

MEMORANDUM D9-1-12

Ottawa, January 1, 1988

SUBJECT

CERTAIN PARTS OF WILD BIRDS

This Memorandum outlines and explains the provisions of tariff code 9952 of Schedule VII to the Customs Tariff which prohibit the importation into Canada of certain parts of wild birds.

Legislation

Section 114 reads:

"The importation into Canada of any goods enumerated or referred to in Schedule VII is prohibited."

Tariff code 9952 of Schedule VII to the Customs Tariff reads:

"Aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins of wild birds, either raw or manufactured, but excluding:

- (a) the feathers or plumes of ostriches; the plumage of the English pheasant, the Indian peacock, birds imported alive, and of wild birds of groups recognized as game birds in any Canadian game law and for which an open season is provided thereunder;
- (b) specimens imported, in accordance with regulations that the Minister may make, for any museum or for scientific or educational purposes."

GUIDELINES AND GENERAL INFORMATION

1. Tariff code 9952 supersedes tariff item 99212-1 of the former Customs Tariff (R.S.C. 1970, C. C-41) which was established in co-operation with foreign countries to protect many rare and vanishing species of wild birds that were threatened with early extinction through slaughtering in order to obtain the plumes, feathers, quills, wings, etc., for export.
2. Export permits issued by the exporting country and import permits issued by the Canadian Wildlife Service of the Department of Environment with respect to endangered species, as outlined in Memorandum D19-7-1, Convention on International Trade in Endangered Species, do not exempt goods from the prohibitory provisions of tariff code 9952. As well, passage by inspection of the Department of Agriculture under the Diseases and Protection Regulations of the Animal Diseases and Protection Act does not authorize an exemption from the prohibition of tariff code 9952.

3. The term "either raw or manufactured" in the first paragraph of tariff code 9952 includes skins, whether or not processed in any manner, but does not include articles made from the skins of wild birds.

4. With respect to the exemptions listed in the last part of paragraph (a) of tariff code 9952, it is the responsibility of the importer to prove to the satisfaction of the Customs Officer that any plumage imported is indeed that of wild birds of groups recognized as game birds in any Canadian game law, and for which an open season is provided thereunder.

Penalty Information

5. Section 114 of the Customs Tariff states that the importation into Canada of any goods enumerated, described or referred to in Schedule VII are prohibited. The attention of importers/owners is directed to sections 36, 99, 101, 102 and 142 of the Customs Act respecting abandonment, examination, detention and exportation of goods which are prohibited by virtue of the provisions of section 114 of the Customs Tariff.

6. For further information or assistance, please contact:

Tariff Programs
Animal and Vegetable Products Unit
Department of National Revenue
Ottawa, Ontario
K1A 0L5

REFERENCES

EFFECTIVE DATE -

January 1, 1988

ISSUING OFFICE -

Tariff Programs
Animal and Vegetable Products Unit

LEGISLATIVE REFERENCES -

Customs Tariff, section 114 and tariff code 9952 of Schedule VII

HEADQUARTERS FILE -

TC 9952-0

SUPERSEDED MEMORANDA "D" -

D9-1-12, June 1, 1986

OTHER REFERENCES -

D19-7-1

SERVICES PROVIDED BY THE DEPARTMENT ARE AVAILABLE IN BOTH OFFICIAL LANGUAGES.

THIS MEMORANDUM IS ISSUED UNDER THE AUTHORITY OF THE DEPUTY MINISTER OF NATIONAL REVENUE, CUSTOMS AND EXCISE.