



Ottawa, September 29, 2005

MEMORANDUM D20-1-0

REPORTING OF EXPORTED GOODS REGULATIONS

This memorandum contains the Regulations respecting the reporting of export shipments from Canada.

REPORTING OF EXPORTED GOODS REGULATIONS

Interpretation

1. The following definitions apply in these Regulations.

“Act” means the *Customs Act*. (*Loi*)

“bulk goods” means goods that are loose or in mass, such that they are confined only by the permanent structures of a large container or a transport unit, without intermediate containment or intermediate packaging. (*marchandises en vrac*)

“carrier”, in respect of goods that are exported, means the person, other than the exporter of the goods, who transports them from Canada. (*transporteur*)

“chief officer of customs”, in respect of an area or place, means the manager of the customs office or customs offices that serve that area or place. (*agent en chef des douanes*)

“commercial goods” means goods that are exported for sale or for any industrial, occupational, commercial, institutional or other similar use. (*marchandises commerciales*)

“customs service provider”, in respect of goods that are exported, means a person who provides to the exporter customs services relating to the exportation of the goods, other than the sole service of transporting the goods from Canada, and includes an agent or other representative of the exporter, a customs broker and a freight forwarder. (*prestataire de services douaniers*)

“exporter”, in respect of goods that are exported, means the holder of a business number for the purposes of the Act who exports commercial goods or causes them to be exported. (*exportateur*)

“export reporting office” means a customs office designated under section 5 of the Act for the purpose of reporting goods that are exported. (*bureau de déclaration des exportations*)

“homogeneous goods” means goods that

(a) closely resemble each other in respect of their component materials and characteristics; and

(b) are intended to be used for the same purpose. (*marchandises homogènes*)

“restricted goods” means goods the exportation of which is prohibited, controlled or regulated under the Act or any other Act of Parliament. (*marchandises d'exportation restreinte*)

“time-sensitive goods” means goods that

(a) would lose their value or principal utility if not immediately exported for use within a limited time after the exportation; or

(b) are part of a manufacturing and stock control system in which goods are produced and delivered as they are required. (*marchandises d'utilité temporaire*)

PRESCRIBED CLASSES OF PERSONS

2. For the purposes of section 95 of the Act, the following classes of persons are required to report goods that are exported:

(a) exporters;

(b) carriers; and

(c) customs service providers.

REPORTING BY THE EXPORTER

Reporting at an Export Reporting Office

3. (1) Subject to subsection (2) and sections 4, 6 and 7, all goods that are exported shall be reported in writing by the exporter at an export reporting office

(a) if the goods are exported by mail, not less than two hours before the goods are delivered to the post office where the goods are mailed;

(b) if the goods are exported by vessel, not less than 48 hours before the goods are loaded onto the vessel;

(c) if the goods are exported by aircraft, not less than two hours before the goods are loaded on board the aircraft;

(d) if the goods are exported by rail, not less than two hours before the railcar on which the goods have been loaded is assembled to form part of a train for export; and

(e) if the goods are exported by any other means, immediately before the exportation of the goods.

(2) Live animals, bulk goods, homogeneous goods or time-sensitive goods may, unless they are restricted goods, be reported immediately before they are exported.

Summary Reporting

4. (1) An exporter may, in writing on a monthly basis, report bulk goods or homogeneous goods that are exported if, before the exportation,

(a) the exporter has received written confirmation from the chief officer of customs at the appropriate regional office of the Agency that the goods qualify as bulk goods or homogeneous goods that may be reported in accordance with this section; and

(b) where the goods are restricted goods, the exporter has received written confirmation from an appropriate official responsible for the administration of the Act of Parliament under which the exportation of the goods is restricted that the goods may, under that Act, be reported in accordance with this section.

(2) The report referred to in subsection (1) shall be sent to the Chief Statistician of Canada within five business days after the end of the month in which the goods are exported.

Restricted Goods

5. (1) If goods that are exported are restricted goods, the exporter of the goods shall, in addition to making the report referred to in section 3 or 4, as applicable, provide evidence that the exportation of the goods complies with the Act of Parliament under which the exportation of the goods is restricted.

(2) The evidence referred to in subsection (1) and a copy of the report made under section 3 shall be provided to the chief officer of customs, within the applicable time set out in that section, and the goods made available for inspection, at

(a) the place specified in the permit authorizing the exportation; or

(b) if no place is specified in that permit, at the export reporting office located closest to the place of exit of the goods from Canada.

Exceptions to Reporting by the Exporter

6. Subject to section 8, the following classes of goods may, if the goods are not restricted goods, be exported without being reported by the exporter:

(a) personal and household effects, other than those of an emigrant, that are not for resale or commercial use;

(b) commercial goods having a value of less than \$2,000 Canadian;

(c) conveyances that would, if they were imported, be classified at the time of importation under tariff item No. 9801.10.00, 9801.20.00 or 9801.30.00 in the List

of Tariff Provisions set out in the schedule to the *Customs Tariff*;

(d) cargo containers that would, if they were imported, be classified at the time of importation under tariff item No. 9801.10.00 in the List of Tariff Provisions set out in the schedule to the *Customs Tariff*;

(e) reusable skids, drums, pallets, straps and similar goods used by a carrier in the international commercial transportation of goods;

(f) goods exported by diplomatic embassy or mission personnel for their personal or official use;

(g) personal gifts and donations of goods, excluding conveyances;

(h) goods that were imported into Canada and are exported from Canada after being transported in transit through Canada en route to a non-Canadian destination;

(i) goods that were manufactured or produced in Canada and that are exported from Canada for the purpose of being transhipped through another country to another Canadian destination;

(j) goods exported for repair or warranty repair that will be returned to Canada;

(k) goods for use as ships' stores by a Canadian carrier;

(l) goods manufactured or produced outside Canada and removed for export from a bonded warehouse or sufferance warehouse; and

(m) goods, other than goods exported for further processing, that will be returned to Canada within 12 months after the date of exportation.

7. Subject to section 8, goods that are described in or come within the scope of a written arrangement made between the Government of Canada and the government of another country may be exported to that country without being reported by the exporter if, under that arrangement, information respecting the exportation will be collected by that country as information relating to importations into that country and will be shared with Canada.

8. Goods that are exported and are of a class described in section 6 or of a type referred to in section 7 shall be reported in writing by the exporter before the goods leave Canada if an officer, at the time of the exportation, suspects on reasonable grounds that they are being exported contrary to an Act of Parliament and, for that reason, requests that they be reported.

REPORTING BY A CARRIER

Conveyances Used to Export Goods

9. (1) Subject to subsection (2), if goods are exported by a carrier by means of a conveyance, the exportation of the conveyance shall be reported in writing by the carrier before the exportation

(a) in the case of a vessel, at the export reporting office located closest to the place where the goods are loaded aboard the vessel for export;

(b) in the case of a railcar, at the export reporting office located closest to the place where the railcar on which the goods are loaded is assembled to form part of a train for export; and

(c) in any other case, at the export reporting office located closest to the place of exit of the conveyance from Canada.

(2) Subsection (1) does not apply in respect of a conveyance that is

(a) a regularly scheduled aircraft; or

(b) a highway conveyance, except if the conveyance is used to export goods from Canada in the circumstances described in paragraph 6(i).

Goods Other Than the Conveyances Used to Export Them

10. Subject to sections 11 to 13, all goods that are exported by a carrier, other than the conveyance used to export them, shall be reported in writing by the carrier, before the exportation, at the export reporting office located closest to the place where the goods are loaded on board the conveyance for export.

11. Goods that are imported into Canada and are exported from Canada after being transported in transit through Canada en route to a non-Canadian destination shall be reported in writing by the carrier before the goods leave Canada

(a) if the goods are exported by mail, at the export reporting office located closest to the post office where the goods are mailed;

(b) if the goods are exported by vessel, at the export reporting office located closest to the place where the goods are loaded aboard the vessel for export;

(c) if the goods are exported by aircraft, at the export reporting office located closest to the place of departure of the aircraft from Canada;

(d) if the goods are exported by rail, at the export reporting office located closest to the place where the

railcar on which the goods are loaded is assembled to form part of a train for export; and

(e) if the goods are exported by any other means, at the export reporting office located nearest the place of exit of the goods from Canada.

12. Goods that are exported by a carrier by means of a highway conveyance, other than goods described in section 11, are not required to be reported by the carrier unless an officer, at the time of the exportation, suspects on reasonable grounds that they are being exported contrary to an Act of Parliament and, for that reason, requests that they be reported.

13. (1) Subject to subsection (4), goods that are exported by a carrier by means of a conveyance other than a highway conveyance and that have been or will be reported by the exporter in accordance with these Regulations may be reported by the carrier after their exportation if the carrier

(a) has, before the exportation, given an undertaking in writing to an officer that the carrier is exporting only such goods; and

(b) has on that basis been authorized in writing by that officer to report the goods in accordance with this section.

(2) Goods referred to in subsection (1) shall be reported by the carrier in writing at an export reporting office

(a) if the goods are exported by vessel, within three business days after the departure of the vessel from the place in Canada where it is loaded;

(b) if the goods are exported by rail, within one business day after the day on which the railcar on which the goods are loaded is assembled to form part of a train for export; and

(c) if the goods are exported by aircraft, within one business day after the day on which the aircraft departs from the place in Canada where it is loaded.

(3) In the case of goods referred to in paragraph (2)(a), the carrier must also report the goods in writing to the Chief Statistician of Canada within five business days after the end of the month in which the conveyance departs from Canada.

(4) Goods referred to in subsection (1) shall be reported in writing by the carrier at an export reporting office before the goods leave Canada if an officer, at the time of the exportation, suspects on reasonable grounds that they are being exported contrary to an Act of Parliament and, for that reason, requests that they be reported.

REPORTING BY A CUSTOMS SERVICE PROVIDER

14. Goods that are exported by a customs service provider shall be reported in writing by the customs service provider at an export reporting office before the goods leave Canada if an officer, at the time of the exportation, suspects on reasonable grounds that they are being exported contrary to an Act of Parliament and, for that reason, requests that they be reported.

ORAL REPORTING OF GOODS

15. Notwithstanding anything in these Regulations, the following goods may, if they are exported, be reported orally at the export reporting office located closest to the place of exit of the goods:

- (a) a Canadian military conveyance that does not contain any goods or cargo, if the conveyance is not a restricted good;
- (b) goods that are the property of and are for the exclusive use of the Department of National Defence and that are being exported by that Department to its defence bases abroad or in support of Canadian Forces deployment operations; and
- (c) goods that are being exported because of a medical emergency, fire, flood or other disaster that threatens life, property or the environment.

MANNER OF REPORTING FISHING VESSELS

16. Each exportation, during a fishing season, of a commercial fishing vessel that is registered or licensed under the *Canada Shipping Act* need not be reported if the carrier, before the first exportation of the vessel during that fishing season, reports the vessel in writing to the chief officer of customs at an export reporting office.

MANNER OF REPORTING CATCH

17. All catch that is caught by a Canadian registered commercial fishing vessel in Canadian territorial waters and then delivered by that vessel to a port outside Canada, or delivered from that vessel to a foreign registered commercial fishing vessel bound for a port outside Canada, shall be reported in writing by the exporter to the chief officer of customs at an export reporting office, immediately on the return of the vessel to Canada.

MANNER OF REPORTING FERRIES

18. If a vessel is used by a carrier on a particular day solely or principally for the transportation of motor vehicles or passengers across international waters, the carrier shall, immediately on the return of the vessel to Canada after its last trip on that day, report the vessel in writing to the chief officer of customs at the export reporting office located closest to the place at which the vessel lands in Canada.

MANNER OF REPORTING CONVEYANCES

19. Any person who intends to permanently export a conveyance shall, before the exportation and in addition to making any other report required by these Regulations, provide documentation indicating the vehicle identification number (VIN) of the conveyance to the chief officer of customs at the export reporting office located closest to the place of exit of the conveyance.

REPEAL

20. The *Reporting of Exported Goods Regulations*¹ are repealed.

COMING INTO FORCE

21. These Regulations come into force on the day on which they are registered.

¹ SOR/86-1001

REFERENCES

ISSUING OFFICE –

Export Process

LEGISLATIVE REFERENCES –

Customs Act, sections 7.1, 95, 96, 97, 99, 101, 109.1

SUPERSEDED MEMORANDA “D” –

D20-1-0, May 3, 2005

HEADQUARTERS FILE –

7605-10-8

OTHER REFERENCES –

D3 series, D6-2-3, D7-3-2, D7-4-2, D11-4-14, D19 series,
D20 series

Services provided by the Canada Border Services Agency are available in both official languages.



Printed in Canada

C345

Contravention	Exporter failed to report goods subject to export control prior to export.
Penalty	1st: \$2,000 or 20% of the value of goods, whichever is greater 2nd: \$4,000 or 40% of the value of goods, whichever is greater 3rd and Subsequent: \$6,000 or 60% of the value of goods, whichever is greater
Penalty Basis	Value of Goods
Legislation	<i>Customs Act</i> , sub-section 95(1)
D Memo	D20-1-1, Export Declaration
Other References	Export and Import Permits Act Reporting of Exported Goods Regulations, sections 3 and 5 D20-1-0, Reporting of Exported Goods Regulations D19 Acts and Regulations of Other Government Departments
Guidelines	Applied by an officer. Applied against the exporter. Occurs when the exporter has failed to report goods subject to export control prior to export. For strategic goods controlled by the Export and Import Permits Act, follow the existing Regional Intelligence and contraband Division's communication procedures. This penalty applies to exported goods under section 5 of the <i>Reporting of Exported Goods Regulations</i> or any statute that controls the export of goods. Seize when there is evidence that exporter wilfully avoided compliance with export requirements. If seizure of goods is impractical, or goods are not found, an ascertained forfeiture may be taken in addition to AMPS penalty. Apply a penalty per permit, certificate or license. Although a penalty may be applied under this contravention all OGD admissibility requirements must be met prior to release. It is also possible that the OGD may have their own administrative monetary penalties. For failure to provide export permit, licence or certificate prior to export, see C315.

For failure to submit an export summary report, see C316.

For failure to report the export of goods on an export declaration prior to export, see C170.

**Retention
Period**

12 months