



PLANT HEALTH DIVISION PLANT PRODUCTS DIRECTORATE CANADIAN FOOD INSPECTION AGENCY 59 Camelot Drive Nepean, Ontario, Canada K1A 0Y9 Tel: (613) 225-2342; Fax: (613) 228-6602	D-97-04
	(EFFECTIVE DATE) January 10, 2005 (7th Revision)
Title: APPLICATION, PROCEDURES, ISSUANCE AND USE OF A PERMIT TO IMPORT UNDER THE <i>PLANT PROTECTION ACT</i>	

File
3525-8

SUBJECT:

This directive contains policy information on how to apply for a Permit to Import, including the issuance and amending of Permits to Import granted under the authority of Section 32 or 43 of the *Plant Protection Regulations*.

This Revision contains an amendment to section 2.2. The Canadian Food Inspection Agency (CFIA) will no longer accept applications for Permits to Import submitted by Brokerage firms on behalf of their clients.

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Review

This directive will be reviewed every three years unless otherwise needed. The next review date for this directive is January 10, 2008. The contact person for this directive is Joanne Rousson. For further information or clarification, please contact the Export/Import Section of the Plant Health Division.

Endorsement:

Approved by:

<hr/> <p>Director Plant Health Division</p>

Amendment Record:

Amendments to this directive will be dated and distributed as outlined in the distribution below.

Distribution:

1. Directive mail list (Regions, USDA)
2. Provincial Government, Industry (via Regions)
3. National Industry Organizations (determined by Author)
4. Internet

Introduction:

According to section 29 of the *Plant Protection Regulations*, an importer must obtain a Permit to Import before a regulated commodity is permitted to enter Canada. Information concerning regulated commodities can be obtained from the Automated Import Reference System (AIRS) Website: <http://airs-sari.inspection.gc.ca/AIRS/airs-sari.asp>. An importer must obtain a Permit to Import for a regulated commodity before it is exported from the country of origin, because the permit may specify certain import conditions (e.g. treatments at origin, additional certification requirements) which the importer, in turn, must forward to the exporter before the commodity is shipped to Canada. The application for a Permit to Import enables the CFIA to advise an applicant whether the material they intend to import is prohibited or restricted from entering Canada. Therefore, a person is advised to apply for a Permit to Import well in advance (e.g., 6 weeks) of the shipment being exported from the country of origin.

Scope: This directive is intended for use by CFIA staff and Canadian importers and their agents (e.g., brokers).

This directive supercedes D-97-04 (6th Revision), dated February 27, 2004.

Definitions, Abbreviations and Acronyms:

CFIA: Canadian Food Inspection Agency

Origin: The country where the thing was grown, raised, cultured or produced.

Pest Risk Assessment means a pest risk assessment conducted by the Minister in accordance with the principles of the International Standards for Phytosanitary Measures, Part I - Import Regulations, Guidelines for Pest Risk Analysis, published by the Food and Agriculture Organization of the United Nations, as amended from time to time, with the definition "pest" in those guidelines being replaced by the definition "pest" in section 3 of the *Plant Protection Act*, for the purpose of

(a) determining if a thing is a pest, is or could be infested or constitutes or could constitute a biological obstacle to the control of a pest,

(b) recommending actions, as applicable,

(i) to prevent the introduction into Canada or the spread within or from Canada of any pest or biological obstacle to the control of a pest, or

(ii) to control a pest or to eradicate a pest or biological obstacle to the control of a pest,

(c) determining if a thing that is a pest or biological obstacle to the control of a pest has a significant adverse effect on the environment, and

(d) minimizing the degradation of environmental quality with respect to Canadian flora.

1.0 General Requirements:

1.1 Legislative Authority:

The Plant Protection Act, S.C. 1990, c.22

The Plant Protection Regulations, SOR/95-212

Canadian Food Inspection Agency Fees Notice, Canada Gazette, Part 1 (05/13/2000)

1.2 Fees:

The CFIA is charging fees in accordance with the *Canadian Food Inspection Agency Fees Notice*. For information regarding fees associated with imported product, please contact the Import Service Centres (ISC) at the following phone numbers: Eastern ISC 1-877-493-0468; Central ISC 1-800-835-4486; Western ISC 1-888-732-6222. Anyone requiring other information regarding fees may contact any local CFIA office or by visiting the CFIA web site at www.inspection.gc.ca.

Please note that the permit applicant is responsible for ensuring that their application form is submitted only once to the Permit Office. If the application form is inadvertently submitted a second or numerous times, the applicant will be assessed the appropriate fee for each application.

Before issuing a Permit to Import, the CFIA may inspect the applicant's facilities/premises to determine their ability to be in compliance with the conditions to be stated on the Permit to Import. In these cases, the CFIA will recover from the applicant the fee payable for each inspection.

2.0 Specific Requirements:

2.1 Types of Permits to Import:

There are two types of Permits to Import, those issued pursuant to section 32 and those issued pursuant to section 43 of the *Plant Protection Regulations*. Generally, section 32 permits are issued in those situations where the material intended for importation is not prohibited entry into Canada and specific requirements such as treatment at origin, requirement for a Phytosanitary Certificate or another import document (e.g., certificate of origin) may be required.

Section 43 permits are issued only in those situations where the material intended for importation is a pest (e.g., insect & disease cultures), is prohibited entry into Canada, has a high risk of being infested with a quarantine pest, or cannot be certified to meet Canadian phytosanitary import requirements. A permit may be issued pursuant to section 43 of the regulations only if the material is imported for the purpose of being used for scientific research, educational, processing, industrial or exhibition purposes.

- 2.1.1 To qualify for "scientific research" under a section 43 permit, the material intended for importation must be
- (A) destined for a research laboratory owned and operated by a chartered academic institution, a federal, provincial, municipal or native self government, a research & development section of a corporation or a private laboratory which has been approved by CFIA to conduct scientific research;
 - (B) contained within a research laboratory / facility, grown in a green house or field planted by a researcher with the appropriate academic qualifications who is an employee of the research organization or institution; and
 - (C) safeguarded, treated or disposed (e.g., incinerated, autoclaved) of in accordance with the Permit to Import conditions upon completion of the research project, unless the importer is authorized by the Plant Health Division to maintain the material for further propagation or as part of a collection or a reference bank.

When applying for an import permit for scientific research purposes, the permit applicant must provide the CFIA with an outline / description of the proposed research project.

- 2.1.2 To qualify for "educational purposes" under section 43 of the regulations, the material intended for importation must be destined for a federal or provincial owned and operated school, a chartered academic institution or institutions such as museums or zoos and used on the institution's property for teaching purposes.
- 2.1.3 To qualify for "exhibition purposes" under section 43 of the regulations, the material intended for importation must be destined for an exhibition / show in Canada. (also see D-94-31)
- 2.1.4 To qualify for "processing or industrial purposes" under section 43 of the regulations, the material intended for importation must be destined for a manufacturing, processing or treatment plant which will alter or modify the material in such a manner that will render any pests in the material non-viable.

2.2 Applicant:

An applicant for a Permit to Import must be one of the following: 1) a Canadian citizen or permanent resident; 2) a person authorized under the laws of Canada to reside in Canada for a period of six months or more and who will have possession, care or control of the thing to be imported; or 3) in the case of a corporation with a place of business in Canada, the applicant must be an agent or officer of the corporation who resides in Canada.

Note: The CFIA will not accept applications for Permits to Import submitted by Brokerage Firms on behalf of their clients. The actual Canadian importer (person / company) must submit the application.

2.3 Application:

2.3.1 Applications for a Permit to Import are available from the Permit Office or from local CFIA offices. The application form, instructions for completing the form and other related information (e.g., applicable fees) can be obtained in Appendix 1.

2.3.2 The completed application must contain the following information:

- the name, complete address, telephone and, if possible, the facsimile number of the permit applicant;
- the name, complete address, telephone and, if possible, the facsimile number of the owner of the thing to be imported, if different from the name of the applicant;
- the name and complete address of the exporter; *
- a description and the common name, scientific name (genus and species), and type (i.e. seeds, rooted cuttings, bare root plants, etc.) of the thing being imported (catalogues will not be accepted);
- the quantity being imported;*
- the number of packages if sent by mail or courier;
- the purpose (e.g. consumption, propagation, research, processing) of importation;
- the means of transportation;*
- place of entry into Canada and the location (address) of the place of destination in Canada;*
- the country and place of propagation or production of the thing, and the country from which it will be shipped to Canada;
- any other requested information, such as precautions that will be taken to prevent the spread of a pest;
- the signature of the applicant and the date of application.

* The information may not be required where the Minister has determined that it is not

needed in order to assess the pest risk. However, to prevent delays in issuing a permit due to requests for additional information, it is strongly recommended that the permit applicant provide all the information listed above.

- 2.3.3 The above information must be provided on all application forms even when a Permit to Import has expired and a new permit is required for the same thing from the same origin or when amending an existing Permit to Import.
- 2.3.4 If importing from more than one origin, an importer must complete an application form for each origin. An application may stipulate more than one type of material, if the material comes from the same origin.
- 2.3.5 If the origin of the thing is different from the country of export, the application should be completed using the name and address of the person or company exporting the thing.
- 2.3.6 Please refer to Appendix 1 for instructions on completing an application for a Permit to Import plants and other things under the *Plant Protection Act*.

2.4 Submitting an Application for a Permit to Import:

- 2.4.1 Applications can be faxed or mailed to the following address:
 - Permit Office
 - Plant Health Division
 - Plant Products Directorate
 - Canadian Food Inspection Agency
 - 59 Camelot Drive
 - Ottawa, Ontario K1A 0Y9
 - FAX: 613-228-6605
- 2.4.2 If an application is sent by facsimile, the original should not be mailed.
- 2.4.3 Payment must accompany the application. Faxed applications must have a valid CFIA account number or a Visa, Master Card or American Express number (including expiry date, printed name and signature of the card holder). Information on applying for accounts can be obtained from local CFIA offices.
- 2.4.4 If a person is applying for a Permit to Import a commodity from a country for which no Permit to Import has ever been issued, the permit may not be issued until a Pest Risk Assessment and/or a pest management assessment has been completed. As a result, there may be significant delays (up to two years) in the issuance of a Permit to Import.

2.5 Missing Information:

- 2.5.1 If an application is missing information, the Permit Office will contact the applicant by fax or mail. This will result in a delay in the issuance of the Permit to Import.
- 2.5.2 The importer may use the Permit to Import immediately after it is issued. A Permit to Import is available electronically to import service centres and regional staff within 24 hours of issuance.

2.6 Validity of the Permit:

Permits to Import are valid for a period of three years unless otherwise stated. The Permit to Import is valid for multiple shipments and unlimited quantities unless otherwise stated. Permits to Import issued to persons travelling or collecting (i.e. with no known exporter) will be valid for one year. It is the responsibility of the importer to renew the Permit to Import as required.

2.7 Issuance of Permits to Import:

Once all required information has been received and a review of the permit application form has been completed by the Plant Health Division, the CFIA will endeavour to issue a Permit to Import within five working days during the period from June to December and within ten working days during the period from January to May.

The Permit to Import will be faxed to the importer, if a fax number is provided. If no fax number is provided, the permit will be mailed to the importer's address.

2.8 Permits to Import issued for Multiple Destinations within Canada:

With regard to permits issued pursuant to section 32 of the *Plant Protection Regulations*, a Permit to Import will generally be issued for multiple destinations within Canada. Therefore, unless requested, clients do not have to submit one application per province.

However, a listing of all the destinations receiving the imported commodity must be provided to a CFIA Import Service Centre when requesting release of a shipment.

For information regarding Plant Protection Permits to Import issued for "exhibitions" pursuant to section 43 of the Regulations, please refer to Directive D-94-31.

2.9 Providing Information to Exporters and Brokers:

The Permit Office does not provide copies of permits or permit numbers to exporters or brokers. This information, including any additional requirements outlined in the Permit to Import, must be provided to the exporter or broker by the applicant/importer in possession of the Permit to Import.

2.10 Arrival of Shipments in Canada:

- 2.10.1 A valid permit number must be provided to Customs and/or CFIA Import Service Centre staff at the time of arrival of the shipment in Canada. All required documents (e.g. Phytosanitary Certificate) must accompany the shipment.
- 2.10.2 Shipments will not be released by CFIA without an importer having a valid plant protection import permit.

Non-compliant shipments may be subject to compliance and enforcement action and will NOT be allowed to move forward under detention from the first place/port of entry into Canada. Any costs incurred shall be borne by the importer. For more information on release procedures, please contact the CFIA Import Service Centres.

2.11 Cancellation of Permits:

A Permit to Import may be cancelled at any time with cause or if the person to whom a Permit to Import has been issued has not complied with any one of the conditions set out in the Permit to Import or the provisions of the *Plant Protection Act* and *Regulations*. A Permit to Import may also be cancelled where there are reasonable grounds to suspect that the imported shipment is infested, or that the pest status in the country of origin or the country from where the material was shipped has changed. There is no refund for cancelled Permits to Import.

2.12 Amending an Existing Permit to Import:

All requests for amendments to a Permit to Import must be in writing. The following information must be included in the request: permit number; additions, deletions or changes requested; name and signature of the person requesting the change; and the appropriate fee to amend the permit. Requests that require additional review by an inspector will be subject to the fee payable for an initial review of an Application for a Permit to Import.

For the purpose of administering Part 12 of the *Canadian Food Inspection Agency Fees Notice*, an amendment to a permit to import is:

- an addition of an item to the list of commodities for which the permit is valid;
- a legal name change for a Canadian corporation / business;
- an importer's address, telephone or facsimile number change; and
- a change to the exporter's street address (as long as it is within the same city).

The applicant may be asked to provide substantiating documentation to support any requested amendments.

NOTE: Any changes not mentioned above or to the origin of the material will require the issuance of a new import permit.

3.0 Appendices

Appendix 1: Application for Permit to Import Plants and Other Things Under the *Plant Protection Act*

Appendix 1

APPLICATION FOR PERMIT TO IMPORT PLANTS AND OTHER THINGS UNDER THE *PLANT PROTECTION PROTECTION ACT*

(www.inspection.gc.ca/english/plaveg/oper/appdeme.shtml#2)