

Country: CANADA



MARKET ACCESSIBILITY General Requirements

May 2020

Table of Contents

Report's Info	3
Introduction	3
Date	3
Sources	3
General Requirements	4
Advance Commercial Information (ACI)	4
General Declaration for Aircraft	4
General Declaration for Vessels	4
Pre-Arrival Notice for Vessels	4
Manifest	5
Customs Cargo Control	5
Customs Import Declaration	6
Canadian Customs Invoice	6
Commercial Invoice	6
Packing List	6
Certificate of Non-Preferential Origin	7
Proof of Preferential Origin	7
Air Waybill	8
Bill of Lading	8
Tariff codes	9
Preferential Treatment	9
Registration	9
Import Requirements	9
Wooden Packaging	10
Commercial Samples	10
Information with regard to the COVID-19 crisis	11

Report's Info

Introduction

This report contains an examination of the general administrative requirements of accessibility of the **Canadian market**.

The obligations indicated concern not only those of the exporter, but also all those particular conditions which are inherent to the goods in question and which the exporter should know so that the analysis of the accessibility of the market is as complete as possible.

Date

This report was drawn up on **5 May 2020**, therefore all the regulations cited are deemed to be up to date on that date.

Sources

The following sources were consulted for the preparation of this report:

Market Access Database :

<https://bit.ly/3gsV7vX>;

Practical Guide - User's Guide Ice Agency :

<https://bit.ly/2XdpNty>;

Safe food for Canadians regulation :

<https://bit.ly/36FiZI9>.

General Requirements

Advance Commercial Information (ACI)

The Advance Commercial Information (ACI) programme requires importers to submit electronic pre-arrival cargo information to the Canadian customs authorities.

In addition, further documentation is to be provided, depending on the means of transport, e.g. the following:

- General Declaration for Aircraft
- General Declaration for Vessels
- Pre-Arrival Notice for Vessels
- Manifest.

General Declaration for Aircraft

A document reporting the details of the aircraft and its cargo to the customs authorities.

Required for customs surveillance.

The responsible authority is the Canada Border Services Agency (CBSA), CA-Ottawa, Ontario, K1A 0L8, phone numbers: +1 204 9833500, 506 6365064.

The official form of the Canada Border Services Agency (CBSA) may be replaced by a similar version prepared by the applicant if it contains all relevant information.

The General Declaration for Aircraft is to be submitted by the carrier.

The form is to be completed or prepared in English

or French.

To be submitted in one copy or electronically (only applicable to registered EDI clients).

To be submitted together with the Advance Commercial Information. Please turn to the quoted document for additional details of the mandatory timeframes.

General Declaration for Vessels

A document reporting the details of the ship and its cargo to the customs authorities.

Required for customs surveillance.

The responsible authority is the Canada Border Services Agency (CBSA), CA-Ottawa, Ontario, K1A 0L8, phone numbers: +1 204 9833500, 506 6365064.

The General Declaration for Vessels is to be submitted by the carrier.

The form is to be completed or prepared in English or French.

To be submitted in three copies or electronically together with the Advance Commercial Information. Please turn to the quoted document for additional details of the mandatory timeframes.

Pre-Arrival Notice for Vessels

A document reporting and controlling cargo imported by marine carriers. Required for customs surveillance.

The responsible authority is the Canada Border Services Agency (CBSA), National Targeting Centre, CA-Ottawa, Ontario, K1A 0L8, phone numbers: +1 613 9578108, 855 6821262, fax number: +1 613 9601556.

To be completed by the carrier in English or French.

To be submitted by fax, or by e-mail via CBSA-ASFC-PANS-APA@cbsa-asfc.gc.ca.

To be submitted together with the corresponding general declaration and Advance Commercial Information. The particulars may be submitted up to 30

days in advance, but no later than within 96 hours prior to the intended arrival of the vessel.

Manifest

It is a document providing the Canada Border Services Agency (CBSA) with details of any means of transportation prior to its arrival. It is also referred to as eManifest. Required for customs surveillance and risk assessment.

Under certain circumstances, the CBSA may require a re-manifest for cargo to be entered into the country, e.g. if the destination is to be changed from the one indicated on the original Manifest, if the liability for duties and taxes is to be transferred to another bonded carrier or if the shipment is to be split into two or more for furtherance. However, the authorities may also allow the movement of cargo on the original Manifest without a re-manifest, e.g. for unreleased air cargo to be moved from the first point of arrival to a destination primary warehouse that is licensed to receive the air shipments indicated on said document without a re-manifest.

The responsible authority is the Canada Border Services Agency (CBSA), CA-Ottawa, Ontario, K1A 0L8, phone numbers: +1 204 9833500, 506 6365064.

The advance information is to be submitted electronically by the carrier to the CBSA at the place of entry. A prerequisite for the electronic submission is the Registration as EDI Client.

For road and rail freight, carriers may also submit the eManifest data via the eManifest portal at <https://www.cbsa-asfc.gc.ca/prog/manif/portal-portail-eng.html> (users must have an account in this system in order to do so).

The dataset to be forwarded consists of conveyance data and data relating to the particular cargo on the means of transportation.

Cargo and conveyance data may be transmitted up to 30 days in advance.

The advance information is to be submitted within the following timeframes:

- for commercial aircraft and air cargo: at least four hours before the arrival of the aircraft or at the time of departure if the duration of the flight is less than four hours
- for vessels and other sea cargo:
 - for goods in cargo containers: at least 24 hours before loading;
 - for bulk and break-bulk goods: at least 24 hours before the arrival of the vessel in Canada
 - for all other goods (including empty cargo containers not intended for sale except for such empty containers arriving from the United States of America - USA): at least 96 hours before the arrival of the vessel in Canada
 - if the duration of the voyage is less than the respective timeframe: before the departure of the vessel
- for road cargo: at least one hour before the arrival at the border
- for rail cargo: at least two hours before the arrival at the border.

Customs Cargo Control

A document summarising all goods being presented to the customs authorities. The document aims at initial record of the shipment's arrival and is also used for all shipments moved in-bond to an inland customs office, sufferance warehouse or bonded warehouse. Required for customs clearance.

The responsible authority is the Canada Border Services Agency (CBSA), CA-Ottawa, Ontario, K1A 0L8, phone numbers: +1 204 9833500, 506 6365064.

To be completed by the carrier in English or French.

To be submitted by the importer or owner of the goods in quintuplicate or electronically (only applicable to registered EDI clients).

Customs Import Declaration

Official form for the customs clearance of goods.

The responsible authority is the Canada Border Services Agency (CBSA), CA-Ottawa, Ontario, K1A 0L8, phone numbers: +1 204 9833500, 506 6365064.

To be completed in English or French.

To be submitted by the importer or owner of the goods in duplicate or electronically (only applicable to registered EDI clients).

Canadian Customs Invoice

A document containing the details of the transaction.

Required for customs clearance if the FOB value of the goods exceeds 2 500 CAD or if the goods qualify for an unconditional duty-free entry regardless of the selling price and if the Commercial Invoice does not contain all relevant information.

The official form of the Canada Border Services Agency (CBSA) may be replaced by a similar version prepared by the applicant if all relevant information is provided.

The form is to be completed or prepared by the importer or the supplier on a company letterhead in English or French.

To be submitted in duplicate or electronically (only applicable to registered EDI clients; please refer also to the document entitled Registration as EDI Client).

Commercial Invoice

A document containing the details of the transaction.

Required for customs clearance if the FOB value of the goods is below 2 500 CAD. For shipments above 2 500 CAD, a Canadian Customs Invoice is required. This document may, however, be replaced by the Commercial Invoice if the latter contains all relevant information.

No specific form required.

The invoice is to be prepared in English or French.

To be submitted in duplicate or electronically (only applicable to registered EDI clients).

Packing List

A document containing the details of the shipment and serving as a basis for the customs treatment of goods.

May be required for customs clearance. If the Commercial Invoice contains all the specifications usually included in a Packing List, a separate Packing List is not required.

No specific form required.

The Packing List is to be prepared by the exporter in English or French according to standard business practice, including details of the content of the packages, description of the goods, marks and numbers.

To be submitted in one copy.

Certificate of Non-Preferential Origin

A document certifying the non-preferential origin of the goods to be imported.

Only required if specifically requested by the importer, by the customs authorities or by other authorities involved in import procedures. In particular, the customs authorities may demand the provision of the certificate if they have any doubt as to the origin of the goods.

The certificate is to be submitted by the exporter. Certificates of non-preferential origin are usually issued by the competent chamber of commerce. In some countries, however, this responsibility may also be assigned to other bodies such as ministries or customs authorities.

To be submitted in the original.

The European Union (EU) customs legislation based on the Union Customs Code (UCC) does not provide for rules of origin for non-preferential trade for exported goods. However, where the exigencies of trade so require, a document proving origin may be issued in the EU.

The non-preferential origin is to be determined in accordance with the rules of origin in force in the country or territory of destination or any other method identifying the country where the goods were wholly obtained or underwent their last substantial transformation.

There is no longer a format of an EU Certificate of Origin laid down in the EU customs legislation. The international and European organisations of chambers of commerce have, however, issued guidelines containing models for a certificate of origin.

In the EU Member States, certificates of origin usually are to be applied for by the exporter at the local chamber of commerce.

The application procedure, including the possibility

of electronic application, may vary with the issuing institution.

The verso of the certificate may be used for declarations of the exporter.

Proof of Preferential Origin

A document confirming the preferential origin of the goods to be imported.

Only required if preferential treatment under a free trade agreement or arrangement is claimed.

For the preferential trade relations of Canada, please see the section on Preferential Treatment in the Overview of Import Procedures.

Goods may be eligible for preferential treatment if they have been either wholly obtained or preferential origin has been conferred by sufficient working or processing as per the product-specific rules of origin.

The Proof of Preferential Origin is to be submitted by the exporter.

Formal proofs of origin are usually issued by the competent customs authorities. In case non-formal proofs of origin are foreseen by the relevant rules of origin, these are made out by the exporter.

A Proof of Preferential Origin may replace a Certificate of Non-Preferential Origin, subject to acceptance by the customs authorities in the country of import. The origin protocol of the free trade agreement between Canada and the European Union (EU) stipulates the proofs of origin and the corresponding rules for the determination of preferential origin.

The exporter may declare the preferential origin of goods on the Commercial Invoice or any other commercial document which describes the products concerned in sufficient detail to enable them to be identified.

In case the ex-works price of the shipment does not exceed 6 000 EUR, the origin declaration may be

made out by any exporter. For shipments with a value exceeding 6 000 EUR, only registered exporters ('REX') may prepare the declaration. In this case, their registration number is to be indicated.

The text of the origin declaration is to correspond to the stipulated wording in one of the official languages given in the protocol of origin, as displayed in the following sample: "*The exporter of the products covered by this document (customs authorisation No ...) declares that, except where otherwise clearly indicated, these products are of ... preferential origin*".

This declaration is to be signed by the exporter. Place, date and the name of the person signing are to be indicated in clear script. However, Article 19.3 of the origin protocol provides an exception to the requirement of the exporter's signature. Where the exporter is not required to sign, the exemption of the signature also implies the exemption of the name of the signatory.

The proof of preferential origin is valid for twelve months from the date of issue in the exporting country and is to be submitted within said period to the customs authorities of the importing country.

The origin declaration may also be completed for multiple shipments of identical originating products within the meaning of Article 19.5 of the origin protocol. In this case, the period of time for which the origin declaration will apply has to be indicated (period: from ... to ...). The period of time must not exceed twelve months.

Air Waybill

A document containing the details of the international transportation of goods by air and proving the transport contract between the consignor and the carrier's company. Required for customs clearance.

To be prepared by the carrier or his agent.

No specific form required, provided that the document corresponds to the applicable conventions regarding both form and content, which in practice leads to a large scale standardisation of the employed forms.

Usually issued in English.

The Air Waybill consists of a set of forms, three of which are originals and the rest are copies. The first original, usually green, is kept by the carrier, the second (red) is intended for the consignee and the third (blue) is for the purposes of the shipper. The fourth form (copy), usually yellow, is a delivery receipt, the extra copies, usually white, may be required at the airports of departure and destination and in some cases for further freight carriers or agents.

One Air Waybill may be used for the multiple transshipment of goods.

Bill of Lading

A document containing the details of the international transportation of goods by sea. It serves as proof of receipt of goods by the carrier. Furthermore, it serves as a transportation contract obliging the carrier to deliver the goods to the consignee. The Bill of Lading is a document of title to goods, thus its bearer is the owner of the goods. If goods are shipped by sea without a document of title to goods, a Sea Waybill¹ is used instead.

Required for customs clearance.

To be prepared by the carrier or his agent as a clean or unclean Bill of Lading. No specific form required, provided that the document corresponds to the applicable conventions regarding both form and content, which in practice leads to a large scale standardisation of the employed forms.

Usually issued in English.

¹<https://madb.europa.eu/madb/viewPageIFPubli.htm?countryid=CA&hscod=0210&doc=swb.html>.

Three full sets of the Bill of Lading are usually issued, each containing an original and several copies. The clean Bill of Lading states that the goods are received in apparent good order and condition, whereas the unclean Bill of Lading indicates that goods received are damaged or in bad order ("g.b.o."). If an unclean Bill of Lading is issued, the financing bank may refuse to accept the consignor's documents.

Tariff codes

The tariff codes correspond to the current Canadian customs tariff based on the Harmonized System (HS) 2017; Canada applies the HS on the basis of the HS Convention in case of doubt as regards the correct classification of merchandise with the Canadian tariff number, an Advance Ruling may be applied for at the Canada Border Services Agency (CBSA). The advance ruling number subsequently issued by the CBSA may be stated on the related commercial documents.

Preferential Treatment

The Comprehensive Economic and Trade Agreement (CETA) between the European Union (EU) and Canada is being provisionally applied since 21 September 2017.

Goods which are originating products in the sense of the agreements or arrangements above may benefit from preferential treatment in Canada.

Registration

All local and foreign companies must be registered with the Canada Revenue Agency in order to obtain a Canadian Business Number (BN). The registration may be applied for at any Canadian tax services office. Thus, non-resident importers who have obtained

a BN may act as "importers of record".

If the European Exporter has got an authorized importer in Canada, it doesn't need to register itself, but it is good to know if its partner is registered in its own country.

Import Requirements

The Canadian Government has established the so-called BizPaL online portal, which offers access to information on permits, licences and other requirements to be fulfilled in order to establish and operate businesses. Importers may thus generate a checklist of requirements by selecting the location, type and intended activities of their business and thereby obtain information on the necessary federal, provincial, territorial and municipal endorsements, the competent government bodies and the procedural details. The portal may be accessed free of charge at: www.bizpal.ca.

In general, import documents should be prepared in English or French. The majority of Canadian application forms are either bilingual or available in both languages. Québec, however, may request to use only French.

The Canadian Border Service Agency (CBSA) provides a range of service options to established importers which aim at facilitating the clearance procedures. Many of these initiatives involve EDI as a replacement of paper submission. The procedure for becoming an EDI user depends on the kind of commercial operator and the data to be submitted or received. Please refer to the document Registration as EDI Client.

Not only in view of the periodic amendments of the HS, commodity codes and related descriptions included in commercial documents should always contain a reference to the nomenclature basis, e.g. HS 2012 or HS 2017 (please refer to the section on the

Harmonized System above). In case the commodity codes indicated go beyond the six-digit level of the HS and refer to the tariff nomenclature of the destination country, these codes should be adjusted with the importer.

Exporters should bear in mind that besides officially required documentation, additional necessities may result from contractual agreements with the importer. If a sales contract or a letter of credit (L/C) stipulates that particular documents are to be supplied by the exporter, their provision constitutes an obligation, regardless of official requirements. Moreover, customs or further authorities may request additional documentation if they consider the information given in the customary documentation as insufficient or doubtful. Besides necessities of the authorities, importers or forwarders, requirements for import documentation are also influenced by trade practice.

Wooden Packaging

Canada has adopted the standards approved by the International Plant Protection Convention (IPPC) for the movement of wood packaging material (WPM), i.e. the International Standard for Phytosanitary Measures (ISPM) No. 15. According to these regulations, wood packaging must be heat-treated or fumigated with methyl bromide and be marked with the IPPC logo. As an alternative to this mark, the WPM may also be accompanied by a respective Phytosanitary Certificate.

Consignments containing wood packaging may be subjected to an inspection by the Canada Food Inspection Agency (CFIA) to determine if the requirements are met. Importers must pay all costs arising from this inspection.

Non-compliant WPM will be ordered to be removed from Canada and may have to be fumigated

with methyl bromide before its removal. Such costs are to be borne by the entity having custody of the non-compliant WPM.

Commercial Samples

The Canada Border Services Agency provides for a duty- and tax-free entry of commercial samples in the case that the following requirements are met:

- the samples must be of a negligible value. That is, the duties and taxes otherwise paid or payable on the goods must not be more than 2 CAD.

Furthermore, the sole use of the goods entered as samples must be to solicit orders for such goods. These goods must be supplied directly from abroad. Only one sample of each kind or quality is allowed under these circumstances, except for such goods which are consumed or destroyed during demonstration (e.g. foodstuffs, non-alcoholic beverages, perfumes or chemical products). In these exceptional cases, the goods must be packaged in such way that they may not be used for any other intention than to be used as samples.

In some cases, the customs authorities may require that the products be rendered useless as merchandise in such way as not to destroy its usefulness as a sample (e.g. by means of marking, tearing, perforating or gluing).

It is furthermore noteworthy that particular stipulations exist for certain kinds of samples in the scope of different trade agreements, e.g. the North American Free Trade Agreement (NAFTA), i.e. the future United States-Mexico-Canada Agreement (USMCA).

As Canada is a member of the Customs Convention on the Temporary Admission of Goods (A.T.A. Convention), the option for a temporary entry of goods under an international carnet also generally exists.

Please refer to the section on International Agreements as well as to the document Carnet A.T.A. for further details.

For further information, please contact the customs authorities as follows: Trade Incentives and Refunds Unit, Tariff Policy Division, Trade Programs Directorate, Admissibility Branch, Canada Border Services Agency, 8th Floor, 150 Isabella Street, CA-Ottawa, Ontario K1A 0L8, phone number: +1 613 9546878, fax number: +1 613 9523971.

Information with regard to the COVID-19 crisis

Following the outbreak of the COVID-19 and its characterisation as a pandemic by the World Health Organization (WHO), the Canada Border Services Agency (CBSA) recognised that the impact of the

Disease may result in difficulties regarding a timely accounting for imported goods. By virtue of Customs Notice 20-10 of 19 March 2020, the CBSA decided to provide for a 45 business days grace period for late accounting penalties. Clients will not have to submit an application to have late accounting penalties waived. Said Notice applies to transactions released from 11 March to 14 May 2020, inclusively, subject to reviews and potential updates as the situation evolves.

The authorities furthermore announced that the movement of goods across the Canadian border with the United States of America (U.S.) and the facilitation of trade during COVID-19 will continue, despite of corresponding notices to close the border to all non-essential traffic, as the latter notion refers to the movement of persons.

Further measures may be announced at short notice.