part for assessment.
- Are there different variants of the item? Are any of the variants for military, nuclear or space use? If so, how do the commercial and other variants differ (e.g., functionality, mechanical, environmental, marking identification, etc.)? Provide details.
- Has the item been modified in any way (hardware or software) to meet a specific end-use or end-users' requirements? Describe the modifications.
- Does the item contain any United States origin items controlled under the U.S. Munitions List of the International Traffic in Arms Regulations (ITAR)? Provide details. (Note: Your U.S. suppliers can provide this information).
- Where was the item originally manufactured?
- If the item was originally manufactured in the U.S.:

- Under what export authority (e.g., Dept. of Commerce (DoC) Export Control Classification Number (ECCN), Dept. of State (DoS) Licence, etc.) was the item exported to Canada? Provide details (e.g., DoC Commodity Classification Automated Tracking System (CCATS) ruling with ECCN, DoS licence, etc.) from the original manufacturer.
- Has the item been further processed or manufactured outside the US so as to result in a substantial change in value, form or use of the items, or in the production of new items? Provide details.
- If the item was originally manufactured in the European Union (EU) or has been imported from the EU, under what EU export authority was the item exported from the EU (e.g., EU licence with the applicable EU Control List commodity code). Provide details.
- Has a technical assessment of the item or similar item been previously received, whether by means of an Advisory Opinion, Export Permit, Canada Border Services Agency (CBSA) Detention, or other Canadian government ruling? Provide details.
- If the applicant has reviewed the Export Control List and believes that certain section(s) may apply, provide a compliance spreadsheet / matrix of the item's technical capabilities / characteristics against each of the technical criteria delineated in the ECL Item(s) that may be applicable.

C.4.4. How to apply for Advisory Opinions

Having reviewed the AO Limitations, AO Letter Disclaimers, and AO Application Supporting Information sections, an AO request may be submitted through our online EXCOL system, or directly at the EXCOL website. Once there, choose "Apply for... Advisory Opinion" on the left-hand menu bar. Please ensure that your submission includes as many AO Application Supporting Information elements as possible.

D. Destination and Origin Considerations

D.1. Area Control List

The export or transfer of any goods or technology (including technical data, technical assistance and information necessary for the development, production or use of a good) to countries on the [Area Control List](#)¹¹ is controlled and must be authorized by an export permit issued by the Minister of Foreign Affairs under the authority of the *Export and Import Permits Act*.

As of June 20, 2017, the Area Control List comprised of only one country : the Democratic People's Republic of Korea (North Korea), added on July 14, 2010.

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

- [SER-172 Export Controls to the Democratic People's Republic of Korea](#)¹²

D.2. Automatic Firearms Country Control List

Canada has inter-governmental defence, research, development, and production arrangements with countries on the [Automatic Firearms Country Control List](#)¹³. Certain prohibited firearms, weapons, devices, or components thereof that are included on the Export Control List may be exported only to destinations on the Automatic Firearms Country Control List and only to consignees that are government or authorized by government. These must be authorized by an export permit issued by the Minister of Foreign Affairs under the authority of the *Export and Import Permits Act*.

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

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

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

¹¹ <http://laws.justice.gc.ca/en/showtdm/cr/SOR-81-543/?showtoc=&instrumentnumber=SOR-81-543>

¹² <http://www.international.gc.ca/controls-controles/systems-systemes/excol-ceed/notices-avis/172.aspx?lang=eng>

¹³ <http://laws.justice.gc.ca/eng/regulations/SOR-91-575/page-1.html>

Albania	Greece	Poland
Australia	Hungary	Portugal
Belgium	Iceland	Republic of Colombia
Botswana	Israel	Republic of Korea
Bulgaria	Italy	Romania
Chile	Kuwait	Saudi Arabia
Croatia	Latvia	Slovakia
Czech Republic	Lithuania	Slovenia
Denmark	Luxembourg	Spain
Estonia	Netherlands	Sweden
Finland	New Zealand	Turkey
France	Norway	United Kingdom
Germany	Peru	United States

D.3. Export Prohibitions

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

www.international.gc.ca/sanctions/index.aspx?lang=eng

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

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

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

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

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

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

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

“all goods and technology of United States origin” means items that are manufactured/created in the United States. “Origin” does not mean from where the items were last exported to Canada.

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

- Exports of Export Control List Item 5400 goods and technology to Cuba, Iran, North Korea, and Syria or to any destination on Canada’s Area Control List require **individual export permits**.
- For all other destinations, **General Export Permit No. 12 (GEP 12)** applies. No individual export permit application is required. The exporter must simply quote "GEP 12" on the Export Declaration (B13A) or other export reporting documentation for presentation to the Canada Border Services Agency when the goods are tendered for export. For more information about General Export Permits, see section F.6.

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

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

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

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

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

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

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

D.5. Exports to the United States

Export permits are not required for many of the goods and technology listed in the Export Control List if they are destined to a consignee in the United States.

Items that do require an export permit to the United States are defined on the Export Control List (there is a statement that the control applies to “All Destinations”). Those

items that require individual permits to the United States, at the time of writing, are listed in the table below for reference convenience.

However, this exception does not apply to shipments that transit the United States to third destinations. If exports are destined to bonded or sufferance warehouses located in the United States, they are considered “in transit”. Exporters are advised to obtain written assurances from their U.S. consignees that U.S. export controls will apply should the goods be subsequently exported from the United States.

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

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

<p>Group 2 (Munitions List)</p> <ul style="list-style-type: none"> • 2-1* • 2-2.a* • 2-2.b* • 2-3* • 2-4.a <p>Group 3 (Nuclear Non-Proliferation List)</p> <ul style="list-style-type: none"> • all items <p>Group 4 (Nuclear-related Dual-Use List)</p> <ul style="list-style-type: none"> • all items 	<p>Group 5 (Miscellaneous Goods and Technology)</p> <ul style="list-style-type: none"> • 5101 • 5102 • 5103 • 5104 • 5201 • 5203 • 5204 • 5501 • 5502.1 • 5503 • 5504.2.h 	<p>Group 6 (Missile Technology Control Regime List)</p> <ul style="list-style-type: none"> • 6-1 • 6-2 <p>Group 7 (Chemical and Biological Weapons Non-Proliferation List)</p> <ul style="list-style-type: none"> • 7-3 • 7-13
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* *Exceptions apply to some exports of firearms to the U.S. Please consult section J.*

Table 1 - Summary of Export Prohibitions*

Country	Effective Date and Source	Export Prohibition	Exceptions
Burma (Myanmar)	December 13, 2007: SEMA, Special Economic Measures (Burma) Regulations	Arms embargo including prohibitions on exporting arms and related material; technical and financial assistance to military activities; prohibition on general categories of transactions, services and dealings on properties of designated persons wherever situated.	Certain protective or non-lethal military clothing and equipment when intended for use by media, humanitarian, human rights or other listed personnel; payments required under contract entered into before a party was designated under the Regulations; dealings related to humanitarian or development assistance and dealings required to move financial assets away from designated persons
Central African Republic	June 19, 2014, UN Act – UN Central African Republic Regulations	Arms and related materials; provision of technical assistance related to military activities	Supplies for the support of or use by MICOPAX, MISCA, BINUCA and its guard unit, MINUSCA, the African Union Regional Task Force, the French forces and European union operations deployed in Central African Republic; non-lethal military equipment for humanitarian or protective use and related technical assistance or training approved in advance by the Committee of the Security Council; protective clothing, including flak jackets and military helmets temporarily exported by UN personnel, representatives of the media and humanitarian and development workers and associated personnel for personal use; small arms and other related equipment for use in international patrols providing security in the Sangha River Tri-national Protected Area; arms and related materials for Central African Republic security forces as approved by the Committee of the Security Council
Côte d'Ivoire	May 3, 2005: <i>UN Act</i> – UN Côte d'Ivoire Regulations	Arms and related material; technical assistance related to military activities.	Subject to certain conditions, protective clothing: certain non-lethal military equipment intended for humanitarian or protective use. Arms and related material and technical assistance intended solely for the support of UNOCI and the French armed forces in support of UNOCI, or for their use; or for evacuation of foreign nationals; or for restructuring defence and security forces.

Table 1 - Summary of Export Prohibitions*

Country	Effective Date and Source	Export Prohibition	Exceptions
Democratic People's Republic of Korea (DPRK)	August 11, 2011 and November 28, 2013: SEMA, Regulations Amending Certain Regulations Imposing Sanctions on the Democratic Republic of Korea (DPRK) , July 14, 2010: EIPA November 9, 2006: <i>UN Act</i> , Regulations Implementing the UN Resolution on the DPRK	All goods and technical data. See Area Control List (section D.1 of this Handbook); brokering or other intermediary services in the class of prohibited services or assistance; prohibition on financial services with respect to activities already prohibited; transfers of bulk cash (any amount of currency whose total value is greater than \$10,000 CDN)	Generally, exports that respond to humanitarian needs or circumstances and settlers' effects belonging to persons leaving Canada for DPRK; stabilization and reconstruction assistance and activities; financial or other support provided by the Government of Canada and non-commercial remittances.
Democratic Republic of the Congo (DRC)	October 19, 2004 and October 4, 2005 (amendments): <i>UN Act</i> – UN DRC Regulations	Arms and related material; technical assistance related to military activities.	Subject to certain conditions, non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance; arms and related material and related technical assistance intended solely for support of, or use by, the MONUC.
Egypt	March 23, 2011, December 14, 2012 and February 28, 2014 (amendments): Freezing Assets of Corrupt Foreign Officials (Tunisia and Egypt Regulations)	Dealings with designated persons	

Table 1 - Summary of Export Prohibitions*

Country	Effective Date and Source	Export Prohibition	Exceptions
Eritrea	April 22, 2010 – Regulations implementing the UN Resolutions on Eritrea	Arms and related material; technical, training, financial or other assistance related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of arms and related material	
Guinea	Dec 18, 2009: <i>EIPA</i> (DFAIT News Release No. 393 of Dec 18, 2009)	Military and strategic items intended for use by the armed forces, police or other governmental agencies of Guinea.	
Iran	February 22, 2007, May 17, 2007, and April 17, 2008 (amendments): <i>UN Act</i> – Regulations Implementing the UN Resolution on Iran July 26, 2010, October 17, 2011 and November 21, 2011, January 31, 2012, December 11, 2012 and May 29, 2013: <i>SEMA</i> , Special Economic Measures (Iran) Regulations	UN sanctions - Certain items, materials, equipment, goods and technology which could contribute to Iran’s uranium enrichment-related reprocessing or heavy water-related activities or to the development of nuclear weapon delivery systems, technology related to ballistic missiles capable of delivering nuclear weapons; arms and related materials; certain items in Group 1 and 2 of the ECL Dealings with "designated persons" (entities and individuals). See Section on “prohibitions” in the Regulations Implementing the UN Resolutions on Iran and the Special Economic Measures (Iran) Regulations for details on prohibited exports.	A person wishing to sell certain goods and technology which are otherwise prohibited for export may apply to the Minister for a certificate to exempt those products from the application of the prohibition under certain circumstances.

Table 1 - Summary of Export Prohibitions*

Country	Effective Date and Source	Export Prohibition	Exceptions
Iraq	October 19, 2004: <i>UN Act</i> – UN Iraq Regulations	Arms and related material.	Arms and related material that are required by the Government of Iraq, or by a multinational force under unified command, to serve the purposes of Resolution 1546 (2004).
Lebanon	September 18, 2007, January 29, 2009 (amendment): <i>UN Act</i> – Regulations Implementing the UN Resolution on Lebanon	Arms and related material; technical assistance related to the provision, manufacture, maintenance or use of arms and related material.	Arms and related material and related technical assistance authorized in advance in writing by the Government of Lebanon or by the UN Interim Force in Lebanon.
Liberia	July 12, 2001, June 17, 2004 and January 29, 2009 (amendments): <i>UN Act</i> – UN Liberia Regulations	Arms and related material; technical assistance related to the provision, manufacture, maintenance or use of arms and related material.	Subject to certain conditions, non-lethal military equipment intended solely for humanitarian or protective use, and the provision of related technical assistance; arms and related material or technical assistance that is intended solely for the UN Mission in Liberia or for an international training and reform program for the Liberian armed forces and police.
Libya	September 22, 2011 and September 30, 2013: Regulations Amending the Regulations Implementing the UN Resolutions on Libya and Taking Special Economic Measures	Arms and related material; technical, financial or other assistance related to military activities. Prohibitions on dealings with designated persons.	Non-lethal military equipment intended solely for humanitarian or protective use and related technical assistance and training; protective clothing and equipment, including flak jackets and military helmets temporarily exported by United Nations personnel, representatives of the media and humanitarian and development works and associated personnel, for their personal use only; non-lethal military equipment intended solely for security or disarmament assistance to the Government of Libya, and related technical assistance, training and financial assistance and other sales or supplies of arms and related materials, or provisions of assistance or personnel as approved in advance by the Committee of the Security Council.
Pakistan	May 28, 1998: <i>EIPA</i> (DFAIT News Release No. 136 of May 28, 1998)	Military goods and technology identified in Group 2 of the Export Control List.	

Table 1 - Summary of Export Prohibitions*

Country	Effective Date and Source	Export Prohibition	Exceptions
Russia	March, 17, 2014, as amended in March 19, 2014, March 21, 2014, April 28, 2014, May 4, 2014, May 12, 2014, June 21, 2014, July 24, 2014, August 6, 2014, September 16, 2014, December 19, 2014 and February 17, 2015: SEMA: Special Economic Measures (Russia) Regulations	Dealings with designated persons; restrictions on certain sectors like the financial and energy sectors	Certain transactions in respect of diplomatic missions, UN agencies, the International Red Cross and Red Crescent Movement and Canadian NGOs in certain circumstances
Somalia	March 12, 2009 and June 8, 2012: Regulations Amending the Regulations Implementing the UN Resolutions on Somalia	Arms and related material; technical, financial or other assistance related to military activities. Dealings with "designated persons" (entities and individuals).	Subject to certain conditions, protective clothing temporarily exported to Somalia by UN personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only; non-lethal military equipment intended solely for humanitarian or protective use; supplies intended solely for the support of or use by the protection and training mission in Somalia established by the Intergovernmental Authority on Development and Member States of the African Union; supplies intended solely for the support of or use by the African Union Mission in Somalia; supplies intended solely for the purpose of helping develop security sector institutions.
South Sudan	October 23, 2014: SEMA-Special Economic Measures (South Sudan Regulations	Dealings with designated persons	Transactions in respect of diplomatic missions, UN agencies, the International Red Cross and Red Crescent Movement and Canadian NGOs in certain circumstances.

Table 1 - Summary of Export Prohibitions*

Country	Effective Date and Source	Export Prohibition	Exceptions
Sudan	September 23, 2004 and May 2, 2005 (amendment): UN Act – Regulations UN Sudan Regulations	Arms and related material; technical assistance related to the provision, manufacture, maintenance or use of arms and related material.	Subject to certain conditions, protective clothing: non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use, and related technical assistance; arms and related material and related technical assistance for a monitoring, verification or peace support operation, or that are provided in support of implementation of the Comprehensive Peace Agreement or are brought into the Darfur region of Sudan, if their movement is approved by the Committee of the Security Council upon a request by the Government of Sudan.
Syria	May 24, 2011; amendments in , August 11, 2011, October 3, 2011, December 23, 2011, January 25, 2012, March 5, 2012, March 20, 2012, May 17, 2012, July 5, 2012, August 29, 2012, November 28, 2012 and January 29, 2014 : SEMA, Special Economic Measures (Syria) Regulations	Any item listed on the Export Controls List; chemicals that can be used as precursors to chemical weapons agents and dual-use equipment that can be used in a chemical weapons program; luxury goods and goods that can be used for internal repression; dealings with designated persons (entities and individuals)	Humanitarian efforts and goods, such as food and medical supplies or equipment; Stabilization and reconstruction assistance and activities; Democratization and development assistance; Financial or other support provided by the Government of Canada; Payments made by or on behalf of designated persons pursuant to contracts entered into prior to the coming into force of this person's designation.
Tunisia	March 23, 2011; amendments in December 14, 2012 and February 28, 2014: Freezing Assets of Corrupt Foreign Officials (Tunisia and Egypt) Regulations	Dealings with designated persons	

Table 1 - Summary of Export Prohibitions*

Country	Effective Date and Source	Export Prohibition	Exceptions
Ukraine	<p>March 5, 2014: Freezing Assets of Corrupt Foreign Officials (Ukraine) Regulations</p> <p>March 17, 2014; amendments on March 19, 2014, April 12, 2014, May 12, 2014, June 21, 2014, July 11, 2014, July 24, 2014, August 6, 2014, December 19, 2014 and February 17, 2015; SEMA: Special Economic Measures (Ukraine) Regulations</p>	Dealings with designated persons	
Yemen	September 26, 2014: UN Act: Regulations Implementing the UN Resolutions on Yemen	Dealings with designated persons	
Zimbabwe	September 4, 2008: SEMA, Special Economic Measures (Zimbabwe) Regulations	Arms and related material; technical or financial assistance or other services related to the supply, sale, transfer, manufacture or use of arms and related materials.	Subject to certain conditions, non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training; protective clothing and equipment; arms and related material for use by a member of the Canadian Forces who is in or travels to Zimbabwe in the performance of official duties.

Table 1 - Summary of Export Prohibitions*

Country	Effective Date and Source	Export Prohibition	Exceptions
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** This table has been prepared for convenience of reference only and has no official sanction. For all purposes of interpreting and applying the law, users should consult the Acts as passed by Parliament. More information is available at www.international.gc.ca/sanctions/index.aspx?lang=eng.*

Abbreviations used: EIPA – Export and Import Permits Act; SEMA – Special Economic Measures Act; MICOPAX - Mission for the consolidation of peace in the Central African Republic, led by the Economic Community of Central African States; MISCA - the African-led International Support Mission in the Central African Republic; BINUCA - the United Nations Integrated Peacebuilding Office in the Central African Republic; MINUSCA - the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic; .UN – United Nations. UNOCI -- United Nations Operation in Côte d'Ivoire; MONUC -- Mission de l' Organisation des Nations Unies en République démocratique du Congo (Mission of the United Nations in the Democratic Republic of Congo); NGO - non-government organization

E. Export Permit Application Process

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

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

E.1. Confidentiality of Information

Foreign Affairs, Trade and Development Canada is committed to respect the personal information of private persons, including safeguarding the confidentiality of information provided by companies and individuals.

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

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

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

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

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

EXCOL¹⁴ is an internet-based system which allows applicants to apply for export control documents electronically. EXCOL is offered through the Government of Canada's Secure Channel and assures client security and privacy for all on-line interactions. Users obtain their own, unique, Government of Canada Key, which allows them to access the system through a web browser.

EXCOL users are either "Recognized" or "Non Recognized". By default, users are Non Recognized and may apply for Export Permits, International Import Certificates, and Delivery Verification Certificates on-line, as well as attach electronic copies of required supporting documents to their applications.

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

¹⁴ <https://www.excol-ceed.gc.ca/default.aspx>

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

E.2.1 EXCOL System Requirements

The following are current local system requirements to use EXCOL:

- Internet browsers: Internet Explorer 6.0, 6.1, 7.0 or 8.0; or Netscape 7.02 or 8.0 International.
- Operating systems: XP Home edition or XP Professional edition. Windows Vista, Windows 7 is only supported with IE 8.

In order to support login in EXCOL, cookies will have to be permitted by the user as the system relies on Government of Canada Credential Federation (GCCF) as an authentication mechanism.

E.2.2. EXCOL Registration

Export permit applicants are encouraged to become Recognized Users of EXCOL. This section explains several easy steps to do this.

Recognized User privileges require registration of the exporting company and of each individual representative of the company who will access EXCOL. There are two forms: the Application for an EXCOL Recognized Business and the Application for an EXCOL Recognized Individual. These forms are available for printing from the [EXCOL section](#)¹⁵ of the [website www.exportcontrols.gc.ca](http://www.exportcontrols.gc.ca).

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

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

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

Steps for EXCOL registration:

- Fill in [Recognized Business](#)¹⁶ and [Recognized User](#)¹⁷ forms and send them by fax to (613) 992-9397, post or courier to: EXCOL Registration, Administration and Technology Services Division (TIA), Foreign Affairs, Trade and Development Canada, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2.
- Each individual must create a unique Government of Canada Credential Federation (GCCF) account. To do this, users may access the [EXCOL website](#)¹⁸, choose to

¹⁵ <http://www.international.gc.ca/controls-controles/systems-systemes/excol-ceed/index.aspx?lang=eng>

¹⁶ http://www.international.gc.ca/controls-controles/systems-systemes/excol-ceed/recognized_business-entreprise_reconnu.aspx?lang=eng

¹⁷ http://www.international.gc.ca/controls-controles/systems-systemes/excol-ceed/recognized_user-utilisateur_reconnu.aspx?lang=eng

¹⁸ <https://www.excol-ceed.gc.ca/default.aspx>

“log-in with a Sign-In Partner,” the SecureKey Concierge or choose “log-in or register with GCKey”, the Government of Canada’s GCKey service and then follow instructions to “Register for a new GC Key.”

- Following receipt by Foreign Affairs, Trade and Development Canada of the forms described in step 1, each Recognized Individual receives an e-mail from enrolment@ottawatechops.com containing an Access Code, the individual’s own e-mail address, and a hyperlink for completing enrolment on-line. By following the hyperlink, each user completes the registration process (users need to log-in at this step).
- EXCOL then launches and the user’s name appears in the upper left corner. For all subsequent logins, users simply go to the [EXCOL website](#)¹⁹ and login using their Sign-In Partner or GCKey credentials.

E.2.3. On-line Applications for Export Permits

Instructions:

- Access the [EXCOL website](#)²³ and choose the language of your choice.
- Recognized Users choose “Login now” from the left-hand menu.
- Under the heading “Apply for...” on the left-hand menu, select the type of application:

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

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

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

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

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

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

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

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

¹⁹ https://www.excol-ceed.gc.ca/Main-Principal/Home_Accueil.aspx

E.2.4. Paper Applications for Export Permits

Data entry of all paper applications may delay the processing time for export permit applications. Required forms may be downloaded from the Export Controls Division website at www.exportcontrols.gc.ca (on the EXCOL information page) or may be requested from the Export Controls Division at telephone number (343) 203-4331.

Forms that are not legible may be returned without action.

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

- fill in forms [EXT-1042 \(General Information Form\)](#)²⁰ and [EXT-1042-2 \(Firearms Application\)](#)²¹

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

- fill in forms [EXT-1042 \(General Information Form\)](#)²⁴ and [EXT-1042-1 \(Controlled Goods Detail Form\)](#)²²

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

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

E.3. How to Complete the Application to Export

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

Applicants should bear in mind that an export permit and all documentation submitted with it are legally binding on all parties once an export permit is issued. The *Export and Import Permits Act* prohibits the “export or transfer, or attempt to export or transfer, any goods or technology included in an Export Control List or any goods or technology to any country included in an Area Control List except under the authority of, and in accordance with an export permit issued under this Act.” (Section 13) Furthermore, the *Export and Import Permits Act* states that, “No person shall willfully furnish any false or misleading information or knowingly make any misrepresentation in any application for a permit ... or for the purpose of procuring its issue or grant or in connection with any subsequent use of the permit ... or the exportation ... of goods or technology to which it relates.” (Section 17).

Incomplete export permit applications may not be processed and will be returned without action by the Export Controls Division. Information entered on the export permit application must be consistent with information entered on the Export Declaration (or other export reporting documents) submitted to the Canada Border Services Agency when the items are presented for export. Otherwise the items tendered for export may be detained at the border.

E.3.1. EXCOL Field: Applicant information

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

²⁰ <http://www.international.gc.ca/controls-controles/assets/pdfs/forms/documents/EXT1042.pdf>

²¹ <http://www.international.gc.ca/controls-controles/assets/pdfs/forms/documents/EXT1042-2.pdf>

²² <http://www.international.gc.ca/controls-controles/assets/pdfs/forms/documents/EXT1042-1.pdf>

Section 7 of the *Export and Import Permits Act* requires that the Applicant be a resident of Canada (defined as "...in the case of a natural person, a person who ordinarily resides in Canada and, in the case of a corporation, a corporation having its head office in Canada or operating a branch office in Canada").

The Applicant and Exporter do not need to be identical.

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

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

E.3.2. EXCOL Field: Exporter information

In most instances, the applicant would also be the exporter of the controlled goods or technology. In a case where the applicant and exporter are different entities (e.g. the exporter is a non-resident of Canada), the Client Name provided must be the Exporter, the business or individual which exports the goods or technology or has the legal right to cause them to be exported. The wording "cause them to be exported" does not mean the person involved in the transportation (carriage) of the goods. For more information, please consult the publication "*Exporting Goods from Canada, A Handy Guide for Exporters*", available on the internet at www.cbsa.gc.ca.

The Exporter address must be the location from which the goods or technology will be shipped at the time of export. Where the exporter is a non-resident of Canada, the address to be listed in the application will be its foreign address. The exporter name and address provided must match the exporter information as stated in the Export Declaration (B13A) or other documentation which is presented to customs authorities when the goods are presented for export.

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

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

E.3.3. EXCOL Field: Consignee information

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

- Consignees
- End-Users

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

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

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

E.3.3.1. Consignee

The term "consignee" refers to the foreign party or parties to whom the Canadian exporter will be shipping the goods or technology to directly.

In many cases, there are only two parties named in an export contract: the Exporter and the Consignee. The Canadian exporter has signed a contract directly with and will deliver the goods or technology to a foreign customer, for their own use. In this case, the customer is the Consignee.

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

A "carnet" is a "cargo control document (CCD)" issued by the Canadian Chamber of Commerce. This document may help facilitate subsequent movements between countries. A carnet is an international customs document used for temporary, duty-free exports (i.e., the exported goods will return to Canada after less than 1 year). It is currently accepted in over 71 countries. Items which enter a country under the authority of a carnet are not to be sold. For more information about Canadian carnets, please visit a local Chamber of Commerce or consult the following website: <http://www.chamber.ca/carnet/>

Please note that the possession of a "carnet" does not absolve an exporter or importer from the requirement to obtain a permit (if required) in order to export or import goods and technology controlled under the *Export and Import Permits Act*.

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

For a Multiple Destination permit (MDP), choose “Multiple” under “Consignee Type” in EXCOL and then the applicable multiple destination permit type. (For further information on MDPs, see Section F.7, below).

E.3.3.2. End-user

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

Box 2: Examples of Consignees and End-Users

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

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

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

Consignee is a manufacturer: A company in the UK that manufactures pilot ejector seats buys parachutes from Canada. The Canadian exporter delivers the parachutes to the UK company. The UK company sells its pilot ejector seats, which include the Canadian parachutes, to a company in France, which installs the ejector seats on an aircraft. The Canadian exporter has no direct relationship with the French company. The UK company is the consignee and the end-user of the goods exported from Canada (the parachutes). The end-use of the Canadian goods is for the production of pilot ejector seats in the UK, for subsequent use by the French company in the assembly of an aircraft; this needs to be fully described in the Canadian export permit application (preferably in a cover letter or in the “Applicant/Exporter Comments” field, “Items” tab of the permit application).

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

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

Box 3: Evaluating Foreign Clients

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

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

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

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

In cases where the Consignee resells or distributes the goods or technology (in their original form, as they were exported from Canada), the Consignee is not considered to be the end-user. In this case, the end-user would be the third party who will acquire the goods or technology.

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

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

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

E.3.3.3. Other information about consignees

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

Consignee addresses should identify the location of the consignees to whom the goods or technology are to be shipped or conveyed to directly. Consignee addresses must be complete. Post office boxes alone are not acceptable. Where available, consignee website addresses should be indicated along with contact e-mail addresses.

When entering telephone and fax numbers, applicants should separate country and area codes by using a dash between each set of numbers (e.g., 1-613-996-2387). Applicants should verify all consignee contact information (including telephone and fax numbers, e-mail addresses, and websites). Information that is found to be incomplete or inaccurate may result in the return of the export permit application without action.

Exporters may wish to refer to [Canada Border Services Agency Memorandum D20-1-1](#)²³, which provides a definition of consignee for the purpose of export reporting.

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

This field is used by the applicant/exporter to share data with their permit officer. It is used to provide details/clarification on the goods and their end-use²⁴.

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

- a description of the goods or technology which is understandable to a layperson;
- a description of the exporter's understanding of the end-use of the exported goods or technology by the consignee and, if known, subsequently by other parties, if different from the description provided in the supporting documents (e.g., end-use statement);
- in the case of temporary exports, such as for repair or for demonstration at a trade show, a detailed explanation of the reason for the export and a statement as to whether the exported goods or technology will remain in the possession of an employee of the exporter while outside Canada;
- in the case of an export for the purpose of marketing or bidding (such as responding to a Request for Proposal) prior to a contract being concluded, supporting documents to this effect must be attached to the application.

Example of how to complete "Overall Description of Goods & End-Use" field:

Applicant Exporter Consignees **Items** Documents Distribution

General Describe what is being exported, to whom and indicate end-use.

Overall Description of Goods & End-Use:

Request to export specially designed electronic widgets to be incorporated into anti-missile defence system manufactured by ABC Defence. The Anti-missile defence systems will be installed on XYZ Aircraft owned by Ministry of Defense. *

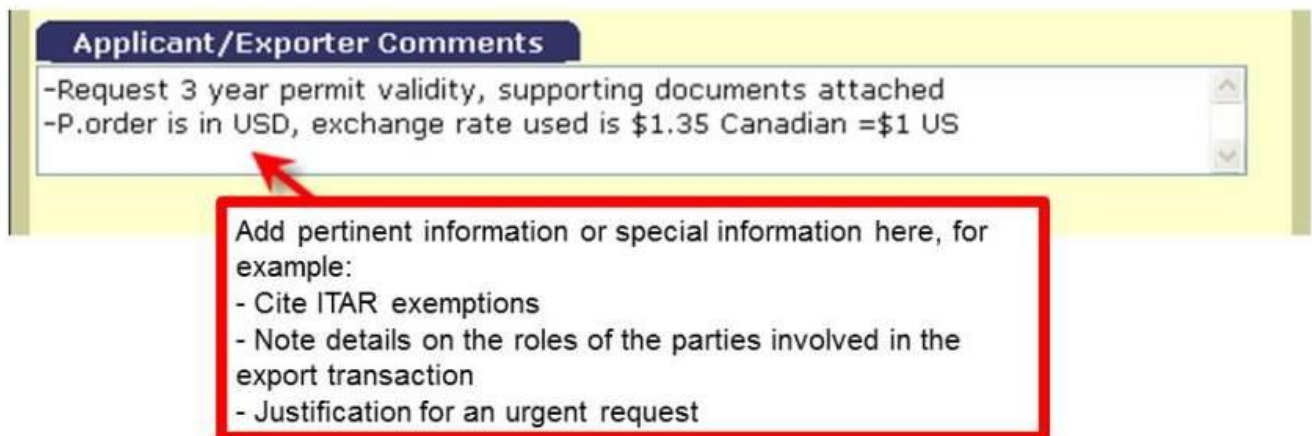
²³ <http://www.cbsa-asfc.gc.ca/publications/dm-md/d20/d20-1-1-eng.pdf>

²⁴ Data contained in this field will not be on the final permit for customs purposes.

E.3.5. EXCOL Field: Applicant/Exporter comments

As illustrated below, in this field the applicant may, if available and desired, include additional comments which are relevant and which may help understand the application, such as:

- in the case of U.S.-origin goods and technology, a declaration of the U.S. authority under which the goods and/or their subcomponents or technology, were imported into Canada. If controlled under the International Traffic in Arms Regulations, under what authority are the goods, subcomponents or technology being re-exported from Canada;
- shipping date when the export is expected to leave Canada, if known;
- requests for extended permit validity (see section E.5 for general guidelines on permit validity);
- justification for urgent requests;
- where multiple parties are involved in the transaction, provide details regarding contractual obligations. The role of the consignee should be specified; and
- information about the rate of exchange used to convert value to Canadian dollars (see Box 7 concerning currency fluctuation) if supporting documents reflect sales that are not denominated in Canadian dollars.



Where the above listed information is provided in the “Applicant/Exporter Comment”, a separate cover letter need not be submitted. In complicated transactions, the Applicant may provide a cover letter clearly detailing the relevant information in order for the Export Controls Division to fully understand and assess the transaction and the proposed export.

E.3.6. EXCOL Field: Export type

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

E.3.6.1. Permits for Temporary Exports

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

- adhering to the expiry date of the export permit (normally 12 months);
- ensuring the items are properly supervised while abroad; and

- submitting proof that the items were returned to Canada unchanged (except as otherwise authorized by the export permit).

Box 4: Applications to Export Goods Temporarily (including for Repairs, Upgrades, and to Loan Equipment)

In cases where equipment is being temporarily returned to the manufacturer or a foreign client for repair, maintenance upgrade or on loan, the value on the permit application should be stated in Canadian dollars as the normal commercial value of the goods or technology being exported.

For clarity, the Item Description of each good that is being temporarily exported should contain the following: “(to be repaired.)”, “(to be upgraded)”, or “(on loan)”.

Examples as they might be displayed on an export permit:

Item No.	Item Description	Quantity	Unit Value	Total Value
1	X35 microprocessor P/N 12345 (to be repaired)	10	\$560	\$5600
2	Utopia display unit Model UPZ02 (to be upgraded)	2	\$2000	\$4000
3	XYZ amplifier Model number ABC (on loan)	1	\$1000	\$1000

E.3.7. EXCOL Field: Description

The “Description” field is one of the most important fields of the permit application as it defines the parameters and limitations of the permit. It is also a key element of Canada Border Service Agency review.

The Description is how the goods or technology will be identified on the export permit, which will also be verified against the Export Declaration submitted to the Canada Border Services Agency at the time of export (see section H). Exporters must ensure that item descriptions declared on the customs export declaration is consistent with the description found on the export permit. This may avoid unnecessary delays and potential detention of the goods.

You should limit your item description to the following three points:

- 1- The name of the item – The name should clearly identify the item like a picture would do; don’t use internal specialized company jargon, use laymen’s terms that licensing and customs officials can relate to;
- 2- The identification number – Provide a model or part number making sure that it is both on the documents and on the item; don’t put a list of numbers, keep it short;
- 3- What is it used for or part of - The third line of the item description (see below) may be used to include details helping the reviewers to better understand the nature of the goods being exported (e.g. items to be incorporated in a civilian aircraft XX324).

Item Descriptions that do not follow this format will no longer be considered for further review and the application will be returned without action.

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

Additional description related details on packaging, use, or physical appearance of the product may be provided in the field “Overall Description of Goods and End-Use” (see section E.3.4). Do not include references to the Export Control List (self-assessments should be provided in the field “ECL No.”, section E.3.14), Sales or Purchase Order numbers or information that the sale was made in another foreign currency (e.g. that the sale was in US dollars). This information can be placed in the “Applicant/Exporter Comments” field.

When exporting complete systems or items such as aircraft, aircraft simulator or vehicle, the same approach may be taken. A single line item description may be used to describe the item, for example, “Ford 2001, F-350 Super Duty Truck”. However, if the item will be disassembled for shipment into several major components, these components should be clearly reflected in the line item description. For example, a disassembled car might be described as follows: “disassembled Ford 2001, F-350 Super Duty Truck, components include 5.4 L V8 engine block, Chassis, body”.

When exporting spare parts for a complex item, exporters should use several lines to reflect the main systems. For example, a helicopter might be broken down by the following systems: Fuselage, Wings, Flight Controls, Avionics, Engines, Hydraulics system. Each line item description should include a high level list of the types of items that would be exported under each of these systems. “Lot” may be used instead of specific quantities when grouping these types of exports.

Example of how to complete line item description in EXCOL:

Description:
 Electronic Widget
 Model AMDS1 P/N 12345
 (component of anti-missile defence system)

Item Type: Quantity Lot No Commercial Value

Quantity: 100.0 *

Unit Value: 250.00 *

Total Value: 25000.00

U.S. Content(%): 20.0 *

Country of Manufacture: Canada *

Goods are Specially Designed or Modified for: Military Use *

Do the Goods employ Cryptography (including Encryption or Decryption): Yes No

Supplementary Information Select all that apply [Add](#)

Supplementary Information		
Part of a System		

List all ECL Item numbers that apply. Do not list Harmonized System numbers available here: [ECL](#)

Export Control List (ECL) [Add ECL](#)

ECL #(s)		
2-11		

Self-assess against the Export Control List (see section C)
 or
 add "ACL" where goods are going Area Control List destination (see section D.1)

✓ Accept ✗ Close

E.3.7.1. Kits

A kit is a collection of goods that are sold together as a defined product (as opposed to a collection of spare parts put together for a specific customer).

When exporting "Kits" that contain a mixture of articles, the description line should include the kit name, a high level list of the items which are included in the kit, and an identifying number if available. For example:

Item '1'	
Description:	
Civil Protection kit which includes: vest, headset, helmet, ear pieces, power controller, cables p/n A1B2C3	

E.3.7.2. Product Components

Similarly, when exporting spare parts for a product, the description line should include a list of the types of components that will be exported and the name of the final product for which they are intended (see line 2 in example provided below).

Items (2)		Add Item		
Item	Description	ECL #(s)	Quantity	Total Value
1	Night Vision goggles Model Gen-XYZ	2-1.d	1.0	3,000.00
2	components for GEN-XYZ Night Vision goggles includes: Objective lens, power supply, battery,	2-1.d	--	1,000.00

Product components - Line 2 provides a high level list of the ECL controlled components of night vision goggles which may be shipped as spares.

Item '2'	
Description:	
components for GEN-XYZ Night Vision goggles includes: Objective lens, power supply, battery, switch, eyepiece, image tube. (repair and spares)	

E.3.7.3. Intangibles

The ECL covers both physical shipments of controlled goods, as well as technology and/or transfers of controlled software or technology by intangible means. As illustrated below, Item descriptions for intangible exports need to describe the goods or technology being exported and provide information about the method of transfer (see also Box 5 – Exports by Intangible Means)

Item	Description	ECL #(s)	Quantity	Total Value
1	Electronic Widget Model AMDS P/N 12345	2-14	50.0	100,000.00
2	Technology related to Electric Widget Model AMDS which includes: technical support services, user manuals, drawings, Acceptance Test Procedures (Method of transfer: download via secure FTP server, emails, teleconferences)	2-22	--	1,000.00

The method of transfer should be included for intangible transfers

Item '2'

Description: Technology related to Electronic Widget Model AMDS which includes: technical support services, user manuals, drawings, Acceptance Test Procedures (Method of transfer: download via secure FTP server, emails, teleconferences) *

Item Type: Quantity Lot No Commercial Value

Quantity:

Unit Value:

Total Value: 1000.00

"Lot" may be used instead of quantity as it may be difficult to quantify the export of technology

Box 5: Exports by Intangible Means

Certain types of products lend themselves to exportation by intangible means, such as: software and source code, services, and other technology. Exports by intangible means may occur by way of, for example:

- provision of services or training
- downloads or other electronic file transfers
- file sharing
- cloud access
- e-mails
- faxes
- telephone conversations
- teleconference
- face-to-face meetings

How to apply for export permits for exports by intangible means

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

- What is it? e.g., what is the brand and product name?; is it technical data, technical assistance, information, etc.? – usually a brief description is necessary in this field.
- What is the purpose of the export or transfer of technology? e.g., for the development or production or use of a product or article which is controlled for export on the Export Control List? What is the name of the project under development for which purpose the technology will be exported?
- In what form will the technology be exported? e.g.:
 - Technical data: blueprints, formulae, plans, models, engineering designs and

- specifications, manuals, instructions, etc.
- Technical assistance: instruction, skills development, working knowledge, consulting services, training, etc.
- Software (you should clearly define the item being exported): executable code, source code, version number, etc. (see section E.3.13 for other examples)
- Services: such as training, consulting, troubleshooting, or instruction – exports of services by intangible means are often linked to physical goods exports. This link or relationship should be clearly stated in the item description (see fictional examples below). Transfers by intangible means should be covered on a separate export permit application line.
- How will the product be exported? e.g., electronic file transfers, fax, in-situ training seminars, “help desk” advice, telephone discussions or negotiations?

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

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

Fictional examples of acceptable item descriptions would be:

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

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

Compliance and records

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

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

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

E.3.8.1. Quantity

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

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

Box 6: Applications to Permanently Export Goods After Temporary Import into Canada (including Exports After Repairs and Returns of Equipment on Loan)

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

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

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

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

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

Examples as they might be displayed on an export permit:

Item No.	Item Description	Quantity	Unit Value	Total Value
1	X35 microprocessor, P/N 12345 (Warranty repair. Normal commercial value is \$560 per unit.)	10	\$0	\$0
2	Utopia display unit, Model AZP-02 (Repair value stated. Normal commercial value is \$2,000 per unit)	2	\$400	\$800
3	Amplifier, Model NEW-03 (Return of loaned equipment. Normal commercial value is \$1,000 per unit.)	1	0	0

Return of non-conforming or discrepant goods to a supplier is not treated in the same manner. The Item Description field should indicate the full value of the goods being returned as per the example below.

4	X35 microprocessor P/N XYZ (return of non-conforming good to supplier)	1	\$560	\$560
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“No Commercial Value” is used when there is a positive quantity but a dollar value of zero (used, for example, when goods are being exported under warranty; see Box 6 for more information).

“Lot” should be chosen for “bulk goods” or when the goods described on a single line cannot be easily quantified but they have a positive dollar value for the purpose of the application. Lots are commonly used with exports of information that may be transferred in different intangible forms (such as in meetings and electronic downloads).

“Lot” may also be chosen for zero valued transactions, as in the export of information through intangible means (e.g. updates and patches to previously exported software). In this case, a nominal value of \$1.00 or less may be indicated in the “Total Value” field, as the system requires that a value be indicated when choosing “Lot”.

If repairs are anticipated over the duration of the permit, Exporters may add additional lines to cover those potential repairs on their initial permit application.

The example below illustrates how to structure a permit to cover anticipated repairs. In this example, the applicant has requested to export 100 widgets. Based on historical sales, the exporter estimates that for every 100 widgets sold, 25% of the units will be shipped back for repair. Line 2 reflects the number of goods to be repaired under warranty. If a warranty plan will not cover all repairs, a third line item can be added to cover anticipated repairs with a fee. By using this approach, exporters do not have to apply for a new permit if their product is returned for repair during the validity period of their permit.

Item	Description	ECL #(s)	Quantity	Total Value
1	Electronic Widget Model AMDS1 P/N 12345 (component of anti-missile defence system)	2-11	100.0	25,000.00
2	Widget, P/N 12345 Warranty Repair Normal Commercial Value \$250	2-14	25.0	--
3	Widget, P/N 12345 Repair Value Stated Normal Commercial Value \$250/unit	2-14	25.0	2,500.00

E.3.8.2. Value

Value must be expressed in Canadian dollars and should represent the invoice or sale price paid by the foreign customer (see Box 7 below on how to account for exchange rate fluctuations if the sale price is denominated in another currency). If the exact unit value is not known at the time that the application is submitted, it should be estimated. Exporters should ensure that the actual value that will be declared at the time of export does not exceed the estimate declared on the export permit.

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

For permanent exports of goods repaired in Canada, the value should reflect only the cost of repairs in Canada (see Box 6: Applications to Export Goods Repaired in Canada).

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

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

Box 7: Exchange Rate Fluctuations

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

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

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

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

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

U.S.-origin value is an estimated percentage of the total value in Canadian dollars.

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

E.3.10. EXCOL Field: Country of Manufacture

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

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

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

E.3.12. EXCOL Field: Goods employing cryptography

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

E.3.13. EXCOL Field: Supplementary information

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

- cryptographic executable code
- cryptographic source code
- complete system
- part of a system
- raw material
- replacement part

- software executable code
- software source code
- substance or compound
- technical data for design or development
- technical data for production
- technical data for repair/overhaul
- test, inspection or production equipment

E.3.14. EXCOL Field: ECL No.

Using the latest version of the Export Control List as published in the *Guide*²⁵, identify the Export Control List Item number which describes the goods or technology proposed for export. See section C for information on determining the Export Control List Item Number.

E.3.15. EXCOL Field: Additional information attached

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

E.4. Mandatory Supporting Documentation

Supporting documentation is an important part of the application. Exporters must submit at least one technical document and an end-use assurance document to supplement the completed export permit application form. Additional documents (such as cover letters, purchase order or contracts) may be added to further support the export request.

Electronic documents (including scans of paper copies) should be attached to export permit applications made on-line using the EXCOL system. As indicated in the example on the next page, Applicants are requested to separate different documents for ease of reference at different stages of the review process.

E.4.1. Technical description of the goods or technology

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

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

Example of how to list supporting documents in EXCOL:

²⁵ http://www.international.gc.ca/controls-controles/about-a_propos/expor/guide-2013.aspx?lang=eng

Applicant		Exporter		Consignees		Items		Documents		Distribution	
Documents (5)										Add Document	
Doc. No.	File Name	Description	File Size	Created Date							
19323	Cover letter.doc	Cover letter	22.00 KB	2010/09/17							
19324	Technical brochure.doc	Technical Specs	22.00 KB	2010/09/17							
19325	EUS.doc	End Use Statement	22.00 KB	2010/09/17							
19326	POrder.doc	Purchase Order	22.00 KB	2010/09/17							
19327	US Content.doc	US Export Authorization	22.00 KB	2010/09/17							

Mandatory Supporting Documents

- Technical Specifications
- End-Use Assurance
- US Export Authorization (where applicable)

Optional Supporting Documents such as:

- Cover letter
- Contract
- letters of credit

E.4.2. End-Use Assurances

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

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

E.4.2.1. End-Use Certificates

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

- identifies the quantity and value of the goods or technology that will be exported from Canada to that country;
- describes the end-use of the items in that country;
- confirms that the government of that country accepts responsibility to ensure that the items will not be diverted to uses other than those stated; and
- dated with signature (to be valid, the End-Use Certificate must be dated within 1 year from the time the application is submitted).

E.4.2.2. End-Use Statements

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

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

An End-Use Statement must be dated (preferably within 6 months from the time the export permit application is submitted) and written on company letterhead in either English or French and should:

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

E.4.2.3. International Import Certificates

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

E.4.2.4. Import Licences

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

E.4.2.5. Informal End-Use Assurance Documents

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

- a copy of the contract of sale between the applicant or exporter and the person to whom the applicant or exporter sold the goods or technology for export or transfer [i.e., the foreign consignee(s) or end-user(s)].
- a copy of the service contract between the applicant or exporter and the person to whom the exporter will ship the goods or technology for the provision of such services (if applicable);
- a copy of the commercial invoice which relates to the export; and

- a copy of a letter of credit or other financial documentation which identifies the Canadian and foreign financial institutions involved in the export.

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

- in the case of temporary exports for demonstration and an exhibition: information about the trade show or exhibit (such as a website or marketing brochure) and evidence of registration for display by the exporter or consignee.
- proof of import of goods (such as B3 or CI1 or import waybill) and defect slip or failure report in the case of:
 - Canadian-owned items that are being exported from Canada to a foreign country for repair or replacement.
 - foreign-owned items which have been repaired or maintained in Canada and are returning to the foreign owner.
 - export of replacements or spare parts for service or maintenance (in addition to prior export permit numbers).
 - copies of official documents or correspondence originating from other departments and agencies of the Government of Canada or of foreign governments when those agencies are involved in the proposed transaction.

Applicants will need to provide their rationale and/or justification in a cover letter (or under the exporter's comments in EXCOL), in order to have these informal end-use assurance documents taken into consideration by the Export Controls Division.

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

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

E.4.2.7. Delivery Verification Certificates

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

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

E.4.3. U.S. Export Authorization

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

- Items controlled under the Schedule of the *Defence Production Act* that are of U.S.-origin,

- Items incorporating any goods or technology of U.S.-origin that is/are controlled under the Schedule of the *Defence Production Act* , or
- Items manufactured in Canada using any goods or technology of U.S.-origin that is/are controlled under the Schedule of the *Defence Production Act* .
-

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

- U.S. Export License;
- Warehouse and Distribution Agreement;
- Technical Assistance Agreement;
- Manufacturing License Agreement;
- Re-export Authorization letter; or
- U.S. Export License Exemption.

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

Exports of goods subject to domestic control under the Schedule of the *Defence Production Act* that are not of 100% U.S. origin but contain some U.S. content that is not subject to the ITAR must describe what the U.S. content consists of and explicitly state in the application to export those goods from Canada that this U.S. content is not subject to ITAR. In such cases, U.S. Export Authorization is not required.

E.5. Export Permit Validity

The validity period of an export permit varies depending on the items to be exported and the nature of the transaction. For electronic applications submitted in EXCOL (as illustrated below), Applicants may select a permit expiry date which suits their export requirements and which conforms with the guidelines set out in subsections E.5.1 to E.5.7. Requests for permits which exceed a validity period of 2 years are assessed on a case-by-case basis and are granted at the discretion of the Export Controls Division based on the additional information that should be submitted, as described in E.5.1- E.5.7.

Desired Permit Expiry

Enter desired permit duration(from date of permit issuance)
or specify desired permit expiry date:

1 month 3 months 6 months 1 year 2 years Custom

For paper applications, Applicants should state in the “Overall Description of Goods and End-Use” field of the application (see section E.3.4) or in a cover letter if it is known when the export is expected to be completed or if the export permit will be required for a specific duration.

It is strongly suggested that applicants request a validity period which is consistent to the actual needs of the proposed export transaction.

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

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

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

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

E.5.1. Group 1

Standard – up to 2 years; up to 5 years upon request and with evidence of a long-term contract.

E.5.2. Group 2

E.5.2.1. Single Shipments

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

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

E.5.2.2. Multiple Shipments

Export Control List Items 2-1 to 2-22 – Standard – up to 2 years; up to 5 years upon request and with evidence of a long-term contract.

Applicants should note that permits for permanent exports in this Group may be subject to a quarterly reporting condition (see section G.2.1). Such reports must be made even when there have been no exports in a given quarter.

To reduce the number of unnecessary reports, applicants should state when the exports described in the permit application are expected to be made and request a shorter validity period than 2 years where appropriate.

E.5.3. Group 3

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

The exporter must also be in possession of a valid export licence issued by the Canadian Nuclear Safety Commission prior to export if the item proposed for export is subject to controls under the *Nuclear Safety and Control Act*.

E.5.4. Group 4

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

The exporter must also be in possession of a valid export licence issued by the Canadian Nuclear Safety Commission prior to export if the item proposed for export is subject to controls under the *Nuclear Safety and Control Act*.

E.5.5. Group 5

Export Control List Item 5400 when General Export Permit No. 12 does not apply (see section D.4) – up to 5 years.

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

E.5.6. Group 6

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

Export Control List Items 6-3 to 6-20: Standard – up to 2 years; up to 5 years upon request and with evidence of a long-term contract.

E.5.7. Group 7

All Group 7 Export Control Items – up to 2 years.

F. Administrative Procedures and Other Issues

F.1. Processing Time

When possible and depending on the total volume of export permit applications, from the date a complete export permit application is received, every effort is made to process an application within a reasonable time frame. The following service standards apply:

For Export Permits:

- Complete the processing of applications for permits to export controlled strategic goods from eligible exporters, who have provided all required supporting documentation, within ten (10) business days, where consultations outside the Trade Controls Bureau are not required (usually to an “Open Policy Country” destination); and within forty (40) business days where consultation is required (usually to a “Non-Open Policy Country” destination). The service target for this deliverable is 90 percent.
- Complete the processing of applications for permits to import controlled strategic goods for eligible importers, who have provided all required supporting documentation, within ten (10) business days. Please note import permits for strategic goods can only be applied for within thirty (30) days of the proposed date of importation. The service target for this deliverable is 90 percent.

Multiple destination permit (MDP) applications will be processed within 40 business days. Permit Amendment Request (PAR) applications will be processed within three (3) business days.

For International Import Certificates

- Complete the processing of applications for international import certificates for applicants, who have properly completed the application and have provided all supporting documentation (if required), within ten (10) business days. The service target for this deliverable is 90 percent.

For Delivery Verification Certificates

- Complete the processing of applications for delivery verification certificates for applicants, who have properly completed the application and have provided all supporting documentation (if required), within twenty (20) business days. The service target for this deliverable is 90 percent.

For Destinations subject to Sanctions

- For destinations subject to Canadian economic sanctions, there are no service standards associated with completion of the review of export permit applications.

Open Policy Countries are like-minded countries that are members of the export control regimes to which Canada is party, and that have implemented an effective system of export controls.

Incomplete or deficient export permit applications (for instance those without supporting documentation, or those with missing and/or contradictory information) may be returned to the applicant without action.

If at any time before a permit or certificate is issued the Applicant determines that the permit is no longer required, he may request that the application be Withdrawn. Once a

permit has been issued, the Applicant may request that it be Cancelled. Withdrawal and Cancellation requests must cite the permit or certificate number, or the reference ID number, and must be submitted in writing to the Export Controls Division at tie.reception@international.gc.ca.

F.2. Status Enquiries

Applicants may obtain information regarding the processing of permit and certificate applications by contacting the Export Controls Division by telephone at (343) 203-4331 or by email to tie.reception@international.gc.ca and citing the Ref ID number generated by EXCOL. Applicants should allow at least 10 business days from the time of submission of an export permit application before enquiring as to its status.

F.3. Policy Review

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

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

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

F.4. Consultations

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

F.5. Military Goods and Technology

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

- countries which pose a threat to Canada and its allies;
- countries involved in or under imminent threat of hostilities;
- countries under United Nations Security Council sanctions; or
- countries whose governments have a persistent record of serious violations of the human rights of their citizens, unless it can be demonstrated that there is no reasonable risk that the goods might be used against the civilian population.

F.6. General Export Permits

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

When exporting items listed on the Export Control List where a General Export Permit applies, the exporter must abide by all the associated terms and conditions of the GEP, which can vary from regulation to regulation. However, in most cases, the exporter must cite the appropriate General Export Permit number in the relevant box on the appropriate form prescribed by the Canada Border Services Agency (see section H). In some cases, the use of a General Export Permit is conditional upon an exporter undertaking to report on actual volumes of exports or on specific final consignees made against the General Export Permit.

Certain General Export Permits require exporters to inform the Export Controls Division in writing and on an annual basis, of their intention to utilize the General Export Permit (i.e. GEP 43 (Nuclear Goods and Technology to Certain Destinations), GEP 44 (Nuclear-Related Dual-Use Goods and Technology to Certain Destinations), GEP 45 (Cryptography for the Development or Production of a Product) and GEP 46 (Cryptography for the Use by Certain Consignees)). These GEPs may require a detailed report of exports made as a condition for their use.

General Export Permits have been issued for specific items and specific destinations. The complete list of General Export Permits is available on the internet at: http://www.international.gc.ca/controls-controles/military-militaires/handbook-manuel.aspx?lang=eng&menu_id=78 or by contacting the Export Controls Division. For additional details on how to use a General Export Permit, please contact the Export Controls Division.

F.7. Multiple Destination Permits

A multiple destination permit (also referred to as “multi-destination permit” or MDP) is an alternative to a single destination permit (which specify consignees in a single country). This type of permit allows exports to multiple destination countries without consignees being specified in the application. MDPs allow greater flexibility to exporters than individual permits, but also impose specific terms and conditions, in particular, the requirement to submit export reports at regular, defined intervals. MDPs are offered to exporters who have established an exporting history with the Export Controls Division and have implemented defined processes and procedures when planning, marketing and shipping items included in the Export Control List to foreign clients to ensure a reasonable level of assurance (due diligence) that goods or technology will not be exported to unauthorized or illegitimate end-uses or end-users. In order to apply for an MDP, exporters must first contact the Export Controls Division and become a recognized user of EXCOL.

MDPs are available for Dual-Use Items (Group 1 and in Item 5504 of the Export Control List);²⁶ for Cryptographic Items (Group 1, Category 5, Part 2 of the Export Control List);²⁷ and for some Munitions List Items (Group 2 of the Export Control List). Exporters should contact their assigned Permit Officer to discuss further options and/or how to apply for a MDP.

F.8. Procedure for exporting parts for use in Aircraft on the Ground (AOG)

Where spare parts must be exported to support or service a civilian/commercial aircraft stranded in a foreign country, an expedited process will be adopted to meet the exporter’s requirement. A complete permit application will be processed within three (3) business days (sensitive destinations such as sanctioned or ACL countries may take longer). Exporters must ensure that the following information is in the permit application:

- The nature of the export transaction and the reason for the urgent request.

²⁶ http://www.international.gc.ca/controls-controles/military-militaires/MDP_DualUse-LDP_doubleusage.aspx?lang=eng (See also Notice to Exporter SER-177.

²⁷ http://www.international.gc.ca/controls-controles/export-exportation/crypto/Crypto_Intro.aspx?lang=eng&view=d

- Serial number of the licensable civil aircraft spare part and tail number of the aircraft to be stated in the item description field of the permit application.
- Information if the spare parts have a US content; if the spares to be exported contain US content, such US content must not be ITAR controlled.
- Copy of the Purchase Order (the formal End-Use Statement is waived)

F.9. Controlled Goods Program

The Controlled Goods Program, managed by the Controlled Goods Directorate of Public Works and Government Services Canada, was established in 2001 to administer the *Defence Production Act* and the Controlled Goods Regulations. Generally speaking, companies or persons having access to or who possess, examine, or transfer "controlled goods" as defined in the Schedule to the *Defence Production Act*, including related technology, within Canada, must be registered with the Controlled Goods Directorate. If an exporter is not registered and wishes to export items subject to control under the Controlled Goods Program, an export permit cannot be issued until there is evidence that the exporter has registered (unless proof is provided that a Controlled Goods Directorate exemption applies).

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

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

F.10. Canadian Nuclear Safety Commission

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

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

Exports of Group 3 and 4 items that are also subject to control under the *Nuclear Safety and Control Act* can only occur when export authorizations are obtained from both the Export Controls Division and the Canadian Nuclear Safety Commission.

It should be noted that as export permits are processed separately by two licensing authorities, exporters must liaise with both departments separately.

F.11. Canadian National Authority for the Chemical Weapons Convention (CWC)

The Canadian National Authority for the Chemical Weapons Convention is responsible for the collection and monitoring of Canadian data relating to the import and export of items identified in Schedules 1, 2 and 3 of the Chemical Weapons Convention which correspond to item 74 of the Import Control List, Chemicals and Precursors, and item 7-3 of the Export Control List. For further information, please contact the Canadian National Authority at 343-203-3183. Information about the Import Control List is available on the internet at: www.exportcontrols.gc.ca.

F.12. Natural Resources Canada (Explosives Regulatory Division)

The export of many types of explosives are also controlled by Natural Resources Canada (Explosives Regulatory Division) under the *Explosives Act* and regulations. Therefore, the export of certain items on the Export Control List also requires licences from the Explosives Regulatory Division. Information on the Explosives Regulatory Division export licensing requirements may be obtained by contacting:

580 Booth Street, 10th Floor
Ottawa, ON K1A 0E4
Tel: 613-948-5200
Fax: 613-948-5195
E-mail: ERDmms@nrcan.gc.ca

F.13. Other Government Departments

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

G. After Issuance of an Export Permit: Compliance with Export Controls

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

G.1. Permit Issuance and Distribution

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

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

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

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

G.2. Terms and Conditions

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

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

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

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

Two of the more common reporting conditions are described below.

G.2.1. Quarterly Reporting

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

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

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

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

Exporters who are not Recognized Users of EXCOL should contact the Export Controls Division to request a quarterly reporting form. Information about becoming a Recognized User is available in section E.2.2 above.

G.2.2. Reporting the Return of Temporary Exports (including Demonstration Conditions)

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

In some cases, a permit covering a temporary export will contain the following condition:

The exporter must report to the Export Controls Division (TIE), Foreign Affairs, Trade and Development Canada, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2 the return of the goods to Canada and provide proof of re-entry no later than four weeks after the return of the goods to Canada.

The report of return consists of a copy of the completed CBSA Import Declaration (i.e. B3 Canada Customs Coding Form or the C11 Canada Customs Invoice). When temporary exports authorized by an export permit return to Canada, permit holders must ensure that they obtain an official proof of return from the Canadian customs authorities. Presentation of a completed B13A *Export Declaration* or other acceptable document showing that the goods originated in Canada facilitate processing of the custom's proof of return for returning temporary exports. A copy of the proof of return should then be provided to the Export Controls Division to fulfill the reporting requirement.

G.3. Amendments of Export Permits

A recognized EXCOL user must submit a Permit Amendment Request using the on-line EXCOL system no later than 30 days before the expiry of an export permit (see section E.2.2 for information on how to become a Recognized User).

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

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

The following amendments may be requested through the Permit Amendment Request when the country of final destination is an Open Policy Country:

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

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

Only one (1) permit amendment request can be submitted during the validity period of an issued permit. The permit amendment request may cover one or more of the allowable changes as outlined above.

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

A Permit Amendment Request cannot be used to change information about the Applicant or Exporter. Changes in the name, address, or other contact details of the Applicant and Exporter must be requested in writing with appropriate supporting documents to the Export Controls Division (see Section G.3.1, below). Any existing export permits that need to be updated must be clearly identified so that new export permits may be issued with the new corporate details.

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

Non-Recognized EXCOL users must submit a Permit Amendment Request in the form of a letter to the attention of "Permit Section" quoting the Exporter's EIPA Number and the existing permit number, with the title "Permit Amendment Request", no later than 30 days before the expiry of an export permit (see section E.2 for information on how to become a Recognized User). Requests may be faxed to (613) 996-9933.

G.3.1. Changes to Applicant or Exporter name and/or address

Section 16 of the *Export and Import Permits Act* prohibits the transfer of a permit to another party who is not named on the permit. For this reason, when the Exporter's or Applicant's name and/or address have changed, the Export Control Division must be informed of these changes in writing and a new permit issued.

To request such changes, Applicants/Exporters should provide the Export Controls Division with a letter on company letterhead which contains the following information:

- a brief overview which explains the reason for the requested change (for example, corporate acquisition, company relocation, etc.)
- current company name, EIPA and Business numbers
- new name, address and, if applicable, new Business number
- the effective date of the change.

All changes must meet the requirements set out in Section E of the Handbook (for example, as detailed under section E.3.1, an Applicant must be a resident of Canada). Requests should be submitted well in advance of the required change to ensure sufficient time for processing. Upon receiving such requests, the Export Control Division regenerates active permits to reflect the required changes. Active permits will be replaced

with a permit ending in a new version number and the original permits will be automatically cancelled.

G.4. Inspection and Record-Keeping

Section 10 of the *Export and Import Permits Act*²⁸ specifies important requirements related to record-keeping and to the inspection, audit, and examination of such records.

G.5. Offences and Penalties

Violations of the prohibitions defined in Sections 13-18 of the *Export and Import Permits Act*²⁹ may result in prosecution. Some examples of offences under the Act are:

- Exporting or attempting to export any goods or technology included on the Export Control List except under the authority of and in accordance with an export permit, such as:
 - Export of goods or technology in excess of the quantities or values declared on the applicable export permit
 - Export of goods or technology to destinations or to consignees that are not listed on the applicable export permit
 - Failure to respect conditions included in an export permit
- Exporting or attempting to export any goods or technology to any country included on the Area Control List except under the authority of and in accordance with an export permit.
- Knowingly doing anything in Canada that causes or assists or is intended to cause or assist any shipment, transshipment, diversion or transfer of any goods and technology included in the Export Control List to be made from Canada or any other place, to a country included on the Area Control List.
- Exporting or attempting to export prohibited firearms, or certain prohibited weapons and devices, to any country that is not included on the Automatic Firearms Country Control List, except under the authority of and in accordance with an export permit.
- Knowingly doing anything in Canada that causes or assists or is intended to cause or assist any shipment, transshipment or diversion of any prohibited firearm, prohibited weapon or prohibited device referred to in paragraphs 4.1(a) to (c) of the *Export and Import Permits Act* (EIPA), or any part of component designed exclusively for assembly into such a thing, that is included on the Export Control List, from Canada or any other place, to any country that is not included on the Automatic Firearms Country Control List.
- Furnishing false or misleading information or knowingly making any misrepresentation in an application for an export permit for the purpose of procuring its issue or in connection with any subsequent use of the export permit.

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

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

²⁸ <http://laws.justice.gc.ca/en/E-19/index.html>

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

G.6. Report Illegal Exports

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

G.7. Disclosures of Non-Compliance

The Export Controls Division recognizes that, on occasion, responsible exporters inadvertently fail to comply with the *Export and Import Permits Act*. We encourage all exporters finding themselves in such a situation to disclose any incidents of non-compliance to us as soon as possible.

The Export Controls Division looks favourably upon disclosures if, after considering the information provided, we are satisfied that the exporter has fully cooperated and that no further action is warranted. Depending on the gravity or overall circumstances of a case, we may nonetheless refer disclosures to the Canada Border Services Agency or the Royal Canadian Mounted Police for further review.

G.7.1. Disclosure Procedures

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

- Details of the products concerned (including technical specifications for assessment of export control status); exporters should provide their self-assessment against the Export Control List on the control status of the goods or technology that was exported, including the rationale for such assessment.
- Dates of all shipments, mode of transport, and port of exit
- Quantities and values of each shipment for each product concerned (including copies of the B13A or Canadian Automated Export Declaration submitted to the Canada Border Services Agency, as well as copies of bills of lading, freight forwarding, shipping or commercial invoices)
- Contract of sale between the exporter and the final consignee
- For each export shipment in question, a statement as to whether the export took place intentionally
- Description of the circumstances underlying each export shipment in question
- Description of steps taken or processes and procedures put in place to ensure that where required, export permits will be obtained in future, and
- Any other documentation that the exporter believes is relevant to the purpose of the disclosure.

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

H. Customs Procedures (Canada Border Services Agency)

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

- [Exporting Goods from Canada, A Handy Guide for Exporters](#)²⁹
- [Memorandum D20-1-1, Export Reporting](#)³⁰
- [Export Reporting](#)³¹

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

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

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

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

H.1. Enforcement

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

Under the authority of the *Customs Act*³², Border Services Officers may exercise certain powers, respecting search, detention, seizure and forfeiture with respect to any goods that are tendered for export or exported or otherwise dealt with contrary to this Act, to the *Export and Import Permits Act* and to relevant Regulations or any other Act of Parliament that controls the export of goods from Canada.

H.2. Examination and Detention

The Canada Border Services Agency has the authority to examine goods that are about to be exported. If an examination is required, the exporter or the person in control of the goods at the time of the request (normally the freight forwarder or the exporting carrier) will be asked to bring the goods to a sufferance warehouse. In all cases, destuffing for examination purposes and other related fees are costs to the exporter.

²⁹ <http://www.cbsa-asfc.gc.ca/publications/pub/bsf5081-eng.html>

³⁰ <http://www.cbsa-asfc.gc.ca/publications/dm-md/d20-eng.html>

³¹ <http://www.cbsa-asfc.gc.ca/export/ndr-adr-eng.html>

³² <http://laws.justice.gc.ca/en/showtdm/cs/C-52.6>

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

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

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

Exporters may enquire about the status of the control status determination process by contacting the Export Controls Division at telephone (343) 203-4331 and providing the appropriate detention reference number assigned to the case by the Canada Border Services Agency.

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

Exporters with items under detention may apply for a permit to export the same items. Applications must be made through the normal channels as described, for example, in section E above, and must state clearly that goods had been detained in a prior shipment. However, issuance of an export permit for such items does not necessarily cause detained goods to be released to the exporter, nor does it absolve the applicant or exporter of any infractions or offences that may have been committed. Where a permit is subsequently issued, it will contain the following standard condition:

This export permit has been issued without prejudice to the resolution of any detention by the Canada Border Services Agency and does not absolve the exporter of any infractions or offences that may have been committed under the Export and Import Permits Act or any other legislation.

Detentions may be lifted when the Canada Border Services Agency receives:

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

H.3. Administrative Monetary Penalty System, Seizures and Ascertained Forfeiture

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

infraction. Most penalties are graduated and take the compliance history of the client into consideration.

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

A seizure is a legal action, the result of which calls for certain goods taken from offenders to become the property of the Government of Canada. It is invoked when reasonable grounds exist to conclude that legislative requirements pertaining to a suspected infraction call for the goods or the conveyance to be seized or when the mere possession of those goods without due justification is deemed to be unlawful. Seizures are subject to appeal within 90 days. Nearly all seized goods are ultimately destroyed or otherwise disposed of as prescribed by the relevant public authorities.

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

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

H.4. Useful Internet Pages

- Exporting Goods From Canada -- A Handy Guide for Exporters (www.cbsa-asfc.gc.ca/publications/pub/bsf5081-eng.html)
 - Information for Exporters (www.cbsa.gc.ca/export/menu-eng.html)
 - Memorandum D20-1-1 -- Export Reporting (www.cbsa.gc.ca/publications/dm-md/d20/d20-1-1-eng.html)
 - Memorandum D19-10-3 *Export and Import Permits Act* (Exportations) (www.cbsa.gc.ca/publications/dm-md/d19/d19-10-3-eng.html)
 - The Administrative Monetary Penalty System (<http://www.cbsa-asfc.gc.ca/trade-commerce/amps/menu-eng.html>)
- Directory of Canada Border Services Agency Offices (www.cbsa.gc.ca/do-rb/menu-eng.html)

I. Applications to Export Cryptographic items

I.1. Introduction

Permits are not required to export cryptography and information security goods or technology from Canada to the United States. Exports of Canadian goods or technology from the United States or other countries are subject to export controls of that country. However, foreign consignees who intend to re-export such goods or technology should state that in the end-use statement, if one is required.

I.2. General Export Permits

Pursuant to the *Export and Import Permits Act*, the Minister of Foreign Affairs has issued two (2) General Export Permits (GEPs) relating to the export or transfer of cryptography.

GEPs are intended to facilitate trade in defined circumstances and are issued generally to all residents of Canada to allow the export or transfer of specific goods and technology that are included in the Export Control List (ECL) to certain specified destinations, subject to terms and conditions. GEPs do not require an individual application to be submitted to Foreign Affairs, Trade and Development Canada for purposes of export or transfer.

Currently, there are two types of GEPs for the export or transfer of cryptography:

- [GEP 45 - Cryptography for the Development or Production of a Product](#)
- [GEP 46 - Cryptography for Use by Certain Consignees](#)

Please consult the corresponding regulations within the *Export and Import Permits Act* pertaining to the above GEPs.

Exporters wishing to utilize these GEPs must, prior to their first export in any calendar year, provide in writing to the Export Controls Division of Foreign Affairs, Trade and Development Canada:

- their name, address, telephone number, facsimile number and electronic mail address
- in the case of a corporation, the name of a contact person and their address, telephone number, facsimile number and electronic mail address, the business number assigned to the corporation by the Minister of National Revenue, and
- (in the case of GEP 45) a description of the products whose production and development will be facilitated by the exports or transfers.

I.3. Individual Export Permits

An individual export permit allows exports of goods and technology described therein to specified consignees in a single country. Individual permits may authorize exports of any cryptographic items controlled in Group 1: Category 5 – Part 2 of the Export Control List (ECL). An application must be submitted to the Export Controls Division in order to obtain an individual permit. Once it has been issued to an applicant, this type of permit generally does not require that actual exports be reported (in contrast to some other permit types).

I.3.1. Applications

Export permit applications for information security goods/technology and goods/technology employing cryptography consist of the following:

- complete application form (generally done through our online system EXCOL)
- Cover letter or notes in the “Applicant/exporter comments” field of the EXCOL application form explaining the overall nature of the proposed transaction, including

the roles of the parties involved and the end-use of the product. This information informs the Export Controls Division's review of the application by providing a clear picture of the particulars of the proposed export.

- a completed cryptography and information security product questionnaire
- technical description of the goods/technology. The Export Controls Division undertakes a technical assessment of the goods or technology listed in the export permit application to determine under which Export Control List Item(s) they fall. For this purpose, technical specifications of the export must be detailed and adequately describe the characteristics of the goods and services. Enough details must be provided to establish the true nature of the items. These could be provided in the form of drawings, data sheets, manuals, component lists, and so on. Marketing brochures may also provide useful additional information. The information that is submitted should make clear the type and function of the goods and provide key technical parameters.
- signed end-use statement from the final consignee to whom the export shipment is destined – exporters may use the template provided or submit other documents which contain the same information required in the template. When alternative end-use documents are provided, the applicant must clearly indicate in their application where in those documents each of the elements of the end-use statement template are met.

As noted above, general information that is required in an export permit application form submitted through EXCOL can be found in the Export Controls Handbook.

Exporters of information security goods/technology and goods/technology employing cryptography should note the following guidelines on identifying items in an export permit application:

- Descriptions of finished products should use the following format: [brand name or name of manufacturer] [model name] [part number]. This information should be consistent with packaging labels, invoices, and shipping documents.
- Descriptions of software should use the following format: [software developer or publisher name] [software name] [version number x.x] [means of export – e.g., on CD or by FTP]. This format assumes that, in the version number, changes to the right of the decimal (e.g., from version 3.0 to 3.1) will only be updates, patches, or fixes with no change to the cryptographic functionality, and that any other change to the software, including a change to the cryptographic functionality, will result in a change from version 3 to version 4.
- Item descriptions should not describe the purpose, use, or physical appearance of the product (this should be provided instead in the field “Overall Description of Goods and End-Use” in the EXCOL application form) nor include references to the Export Control List (self-assessments should be provided in the field “ECL No.” in the EXCOL application form).
- The Description is how the goods or technology will be identified on the export permit, which will also be verified against the Export Declaration submitted to the Canada Border Services Agency at the time of export.

An export permit issued for software will generally include the version number, as noted above (e.g., version 1.x). Changes to the version number to the left of the decimal (i.e., from version 1.x to version 2.x) require a new permit to be issued. In other words, if a permit is issued for version 1.1, the exporter may also use that permit to export versions 1.2 and 1.3 (assuming there has been no change to the cryptographic functionality). However, that permit may not be used to export version 2.1 of the same software. A new permit application should be submitted.

I.3.2. Application review period

The Export Controls Division makes every effort to review export permit applications as quickly as possible. The Export Controls Division has established service delivery targets for applications to export in order to provide applicants with timely service. Review times may vary according to the complexity of an application, the adequacy and completeness of the information presented in it, and the number of applications under review at any given time. Under normal circumstances:

- complete applications for many destination countries, including most European countries, Japan, South Korea, Australia and New Zealand, will be reviewed within 10 business days from the submit date in EXCOL or from the date of receipt in the Export Controls Division;
- complete applications to other destinations will be reviewed within eight weeks from the submit date in EXCOL or from the date of receipt in the Export Controls Division.

Permits are not required to export cryptography and information security goods or technology from Canada to the United States.

Applicants whose applications are incomplete will be asked to provide additional information within a specific time period. Incomplete applications may be returned without action in order for them to be submitted again at a later date when the required information is available to the applicant.

I.3.3. Validity periods for individual export permits

The default validity period for individual export permits for cryptography is two years. Exporters may request shorter or longer validity periods, up to 5 years. Individual applications may also be amended to extend the validity period by up to one year at a time (applications must be made through EXCOL at least 2 weeks before the expiry date of the existing permit – refer to the Export Controls Handbook for more information).

I.4. Multidestination export permits

The Export Controls Division issues several types of “multidestination” export permits for cryptographic items. These allow for exports to multiple destination countries without consignees being specified in the application. These permits differ according to the cryptography products that are intended to be exported and the terms and conditions that apply to the use of these permits. The following multidestination permits are currently issued by the Export Controls Division:

- EU+5 cryptography permit: this type of permit may authorize exports of hardware, software, source code or other technology controlled under Export Control List Group 1 Category 5 – Part 2: “Information Security”. Eligible destinations include all countries within the European Union (except Cyprus), Australia, Japan, New Zealand, Norway and Switzerland. There are no regular reporting requirements but export records must be maintained and provided to the Export Controls Division if requested.
- Broadbased permit: this type of permit is generally available to those applicants to whom an export permit has been issued in the past. It allows the export of hardware, executable software, and associated information and enhancements to a wide range of countries; it requires that all exports or transfers made using the permit be reported every six months. Applicants who have a history of non-compliance with previously issued export permits may apply for broadbased permits but will be subject to a shorter validity period.

I.4.1. Applications

Please contact the Export Controls Division if you wish to submit an application for a multideestination permit using EXCOL and have not done so before. You should send an email to tie.reception@international.gc.ca and request that your EXCOL profile to be set to enable applications for multideestination cryptography permits.

Applications for multideestination permits must include the following:

- Complete application form (generally done through our online system EXCOL)
- A completed cryptography and information security product questionnaire
- Technical description of the goods/technology. The Export Controls Division undertakes a technical assessment of the goods or technology listed in the export permit application to determine under which Export Control List Item(s) they fall. For this purpose, technical specifications of the export must be detailed and adequately describe the characteristics of the goods and services. Enough details must be provided to establish the true nature of the items. These could be provided in the form of drawings, data sheets, manuals, component lists, and so on. Marketing brochures may also provide useful additional information. The information that is submitted should make clear the type and function of the goods and provide key technical parameters.
- Cover letter using the template provided and confirming the exporter agrees to abide by the terms and conditions of the permit.

Some types of multideestination permits may require other supporting documents or information. Please refer to the detailed descriptions of each for more information.

Applicants/exporters must indicate the approximate quantity for each of the items they intend to export during the validity period of the proposed permit. Such quantity must be reasonable and within the commercial prospects of the intended exports. The applicant/exporter may be able to further justify their proposed quantity in their Cover Letter. Quantities that merely reflect “inventory numbers”, “catalog inventory” or “maximum possible quantities” will not be accepted and the corresponding application will be returned without action.

I.4.2. Application review period

The Export Controls Division makes every effort to review export permit applications as quickly as possible. The Export Controls Division has established service delivery targets to process permit applications in order to provide applicants with timely service. Review times may vary according to the complexity of an application, the adequacy and completeness of the information presented in it, and the number of applications under review at any given time. Under normal circumstances, complete applications for multideestination permits will be reviewed within 8 weeks from the submit date in EXCOL or from the date of receipt in the Export Controls Division.

Permits are not required to export cryptography and information security goods or technology from Canada to the United States.

Applicants whose applications are incomplete will be asked to provide additional information within a specific time period. Incomplete applications may be returned without action in order for them to be submitted again at a later date when the required information is available to the applicant.

I.4.3. Validity period for multideestination permits

The validity period for multideestination export permits for cryptography is 2 years.. Applicants whose product development cycles are shorter than 2 years may wish to request shorter validity periods since new versions of a cryptography item require the submission of a new application (and these new applications may include all previous versions of the same product).

I.4.4. Export Control Compliance Plan

A statement is required in the cover letter indicating that the exporter has implemented an export control compliance plan. Multideestination permits allow greater flexibility to exporters than individual permits, but also impose different conditions on them, in particular the requirement to submit certain reports at regular intervals. Failure to comply with these conditions may result in the suspension or cancellation of a multideestination permit. When this happens, an exporter cannot use the corresponding permit until full compliance has been restored and must apply for individual permits in the interim. Export control compliance plans may reduce the risk and consequences of non-compliance.

In general terms, an export control compliance plan consists of defined or prescribed processes and procedures to ensure that employees at all levels of a company understand and act in accordance with the letter and spirit of the Export and Import Permits Act, the Customs Act, other trade-related legislation (for example, on economic sanctions) and their related regulations.

The export control compliance plan should establish the steps and due diligence processes a company follows when planning, marketing, and shipping items included in the Export Control List to foreign clients, and should also cover download practices (if applicable). An important provision of such a plan is a defined process to provide a reasonable level of assurance (due diligence) that goods or technology may not be exported to unauthorized or illegitimate end-uses or end-users.

Attached to an export permit may be terms and conditions that constitute legal obligations on the company that uses that permit. An export control compliance plan should ensure that those terms and conditions are recorded and that internal company processes reflect and meet those obligations.

Other obligations on exporters of goods and technology subject to export controls are prescribed in the following sections of the Export and Import Permits Act:

- Subsection 10.2 (which requires exporters to make records available for inspection)
- Subsection 10.3 (which requires records to be kept)
- Section 13 (which prohibits exports of goods or technology included in the Export Control List except in accordance with an export permit)
- Section 16 (which prohibits the transfer of an export permit)
- Section 17 (which prohibits the furnishing of false or misleading information or any misrepresentation in relation to an export permit application)
- Section 18 (which prohibits any person from assisting another to contravene the Act or its regulations)

An export control compliance plan should also address procedures to deal with instances of non-compliance. For example, the Export Controls Division of Foreign Affairs, Trade and Development Canada should be promptly notified of any failure to comply with the provisions of the Export and Import Permits Act or the terms and conditions of any export permit issued under the authority of that Act.

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

J.1. Specific Information

In addition to the general guidance on export permit applications provided in section E, common scenarios for the export of firearms, firearms-related goods, and ammunition are provided at J.4, below, as well as on the internet at www.exportcontrols.gc.ca.

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

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

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

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

In filling out your application, please note that optical weapon sights without electronic image processing, with a magnification of 9 times or less, that are not specially designed or modified for military purposes, and do not incorporate any reticles specially designed for military use, do not require an export permit.

It is recommended that exporters apply for export permits to export firearms by using the [Export Controls On-line \(EXCOL\)](https://www.excol-ceed.gc.ca/Main-Principal/Home_Accueil.aspx)³³ secure website. Please refer to section E.2.3 above for more information on making an electronic application.

³³ https://www.excol-ceed.gc.ca/Main-Principal/Home_Accueil.aspx

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

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

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

J.2. Export Permit Requirements for Firearms

J.2.1. Exports to the United States

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

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

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

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

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

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

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

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

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

J.2.3. Other Requirements

Visitors may not, under any circumstances, import or export Prohibited firearms.

Canadian exporters are required to report the permanent export of all firearms to the Canada Firearms Program of the RCMP. It is recommended that copies of the Export Permit, foreign import authorization and any waybill issued by the carrier be provided to the Canada Firearms Program (<http://www.rcmp-grc.gc.ca/cfp-pcaf/index-eng.htm>) to support the exporter's claim of permanent export. A photocopy of the foreign import authorization should be included with the package when shipped.

J.3. Additional Considerations

If the firearms, ammunition, or firearms-related goods or technology proposed for export are "controlled goods" as defined in Part 2 of the *Defence Production Act*, registration under the Controlled Goods Program may be required.

See section F.9. above for more information about the Controlled Goods Program.

See Box 1 and section E.4.3. above for information about "controlled goods" and U.S. Export Authorizations.

J.4. Common Export Scenarios for Firearms, Related Goods, and Ammunition

J.4.1. Temporary Export for Overseas Competition

In addition to the specific information (see J.1, above), please be aware of the following instructions.

You should provide the following with your application:

- A cover letter outlining the proposed travel, to include dates, destinations, and a statement that the exporter is travelling to compete as either a team member or as an individual;
- If competing under the auspices of a sport regulating body (e.g. the Shooting Confederation of Canada), a letter from the regulating body confirming your status and participation at a given competition;
- A copy of the competitor's invitation to attend the event (general/open invitations are acceptable);

Other information:

- For "Consignee", you may enter your name, "Care of" the event and/or the event coordination authority, listing a physical address and contact name for the competition in the destination country.
- Export type is "Temporary"

J.4.2. Temporary Export for a Hunting Trip

In addition to the specific information (see J.1, above), please be aware of the following instructions.

An export permit is required in order to take hunting firearms and related magazines, riflescopes and ammunition outside Canada. You should provide the following with your application:

- A cover letter outlining the dates of travel and nature of the export (temporary) and some type of confirmation of your travel and its purpose (e.g. booking confirmation or invitation letter issued by your outfitter, flight itinerary, etc.). The letter should also state that the export is being made for personal use on the hunting trip and that the exported articles will return to Canada.

- Confirmation that you have import authority to bring your firearms into the foreign country, or a statement that you will arrange for such permission at the time of import at your destination (your outfitter might be able to assist you).

Some countries now require the presentation of a valid export permit as a pre-condition for their issuance of an import permit. Not having a Canadian export permit in your possession at the time of import to a foreign country may lead to travel delays and/or confiscation of your firearm.

In filling out your application, please note the following:

- You will be exporting the goods to yourself to the foreign address of your outfitter. The consignee information should be listed as: your name, "Care of" the name and address of your outfitter.
- When listing ammunition on your application, indicate the correct calibre, unit of measure, quantity and unit value where required. An example of a description of ammunition might be "375 H&H calibre sporting ammunition." Ensure that the noted unit value correctly reflects the unit of measure used. Generally, quantities and values are stated "per box" or "per cartridge".
- You are required to provide your self-assessment of the Export Control List numbers that apply to your export. In this scenario, exporters commonly use the following:
 - Firearms: For rifles, ECL Item 2-1.a; for shotguns, ECL Item 2-1.b
 - Optical weapons sights (riflescopes): ECL Item 2-1.d
 - Additional magazines: ECL Item 2-1.d
 - Ammunition: ECL Item 2-3.a.

J.4.3. Export of a firearm for repair (temporary export) or replacement (permanent export)

In addition to specific information (see J.1, above), please be aware of the following instructions.

A common error with this scenario is that the item to be exported is being sent for an evaluation of whether the item can be repaired or not. If the item is to be repaired and returned to Canada, then the export is of a temporary nature. If, however, the exporter believes that it is likely that the item cannot be repaired and is to be replaced, then the application should be for a permanent export. In this case, an import permit may then be required to have the replacement item enter Canada. Exporters who apply for a temporary permit and who then do not have the original item return to Canada may place themselves in violation of the conditions of their permit. It is the applicant/exporter's responsibility to ensure that the proper type of export is indicated on their application.

For firearms being returned for repair, supporting documentation should include:

- A written statement by the foreign consignee that the items proposed for export are to be repaired and will be subsequently returned to Canada.
- If the consignee is required to obtain an import permit for the firearms, or other permission or authority of their government to receive such items into their care, these documents should also be included with the export permit application.

J.4.4. Permanent export of a firearm by an individual

In addition to specific information (see J.1, above), please be aware of the following instructions.

You should provide the following with your application:

- A cover letter from the exporter clearly outlining the transaction entered into between the exporter and the consignee with regard to the proposed export.
- Documentation from the applicant/exporter showing that the firearms proposed for export are, where required, legally registered in Canada and a clear statement of, or documentary proof that, the exporter has the permission of the owner of the firearm (if on consignment or if the item is estate property) to export the firearm. If the firearms for export bear expired registration certificate information then a letter from the Canada Firearms Centre indicating that the option to export the firearms in question has been extended to the exporter may be required.
- A copy of a valid Firearms Licence held by the exporter for the legal classification of the firearm proposed for export.
- A valid foreign import authorization that clearly identifies the consignee and the firearm being exported. This documentation may take the form of an International Import Certificate, an Import Permit or Import Licence issued to the final consignee by the foreign firearms import authority, or a clear statement by the consignee noting the licencing authority exemption under which they are undertaking to import the firearm proposed for export from Canada.
- In the case of prohibited firearms being exported to the United States, a copy of a completed Form 6 issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives is commonly required as supporting documentation before an export permit may be issued.

J.4.5. Permanent export of a firearm by a business

In addition to the specific information (see J.1, above), please be aware of the following instructions.

You should provide the following with your application:

- A cover letter from the exporter clearly outlining the transaction entered into between the exporter and the consignee with regard to the proposed export.
- A copy of the exporter's Business Licence- Firearms as issued by the Canada Firearms Centre showing the requisite authorizations.
- Documentation from the applicant/exporter that the firearms proposed for export are legally registered in Canada (if required to be) and a clear statement/documentary proof that the exporter has the permission of the owner of the firearm (if held on consignment) to export the noted firearm. If the firearms bear expired registration certificates, then a letter from the Canada Firearms Center indicating that the option to export the firearm in question has been extended to the owner/exporter may be required.
- Clear end-use assurances (see relevant section in the Guide to Canada's Export Controls)
- Clear and complete technical information/specifications on the items proposed for export. In the case of firearms, a valid Firearms Reference Table (FRT) number is required.
- Controlled Goods Program Registration information if required (see the section on CGP in this supplement and in the Guide to Canada's Export Controls).
- US export authorization if required (see the section on CGP and US export above and in the Guide to Canada's Export Controls).
- Clear and correct descriptions of the items proposed for export that follows the parameters given in the Guide to Canada's Export Controls.

J.4.6. Export of prohibited firearms, prohibited weapons, or prohibited devices

In addition to the specific information (see J.1, above), please be aware of the following instructions.

Certain prohibited firearms, weapons, devices, or components thereof that are included on the Export Control List (ECL) may be exported only to destinations in the Automatic Firearms Country Control List (AFCCL). More information about the AFCCL is available on our website.

J.4.7. Export of firearms-related goods or ammunition, without firearms

In addition to the specific information (see J.1, above), please be aware of the following instructions.

The requirements are identical to those noted for firearms, except that firearms registration documentation need not be presented. However, an application to export any item that requires a valid licence to possess in Canada must be accompanied by the appropriate licencing documentation. Items that are not legally possessed in Canada may not be exported from Canada.

K. Import-related Documents

K.1. Import Permits

Canada has a range of goods over which it imposes import controls. These goods are listed on the *Import Control List*³⁴ of the *Export and Import Permits Act*. More information is available on the internet at www.exportcontrols.gc.ca. Certain military goods and firearms are controlled by paragraphs 70-73 and 91. Chemical Weapons Convention items are controlled by paragraph 74 of the Import Control List.

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

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

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

K.2. International Import Certificates

Important note: An International Import Certificate is meant to allow a foreign supplier to obtain the approvals it needs from its own government to allow the export of goods or technology to Canada. An International Import Certificate IS NOT AN IMPORT PERMIT and does not necessarily authorize the importation of such goods into Canada. If an Import Permit is required, please consult the following website: www.exportcontrols.gc.ca.

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

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

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

Applications for International Import Certificates may be submitted online using *Export Controls On-Line (EXCOL)*³⁵, click on *International Import Certificate* on the left-hand menu bar. Paper application forms are also available *on our website*³⁶.

An application for an International Import Certificate must present an accurate and complete reflection of the proposed transaction. The International Import Certificate is a

³⁴ <http://laws.justice.gc.ca/en/showtdm/cr/C.R.C.-c.604>

³⁵ https://www.excol-ceed.gc.ca/Main-Principal/Home_Accueil.aspx

³⁶ <http://www.international.gc.ca/controls-controles/assets/pdfs/forms/documents/EXT1020.pdf>

stand-alone document, meaning that the issued document will not be supplemented by attachments, invoices, statements, or letters at the time of issuance. The application should include the following information:

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

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

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

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

Incomplete International Import Certificate applications (e.g. without supporting documentation) or those with vague and/or inaccurate item descriptions may take longer to process and/or may be returned to the applicant without action.

K.3. Delivery Verification Certificates

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

Delivery Verification Certificate to its government in order to fulfill the conditions of a foreign export permit.

Applications for Delivery Verification Certificates may be submitted online using Export Controls On-Line (EXCOL) (from the EXCOL home page on the internet at https://www.excol-ceed.gc.ca/Main-Principal/Home_Accueil.aspx, click on Delivery Verification Certificate on the left-hand menu bar). Paper application forms are also available *on our website*³⁷.

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

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

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

- B3 Canada Customs Coding Form or CI1 Canada Customs Invoice, as submitted to the Canada Border Services Agency;
- Canada Border Services Agency Customs Entry Recapitulation;
- Entry waybill, manifest, bill of lading or cargo control document; and
- Commercial invoice.

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

³⁷ <http://www.international.gc.ca/controls-controles/assets/pdfs/forms/documents/EXT1046.pdf>

L. Further Information and Reference

L.1. Arms Export Statistics

There are two different sets of statistics on arms exports published by the Government of Canada. The two sets of statistics are collected from different databases, are used for different purposes, and are not compatible.

Foreign Affairs, Trade and Development (DFATD) compiles and releases an annual "*Report on the Export of Military Goods from Canada*"³⁸, which provides statistics on the export of goods and technology identified on the "Munitions List" section of Canada's Export Control List (ECL). Items on the "Munitions List" are used mostly by military and police forces for reasons of defence and security.

The Canada Border Services Agency (CBSA) and Statistics Canada collect information on ALL items exported from Canada, and classify these items using categories negotiated by the World Customs Organization (WCO). The WCO chapter on "Arms and Ammunition" includes some items that appear on the "Munitions List." However, it also includes items not on the "Munitions List" (for example, paintballs, ammunition used to frighten birds at airports, flare guns and certain equipment for oil and gas exploration). CBSA and Statistics Canada information is made available on Industry Canada's website as "Trade Data Online" and on Statistics Canada's website as the "Canadian International Merchandise Trade Database."

L.1.1. Report on Exports of Military Goods from Canada

Statistics relating to the export of military goods and technology, including conventional arms and ammunition, can be found in the "Report on Exports of Military Goods from Canada" published by DFATD. These statistics are based on the export of military goods and technology as identified in the Munitions List (Group 2) of Canada's Export Control List, which reflect commitments made in the multilateral Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and commitments made in the Organization of American States, as well as certain additional unilateral controls implemented by Canada. Canada's export control regime, including the Export Control List, is established and administered under the authority of Canada's Export and Import Permits Act.

Other statistics regarding the export of arms and ammunitions can be found on other government sites such as Industry Canada's "Trade Data On-Line" and Statistic Canada's "Canadian Industrial Merchandise Trade Database". This data is compiled based on categories of items negotiated at the WCO for the purpose of applying global customs tariff codes. The "Arms and Ammunitions" category of items negotiated via the WCO does not, in many cases, reflect what many countries would consider conventional arms and ammunition. (For example, goods such as flare guns used in oil and gas drilling, ammunition to frighten birds at airports, etc. may be listed under the "Arms and Ammunition" coding). The Canadian Commercial Corporation also generates their own export data based on contracts between Canadian suppliers and military end-users. Again, these statistics may include items which are not strictly military in nature, such as storage containers.

³⁸<http://www.international.gc.ca/controls-controles/report-rapports/mil-2012-2013.aspx?lang=eng>

L.2. Websites

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

L.3. Commonly Used Export Controls Acronyms

ACL	Area Control List
AFCCL	Automatic Firearms Country Control List
AG	Australia Group
AMPS	Administrative Monetary Penalty System
B13A	Export Declaration Form
CAED	Canadian Automated Export Declaration
CBSA	Canada Border Services Agency
CGP	Controlled Goods Program
CNA	Canadian National Authority
CNSC	Canadian Nuclear Safety Commission
CWC	Chemical Weapons Convention
DFATD	Foreign Affairs, Trade and Development Canada, also known as the Department of Foreign Affairs, Trade and Development
DPA	<i>Defence Production Act</i>
DVC	Delivery Verification Certificate
ECL	Export Control List
EIPA	<i>Export and Import Permits Act</i>
EUC	End-Use Certificate
EUS	End-Use Statement
EXCOL	Export Controls On-Line (https://www.excol-ceed.gc.ca/Main-Principal/Home_Accueil.aspx)
EXT-1042	Application for Permit to Export Goods (paper form)
EXT-1719	Information on Logs in Support of Federal Application EXT-1042
GEP	General Export Permit
ICL	Import Control List
IIC	International Import Certificate

IL	Import Licence
MDP	Multiple Destination Permit
MTCR	Missile Technology Control Regime
NPT	Nuclear Non-Proliferation Treaty
NSCA	<i>Nuclear Safety and Control Act</i>
NSG	Nuclear Suppliers' Group
OPC	Open Policy Countries – like-minded countries that belong to the same export control regimes as Canada and that have effective export controls
TIE	An administrative identifier for the Export Controls Division
UN	United Nations
WA	Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technology
WMD	Weapons of Mass Destruction

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