



KWE CANADA COMPLIANCE

MEMO 2010 . X

1. CANADIAN CHAMBER OF COMMERCE (CCC) DOCUMENT CERTIFICATION: Canadian exporters should note that, in response to increased scrutiny by foreign embassies and customs authorities and by the Canadian government itself, the CCC has reviewed its policies concerning document certification. Further to that review it has decided not to certify, among other documents, *NAFTA* Certificates of Origin, certificates of value, composition or analysis, insurance or fumigation, or any documents issued in a language other than French or English. As well, parties requiring the services of a Commissioner of Oaths should be advised that these services are not available through the CCC.

The CCC does however offer an eCertification service for those documents it will certify. For eCertification it charges 30\$ (member rate) and 40\$ (non-member rate) per request, and though these fees are slightly higher than the corresponding "manual" certification fees, given improved turn-around times and other efficiencies eCertification may make sense. EMail certification@chamber.ca for a demonstration of this on-line certification service.

The CCC continues as the body in Canada concerned with the issuance of A.T.A. Carnets.

2. BARLEY PRODUCTS TARIFF RATE QUOTA: The under access Tariff Rate Quota (TRQ) for barley products will be exhausted by November 19, 2010. All barley products which are contemplated under items 183 through 191 of the Import Control List (ICL) must be accounted for on or before that date, or be subject the above access TRQ rates until the quota re-sets in the new year. Note that a shipment of subject goods in transit to Canada on 19 November, 2010, or even released from customs control into Canada but as of that date not officially accounted for, will be subject to the appropriate over access rate.

The TRQ system provides for low, under-access duty rates for certain agricultural commodities and products (among other things) *up to* a threshold quantity of imports in the year. After this quantity has been imported, the under access rates shut down and the higher—sometimes prohibitively high—over access rates come into effect. It is, accordingly and obviously, in the interest of the importer of the subject products to try to import such goods during the period the under-access rates are available.

3. ELIMINATION OF ITINERANT CARRIER CODE 77YY: The Canada Border Services Agency (CBSA) will require non-bonded carriers of commercial goods into Canada to make [Application to Transact Non-Bonded Highway Carrier Operations at the Point of Arrival in Canada](#). This is Form BSF329-7, and it replaces Form E369. Anyone contemplating moving commercial goods into Canada by road using a non-bonded vehicle should make this application well in advance of the date of intended crossing.

4. INVENTORYING GOODS DUTY- AND VAT-DEFERRED IN THE EUROPEAN UNION (EU): Canadian exporters should be aware that it is possible to warehouse in the EU goods duty- and VAT-deferred, and only pay applicable duty and VAT at such time as a

sale may be made and the goods are ex-warehoused for delivery to the purchaser within the EU. There are many advantages in this, beyond even the obvious one noted—that it will improve cash flow to hold goods locally in the target market while payment of duty and VAT are postponed until such time as the goods have been sold; and interested Canadian exporters are well-advised to investigate these benefits on-line at, among other places, [the EU Website](#).

5. ACI-EMANIFEST: eManifest in the highway mode was scheduled for roll-out 1 November, 2010. Cross border shippers or carriers will be required to file electronic manifests one hour prior to the arrival of the goods at the Canadian border.

6. PARING BACK OF THE NUMBER OF HS CLASSIFICATION CODES: Statistics Canada is planning to reduce the number of 10 digit HS classification codes by some 8440 classifications.

7. ANTI-DUMPING DUTY IMPOSED ON GREENHOUSE BELL PEPPERS: On October 19, 2010, the Canadian International Trade Tribunal (CITT) issued a finding under s. 42 of the *Special Import Measures Act* (SIMA) that imports of greenhouse bell peppers originating in or exported from the Netherlands have not caused—but threaten to cause—injury to the domestic industry. Since in its final determination the CBSA previously found these goods to be sold into the Canadian market at either (1) less than they are sold in the Netherlands or (2) less than their cost of production, anti-dumping duties on imports going forward will apply.

8. REMISSION OF 25% DUTY ON CARGO VESSELS AND TANKERS: The *Ferry-Boats, Tankers and Cargo Vessels Remission Order, 2010*, remits the 25% duty otherwise payable on imports of ferries, tankers and cargo vessels in excess of 129 metres long. This should improve competition within the industry and ultimately result in lower costs to the Canadian consumer of products carried.

9. CANADA—EUROPEAN UNION (EU) TRADE AGREEMENT: On 19 October the Minister for International Trade, the Honourable Peter Van Loan, launched the fifth round of negotiations toward a trade agreement between Canada and the EU. Currently there are 27 member countries in the EU: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

A trade agreement was earlier concluded, in 2006, between Canada and Iceland, Liechtenstein, Norway and Switzerland.

10. IMPORTING FRESH FRUIT OR VEGETABLES: In order to import fresh fruit or vegetables on or after December 1, 2010, a declaration of the importer's Canadian Food Inspection Agency (CFIA) federal produce licence number or, alternatively, its Dispute Resolution Corporation (DRC) membership number, must be made in box 22 of the Confirmation of Sale form, for paper entries, and for EDI entries in the "registration Requirements" field.



11. CUSTOMS NOTICE CN10-018 & THE IMPORT OF GOODS CONTAMINATED WITH SOIL: Goods contaminated with soil are not admissible into Canada in that state. If after 1 February, 2011, goods are discovered to be contaminated with soil, they may be moved to a restricted CBSA-controlled area and cleaned using a mobile wash facility approved by the CFIA, provided there will be no risk of soil falling away during transport to the CBSA-controlled area and provided of course there is this capacity available. All costs for cleaning and movement of the freight/cargo must be borne by the importer.
If for any reason the soil cannot be cleaned off safely, entry will be denied.

PLEASE CONTACT ME FOR FURTHER INFORMATION