

Customs Tariff (1997, c. 36)

Act current to January 25th, 2011

Attention: See coming into force provision and notes, where applicable.

Customs Tariff

1997, c. 36

[Assented to December 8th, 1997]

An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *Customs Tariff*.

PART 1

INTERPRETATION AND GENERAL

INTERPRETATION

Definitions

2. (1) The definitions in this subsection apply in this Act.

"Canada–Chile Free Trade Agreement"

« *Accord de libre-échange Canada — Chili* »

"Canada–Chile Free Trade Agreement" has the same meaning as "Agreement" in subsection 2(1) of the *Canada–Chile Free Trade Agreement Implementation Act*.

"Canada — Costa Rica Free Trade Agreement"

« *Accord de libre-échange Canada — Costa Rica* »

"Canada — Costa Rica Free Trade Agreement" has the same meaning as "Agreement" in subsection 2(1) of the *Canada — Costa Rica Free Trade Agreement Implementation Act*;

"Canada–EFTA Free Trade Agreement"
« *Accord de libre-échange Canada–AELÉ* »

"Canada–EFTA Free Trade Agreement" has the same meaning as "Agreement" in subsection 2(1) of the *Canada–EFTA Agreement Implementation Act*.

"Canada–Israel Free Trade Agreement"
« *Accord de libre-échange Canada — Israël* »

"Canada–Israel Free Trade Agreement" has the same meaning as "Agreement" in subsection 2(1) of the *Canada–Israel Free Trade Agreement Implementation Act*.

"Canada–Peru Free Trade Agreement"
« *Accord de libre-échange Canada–Pérou* »

"Canada–Peru Free Trade Agreement" has the same meaning as "Agreement" in section 2 of the *Canada–Peru Free Trade Agreement Implementation Act*.

"Canada–United States Free Trade Agreement"
« *Accord de libre-échange Canada — États-Unis* »

"Canada–United States Free Trade Agreement" has the same meaning as "Agreement" in subsection 2(1) of the *Canada–United States Free Trade Agreement Implementation Act*.

"Chile"
« *Chili* »

"Chile" means the land, maritime, and air space under the sovereignty of Chile and the exclusive economic zone and the continental shelf over which it exercises sovereign rights and jurisdiction in accordance with its domestic law and international law.

"Costa Rica"
« *Costa Rica* »

"Costa Rica" means the territory and air space, and the maritime areas, including the seabed and subsoil adjacent to the outer limit of the territorial sea, over which it exercises, in accordance with international law and its domestic law, sovereign rights with respect to the natural resources of such areas;

"country"
« *pays* »

"country", unless the context otherwise requires, includes an external or dependent territory of a country and any other territory prescribed by regulation made by the Governor in Council.

"customs duty"
« *droits de douane* »

"customs duty", except for the purposes of Part 3, other than sections 82 and 122, means a duty imposed under section 20.

"final rate"
« *taux final* »

"final rate" means the rate of customs duty that applies after the application of all reductions provided for under this Act, other than reductions related to rounding or to the elimination of rates of less than two per cent.

"for use in"

« *devant servir dans* » ou « *devant servir à* »

"for use in", wherever it appears in a tariff item, in respect of goods classified in the tariff item, means that the goods must be wrought or incorporated into, or attached to, other goods referred to in that tariff item.

"free trade partner"

« *partenaire de libre-échange* »

"free trade partner" means

(a) a NAFTA country;

(b) Chile; or

(c) Israel or another CIFTA beneficiary.

"F Staging List"

« *tableau des échelonnements* »

"F Staging List" means the List of Intermediate and Final Rates for Tariff Items of the "F" Staging Category set out in the schedule.

"heading"

« *position* »

"heading", in respect of goods, means a description in the List of Tariff Provisions accompanied by a four-digit number and includes all subheadings or tariff items the first four digits of which correspond to that number.

"Iceland"

« *Islande* »

"Iceland" means

(a) the land territory, air space, internal waters and territorial sea of Iceland; and

(b) the exclusive economic zone and continental shelf of Iceland.

"imported from Israel or another CIFTA beneficiary"

« *importé d'Israël ou d'un autre bénéficiaire de l'ALÉCI* »

"imported from Israel or another CIFTA beneficiary" has the meaning assigned by regulation.

"initial rate"

« *taux initial* »

"initial rate" means the rate of customs duty that applies before any reductions are made under this Act.

"Israel or another CIFTA beneficiary"

« *Israël ou autre bénéficiaire de l'ALÉCI* »

"Israel or another CIFTA beneficiary" has the meaning assigned by regulation.

"Liechtenstein"
« *Liechtenstein* »

"Liechtenstein" means the land territory and air space of Liechtenstein.

"List of Countries"
« *tableau des traitements tarifaires* »

"List of Countries" means the List of Countries and Applicable Tariff Treatments set out in the schedule.

"List of Tariff Provisions"
« *liste des dispositions tarifaires* »

"List of Tariff Provisions" means the List of Tariff Provisions set out in the schedule.

"Mexico"
« *Mexique* »

"Mexico" means

- (a) the states of the Federation and the Federal District;
- (b) the islands, including the reefs and keys, in adjacent seas;
- (c) the islands of Guadalupe and Revillagigedo situated in the Pacific Ocean;
- (d) the continental shelf and the submarine shelf of such islands, keys and reefs;
- (e) the waters of the territorial sea, in accordance with international law, and its interior maritime waters;
- (f) the space located above the national territory, in accordance with international law; and
- (g) any areas beyond the territorial seas of Mexico within which, in accordance with international law, including the United Nations Convention on the Law of the Sea, and its domestic law, Mexico may exercise rights in respect of the seabed and subsoil and the natural resources thereof.

"Minister"
« *ministre* »

"Minister" means the Minister of Finance.

"NAFTA country"
« *pays ALÉNA* »

"NAFTA country" means a party to the North American Free Trade Agreement.

"North American Free Trade Agreement"
« *Accord de libre-échange nord-américain* »

"North American Free Trade Agreement" has the same meaning as "Agreement" in subsection 2(1) of the *North American Free Trade Agreement Implementation Act*.

"Norway"
« *Norvège* »

"Norway" means

- (a) the land territory, air space, internal waters and territorial sea of Norway; and
- (b) the exclusive economic zone and continental shelf of Norway.

"Peru"
« *Pérou* »

"Peru" means the mainland territory, the islands, the maritime zones and the air space above them, over which the Republic of Peru exercises sovereignty, or sovereign rights and jurisdiction, in accordance with its domestic law and international law.

"prescribed"
« *Version anglaise seulement* »

"prescribed" means
(a) in respect of a form, the information to be provided on or with a form, or the manner of filing a form, prescribed by the Minister of Public Safety and Emergency Preparedness; and
(b) in any other case, prescribed by regulation or determined in accordance with rules prescribed by regulation.

"regulation"
« *règlement* »

"regulation" means a regulation made under this Act.

"serious injury"
« *dommage grave* »

"serious injury" means, in relation to domestic producers of like or directly competitive goods, a significant overall impairment in the position of the domestic producers.

"specific rate"
« *taux spécifique* »

"specific rate" means a rate expressed in dollars or cents per unit of measure.

"specified rate"
« *taux déterminé* »

"specified rate" means the rate of interest, expressed as a percentage per year, equal to six per cent per year plus the prescribed rate.

"subheading"
« *sous-position* »

"subheading", in respect of goods, means a description in the List of Tariff Provisions accompanied by a six-digit number and includes all tariff items the first six digits of which correspond to that number.

"Switzerland"
« *Suisse* »

"Switzerland" means the land territory and air space of Switzerland.

"tariff item"
« *numéro tarifaire* »

"tariff item" means a description of goods in the List of Tariff Provisions and the rates of customs duty and the accompanying eight-digit number in that List and, if applicable, in the "F" Staging List.

"tariff rate quota"

« *contingent tarifaire* »

"tariff rate quota" means a limitation on the quantity of goods that are entitled to a specified tariff treatment that may be imported in a specified period.

"threat of serious injury"

« *menace de dommage grave* »

"threat of serious injury" means serious injury that, on the basis of facts, and not merely of allegation, conjecture or remote possibility, is clearly imminent.

"United States"

« *États-Unis* »

"United States" means

(a) the customs territory of the United States, including the 50 states of the United States, the District of Columbia and Puerto Rico;

(b) the foreign trade zones located in the United States and Puerto Rico; and

(c) any areas beyond the territorial sea of the United States within which the United States may exercise rights in respect of the seabed and subsoil and the natural resources thereof, in accordance with its domestic laws and international law.

"World Trade Organization Agreement"

« *Accord sur l'Organisation mondiale du commerce* »

"World Trade Organization Agreement" has the same meaning as "Agreement" in subsection 2(1) of the *World Trade Organization Agreement Implementation Act*.

Territories

(2) A territory prescribed by regulation for the purposes of the definition "country" in subsection (1) is not, by virtue of being so prescribed, recognized as a country for purposes other than this Act.

1997, c. 36, s. 2; 2001, c. 28, s. 31; 2005, c. 38, ss. 143(E), 145; 2009, c. 6, s. 30, c. 16, s. 36.

Elements of the List of Tariff Provisions

3. The List of Tariff Provisions is divided into Sections, Chapters and sub-Chapters.

Words and expressions in Act

4. Unless otherwise provided, words and expressions used in this Act and defined in subsection 2(1) of the *Customs Act* have the same meaning as in that subsection.

Goods imported from a NAFTA country, Chile, Costa Rica, an EFTA state or Peru

5. For the purposes of this Act, goods are imported from a NAFTA country, Chile, Costa Rica, Iceland, Norway, Switzerland, Liechtenstein or Peru if they are shipped directly to Canada from that country.

1997, c. 36, s. 5; 2001, c. 28, s. 32; 2009, c. 6, s. 31, c. 16, ss. 37, 56.

Percentage rates

6. For the purposes of this Act, if a rate of customs duty is expressed as a percentage or includes a percentage, the customs duties imposed shall be calculated in accordance with section 44 of the *Customs Act*.

Weight of goods

7. For the purposes of this Act, if a rate of customs duty is based in whole or in part on the weight of goods, the customs duties imposed on the goods are, unless otherwise provided, to be calculated on the basis of the net weight of the goods.

GENERAL

Restriction of Canadian waters

8. For greater certainty, a regulation made under subsection 2(2) of the *Customs Act* applies so as to temporarily restrict, for the purposes of this Act, the extent of Canadian waters, including the inland waters.

Delegation of powers

9. The Minister of Public Safety and Emergency Preparedness may authorize an officer or agent or a class of officers or agents to exercise powers or perform duties of that Minister under this Act.

1997, c. 36, s. 9; 2005, c. 38, ss. 142, 145.

Classification of goods in the List of Tariff Provisions

10. (1) Subject to subsection (2), the classification of imported goods under a tariff item shall, unless otherwise provided, be determined in accordance with the General Rules for the Interpretation of the Harmonized System and the Canadian Rules set out in the schedule.

Classification of "within access commitment" goods

(2) Goods shall not be classified under a tariff item that contains the phrase "within access commitment" unless the goods are imported under the authority of a permit issued under section 8.3 of the *Export and Import Permits Act* and in compliance with the conditions of the permit.

Interpretation

11. In interpreting the headings and subheadings, regard shall be had to the Compendium of Classification Opinions to the Harmonized Commodity Description and Coding System and the Explanatory Notes to the Harmonized Commodity Description and Coding System, published by the Customs Co-operation Council (also known as the World Customs Organization), as amended from time to time.

Administration and enforcement

12. The provisions of the *Customs Act* apply, with such modifications as the circumstances require, in respect of the administration and enforcement of this Act

and the regulations, and for the purposes thereof, a contravention of this Act or the regulations or a failure to comply with a condition to which relief or a remission, drawback or refund under Part 3 is subject or to which classification under a tariff item is subject is deemed to be a contravention of the *Customs Act*.

AMENDMENT OF SCHEDULE

Renumbering of tariff items

13. The Minister may, by regulation, amend the List of Tariff Provisions to change a tariff item number or a description of goods in a tariff item, if the amendment does not affect the rate of customs duty applicable to those goods.

Amendment of List of Tariff Provisions

14. (1) The Governor in Council may, on the recommendation of the Minister, by order, amend the schedule, other than tariff item No. 9898.00.00 or 9899.00.00, to give effect to

(a) an amendment to the Harmonized Commodity Description and Coding System or to any advice on the interpretation of that System approved by the Customs Co-operation Council (also known as the World Customs Organization);

(b) a modification to an agreement or arrangement relating to international trade to which the Government of Canada is a party; or

(c) an arrangement or commitment that extends the benefits of an agreement relating to international trade to which the Government of Canada is a party.

Reciprocal reductions

(2) The Governor in Council may, on the recommendation of the Minister, by order, amend the List of Tariff Provisions and the "F" Staging List to reduce a rate of customs duty on goods imported from a country, and to make other amendments consequential thereto,

(a) by way of compensation for concessions granted by the country or any other country, subject to any conditions set out in the order;

(b) as may be required by Canada's international obligations, subject to any conditions set out in the order; and

(c) by way of compensation for any action taken under subsection 55(1), section 60 or subsection 63(1), 69(2), 70(2), 71(2), 71.1(2), 71.5(1), 72(1), 75(1), 76(1) or 76.1(1) or under subsection 5(3), (3.2) or (4.1) of the *Export and Import Permits Act*.

Order may be retroactive

(3) An order made under subsection (2) may, if it so provides, be retroactive and have effect in respect of a period before it is made that begins after the coming into force of this section.

1997, c. 36, s. 14; 2001, c. 28, s. 33; 2009, c. 16, ss. 38, 56.

List of Countries

15. (1) The Minister may, by regulation, amend the List of Countries to reflect a change in the name of a country set out in that List.

Effect

(2) An amendment under subsection (1) does not affect the tariff treatments indicated for the country in respect of which the change is made.

PART 2

CUSTOMS DUTIES

Division 1

ORIGIN OF GOODS

Rules of Origin

Meaning of "originate"

16. (1) Subject to any regulations made under subsection (2), for the purposes of this Act, goods originate in a country if the whole of the value of the goods is produced in that country.

Rules of origin regulations

(2) The Governor in Council may, on the recommendation of the Minister, make regulations

(a) respecting the origin of goods, including regulations

(i) deeming goods, the whole or a portion of which is produced outside a country, to originate in that country for the purposes of this Act or any other Act of Parliament, subject to such conditions as are specified in the regulations,

(ii) deeming goods, the whole or a portion of which is produced within a geographic area of a country, not to originate in that country for the purposes of this Act or any other Act of Parliament and not to be entitled to the preferential tariff treatment otherwise applicable under this Act, subject to such conditions as are specified in the regulations, and

(iii) for determining when goods originate in a country for the purposes of this Act or any other Act of Parliament; and

(b) for determining when goods are entitled to a tariff treatment under this Act.

Definition of "geographic area"

(2.1) In subsections (2) and 49.1(4), "geographic area" means any area specified by the Minister of Public Safety and Emergency Preparedness after consultation with the Minister for International Trade.

Application of rules of origin regulations

(3) For the purpose of implementing the Agreement on Rules of Origin in Annex 1A of the World Trade Organization Agreement and any annex added to it under Article 9 of that Agreement, regulations made under subsection (2) may, if they so provide, prevail over any other regulations to the extent of any inconsistency.

Uniform regulations

(4) The Governor in Council may, on the recommendation of the Minister, make regulations for the uniform interpretation, application and administration of

- (a) Chapters Three and Four of the North American Free Trade Agreement and any other matters agreed on from time to time by the parties to that Agreement for the purposes of that Agreement;
- (b) Chapters C and D of the Canada–Chile Free Trade Agreement and any other matters agreed on from time to time by the parties to that Agreement for the purposes of that Agreement; and
- (c) Chapters III and IV of the Canada — Costa Rica Free Trade Agreement and any other matters agreed on from time to time by the parties to that Agreement for the purposes of that Agreement.

1997, c. 36, s. 16; 2001, c. 28, s. 34; 2005, c. 38, ss. 142, 145.

Direct Shipment and Transshipment

Direct shipment

17. (1) For the purposes of this Act, goods are shipped directly to Canada from another country when the goods are conveyed to Canada from that other country on a through bill of lading to a consignee in Canada.

Regulations

(2) The Governor in Council may, on the recommendation of the Minister, make regulations deeming goods that were not conveyed to Canada from another country on a through bill of lading to a consignee in Canada to have been shipped directly to Canada from that other country, subject to such conditions as may be set out in the regulations.

Transshipment

18. (1) Notwithstanding section 17, for the purposes of this Act, if goods that are exported to Canada from a country have been transhipped in an intermediate country, the goods are deemed not to have been shipped directly to Canada from the first-mentioned country if

- (a) the goods do not remain under customs transit control in the intermediate country;
- (b) the goods undergo an operation in the intermediate country other than unloading, reloading or splitting up of loads, or any other operation required to keep the goods in good condition;
- (c) the goods enter into trade or consumption in the intermediate country; or
- (d) the goods remain in temporary storage, under any conditions as may be prescribed, in the intermediate country for a period exceeding the prescribed period.

Regulations

(2) The Governor in Council, on the recommendation of the Minister of Public Safety and Emergency Preparedness, may make regulations prescribing conditions and a period for the purposes of paragraph (1)(d).

1997, c. 36, s. 18; 2005, c. 38, ss. 142, 145.

Marking of Goods

Regulations requiring marking

19. (1) The Governor in Council may, on the recommendation of the Minister, make regulations

- (a) requiring imported goods of any description or class, including a description or class specified in terms of the use of the goods, to be marked, in accordance with regulations made under subsection (2), so as to indicate their country or geographic area of origin; and
- (b) for determining the country or geographic area of origin of imported goods for marking purposes.

Regulations prescribing marking requirements

(2) The Minister of Public Safety and Emergency Preparedness may make regulations for the purpose of the administration of this section, including regulations prescribing

- (a) the manner in which imported goods must be marked and any conditions applicable to the marking of the goods; and
- (b) when imported goods must be marked, including whether they must be marked before or after importation, and any conditions applicable to the time of marking.

Applicability of regulations

(3) Regulations made under this section may apply generally or be limited to particular countries or geographic areas defined in the regulations.

1997, c. 36, s. 19; 2005, c. 38, ss. 142, 145.

Division 2

IMPOSITION OF CUSTOMS DUTIES

General

Imposition of customs duty

20. (1) Unless otherwise indicated in Chapter 98 or 99 of the List of Tariff Provisions, in addition to any other duties imposed under this Act or any other Act of Parliament relating to customs, there shall be levied on all goods set out in the List of Tariff Provisions, at the time those goods are imported, and paid in accordance with the *Customs Act*, a customs duty at the rates set out in that List, the "F" Staging List or section 29 that are applicable to those goods.

Value for duty of Canadian goods returned

(2) For the purposes of section 44 of the *Customs Act*, the value for duty of goods that have been taken out of Canada and are subsequently returned to Canada is the value of the goods at the time of the subsequent return if

- (a) the goods were repaired outside Canada;
- (b) equipment was added to the goods outside Canada; or
- (c) work was done outside Canada on the goods.

Definitions

21. The definitions in this section apply in sections 21.1 to 21.3.

"beer" or "malt liquor"

« *bière* » ou « *liqueur de malt* »

"beer" or "malt liquor" means beer or malt liquor, within the meaning of section 4 of the *Excise Act*, of tariff item No. 2202.90.10 or heading 22.03, that is classified under that heading or tariff item or with the container in which it is imported.

"bulk"

« *en vrac* »

"bulk" has the same meaning as in section 2 of the *Excise Act, 2001*.

"excise warehouse"

« *entrepôt d'accise* »

"excise warehouse" has the same meaning as in section 2 of the *Excise Act, 2001*.

"excise warehouse licensee"

« *exploitant agréé d'entrepôt d'accise* »

"excise warehouse licensee" has the same meaning as in section 2 of the *Excise Act, 2001*.

"licensed user"

« *utilisateur agréé* »

"licensed user" has the same meaning as in section 2 of the *Excise Act, 2001*.

"packaged"

« *emballé* »

"packaged" has the same meaning as in section 2 of the *Excise Act, 2001*.

"specified premises"

« *local déterminé* »

"specified premises" has the same meaning as in section 2 of the *Excise Act, 2001*.

"spirits"

« *spiritueux* »

"spirits" means spirits, as defined in section 2 of the *Excise Act, 2001*,

(a) of an alcoholic strength by volume exceeding 22.9%, of tariff item No. 2204.10.90, 2204.21.32, 2204.21.49, 2204.29.32, 2204.29.49, 2204.30.90, 2205.10.30, 2205.90.30, 2206.00.19, 2206.00.22, 2206.00.39, 2206.00.49, 2206.00.72 or 2206.00.93, that are classified under that tariff item or with the container in which they are imported;

(a.1) of an alcoholic strength by volume exceeding 11.9%, of heading No. 22.03, that are classified under that heading or with the container in which they are imported; or

(b) of heading No. 22.07 or 22.08, other than of tariff item No. 2207.20.11, 2207.20.12, 2207.20.90 or 2208.90.30, that are classified under that heading or with the container in which they are imported.

“wine”
« *vin* »

“wine” means wine, as defined in section 2 of the *Excise Act, 2001*, of heading 22.04, 22.05 or 22.06, other than of tariff item No. 2204.10.90, 2204.21.32, 2204.21.49, 2204.29.32, 2204.29.49, 2204.30.90, 2205.10.30, 2205.90.30, 2206.00.19, 2206.00.22, 2206.00.39, 2206.00.49, 2206.00.72 or 2206.00.93, that is classified under that heading or with the container in which it is imported.

1997, c. 36, s. 21; 2001, c. 16, s. 3; 2002, c. 22, ss. 346, 412; 2003, c. 15, s. 45; 2007, c. 18, s. 142; 2008, c. 28, s. 70.

Additional duty on bulk spirits

21.1 (1) In addition to any other duties imposed under this Act or any other Act of Parliament relating to customs, there is levied on bulk spirits, at the time they are imported, an additional duty equal to the duty that would be imposed on the spirits under section 122 of the *Excise Act, 2001* if the spirits had been produced in Canada.

Duty payable under *Excise Act, 2001*

(2) The duty levied on bulk spirits shall be paid and collected under the *Excise Act, 2001*, and interest and penalties shall be imposed, calculated, paid and collected under that Act, as if the duty were duty imposed on the spirits under that Act, and, for those purposes, that Act applies with any modifications that the circumstances require.

Limitation

(3) Despite subsection (2) and the *Excise Act, 2001*, the person who is liable for duty imposed under subsection (1) in respect of bulk spirits that have not been released under the *Customs Act* is the person who is liable to pay duties under the *Customs Act*.

2002, c. 22, s. 346.

Additional duty on packaged spirits

21.2 (1) In addition to any other duties imposed under this Act or any other Act of Parliament relating to customs, there is levied on packaged spirits, at the time they are imported, and paid in accordance with the *Customs Act*, an additional duty equal to the duty that would be imposed on them under section 122 or 123 of the *Excise Act, 2001* if they had been produced and packaged in Canada.

Additional duty on packaged wine

(2) In addition to any other duties imposed under this Act or any other Act of Parliament relating to customs, there is levied on packaged wine, at the time it is imported, and paid in accordance with the *Customs Act*, an additional duty equal to the duty that would be imposed on it under section 135 of the *Excise Act, 2001* if it had been packaged in Canada.

Goods entered into warehouse or premises

(3) If, immediately after being released under the *Customs Act*, packaged spirits or wine is entered into the excise warehouse of the excise warehouse licensee or the specified premises of the licensed user who imported the spirits or wine, the duty levied on the spirits or wine under subsection (1) or (2) shall be paid and collected under the *Excise Act, 2001*. Interest and penalties shall be imposed, calculated, paid and collected under the *Excise Act, 2001* as if the duty were imposed under that Act, and, for those purposes, that Act applies with any modifications that the circumstances require.

2002, c. 22, s. 346.

Additional duty on beer

21.3 In addition to any other duties imposed under this Act or any other Act of Parliament relating to customs, there is levied on beer or malt liquor, at the time it is imported, and paid in accordance with the *Customs Act*, an additional duty equal to the duty that would be levied on it under section 170 of the *Excise Act* if it had been manufactured or produced in Canada.

2002, c. 22, s. 346.

Other duties

22. In addition to the duties imposed under this Act or any other Act of Parliament relating to customs, there shall be levied on imported goods, at the time of their importation, and paid in accordance with the *Customs Act*, a duty comprised of any surtax or temporary duty imposed under Division 4 of this Part.

Special Classification

Goods of Chapter 99

23. Goods of Chapter 99 of the List of Tariff Provisions are entitled to the rate of customs duty set out for those goods in the column entitled "Most-Favoured-Nation Tariff" or "Preferential Tariff" in that Chapter, according to the tariff treatment applicable to their country of origin.

Division 3

TARIFF TREATMENTS

General

Conditions

24. (1) Unless otherwise provided in an order made under subsection (2) or otherwise specified in a tariff item, goods are entitled to a tariff treatment, other than the General Tariff, under this Act only if

(a) proof of origin of the goods is given in accordance with the *Customs Act*; and

(b) the goods are entitled to that tariff treatment in accordance with regulations made under section 16 or an order made under paragraph 31(1)(a), 34(1)(a), 38(1)(a) or 42(1)(a), subsection 45(13), section 48 or subsection 49(2) or 49.5(8).

Exemption

(2) The Governor in Council may, on the recommendation of the Minister, by order, exempt goods entitled to a tariff treatment other than the General Tariff from any condition set out in subsection (1), on such conditions as may be specified in the order.

1997, c. 36, s. 24; 2001, c. 28, s. 35; 2009, c. 16, s. 39.

Most favourable tariff

25. If, under this Act, goods are entitled to both the Most-Favoured-Nation Tariff and another Tariff and the amount of customs duty imposed under the Most-Favoured-Nation Tariff is lower than the amount imposed under the other Tariff, the rate of customs duty under the Most-Favoured-Nation Tariff applies to those goods in lieu of the rate under the other Tariff.

Goods in transit

26. An order made under paragraph 31(1)(b), 34(1)(b), 38(1)(b) or 42(1)(b) may provide that goods that are in transit to Canada at the time the order comes into force are entitled to the tariff treatment that was applicable to those goods immediately before that time.

Abbreviations

27. For the purposes of the List of Tariff Provisions and the "F" Staging List, the abbreviations "UST", "MT", "MUST", "CT", "CRT", "CIAT", "GPT", "LDCT", "CCCT", "AUT", "NZT", "IT", "NT", "SLT" and "PT" refer, respectively, to "United States Tariff", "Mexico Tariff", "Mexico–United States Tariff", "Chile Tariff", "Costa Rica Tariff", "Canada–Israel Agreement Tariff", "General Preferential Tariff", "Least Developed Country Tariff", "Commonwealth Caribbean Countries Tariff", "Australia Tariff", "New Zealand Tariff", "Iceland Tariff", "Norway Tariff", "Switzerland–Liechtenstein Tariff" and "Peru Tariff".

1997, c. 36, s. 27; 2001, c. 28, s. 36; 2009, c. 6, s. 32, c. 16, ss. 40, 56.

If rate not specified

28. The symbol "N/A", if it is set out in the column entitled "Most-Favoured-Nation Tariff" in the List of Tariff Provisions, or in the column entitled "Preferential Tariff" in that List in combination with an abbreviation designating a preferential tariff treatment of a tariff item, indicates that that tariff treatment does not apply to that tariff item.

General Tariff

Application of General Tariff

29. (1) A General Tariff rate of customs duty of 35% applies to

- (a) goods that originate in a country that is not set out in the List of Countries;
- (b) goods that originate in a country set out in the List of Countries and that fail to meet the conditions for entitlement to any other tariff treatments provided for under this Act; and
- (c) goods to which the General Tariff applies under paragraph 31(1)(b) or any regulation or order made under this Act.

Exception

(2) Notwithstanding subsection (1), goods referred to in that subsection are subject to the Most-Favoured-Nation Tariff rate of customs duty in respect of those goods if

(a) that rate is, or is equivalent to, more than 35%; or

(b) a Note or Supplementary Note to a Chapter of the List of Tariff Provisions or a tariff item so provides.

Most-Favoured-Nation Tariff

Application of MFN Tariff

30. (1) Subject to section 24 and any order made under section 31, goods that originate in a country set out in the List of Countries are entitled to the Most-Favoured-Nation Tariff rates of customs duty.

"A" final rate

(2) If "A" is set out in the column entitled "Most-Favoured-Nation Tariff" in the List of Tariff Provisions in relation to goods entitled to the Most-Favoured-Nation Tariff, the Most-Favoured-Nation Tariff rate of customs duty that applies to those goods is the final rate.

Staging for MFN Tariff

(3) If "B", "C", "D" or "E" is set out in the column entitled "Most-Favoured-Nation Tariff" in the List of Tariff Provisions in relation to goods entitled to the Most-Favoured-Nation Tariff, the Most-Favoured-Nation Tariff rate of customs duty that applies to those goods is the initial rate, reduced

(a) if "B" is set out,

(i) effective on January 1, 1999, by one half of the difference between the initial rate and the final rate, and

(ii) effective on January 1, 2000, to the final rate;

(b) if "C" is set out,

(i) effective on August 1, 1998, by one third of the difference between the initial rate and the final rate,

(ii) effective on August 1, 1999, by two thirds of the difference between the initial rate and the final rate, and

(iii) effective on August 1, 2000, to the final rate;

(c) if "D" is set out,

(i) effective on January 1, 1999, by one quarter of the difference between the initial rate and the final rate,

(ii) effective on January 1, 2000, by one half of the difference between the initial rate and the final rate,

(iii) effective on January 1, 2001, by three quarters of the difference between the initial rate and the final rate, and

(iv) effective on January 1, 2002, to the final rate; and

(d) if "E" is set out,

(i) effective on January 1, 1999, by one sixth of the difference between the initial rate and the final rate,

(ii) effective on January 1, 2000, by one third of the difference between the initial rate and the final rate,

- (iii) effective on January 1, 2001, by one half of the difference between the initial rate and the final rate,
- (iv) effective on January 1, 2002, by two thirds of the difference between the initial rate and the final rate,
- (v) effective on January 1, 2003, by five sixths of the difference between the initial rate and the final rate, and
- (vi) effective on January 1, 2004, to the final rate.

"F" staging for MFN Tariff

(4) If "F" is set out in the column entitled "Most-Favoured-Nation Tariff" in the List of Tariff Provisions in relation to goods entitled to the Most-Favoured-Nation Tariff, the Most-Favoured-Nation Tariff rate of customs duty that applies to those goods is the initial rate, reduced as provided in the "F" Staging List.

"G" staging for MFN Tariff

(5) If "G" is set out in the column entitled "Most-Favoured-Nation Tariff" in the List of Tariff Provisions in relation to goods entitled to the Most-Favoured-Nation Tariff, the Most-Favoured-Nation Tariff rate of customs duty that applies to those goods is the initial rate, reduced, effective January 1, 1999, to the final rate.

Rounding percentage rates

(6) If a reduction under subsection (3), (4) or (5) results in a rate of customs duty that includes a fraction of one per cent, the resulting percentage shall be rounded to the nearest one-tenth of one per cent or, if the resulting percentage is equidistant from two one-tenths of one percent, to the higher of them.

Rounding of rates other than 0.5 per cent

(7) If, for any goods other than motor vehicles of tariff item No. 8701.20.00, heading No. 87.02, 87.03, 87.04 or 87.05, and chassis therefor of heading No. 87.06, a reduction under any of subsections (3) to (5) or a rounding of rates under subsection (6) results in a rate of customs duty that includes a fraction of one per cent other than 0.5, the resulting percentage shall be rounded down to the nearest percentage that divides evenly by 0.5.

Elimination of rates of less than two per cent

(8) If a reduction under subsection (3), (4) or (5) results in a rate of customs duty that is a percentage of less than two per cent, the rate shall be further reduced to "Free" immediately.

Rounding specific rates

(9) If a reduction under subsection (3), (4) or (5) results in a rate of customs duty that includes a specific rate that includes a fraction of one cent and the final rate
(a) is or includes a specific rate, the specific rate component of the reduced rate shall be rounded

(i) if the final rate is or includes a specific rate expressed in cents to two decimal places, to the nearest one-hundredth of a cent or, if the specific rate component of the reduced rate is equidistant from two one-hundredths of a cent, to the higher of them,
(ii) if the final rate is or includes a specific rate expressed in cents to one decimal place, to the nearest one-tenth of a cent or, if the specific rate component of the reduced rate is equidistant from two one-tenths of a cent, to the higher of them, and
(iii) in any other case, to the nearest cent or, if the specific rate component of the reduced rate is equidistant from two cents, to the higher of them; or
(b) is "Free" or does not include a specific rate, the specific rate component of the reduced rate shall be rounded as provided in subparagraphs (a)(i) to (iii), except that the references to the final rate in subparagraphs (a)(i) and (ii) shall be read as references to the initial rate.

Extension or withdrawal of entitlement

31. (1) The Governor in Council may, on the recommendation of the Minister, by order, amend the schedule to
(a) extend entitlement to the Most-Favoured-Nation Tariff to any goods that originate in a country to which the General Tariff applies;
(b) withdraw entitlement to the Most-Favoured-Nation Tariff from any goods that originate in a country that is entitled to that Tariff and make those goods subject to the General Tariff; and
(c) amend the List of Countries to the extent required to indicate the tariff treatment of the country to which the order applies.

Contents of order

(2) An order made under subsection (1) must
(a) specify the date on which the order becomes effective;
(b) if the order partially extends entitlement to the Most-Favoured-Nation Tariff, indicate the goods to which entitlement to that Tariff is extended; and
(c) if the order partially withdraws entitlement to the Most-Favoured-Nation Tariff, indicate the goods that are made subject to the General Tariff.

Approval by Parliament

32. (1) An order made under paragraph 31(1)(b) the period of which is longer than 180 days ceases to have effect on the one hundred and eightieth day after the day on which it becomes effective or, if Parliament is not then sitting, the fifteenth day thereafter that Parliament is sitting unless, not later than that day, the order is approved by a resolution adopted by both Houses of Parliament.

Meaning of "sitting day"

(2) For the purposes of subsection (1), a day on which either House of Parliament sits is deemed to be a sitting day.

Rates restored

(3) If an order referred to in subsection (1) ceases to have effect under that subsection, entitlement to the Most-Favoured-Nation Tariff withdrawn by the order shall be restored.

General Preferential Tariff

Application of GPT

33. (1) Subject to sections 24 and 35 and any order made under section 34, goods that originate in a country set out in the List of Countries as a beneficiary of the General Preferential Tariff are entitled to the General Preferential Tariff rates of customs duty.

"A" final rate

(2) If "A" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "GPT" in relation to goods entitled to the General Preferential Tariff, the General Preferential Tariff rate of customs duty that applies to those goods is the final rate.

"F" staging for GPT

(3) If "F" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "GPT" in relation to goods entitled to the General Preferential Tariff, the General Preferential Tariff rate of customs duty that applies to those goods is the initial rate, reduced as provided in the "F" Staging List.

"J" staging for GPT

(4) If "J" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "GPT" in relation to goods entitled to the General Preferential Tariff, the General Preferential Tariff rate of customs duty that applies to those goods is the initial rate, reduced by one percentage point on January 1 of each year after 1998, until the difference between the reduced rate and the final rate is less than one percentage point, at which time the final rate applies.

Rounding amounts

(5) If a reduction under subsection (3) or (4) results in a rate of customs duty that includes a fraction of one per cent other than 0.5, the resulting percentage shall be rounded down to the nearest percentage that divides evenly by 0.5.

Elimination of rates less than two per cent

(6) If a reduction under subsection (3) or (4) in respect of goods other than motor vehicles of tariff item No. 8703.21.10 or 8705.20.00 results in a rate of customs duty that is a percentage of less than two per cent, the rate shall be further reduced to "Free" immediately.

Extension and withdrawal of entitlement

34. (1) The Governor in Council may, on the recommendation of the Minister, by order,

- (a) amend the schedule to extend entitlement to the General Preferential Tariff to any goods that originate in a country that is a beneficiary of the Most-Favoured-Nation Tariff if, in the opinion of the Governor in Council, that country is a developing country;
- (b) amend the schedule to withdraw entitlement to the General Preferential Tariff from any goods that originate in a country that is a beneficiary of that Tariff; and
- (c) amend the List of Tariff Provisions and the "F" Staging List to reduce a rate of customs duty set out following the abbreviation "GPT" in the column entitled "Preferential Tariff" in those Lists.

Content of order

(2) An order made under subsection (1)

- (a) must specify the date on which the order becomes effective;
- (b) must, if the order partially extends entitlement to the General Preferential Tariff, indicate the goods to which entitlement to that Tariff is extended;
- (c) may exempt goods from the conditions set out in subsection 24(1) and prescribe any conditions that apply; and
- (d) must, if the order wholly or partially withdraws entitlement to the General Preferential Tariff, indicate the goods to which the Most-Favoured-Nation Tariff applies as a consequence.

Application of tariff rate quota

35. (1) The Governor in Council may, on the recommendation of the Minister, by order, apply a tariff rate quota in respect of goods imported from one or more countries entitled to the General Preferential Tariff for a period specified in the order.

Tariff treatment if tariff rate quota exceeded

(2) Goods imported in excess of a tariff rate quota applied by an order made under subsection (1) are subject to the tariff treatment that would be applicable to those goods if they were not entitled to the General Preferential Tariff.

Expiry date

36. Sections 33 to 35 cease to have effect on June 30, 2014 or on such earlier date as may be fixed by order of the Governor in Council.

1997, c. 36, s. 36; 2004, c. 13, s. 1.

Least Developed Country Tariff

Application of LDCT

37. (1) Subject to sections 24 and 39 and any order made under section 38, goods that originate in a country set out in the List of Countries as a beneficiary of the Least Developed Country Tariff are entitled to the Least Developed Country Tariff rates of customs duty.

"A" final rate

(2) If "A" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "LDCT" in relation to goods entitled to the Least Developed Country Tariff, the Least Developed Country Tariff rate of customs duty that applies to those goods is the final rate.

"F" staging for LDCT

(3) If "F" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "LDCT" in relation to goods entitled to the Least Developed Country Tariff, the Least Developed Country Tariff rate of customs duty that applies to those goods is the initial rate, reduced as provided in the "F" Staging List.

Extension or withdrawal of entitlement

38. (1) The Governor in Council may, on the recommendation of the Minister, by order,

- (a) amend the schedule to extend entitlement to the Least Developed Country Tariff to goods that originate in a country that is a beneficiary of the General Preferential Tariff, if, in the opinion of the Governor in Council, that country is a least developed country;
- (b) amend the schedule to wholly or partially withdraw entitlement to the Least Developed Country Tariff from goods that originate in a country that is a beneficiary of that Tariff; and
- (c) amend the List of Tariff Provisions and the "F" Staging List to reduce a rate of customs duty set out following the abbreviation "LDCT" in the column entitled "Preferential Tariff" in those Lists.

Contents of order

(2) An order made under subsection (1)

- (a) must specify the date on which the order becomes effective;
- (b) must, if the order partially extends entitlement to the Least Developed Country Tariff, indicate the goods to which that Tariff is extended;
- (c) may exempt the goods from the conditions set out in subsection 24(1) and prescribe any conditions that apply; and
- (d) must, if the order wholly or partially withdraws entitlement to the Least Developed Country Tariff, indicate the goods to which the General Preferential Tariff applies as a consequence.

Application of tariff rate quota

39. (1) The Governor in Council may, on the recommendation of the Minister, by order, apply a tariff rate quota in respect of goods imported from one or more countries entitled to the Least Developed Country Tariff for a period specified in the order.

Tariff treatment if tariff rate quota exceeded

(2) Goods imported in excess of a tariff rate quota applied under an order under subsection (1) are subject to the tariff treatment that would be applicable to those goods if they were not entitled to the Least Developed Country Tariff.

Expiry date

40. Sections 37 to 39 cease to have effect on June 30, 2014 or on such earlier date as may be fixed by order of the Governor in Council.

1997, c. 36, s. 40; 2004, c. 13, s. 2.

Commonwealth Caribbean Countries Tariff

Application of CCCT

41. (1) Subject to sections 24 and 43 and any order made under section 42, goods that originate in a country set out in the List of Countries as a beneficiary of the Commonwealth Caribbean Countries Tariff are entitled to the Commonwealth Caribbean Countries Tariff rates of customs duty.

"A" final rate

(2) If "A" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "CCCT" in relation to goods entitled to the Commonwealth Caribbean Countries Tariff, the Commonwealth Caribbean Countries Tariff rate of customs duty that applies to those goods is the final rate.

"F" staging for CCCT

(3) If "F" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "CCCT" in relation to goods entitled to the Commonwealth Caribbean Countries Tariff, the Commonwealth Caribbean Countries Tariff rate of customs duty that applies to those goods is the initial rate, reduced as provided in the "F" Staging List.

Extension or withdrawal of entitlement

42. (1) The Governor in Council may, on the recommendation of the Minister, by order,

(a) amend the List of Tariff Provisions and the "F" Staging List to extend entitlement to the Commonwealth Caribbean Countries Tariff to any goods that originate in a country that is a beneficiary of that Tariff;

(b) amend the schedule to wholly or partially withdraw entitlement to the Commonwealth Caribbean Countries Tariff from goods that originate in a country that is a beneficiary of that Tariff; and

(c) amend the List of Tariff Provisions and the "F" Staging List to reduce a rate of customs duty set out following the abbreviation "CCCT" in the column entitled "Preferential Tariff" in those Lists.

Contents of order

(2) An order made under subsection (1)

- (a) must specify the date on which the order becomes effective;
- (b) must, if the order extends or wholly or partially withdraws entitlement to the Commonwealth Caribbean Countries Tariff, indicate the goods to which the order applies; and
- (c) may exempt goods from the conditions set out in subsection 24(1) and prescribe any conditions that apply.

Application of tariff rate quota

43. (1) The Governor in Council may, on the recommendation of the Minister, by order, apply a tariff rate quota in respect of goods imported from one or more countries entitled to the Commonwealth Caribbean Countries Tariff for a period specified in the order.

Tariff treatment if tariff rate quota exceeded

(2) Goods imported in excess of a tariff rate quota applied by an order made under subsection (1) are subject to the tariff treatment that would be applicable to those goods if they were not entitled to the Commonwealth Caribbean Countries Tariff.

Australia Tariff and New Zealand Tariff

Application of AUT

44. (1) Subject to section 24, goods that originate in Australia are entitled to the Australia Tariff rates of customs duty.

Application of NZT

(2) Subject to section 24, goods that originate in New Zealand are entitled to the New Zealand Tariff rates of customs duty.

"A" final rate

(3) If "A" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "AUT" or "NZT" in relation to goods entitled to the Australia Tariff or the New Zealand Tariff, as the case may be, the rate of customs duty that applies to those goods under that Tariff is the final rate.

Staging for AUT and NZT

(4) If "B" or "E" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "AUT" or "NZT" in relation to goods entitled to the Australia Tariff or the New Zealand Tariff, as the case may be, the rate of customs duty that applies to those goods under that Tariff is the initial rate, reduced

(a) if "B" is set out

(i) effective on January 1, 1999, by one half of the difference between the initial rate and the final rate, and

(ii) effective on January 1, 2000, to the final rate; and

(b) if "E" is set out

- (i) effective on January 1, 1999, by one sixth of the difference between the initial rate and the final rate,
- (ii) effective on January 1, 2000, by one third of the difference between the initial rate and the final rate,
- (iii) effective on January 1, 2001, by one half of the difference between the initial rate and the final rate,
- (iv) effective on January 1, 2002, by two thirds of the difference between the initial rate and the final rate,
- (v) effective on January 1, 2003, by five sixths of the difference between the initial rate and the final rate, and
- (vi) effective on January 1, 2004, to the final rate.

"F" staging for AUT and NZT

(5) If "F" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "AUT" or "NZT" in relation to goods entitled to the Australia Tariff or the New Zealand Tariff, as the case may be, the rate of customs duty that applies to those goods under that Tariff is the initial rate, reduced as provided in the "F" Staging List.

Rounding percentage rates

(6) If a reduction under subsection (4) or (5) results in a rate of customs duty that includes a fraction of one per cent, the resulting percentage shall be rounded to the nearest one-tenth of one per cent or, if the resulting percentage is equidistant from two one-tenths of one per cent, to the higher of them.

Rounding percentage rates

(7) If a reduction under subsection (4) or (5) or a rounding of rates under subsection (6) results in a rate of customs duty that includes a fraction of one per cent other than 0.5, the resulting percentage shall be rounded down to the nearest percentage that divides evenly by 0.5.

Rounding specific rates

(8) If a reduction under subsection (4) or (5) results in a rate of customs duty that includes a specific rate that includes a fraction of one cent and the final rate (a) is or includes a specific rate, the specific rate component of the reduced rate shall be rounded

- (i) if the final rate is or includes a specific rate expressed in cents to two decimal places, to the nearest one-hundredth of a cent or, if the specific rate component of the reduced rate is equidistant from two one-hundredths of a cent, to the higher of them,
 - (ii) if the final rate is or includes a specific rate expressed in cents to one decimal place, to the nearest one-tenth of a cent or, if the specific rate component of the reduced rate is equidistant from two one-tenths of a cent, to the higher of them, and
 - (iii) in any other case, to the nearest cent or, if the specific rate component of the reduced rate is equidistant from two cents, to the higher of them; or
- (b) is "Free" or does not include a specific rate, the specific rate component of the reduced rate shall be rounded as provided in subparagraphs (a)(i) to (iii), except

that the references to the final rate in subparagraphs (a)(i) and (ii) shall be read as references to the initial rate.

United States Tariff, Mexico Tariff and Mexico–United States Tariff

Application of UST

45. (1) Subject to section 24, goods that are entitled to the United States Tariff are entitled to the United States Tariff rates of customs duty.

"A" final rate for UST

(2) If "A" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "UST" in relation to goods entitled to the United States Tariff, the United States Tariff rate of customs duty that applies to those goods is the final rate of "Free".

Application of MT

(3) Subject to section 24, goods that are entitled to the Mexico Tariff are entitled to the Mexico Tariff rates of customs duty.

Application of MUST

(4) Subject to section 24, goods that are entitled to the Mexico–United States Tariff are entitled to the Mexico–United States Tariff rates of customs duty.

"A" final rate for MT and MUST

(5) If "A" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "MT" or "MUST" in relation to goods entitled to the Mexico Tariff or the Mexico–United States Tariff, as the case may be, the rate of customs duty that applies to those goods under that Tariff is the final rate of "Free".

"A1" final rate for MT

(6) If "A1" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "MT" in relation to goods of heading No. 17.01 or tariff item No. 1806.10.10 that are entitled to the Mexico Tariff, the Mexico Tariff rate of customs duty that applies to those goods is the final rate.

"B1" staging for MT

(7) If "B1" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "MT" in relation to goods of heading No. 17.02 or tariff item No. 2106.90.21 that are entitled to the Mexico Tariff, the Mexico Tariff rate of customs duty that applies to those goods is the initial rate, reduced
(a) effective on January 1, 1999, by one half of the difference between the initial rate and the final rate; and
(b) effective on January 1, 2000, to the final rate.

"F" staging for MT and MUST

(8) If "F" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "MT" or "MUST" in relation to goods entitled to the Mexico Tariff or the Mexico–United States Tariff, as the case may be, the rate of customs duty that applies to those goods under that Tariff is the initial rate, reduced as provided in the "F" Staging List to the final rate.

Staging for MT and MUST

(9) If "G", "H" or "I" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "MT" or "MUST" in relation to goods entitled to the Mexico Tariff or the Mexico–United States Tariff, as the case may be, the rate of customs duty that applies to those goods under that Tariff is the initial rate, reduced

(a) if "G" is set out, effective on January 1, 1999, to the final rate of "Free";

(b) if "H" is set out,

(i) effective on January 1, 1999, to four fifths of the initial rate,

(ii) effective on January 1, 2000, to three fifths of the initial rate, and

(iii) effective on January 1, 2001, to the final rate of "Free"; and

(c) if "I" is set out,

(i) effective on January 1, 1999, to four fifths of the initial rate,

(ii) effective on January 1, 2000, to three fifths of the initial rate,

(iii) effective on January 1, 2001, to two fifths of the initial rate,

(iv) effective on January 1, 2002, to one fifth of the initial rate, and

(v) effective on January 1, 2003, to the final rate of "Free".

Rounding amounts

(10) If a reduction under subsection (8) or (9) in respect of goods other than motor vehicles of heading No. 87.01, 87.02, 87.03, 87.04 or 87.05 results in a rate of customs duty that includes a fraction of one per cent other than 0.5, the resulting percentage shall be rounded down to the nearest percentage that divides evenly by 0.5.

Elimination of rates of less than two per cent

(11) If a reduction under subsection (8) or (9) in respect of goods other than motor vehicles of heading No. 87.01, 87.02, 87.03, 87.04 or 87.05 results in a rate of customs duty that is a percentage of less than two per cent, the rate shall be further reduced to "Free" immediately.

Rounding specific rates

(12) If a reduction under subsection (7), (8) or (9) results in a specific rate of customs duty that includes a fraction of one-tenth of a cent, the rate shall be rounded down to the nearest one-tenth of a cent.

Extension of United States Tariff and Mexico Tariff

(13) Notwithstanding any other provision of this Act, for the purpose of giving effect to Appendix 6 of Annex 300-B of Chapter Three of the North American Free

Trade Agreement, the Minister may, by order, amend the schedule to extend entitlement to the United States Tariff or the Mexico Tariff to any imported goods under such conditions as may be specified in the order.

Chile Tariff

Application of CT

46. (1) Subject to section 24, goods that originate in Chile are entitled to the Chile Tariff rates of customs duty.

"A" final rate

(2) If "A" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "CT" in relation to goods entitled to the Chile Tariff, the Chile Tariff rate of customs duty that applies to those goods is the final rate of "Free".

"F" staging for CT

(3) If "F" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "CT" in relation to goods entitled to the Chile Tariff, the Chile Tariff rate of customs duty that applies to those goods is the initial rate, reduced as provided in the "F" Staging List.

Staging for CT

(4) If "G", "K", "K1", "D1", "I", "I1" or "L" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "CT" in relation to goods entitled to the Chile Tariff, the Chile Tariff rate of customs duty that applies to those goods is the initial rate, reduced

(a) if "G" is set out, effective on January 1, 1999, to the final rate of "Free";

(b) if "K" is set out,

(i) effective on January 1, 1999, to four fifths of the initial rate,

(ii) effective on January 1, 2000, to three fifths of the initial rate, and

(iii) effective on January 1, 2001, to the final rate of "Free";

(c) if "K1" is set out,

(i) effective on January 1, 1999, to 86% of the initial rate,

(ii) effective on January 1, 2000, to 60% of the initial rate, and

(iii) effective on January 1, 2001, to the final rate of "Free";

(d) if "D1" is set out,

(i) effective on January 1, 1999, to three quarters of the initial rate,

(ii) effective on January 1, 2000, to one half of the initial rate,

(iii) effective on January 1, 2001, to one quarter of the initial rate, and

(iv) effective on January 1, 2002, to the final rate of "Free";

(e) if "I" is set out,

(i) effective on January 1, 1999, to four fifths of the initial rate,

(ii) effective on January 1, 2000, to three fifths of the initial rate,

(iii) effective on January 1, 2001, to two fifths of the initial rate,

(iv) effective on January 1, 2002, to one fifth of the initial rate, and

(v) effective on January 1, 2003, to the final rate of "Free";

(f) if "I1" is set out,

(i) effective on January 1, 1999, to 84% of the initial rate,

- (ii) effective on January 1, 2000, to 60% of the initial rate,
 - (iii) effective on January 1, 2001, to 42% of the initial rate,
 - (iv) effective on January 1, 2002, to 20% of the initial rate, and
 - (v) effective on January 1, 2003, to the final rate of "Free"; and
- (g) if "L" is set out, effective on January 1, 2003, to the final rate of "Free".

Rounding of specific rates

(5) If a reduction under subsection (3) or (4) results in a specific rate of customs duty that includes a fraction of one tenth of a cent, the rate shall be rounded down to the nearest one tenth of a cent.

Rounding of amounts

(6) If a reduction under subsection (3) or (4) results in a rate of customs duty that includes a fraction of one per cent other than 0.5, the resulting percentage shall be rounded down to the nearest percentage that divides evenly by 0.5.

Elimination of rates of less than two per cent

(7) If a reduction under subsection (3) or (4) results in a rate of customs duty that is a percentage of less than two per cent, the rate shall be further reduced to "Free" immediately.

Reduction of rate: "L" staging

47. (1) For the purpose of giving effect to paragraphs X, XI and XII in the portion of the Tariff Schedule of Canada referred to in Annex C-02.2 of the Canada–Chile Free Trade Agreement, entitled "Tariff Elimination — Staging Category Descriptions", the Governor in Council may, by order, amend the List of Tariff Provisions and the "F" Staging List to reduce, for the period and subject to the conditions that are specified in the order, the initial rate for goods of a tariff item entitled to the Chile Tariff in respect of which "L" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "CT" in that tariff item.

Increase of rate

(2) For the purpose of giving effect to paragraph 4 of Article C-14 of the Canada–Chile Free Trade Agreement in respect of agricultural goods, the Governor in Council may, on the recommendation of the Minister, by order, amend the List of Tariff Provisions and the "F" Staging List to increase, for the period and subject to the conditions specified in the order, the Chile Tariff rate of customs duty that applies to those goods, but the rate may not exceed the Most-Favoured-Nation Tariff rate in effect on the coming into force of the order.

Period and repeal of order

(3) An order made under subsection (2)

- (a) remains in effect, subject to this section, for the period that is specified in the order; and
- (b) may, notwithstanding any other provision of this section, be amended at any time by the Governor in Council, unless, before that time, a resolution directing that

the order cease to have effect has been adopted by both Houses of Parliament under subsection (4).

Resolution of Parliament of cessation

(4) If a resolution directing that an order made under subsection (2) cease to have effect is adopted by both Houses of Parliament, the order ceases to have effect on the day that the resolution is adopted or, if the adopted resolution specifies a day on which the order ceases to have effect, on that specified day.

Notice in *Canada Gazette*

(5) If an order ceases to have effect under subsection (4), the Minister shall publish a notice to that effect in the *Canada Gazette*.

Ceases to be in force

(6) This section ceases to be in force on December 31, 2002.

Extension of Chile Tariff

48. Notwithstanding any other provision of this Act and for the purpose of giving effect to Appendix 5.1 of Annex C-00-B of the Canada–Chile Free Trade Agreement, the Minister may, by order, amend the schedule to extend entitlement to the Chile Tariff to any imported goods under such conditions as are specified in the order.

Limits on reduction of duty

49. (1) The Governor in Council may, on the recommendation of the Minister, by order, specify limits on the quantity of goods of tariff item No. 0703.10.92, or on the aggregate quantity of goods of tariff item No. 0810.10.11 and of goods of tariff item No. 0810.10.92, that are entitled to the Chile Tariff, and the limits apply during the periods that may be specified in the order.

Ceases to have effect

(2) This section ceases to have effect on December 31, 2002.

Costa Rica Tariff

Application of CRT

49.1 (1) Subject to section 24, goods that originate in Costa Rica are entitled to the Costa Rica Tariff rates of customs duty.

"A" final rate

(2) If "A" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "CRT" in relation to goods entitled to the Costa Rica Tariff, the Costa Rica Tariff rate of customs duty that applies to those goods is the final rate of "Free".

"F" staging for CRT

(3) If "F" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "CRT" in relation to goods entitled to the Costa Rica Tariff, the Costa Rica Tariff rate of customs duty that applies to those goods is the initial rate, reduced as provided in the "F" Staging List.

"M" Staging for CRT

(4) If "M" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "CRT" in relation to goods entitled to the Costa Rica Tariff, the Costa Rica Tariff rate of customs duty that applies to those goods is the initial rate, reduced to a final rate of "Free" when the Minister is satisfied that Costa Rica has eliminated all business income tax exemptions and other export subsidies in respect of goods produced wholly or partially within a geographic area, as defined in subsection 16(2.1).

Staging for CRT

(5) If "N", "O" or "P" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "CRT" in relation to goods entitled to the Costa Rica Tariff, the Costa Rica Tariff rate of customs duty that applies to those goods is the initial rate, reduced

(a) if "N" is set out,

- (i) effective on the coming into force of this subsection, to four fifths of the initial rate,
- (ii) effective on January 1, 2003, to three fifths of the initial rate,
- (iii) effective on January 1, 2004, to two fifths of the initial rate,
- (iv) effective on January 1, 2005, to one fifth of the initial rate, and
- (v) effective on January 1, 2006, to the final rate of "Free";

(b) if "O" is set out,

- (i) effective on the coming into force of this subsection, to seven eighths of the initial rate,
- (ii) effective on January 1, 2003, to six eighths of the initial rate,
- (iii) effective on January 1, 2004, to five eighths of the initial rate,
- (iv) effective on January 1, 2005, to four eighths of the initial rate,
- (v) effective on January 1, 2006, to three eighths of the initial rate,
- (vi) effective on January 1, 2007, to two eighths of the initial rate,
- (vii) effective on January 1, 2008, to one eighth of the initial rate, and
- (viii) effective on January 1, 2009, to the final rate of "Free"; and

(c) if "P" is set out,

- (i) effective on January 1, 2003, to eight ninths of the initial rate,
- (ii) effective on January 1, 2004, to seven ninths of the initial rate,
- (iii) effective on January 1, 2005, to six ninths of the initial rate,
- (iv) effective on January 1, 2006, to five ninths of the initial rate,
- (v) effective on January 1, 2007, to four ninths of the initial rate,
- (vi) effective on January 1, 2008, to three ninths of the initial rate,
- (vii) effective on January 1, 2009, to two ninths of the initial rate,
- (viii) effective on January 1, 2010, to one ninth of the initial rate, and
- (ix) effective on January 1, 2011, to the final rate of "Free".

Rounding of specific rates

(6) If a reduction under subsection (3) or (5) results in a specific rate of customs duty that includes a fraction of one tenth of a cent, the rate shall be rounded down to the nearest one tenth of a cent.

Rounding of amounts

(7) If a reduction under subsection (3) or (5) results in a rate of customs duty that includes a fraction of one per cent other than 0.5, the resulting percentage shall be rounded down to the nearest percentage that divides evenly by 0.5.

Elimination of rates of less than two per cent

(8) If a reduction under subsection (3) or (5) results in a rate of customs duty that is a percentage of less than two per cent, the rate shall be further reduced to "Free" immediately.

2001, c. 28, s. 37.

Extension of Costa Rica Tariff

49.2 Notwithstanding any other provision of this Act and for the purpose of giving effect to Appendix III.1.6.1 of Annex III.1 of the Canada — Costa Rica Free Trade Agreement, the Minister may, by order, amend the schedule to extend entitlement to the Costa Rica Tariff to any imported goods under such conditions as are specified in the order.

2001, c. 28, s. 37.

Limits on reduction of duty

49.3 (1) The Governor in Council may, on the recommendation of the Minister, by order, specify limits on the aggregate quantity of goods of tariff item Nos. 1701.91.90, 1701.99.90, 1702.90.11, 1702.90.12, 1702.90.13, 1702.90.14, 1702.90.15, 1702.90.16, 1702.90.17, 1702.90.18 and 1702.90.89 and that are entitled to the Costa Rica Tariff, and the limits apply during the periods and subject to the conditions that may be specified in the order.

Ceases to have effect

(2) This section ceases to have effect on December 31, 2010.

2001, c. 28, s. 37; 2009, c. 16, s. 41.

Reduction of rate: "M" Staging

49.4 The Governor in Council may, on the recommendation of the Minister, by order, amend the List of Tariff Provisions and the "F" Staging List to reduce, subject to the conditions specified in the order, the initial rate for goods of a tariff item entitled to the Costa Rica Tariff in respect of which "M" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "CRT" in that tariff item.

2001, c. 28, s. 37.

Peru Tariff

Application of PT

49.5 (1) Subject to section 24, goods that originate in Peru are entitled to the Peru Tariff rates of customs duty.

"A" final rate

(2) If "A" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "PT" in relation to goods entitled to the Peru Tariff, the Peru Tariff rate of customs duty that applies to those goods is the final rate of "Free".

"F" staging for PT

(3) If "F" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "PT" in relation to goods entitled to the Peru Tariff, the Peru Tariff rate of customs duty that applies to those goods is the initial rate, reduced as provided in the "F" Staging List.

Staging for PT

(4) If "R1" or "R2" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "PT" in relation to goods entitled to the Peru Tariff, the Peru Tariff rate of customs duty that applies to those goods is the initial rate, reduced

(a) if "R1" is set out,

(i) effective on the coming into force of this subsection, to two thirds of the initial rate,

(ii) effective on January 1, 2010, to one third of the initial rate, and

(iii) effective on January 1, 2011, to the final rate of "Free"; and

(b) if "R2" is set out,

(i) effective on the coming into force of this subsection, to six sevenths of the initial rate,

(ii) effective on January 1, 2010, to five sevenths of the initial rate,

(iii) effective on January 1, 2011, to four sevenths of the initial rate,

(iv) effective on January 1, 2012, to three sevenths of the initial rate,

(v) effective on January 1, 2013, to two sevenths of the initial rate,

(vi) effective on January 1, 2014, to one seventh of the initial rate, and

(vii) effective on January 1, 2015, to the final rate of "Free".

Rounding of specific rates

(5) If a reduction under subsection (3) or (4) results in a specific rate of customs duty that includes a fraction of one tenth of a cent, the rate shall be rounded down to the nearest one tenth of a cent.

Rounding of amounts

(6) If a reduction under subsection (3) or (4) results in a rate of customs duty that includes a fraction of one per cent other than 0.5, the resulting percentage shall be rounded down to the nearest percentage that divides evenly by 0.5.

Elimination of rates of less than two per cent

(7) If a reduction under subsection (3) or (4) results in a rate of customs duty that is a percentage of less than two per cent, the rate shall be further reduced to "Free" immediately.

Extension of Peru Tariff

(8) Notwithstanding any other provision of this Act, for the purposes of giving effect to Article 317 of the Canada–Peru Free Trade Agreement, the Minister may, by order, amend the schedule to extend entitlement to the Peru Tariff to any imported goods subject to any condition that may be specified in the order.

Limits on reduction of duty

(9) The Governor in Council may, on the recommendation of the Minister, by order, specify limits on the aggregate quantity of goods of tariff item Nos. 1701.91.10, 1701.99.10, 1702.90.21, 1702.90.61, 1702.90.70 and 1702.90.81 that are entitled to the Peru Tariff, and the limits apply during the periods and subject to the conditions that may be specified in the order.

2009, c. 16, s. 42.

Canada–Israel Agreement Tariff

Application of CIAT

50. (1) Subject to section 24, goods that originate in Israel or another CIFTA beneficiary are entitled to the Canada–Israel Agreement Tariff rates of customs duty.

"A" final rate

(2) If "A" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "CIAT" in relation to goods entitled to the Canada–Israel Agreement Tariff, the Canada–Israel Agreement Tariff rate of customs duty that applies to those goods is the final rate.

"F" staging for CIAT

(3) If "F" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "CIAT" in relation to goods entitled to the Canada–Israel Agreement Tariff, the Canada–Israel Agreement Tariff rate of customs duty that applies to those goods is the initial rate, reduced as provided in the "F" Staging List.

Limits on reduction of duty

51. The Governor in Council may, on the recommendation of the Minister of Foreign Affairs, by order, specify limits on the aggregate quantity of roses of tariff item No. 0603.10.11 that are entitled to the Canada–Israel Agreement Tariff, and the limits apply during the periods that may be specified in the order.

Definitions

52. (1) The Governor in Council may, on the recommendation of the Minister, make regulations defining the expressions “Israel or another CIFTA beneficiary” and “imported from Israel or another CIFTA beneficiary”.

Incorporation by reference

(2) For greater certainty, a regulation made under subsection (1) incorporating by reference any document or enactment may incorporate it as amended from time to time.

Iceland Tariff

Application of IT

52.1 (1) Subject to section 24, goods that are entitled to the Iceland Tariff are entitled to the Iceland Tariff rates of customs duty.

“A” final rate

(2) If “A” is set out in the column entitled “Preferential Tariff” in the List of Tariff Provisions following the abbreviation “IT” in relation to goods entitled to the Iceland Tariff, the Iceland Tariff rate of customs duty that applies to those goods is the final rate.

“F” staging for IT

(3) If “F” is set out in the column entitled “Preferential Tariff” in the List of Tariff Provisions following the abbreviation “IT” in relation to goods entitled to the Iceland Tariff, the Iceland Tariff rate of customs duty that applies to those goods is the initial rate, reduced as provided in the “F” Staging List.

Staging for IT

(4) If “Q1” or “Q2” is set out in the column entitled “Preferential Tariff” in the List of Tariff Provisions following the abbreviation “IT” in relation to goods entitled to the Iceland Tariff, the Iceland Tariff rate of customs duty that applies to those goods is the initial rate, reduced

(a) if “Q1” is set out,

- (i) effective on the day that is three years after the day on which this subsection comes into force, to seven eighths of the initial rate,
- (ii) effective on the day that is four years after the day on which this subsection comes into force, to six eighths of the initial rate,
- (iii) effective on the day that is five years after the day on which this subsection comes into force, to five eighths of the initial rate,

- (iv) effective on the day that is six years after the day on which this subsection comes into force, to four eighths of the initial rate,
 - (v) effective on the day that is seven years after the day on which this subsection comes into force, to three eighths of the initial rate,
 - (vi) effective on the day that is eight years after the day on which this subsection comes into force, to two eighths of the initial rate,
 - (vii) effective on the day that is nine years after the day on which this subsection comes into force, to one eighth of the initial rate, and
 - (viii) effective on the day that is 10 years after the day on which this subsection comes into force, to the final rate of "Free"; and
- (b) if "Q2" is set out,
- (i) effective on the day that is three years after the day on which this subsection comes into force, to twelve thirteenths of the initial rate,
 - (ii) effective on the day that is four years after the day on which this subsection comes into force, to eleven thirteenths of the initial rate,
 - (iii) effective on the day that is five years after the day on which this subsection comes into force, to ten thirteenths of the initial rate,
 - (iv) effective on the day that is six years after the day on which this subsection comes into force, to nine thirteenths of the initial rate,
 - (v) effective on the day that is seven years after the day on which this subsection comes into force, to eight thirteenths of the initial rate,
 - (vi) effective on the day that is eight years after the day on which this subsection comes into force, to seven thirteenths of the initial rate,
 - (vii) effective on the day that is nine years after the day on which this subsection comes into force, to six thirteenths of the initial rate,
 - (viii) effective on the day that is 10 years after the day on which this subsection comes into force, to five thirteenths of the initial rate,
 - (ix) effective on the day that is 11 years after the day on which this subsection comes into force, to four thirteenths of the initial rate,
 - (x) effective on the day that is 12 years after the day on which this subsection comes into force, to three thirteenths of the initial rate,
 - (xi) effective on the day that is 13 years after the day on which this subsection comes into force, to two thirteenths of the initial rate,
 - (xii) effective on the day that is 14 years after the day on which this subsection comes into force, to one thirteenth of the initial rate, and
 - (xiii) effective on the day that is 15 years after the day on which this subsection comes into force, to the final rate of "Free".

Rounding of specific rates

(5) If a reduction under subsection (3) or (4) results in a specific rate of customs duty that includes a fraction of one tenth of a cent, the rate shall be rounded down to the nearest one tenth of a cent.

Rounding of amounts

(6) If a reduction under subsection (3) or (4) results in a rate of customs duty that includes a fraction of one per cent other than 0.5, the resulting percentage shall be rounded down to the nearest percentage that divides evenly by 0.5.

Elimination of rates of less than two per cent

(7) If a reduction under subsection (3) or (4) results in a rate of customs duty that is a percentage of less than two per cent, the rate shall be further reduced to "Free" immediately.

2009, c. 6, s. 33.

Norway Tariff

Application of NT

52.2 (1) Subject to section 24, goods that are entitled to the Norway Tariff are entitled to the Norway Tariff rates of customs duty.

"A" final rate

(2) If "A" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "NT" in relation to goods entitled to the Norway Tariff, the Norway Tariff rate of customs duty that applies to those goods is the final rate.

"F" staging for NT

(3) If "F" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "NT" in relation to goods entitled to the Norway Tariff, the Norway Tariff rate of customs duty that applies to those goods is the initial rate, reduced as provided in the "F" Staging List.

Staging for NT

(4) If "Q1" or "Q2" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "NT" in relation to goods entitled to the Norway Tariff, the Norway Tariff rate of customs duty that applies to those goods is the initial rate, reduced

(a) if "Q1" is set out,

- (i) effective on the day that is three years after the day on which this subsection comes into force, to seven eighths of the initial rate,
- (ii) effective on the day that is four years after the day on which this subsection comes into force, to six eighths of the initial rate,
- (iii) effective on the day that is five years after the day on which this subsection comes into force, to five eighths of the initial rate,
- (iv) effective on the day that is six years after the day on which this subsection comes into force, to four eighths of the initial rate,
- (v) effective on the day that is seven years after the day on which this subsection comes into force, to three eighths of the initial rate,
- (vi) effective on the day that is eight years after the day on which this subsection comes into force, to two eighths of the initial rate,
- (vii) effective on the day that is nine years after the day on which this subsection comes into force, to one eighth of the initial rate, and
- (viii) effective on the day that is 10 years after the day on which this subsection comes into force, to the final rate of "Free"; and

(b) if "Q2" is set out,

(i) effective on the day that is three years after the day on which this subsection comes into force, to twelve thirteenths of the initial rate,
(ii) effective on the day that is four years after the day on which this subsection comes into force, to eleven thirteenths of the initial rate,
(iii) effective on the day that is five years after the day on which this subsection comes into force, to ten thirteenths of the initial rate,
(iv) effective on the day that is six years after the day on which this subsection comes into force, to nine thirteenths of the initial rate,
(v) effective on the day that is seven years after the day on which this subsection comes into force, to eight thirteenths of the initial rate,
(vi) effective on the day that is eight years after the day on which this subsection comes into force, to seven thirteenths of the initial rate,
(vii) effective on the day that is nine years after the day on which this subsection comes into force, to six thirteenths of the initial rate,
(viii) effective on the day that is 10 years after the day on which this subsection comes into force, to five thirteenths of the initial rate,
(ix) effective on the day that is 11 years after the day on which this subsection comes into force, to four thirteenths of the initial rate,
(x) effective on the day that is 12 years after the day on which this subsection comes into force, to three thirteenths of the initial rate,
(xi) effective on the day that is 13 years after the day on which this subsection comes into force, to two thirteenths of the initial rate,
(xii) effective on the day that is 14 years after the day on which this subsection comes into force, to one thirteenth of the initial rate, and
(xiii) effective on the day that is 15 years after the day on which this subsection comes into force, to the final rate of "Free".

Rounding of specific rates

(5) If a reduction under subsection (3) or (4) results in a specific rate of customs duty that includes a fraction of one tenth of a cent, the rate shall be rounded down to the nearest one tenth of a cent.

Rounding of amounts

(6) If a reduction under subsection (3) or (4) results in a rate of customs duty that includes a fraction of one per cent other than 0.5, the resulting percentage shall be rounded down to the nearest percentage that divides evenly by 0.5.

Elimination of rates of less than two per cent

(7) If a reduction under subsection (3) or (4) results in a rate of customs duty that is a percentage of less than two per cent, the rate shall be further reduced to "Free" immediately.

2009, c. 6, s. 33.

Switzerland–Liechtenstein Tariff

Application of SLT

52.3 (1) Subject to section 24, goods that are entitled to the Switzerland–Liechtenstein Tariff are entitled to the Switzerland–Liechtenstein Tariff rates of customs duty.

"A" final rate

(2) If "A" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "SLT" in relation to goods entitled to the Switzerland–Liechtenstein Tariff, the Switzerland–Liechtenstein Tariff rate of customs duty that applies to those goods is the final rate.

"F" staging for SLT

(3) If "F" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "SLT" in relation to goods entitled to the Switzerland–Liechtenstein Tariff, the Switzerland–Liechtenstein Tariff rate of customs duty that applies to those goods is the initial rate, reduced as provided in the "F" Staging List.

Staging for SLT

(4) If "Q1" or "Q2" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "SLT" in relation to goods entitled to the Switzerland–Liechtenstein Tariff, the Switzerland–Liechtenstein Tariff rate of customs duty that applies to those goods is the initial rate, reduced

(a) if "Q1" is set out,

- (i) effective on the day that is three years after the day on which this subsection comes into force, to seven eighths of the initial rate,
- (ii) effective on the day that is four years after the day on which this subsection comes into force, to six eighths of the initial rate,
- (iii) effective on the day that is five years after the day on which this subsection comes into force, to five eighths of the initial rate,
- (iv) effective on the day that is six years after the day on which this subsection comes into force, to four eighths of the initial rate,
- (v) effective on the day that is seven years after the day on which this subsection comes into force, to three eighths of the initial rate,
- (vi) effective on the day that is eight years after the day on which this subsection comes into force, to two eighths of the initial rate,
- (vii) effective on the day that is nine years after the day on which this subsection comes into force, to one eighth of the initial rate, and
- (viii) effective on the day that is 10 years after the day on which this subsection comes into force, to the final rate of "Free"; and

(b) if "Q2" is set out,

- (i) effective on the day that is three years after the day on which this subsection comes into force, to twelve thirteenths of the initial rate,
- (ii) effective on the day that is four years after the day on which this subsection comes into force, to eleven thirteenths of the initial rate,
- (iii) effective on the day that is five years after the day on which this subsection comes into force, to ten thirteenths of the initial rate,
- (iv) effective on the day that is six years after the day on which this subsection comes into force, to nine thirteenths of the initial rate,
- (v) effective on the day that is seven years after the day on which this subsection comes into force, to eight thirteenths of the initial rate,
- (vi) effective on the day that is eight years after the day on which this subsection comes into force, to seven thirteenths of the initial rate,
- (vii) effective on the day that is nine years after the day on which this subsection comes into force, to six thirteenths of the initial rate,

(viii) effective on the day that is 10 years after the day on which this subsection comes into force, to five thirteenths of the initial rate,
(ix) effective on the day that is 11 years after the day on which this subsection comes into force, to four thirteenths of the initial rate,
(x) effective on the day that is 12 years after the day on which this subsection comes into force, to three thirteenths of the initial rate,
(xi) effective on the day that is 13 years after the day on which this subsection comes into force, to two thirteenths of the initial rate,
(xii) effective on the day that is 14 years after the day on which this subsection comes into force, to one thirteenth of the initial rate, and
(xiii) effective on the day that is 15 years after the day on which this subsection comes into force, to the final rate of "Free".

Rounding of specific rates

(5) If a reduction under subsection (3) or (4) results in a specific rate of customs duty that includes a fraction of one tenth of a cent, the rate shall be rounded down to the nearest one tenth of a cent.

Rounding of amounts

(6) If a reduction under subsection (3) or (4) results in a rate of customs duty that includes a fraction of one per cent other than 0.5, the resulting percentage shall be rounded down to the nearest percentage that divides evenly by 0.5.

Elimination of rates of less than two per cent

(7) If a reduction under subsection (3) or (4) results in a rate of customs duty that is a percentage of less than two per cent, the rate shall be further reduced to "Free" immediately.

2009, c. 6, s. 33.

Division 4

SPECIAL MEASURES, EMERGENCY MEASURES AND SAFEGUARDS

Special Measures

Definitions

53. (1) The definitions in this subsection apply in this section.

"government"
« *gouvernement* »

"government", in respect of a country other than Canada, includes
(a) a provincial, state, municipal or other local or regional government in the country;
(b) a person, agency or institution acting on behalf of, or under the authority of a law or other enactment passed by, the government of the country or a provincial, state, municipal or other local or regional government of the country; and
(c) an association of sovereign states of which the country is a member.

"trade agreement"
« *accord commercial* »

“trade agreement” means an agreement or arrangement relating to international trade to which the Government of Canada is a party.

Governor in Council may make orders

(2) Notwithstanding this Act or any other Act of Parliament, the Governor in Council may, on the recommendation of the Minister and of the Minister of Foreign Affairs, by order, for the purpose of enforcing Canada’s rights under a trade agreement in relation to a country or of responding to acts, policies or practices of the government of a country that adversely affect, or lead directly or indirectly to adverse effects on, trade in goods or services of Canada, do any one or more of the following:

- (a) suspend or withdraw rights or privileges granted by Canada to any country under a trade agreement or Act of Parliament;
- (b) make goods that originate in any country or that are entitled to a tariff treatment provided for by regulations made under section 16, or a class of such goods, subject to a surtax in an amount, in addition to the customs duty provided in this Act and the duties imposed under any Act of Parliament or in any regulation or order made under any Act of Parliament, for those goods or that class of goods;
- (c) include on the Import Control List established under section 5 of the *Export and Import Permits Act* goods that originate in any country or are entitled to a tariff treatment provided for by any regulations made under section 16; and
- (d) notwithstanding any regulations made under section 16, levy, in respect of goods or a class of goods that originate in any country, a duty that varies from time to time as the quantity of those goods imported during a period specified in the order equals or exceeds totals set out in the order.

Removal from Import Control List

(3) If, by an order made under subsection (2), goods are included on the Import Control List referred to in paragraph (2)(c), those goods are deemed to have been removed from that List when the order is repealed or otherwise ceases to have effect.

Order tabled in Parliament

(4) The Minister shall cause a copy of any order made under subsection (2) to be laid before Parliament on any of the first 15 days after the making of the order that either House of Parliament is sitting.

Regulations

(5) The Governor in Council may, on the recommendation of the Minister, make such regulations as the Governor in Council considers necessary for the carrying out of the purposes of this section and for its enforcement.

Global Emergency Measures

Definitions

54. The definitions in this section apply in sections 55 to 67.

“contribute importantly”
« *contribuer de manière importante* »

“contribute importantly”, in respect of goods imported from a NAFTA country or from Chile, means to be an important cause, but not necessarily the most important cause.

“principal cause”
« *cause principale* »

“principal cause”, in respect of goods imported from Peru, means an important cause that is no less important than any other cause.

“surge”
« *augmentation subite* »

“surge”, in respect of goods imported from a NAFTA country or from Chile, has the meaning given that word by Article 805 of the North American Free Trade Agreement or Article F-05 of the Canada–Chile Free Trade Agreement, as the case may be.

1997, c. 36, s. 54; 2009, c. 16, s. 43.

Surtax under certain conditions

55. (1) Subject to sections 56, 57, 59 and 61, if at any time it appears to the satisfaction of the Governor in Council, on the basis of a report of the Minister or of an inquiry made by the Canadian International Trade Tribunal under section 20 or 26 of the *Canadian International Trade Tribunal Act*, that goods are being imported under such conditions as to cause or threaten serious injury to domestic producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, by order, make any such goods imported from a country specified in the order, when imported into Canada or a region or part of Canada specified in the order during the period that the order is in effect, subject to a surtax

(a) at a rate specified in the order; or

(b) at a rate specified in the order that varies from time to time as the quantity of those goods imported into Canada or that region or part of Canada during a period specified in the order equals or exceeds quantities specified in the order.

Maximum rate

(2) The rate specified under subsection (1) may not exceed the rate that in the opinion of the Governor in Council is sufficient to prevent or remedy serious injury to domestic producers of like or directly competitive goods.

Minister's report

(3) A report of the Minister referred to in subsection (1) may be made only if

(a) there are, in the opinion of the Minister, critical circumstances; or

(b) the report relates to perishable agricultural goods.

Inquiry

(4) If an order is made under subsection (1) on the basis of a report of the Minister, the Governor in Council shall immediately refer the matter to the Canadian International Trade Tribunal for an inquiry under paragraph 20(a) of the *Canadian International Trade Tribunal Act*.

Prohibition against further orders

(5) Subject to subsection (6), no order may be made under subsection (1) with respect to goods that have already been the subject of an order made under that subsection or subsection 5(3) of the *Export and Import Permits Act* unless, after the expiry of the order and any related orders made under subsection 5(3.2) or (4.1) of that Act or section 60 or subsection 63(1), there has elapsed a period equal to the greater of two years and the total period during which the order or orders were in effect.

Exception

(6) If an order made under subsection (1) was effective with respect to goods for a period of 180 days or less, a further order may be made under that subsection with respect to those goods if

- (a) at least one year has elapsed since the previous order took effect; and
- (b) not more than two orders have been made with respect to the goods under subsection (1) within the period of five years before the further order takes effect.

Period and repeal

56. (1) An order made under subsection 55(1)
(a) subject to sections 62 and 63, has effect for a period not exceeding four years; and
(b) may be amended or repealed at any time by the Governor in Council on the recommendation of the Minister unless, before that time, a resolution directing that the order cease to have effect has been adopted by both Houses of Parliament under section 64.

Cessation

(2) If an order is made under subsection 55(1) on the basis of a report of the Minister, the order ceases to have effect at the end of the two hundredth day after the day on which the order is made unless, before the order so ceases to have effect, the Canadian International Trade Tribunal reports to the Governor in Council, on the basis of an inquiry made under section 20 or 26 of the *Canadian International Trade Tribunal Act*, that the goods described in the report of the Minister are being imported from a country named in the report under such conditions as to cause or threaten serious injury to domestic producers of like or directly competitive goods.

Exception for certain agricultural goods

57. (1) No order may be made under subsection 55(1), on the basis of a report of the Minister, with respect to
(a) any prescribed agricultural goods that may be subject to a surtax under subsection 68(1); or

(b) any fresh fruit or vegetable imported from the United States and referred to in subsection 73(1) that may be subject to a temporary duty under that subsection.

Expiry date

(2) Paragraph (1)(b) ceases to be in force on December 31, 2008.

Refund orders

58. For the purpose of carrying out Article 6 of the Agreement on Safeguards in Annex 1A of the World Trade Organization Agreement, the Governor in Council may, on the recommendation of the Minister, by order, refund any surtaxes imposed under an order made under subsection 55(1) on the basis of a report made by the Minister.

Free trade partner emergency measures

59. (1) An order under subsection 55(1) may be made applicable to goods of any kind imported from a free trade partner only if it appears to the satisfaction of the Governor in Council, on the basis of a report under section 20 or 29 of the *Canadian International Trade Tribunal Act* or a report of the Minister, that

- (a) the quantity of those goods represents a substantial share of total imports of goods of the same kind;
- (b) in the case of goods imported from a NAFTA country, the quantity of those goods, alone or, in exceptional circumstances, together with the quantity of goods of the same kind imported from each other NAFTA country, contributes importantly to serious injury or threat of serious injury to domestic producers of like or directly competitive goods; and
- (c) in the case of goods imported from any other free trade partner, the quantity of those goods contributes importantly to serious injury or threat of serious injury to domestic producers of like or directly competitive goods.

Duration of order

(2) If an order that applies to goods imported from a free trade partner by virtue of subsection (1) is made under subsection 55(1) on the basis of a report of the Minister, the order ceases to have effect with respect to those goods at the end of the two hundredth day after the day on which the order is made, except that it remains in effect for the period, not exceeding four years, that is specified in the order if, before the order so ceases to have effect, the Canadian International Trade Tribunal reports to the Governor in Council under the *Canadian International Trade Tribunal Act* that

- (a) the quantity of those goods as described in the report of the Minister is substantial in comparison with the quantity of goods of the same kind imported from other countries;
- (b) in the case of goods imported from a NAFTA country, the quantity of those goods, alone or, in exceptional circumstances, together with the quantity of goods of the same kind imported from each other NAFTA country, contributes importantly to the serious injury or threat of serious injury to domestic producers of like or directly competitive goods; and
- (c) in the case of goods imported from any other free trade partner, the quantity of those goods contributes importantly to the serious injury or threat of serious injury to domestic producers of like or directly competitive goods.

Repeal

(3) If an order that applies to goods imported from a free trade partner in accordance with subsection (1) is made under subsection 55(1) on the basis of a report of the Minister, the Governor in Council shall repeal the order if the Governor in Council is satisfied on the basis of a report of the Canadian International Trade Tribunal, made under the *Canadian International Trade Tribunal Act*, that the quantity of those goods is not substantial in comparison with the quantity of goods of the same kind imported from other countries or

(a) in the case of goods imported from a NAFTA country, that the quantity of those goods, alone or, in exceptional circumstances, together with the quantity of goods of the same kind imported from each other NAFTA country, does not contribute importantly to the serious injury or threat of serious injury to domestic producers of like or directly competitive goods; and

(b) in the case of goods imported from any other free trade partner, that the quantity of those goods does not contribute importantly to the serious injury or threat of serious injury to domestic producers of like or directly competitive goods.

Peru emergency measures

59.1 An order made under subsection 55(1) may exclude goods of any kind imported from Peru if it appears to the satisfaction of the Governor in Council, on the basis of a report under section 20 or 29 of the *Canadian International Trade Tribunal Act*, that the quantity of those goods being imported is not a principal cause of serious injury or threat of serious injury to domestic producers of like or directly competitive goods.

2009, c. 16, s. 44.

Surtax on goods imported from a free trade partner

60. If an order has been made under subsection 55(1) or 63(1) imposing a surtax that does not apply to goods imported from a free trade partner because the goods did not meet the conditions set out in subsection 59(1) or 63(4) and the Governor in Council is satisfied, on the recommendation of the Minister made as a result of an inquiry by the Canadian International Trade Tribunal, that there has been a surge of those goods on or after the coming into force of the order and that, as a result of that surge, the effectiveness of the imposition of the surtax is being undermined, the Governor in Council may, by order, make any such goods, when imported into Canada or into any region or part of Canada specified in the order during the period that the order is in effect, subject to a surtax

(a) at a rate specified in the order; or

(b) at a rate specified in the order that varies from time to time as the quantity of those goods imported into Canada or that region or part of Canada during a period specified in the order equals or exceeds quantities specified in the order.

The rate may not exceed the rate that, in the opinion of the Governor in Council, is sufficient to prevent the undermining of the order made under subsection 55(1) or 63(1).

Rate

61. (1) The rate of a surtax imposed under subsection 55(1), section 60 or subsection 63(1) on goods imported from a free trade partner need not be the same rate as that imposed under subsection 55(1) or 63(1) on goods of the same kind imported from any other country, but must not exceed the rate of surtax imposed

under subsection 55(1) or 63(1) on goods of the same kind imported from any other country.

Limitation

(2) If the Governor in Council makes an order under subsection 55(1) or 63(1) that applies to goods imported from a free trade partner that meet the conditions set out in subsection 59(1) or 63(4) or makes an order under section 60, the Governor in Council shall be guided by subparagraph 5(b) of Article 802 of the North American Free Trade Agreement, subparagraph 5(b) of Article F-02 of the Canada–Chile Free Trade Agreement or subparagraph 5(b) of Article 4.6 of the Canada–Israel Free Trade Agreement, as the case may be.

Repeal or amendment of surtax order

62. If at any time it appears to the satisfaction of the Governor in Council, as a result of a mid-term review by the Canadian International Trade Tribunal under section 19.02 of the *Canadian International Trade Tribunal Act*, that an order imposing or extending the application of a surtax under subsection 55(1), section 60 or subsection 63(1) should be repealed or amended, the Governor in Council may, on the recommendation of the Minister, by order, repeal or amend the order.

Extension order

63. (1) Subject to subsections (4) and (4.1), if, at any time before the expiry of an order with respect to any goods made under this subsection, subsection 55(1) or section 60 or under subsection 5(3), (3.2) or (4.1) of the *Export and Import Permits Act*, it appears to the satisfaction of the Governor in Council, as a result of an inquiry made by the Canadian International Trade Tribunal under section 30.07 of the *Canadian International Trade Tribunal Act*, that

- (a) an order continues to be necessary to prevent or remedy serious injury to domestic producers of like or directly competitive goods, and
- (b) there is evidence that the domestic producers of like or directly competitive goods are adjusting, as determined in accordance with any regulations made under paragraph 40(b) of the *Canadian International Trade Tribunal Act*,

the Governor in Council may, on the recommendation of the Minister, make an extension order imposing a surtax on any goods specified in the previous order imported from any country specified in the extension order.

Scope and rate

(2) If an extension order is made under subsection (1),

- (a) the extension order applies to goods imported into Canada, or any region or part of Canada, specified in the order during the period that the order is in effect; and
- (b) the rate of the surtax imposed by the extension order must, subject to subsection (3),
 - (i) be at a rate specified in the extension order, or
 - (ii) be at a rate specified in the extension order that varies from time to time as the quantity of the goods imported into Canada or that region or part of Canada during a period specified in the order equals or exceeds totals specified in the order.

Maximum rate

(3) The rate specified in the extension order may not exceed

- (a) the lowest of any rates previously imposed with respect to the goods under subsection (1) or 55(1) or section 60; and
- (b) the rate that in the opinion of the Governor in Council is sufficient to prevent or remedy serious injury to domestic producers of like or directly competitive goods and to facilitate the adjustment of the domestic producers.

Exception for goods imported from a free trade partner

(4) An order made under subsection (1) may apply to goods imported from a free trade partner only if it appears to the satisfaction of the Governor in Council, on the basis of a report made under the *Canadian International Trade Tribunal Act*, that

- (a) the quantity of those goods represents a substantial share of the total imports of goods of the same kind;
- (b) in the case of goods imported from a NAFTA country, the quantity of those goods, alone or, in exceptional circumstances, together with the quantity of goods of the same kind imported from each other NAFTA country, contributes importantly to the serious injury or threat of serious injury to domestic producers of like or directly competitive goods; and
- (c) in the case of goods imported from any other free trade partner, the quantity of those goods contributes importantly to the serious injury or threat of serious injury to domestic producers of like or directly competitive goods.

Exception for goods imported from Peru

(4.1) An order under subsection (1) may exclude goods of any kind imported from Peru if it appears to the satisfaction of the Governor in Council, on the basis of a report under the *Canadian International Trade Tribunal Act*, that the quantity of those goods being imported is not a principal cause of serious injury or threat of serious injury to domestic producers of like or directly competitive goods.

Period and repeal of extension orders

(5) Every extension order made under subsection (1)

- (a) remains in effect, subject to this section, for the period that is specified in the order, but the total of the specified period and the periods during which the goods were subject to related orders made under subsection (1) or 55(1) or section 60 or under subsection 5(3), (3.2) or (4.1) of the *Export and Import Permits Act* may not exceed eight years; and
- (b) may, notwithstanding any other provision of this section, be amended or repealed at any time by the Governor in Council on the recommendation of the Minister, unless, before that time, a resolution directing that the order cease to have effect has been adopted by both Houses of Parliament under section 64.

1997, c. 36, s. 63; 2009, c. 16, s. 45.

Resolution of Parliament of cessation

64. Notwithstanding sections 55 to 63 and 65 to 67, if a resolution directing that an order made under subsection 55(1), section 60 or subsection 63(1) cease to have effect is adopted by both Houses of Parliament, the order ceases to have effect on

the day that the resolution is adopted or, if the adopted resolution specifies a day on which the order ceases to have effect, on that specified day.

Notice in *Canada Gazette*

65. If an order made under
(a) subsection 55(1) remains in effect by reason of subsection 56(2) or 59(2), or
(b) subsection 55(1), section 60 or subsection 63(1) ceases to have effect by reason of a resolution of both Houses of Parliament,
the Minister shall cause a notice to that effect to be published in the *Canada Gazette*.

Regulations

66. The Governor in Council may make regulations for carrying out the purposes of sections 55 to 65 and may, by order, suspend a surtax or rate in whole or in part from application to the goods of any country or any class of such goods.

Decision of Governor in Council final

67. The decision of the Governor in Council is final on any question that may arise regarding the application of the surtax or rate imposed under sections 55 to 66.

Safeguard Measures for Agricultural Goods

Surtax order

68. (1) Notwithstanding this Act or any other Act of Parliament but subject to subsections (2) to (7), the Governor in Council may, on the recommendation of the Minister, by order, make any prescribed agricultural goods specified in the order subject to
(a) a surtax, at a rate specified in the order, that is in addition to any other duty imposed under this Act or any other Act of Parliament relating to customs; and
(b) any conditions set out in the order relating to the imposition of the surtax.

Conditions for making order

(2) Before recommending that an order be made under subsection (1), the Minister must be satisfied, on the basis of a report by the Minister of Agriculture and Agri-Food, that the conditions, set out in Article 5 of the Agreement on Agriculture in Annex 1A of the World Trade Organization Agreement, for the imposition of a surtax on the prescribed agricultural goods have been met.

Non-application to goods in transit

(3) The President of the Canada Border Services Agency may relieve goods from payment of a surtax imposed by an order under subsection (1) if the President is of the opinion that
(a) before the coming into force of the order, the goods were purchased for importation in the expectation in good faith that subsection (1) would not have applied to those goods; and
(b) at the time that the order comes into force, the goods were in transit to the purchaser in Canada.

Resolution of Parliament of cessation

(4) If both Houses of Parliament adopt a resolution directing that an order made under subsection (1) cease to have effect, the order ceases to have effect on the day that the resolution is adopted or, if the adopted resolution specifies a day on which the order ceases to have effect, on that specified day.

Notice in *Canada Gazette*

(5) If an order under subsection (1) ceases to have effect as a result of a resolution of both Houses of Parliament, the Minister shall cause a notice to that effect to be published in the *Canada Gazette*.

Regulations

(6) The Governor in Council may, on the recommendation of the Minister, make regulations

(a) prescribing agricultural goods for the purposes of this section in respect of any country;

(b) prescribing terms and conditions governing the making of orders under subsection (1); and

(c) generally for carrying out the purposes and provisions of this section.

Exemption from *Statutory Instruments Act*

(7) An order under subsection (1) is exempt from the application of sections 3, 5 and 11 of the *Statutory Instruments Act*.

Publication

(8) Every order made under subsection (1) must be published in the *Canada Gazette*.

1997, c. 36, s. 68; 1999, c. 17, s. 130; 2005, c. 38, s. 87.

Bilateral Emergency Measures for U.S. Goods

Non-application

69. (1) This section does not apply in respect of textile and apparel goods set out in Appendix 1.1 of Annex 300-B of Chapter Three of the North American Free Trade Agreement.

Order by Governor in Council

(2) Subject to subsection (3), if at any time it appears to the satisfaction of the Governor in Council, as a result of an inquiry made by the Canadian International Trade Tribunal under section 19.01 or subsection 19.1(2) of the *Canadian International Trade Tribunal Act* or further to a complaint filed under section 23 of that Act, that goods that are entitled to the United States Tariff are, as a result of that entitlement, being imported in such increased quantities and under such conditions as to alone constitute a principal cause of serious injury to domestic

producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, by order,

(a) in respect of goods on which a customs duty is imposed on a seasonal basis, make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty set out in the List of Tariff Provisions that is in effect in respect of those goods at that time, may not exceed the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods immediately before January 1, 1989; and

(b) in respect of any other goods, make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty specified in the List of Tariff Provisions that is in effect in respect of those goods at that time, may not exceed the lesser of

(i) the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods on December 31, 1988, and

(ii) the Most-Favoured-Nation Tariff rate of customs duty that is in effect in respect of those goods at the time the order is made.

Terms and conditions

(3) An order made under subsection (2)

(a) may not be made more than once during the period beginning on January 1, 1988 and ending on December 31, 1998 in respect of goods of a particular kind and, if made during that period, remains in effect for the period, not exceeding three years, specified in the order; and

(b) may be made after December 31, 1998 only if it is based on an agreement between the Government of Canada and the Government of the United States relating to the application of subsection (2).

Definition of "principal cause"

(4) In this section, "principal cause" means, in respect of a serious injury, an important cause that is not less important than any other cause of the serious injury.

Reference to customs duty in effect

(5) For the purposes of paragraph (2)(a), the Most-Favoured-Nation Tariff rate of customs duty in effect in respect of a fresh fruit or vegetable is

(a) in respect of a fresh vegetable, the rate of customs duty applicable to that vegetable set out in the applicable tariff item referred to in Supplementary Note 2(b) in Chapter 7 of the List of Tariff Provisions; and

(b) in respect of a fresh fruit, the rate of customs duty applicable to that fruit set out in the applicable tariff item referred to in Supplementary Note 4(b) in Chapter 8 of the List of Tariff Provisions.

Bilateral Emergency Measures for Mexican and MUST Goods

Non-application

70. (1) This section does not apply in respect of textile and apparel goods set out in Appendix 1.1 of Annex 300-B of Chapter Three of the North American Free Trade Agreement.

Order by Governor in Council

(2) Subject to subsection (3), if at any time it appears to the satisfaction of the Governor in Council, as a result of an inquiry made by the Canadian International Trade Tribunal under subsection 19.01(3) of the *Canadian International Trade Tribunal Act* or further to a complaint filed under subsection 23(1.02) of that Act, that goods that are entitled to the Mexico Tariff or the Mexico–United States Tariff are, as a result of that entitlement, being imported in such increased quantities and under such conditions as to alone constitute a principal cause of serious injury, or a threat of serious injury, to domestic producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, by order,

- (a) suspend, during the period that the order is in effect, any reduction of the rate of customs duty in respect of those goods that would otherwise be made after that time by virtue of section 45;
- (b) in respect of goods on which a customs duty is imposed on a seasonal basis, make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty set out in the List of Tariff Provisions that is in effect in respect of those goods at that time, may not exceed the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods immediately before January 1, 1994; and
- (c) in respect of goods other than goods referred to in paragraph (b), make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty specified in the List of Tariff Provisions that is in effect in respect of those goods at that time, may not exceed the lesser of
 - (i) the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods on December 31, 1993, and
 - (ii) the Most-Favoured-Nation Tariff rate of customs duty that is in effect in respect of those goods at the time the order is made.

Terms and conditions

(3) An order under subsection (2)

- (a) may not be made more than once during the period beginning on January 1, 1994 and ending on December 31, 2003 in respect of goods of a particular kind and, if made during that period, remains in effect for the period, not exceeding three years, specified in the order; and
- (b) may be made after December 31, 2003 only if it is based on an agreement between the Government of Canada and the Government of Mexico relating to the application of subsection (2).

Rate of duty when order ceases to have effect

(4) If an order made under subsection (2) ceases to have effect in a particular calendar year,

- (a) the rate of customs duty applicable to the goods after the order ceases to have effect and until December 31 of that year is the rate that would have been applicable one year after the making of the order, as reduced in accordance with section 45; and
- (b) the rate of customs duty applicable to the goods beginning on January 1 of the following year is the rate specified by the Minister under subsection (5).

Specification of applicable rate

(5) For the purposes of subsection (4), the Minister shall, by order, specify that the rate referred to in paragraph (4)(b) is

(a) the rate of customs duty that would have been applicable on January 1 of the year following the year in which the order ceases to have effect, if the rate of customs duty had been reduced in accordance with section 45, reduced for subsequent years in accordance with that section; or

(b) the rate of customs duty that would have been applicable one year after the making of the order, reduced in equal annual stages beginning on January 1 of the year following the year in which the order ceases to have effect and ending on the day on which the rate of customs duty for the goods would otherwise be reduced to the final rate in accordance with section 45.

Definition of "principal cause"

(6) In this section, "principal cause" means, in respect of a serious injury or threat of serious injury, an important cause that is not less important than any other cause of the serious injury or threat.

Reference to customs duty in effect

(7) For the purposes of paragraph (2)(b), the Most-Favoured-Nation Tariff rate of customs duty in effect in respect of a fresh fruit or vegetable is

(a) in respect of a fresh vegetable, the rate of customs duty applicable to that vegetable set out in the applicable tariff item referred to in Supplementary Note 2(b) in Chapter 7 of the List of Tariff Provisions; and

(b) in respect of a fresh fruit, the rate of customs duty applicable to that fruit set out in the applicable tariff item referred to in Supplementary Note 4(b) in Chapter 8 of the List of Tariff Provisions.

Bilateral Emergency Measures — Chile

Non-application

71. (1) This section does not apply in respect of textile and apparel goods set out in Appendix 1.1 of Annex C-00-B of the Canada–Chile Free Trade Agreement.

Order by Governor in Council

(2) Subject to subsection (3), if at any time it appears to the satisfaction of the Governor in Council, as a result of an inquiry made by the Canadian International Trade Tribunal under subsection 19.012(2) of the *Canadian International Trade Tribunal Act* or further to a complaint filed under subsection 23(1.05) of that Act, that goods that are entitled to the Chile Tariff are, as a result of that entitlement, being imported in such increased quantities and under such conditions as to alone constitute a principal cause of serious injury, or a threat of serious injury, to domestic producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, by order,

(a) suspend, during the period that the order is in effect, any reduction of the rate of customs duty with respect to those goods that would otherwise be made after that time by virtue of section 46;

(b) in respect of goods on which a customs duty is imposed on a seasonal basis, make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty set out in the List of Tariff Provisions that is in effect in respect of those goods at that time, may not exceed the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods immediately before July 5, 1997; and

(c) in respect of goods other than goods referred to in paragraph (b), make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty specified in the Chile Tariff that is in effect in respect of those goods at that time, may not exceed the lesser of

- (i) the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods on July 4, 1997, and
- (ii) the Most-Favoured-Nation Tariff rate of customs duty that is in effect in respect of those goods at the time the order is made.

Terms and conditions

(3) An order under subsection (2)

(a) may not be made more than once during the period beginning on July 5, 1997 and ending on December 31, 2002 in respect of goods of a particular kind and, if made during that period, remains in effect for the period, not exceeding three years, specified in the order; and

(b) may be made after December 31, 2002 only if it is based on an agreement between the Government of Canada and the Government of the Republic of Chile relating to the application of subsection (2).

Rate of duty when order ceases to have effect

(4) If an order made under subsection (2) ceases to have effect in a particular calendar year,

(a) the rate of customs duty applicable to the goods after the order ceases to have effect and until December 31 of that year is the rate that would otherwise have been applicable one year after the making of the order, as reduced in accordance with section 46; and

(b) the rate of customs duty applicable to the goods beginning on January 1 of the following year is the rate specified by the Minister under subsection (5).

Specification of applicable rate

(5) For the purposes of subsection (4), the Minister shall, by order, specify that the rate referred to in paragraph (4)(b) is

(a) the rate of customs duty that would have been applicable on January 1 of the year following the year in which the order ceases to have effect, if the rate of customs duty had been reduced in accordance with section 46, reduced for subsequent years in accordance with that section; or

(b) the rate of customs duty that would have been applicable one year after the making of the order, reduced in equal annual stages beginning on January 1 of the year following the year in which the order ceases to have effect and ending on the day on which the rate of customs duty for the goods would otherwise be reduced to the final rate in accordance with section 46.

Definition of “principal cause”

(6) In this section, “principal cause” means, in respect of a serious injury or threat of serious injury, an important cause that is not less important than any other cause of the serious injury or threat.

Reference to customs duty in effect

(7) For the purposes of paragraph (2)(b), the Most-Favoured-Nation Tariff rate of customs duty in effect in respect of a fresh fruit or vegetable is

(a) in respect of a fresh vegetable, the rate of customs duty applicable to that vegetable set out in the applicable tariff item referred to in Supplementary Note 2(b) in Chapter 7 of the List of Tariff Provisions; and

(b) in respect of a fresh fruit, the rate of customs duty applicable to that fruit set out in the applicable tariff item referred to in Supplementary Note 4(b) in Chapter 8 of the List of Tariff Provisions.

Bilateral Emergency Measures — Costa Rica

Non-application

71.1 (1) This section does not apply in respect of textile and apparel goods set out in Appendix III.1.1.1 of Annex III.1 of the Canada — Costa Rica Free Trade Agreement.

Order by Governor in Council

(2) Subject to subsections (3) and (4), if at any time it appears to the satisfaction of the Governor in Council, as a result of an inquiry made by the Canadian International Trade Tribunal under subsection 19.013(2) of the *Canadian International Trade Tribunal Act* or further to a complaint filed under subsection 23(1.07) of that Act, that goods that are entitled to the Costa Rica Tariff are, as a result of that entitlement, being imported in such increased quantities and under such conditions as to alone constitute a principal cause of serious injury, or a threat of serious injury, to domestic producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, by order

(a) suspend, during the period that the order is in effect, any reduction of the rate of customs duty with respect to those goods that would otherwise be made after that time by virtue of section 49.1;

(b) in respect of goods on which a customs duty is imposed on a seasonal basis, make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty set out in the List of Tariff Provisions that is in effect in respect of those goods at that time, may not exceed the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods immediately before the coming into force of this subsection; and

(c) in respect of goods other than goods referred to in paragraph (b), make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty specified in the Costa Rica Tariff that is in effect in respect of those goods at that time, may not exceed the lesser of

- (i) the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods immediately before the coming into force of this subsection, and
- (ii) the Most-Favoured-Nation Tariff rate of customs duty that is in effect in respect of those goods at the time the order is made.

Terms and conditions

(3) An order under subsection (2)

(a) may not be made more than twice during the period beginning on the coming into force of this subsection and ending on the date that is seven years after the coming into force of this subsection in respect of goods of a particular kind and, if made during that period, remains in effect for the period, not exceeding three years, specified in the order; and

(b) may be made after the date that is seven years after the coming into force of this subsection only if it is based on an agreement between the Government of Canada and the Government of the Republic of Costa Rica relating to the application of subsection (2).

Application of measures a second time

(4) A measure referred to in an order made under subsection (2) may be applied a second time if

(a) the period of time that has elapsed since the initial application of the measure ended is equal to at least one half the initial period of application;

(b) the rate of duty for the first year of the second action is not greater than the rate that would be in effect in accordance with the Schedule of Canada referred to in Annex III.3.1 of the Canada — Costa Rica Free Trade Agreement, entitled "Tariff Elimination", at the time the first action was imposed; and

(c) the rate of duty applicable to any subsequent year is reduced in equal steps such that the duty rate in the final year of the action is equivalent to the rate provided for in the Schedule of Canada referred to in Annex III.3.1 of the Canada — Costa Rica Free Trade Agreement, entitled "Tariff Elimination", for that year.

Rate of duty when order ceases to have effect

(5) If an order made under subsection (2) ceases to have effect in a particular calendar year,

(a) the rate of customs duty applicable to the goods after the order ceases to have effect and until December 31 of that year is the rate that would otherwise have been applicable one year after the making of the order, as reduced in accordance with section 49.1; and

(b) the rate of customs duty applicable to the goods beginning on January 1 of the following year is the rate specified by the Minister under subsection (6).

Specification of applicable rate

(6) For the purposes of subsection (5), the Minister shall, by order, specify that the rate referred to in paragraph (5)(b) is

(a) the rate of customs duty that would have been applicable on January 1 of the year following the year in which the order ceases to have effect, if the rate of customs duty had been reduced in accordance with section 49.1, reduced for subsequent years in accordance with that section; or

(b) the rate of customs duty that would have been applicable one year after the making of the order, reduced in equal annual stages beginning on January 1 of the year following the year in which the order ceases to have effect and ending on the day on which the rate of customs duty for the goods would otherwise be reduced to the final rate in accordance with section 49.1.

Definition of "principal cause"

(7) In this section, "principal cause" means, in respect of a serious injury or threat of serious injury, an important cause that is not less important than any other cause of the serious injury or threat.

Reference to customs duty in effect

(8) For the purposes of paragraph (2)(b), the Most-Favoured-Nation Tariff rate of customs duty in effect in respect of a fresh fruit or vegetable is
(a) in respect of a fresh vegetable, the rate of customs duty applicable to that vegetable set out in the applicable tariff item referred to in Supplementary Note 2(b) in Chapter 7 of the List of Tariff Provisions; and
(b) in respect of a fresh fruit, the rate of customs duty applicable to that fruit set out in the applicable tariff item referred to in Supplementary Note 4(b) in Chapter 8 of the List of Tariff Provisions.

2001, c. 28, s. 38.

Bilateral Emergency Measures — Iceland

Orders by Governor in Council

71.2 (1) Subject to subsections (2) to (4), if at any time it appears to the satisfaction of the Governor in Council, as a result of an inquiry made by the Canadian International Trade Tribunal under subsection 19.014(2) of the *Canadian International Trade Tribunal Act* or further to a complaint filed under subsection 23(1.09) of that Act, that goods that are entitled to the Iceland Tariff are, as a result of that entitlement, being imported in such increased quantities and under such conditions as to alone constitute a principal cause of serious injury, or a threat of serious injury, to domestic producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, by order
(a) suspend, during the period that the order is in effect, any reduction of the rate of customs duty with respect to those goods that would otherwise be made after that time by virtue of section 52.1;
(b) in respect of goods on which a customs duty is imposed on a seasonal basis, make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty set out in the List of Tariff Provisions that is in effect in respect of those goods at that time, may not exceed the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods immediately before the coming into force of this subsection; and
(c) in respect of goods other than goods referred to in paragraph (b), make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty specified in the Iceland Tariff that is in effect in respect of those goods at that time, may not exceed the lesser of

- (i) the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods immediately before the coming into force of this subsection, and
- (ii) the Most-Favoured-Nation Tariff rate of customs duty that is in effect in respect of those goods at the time the order is made.

Terms and conditions

(2) An order under subsection (1)

(a) may not, other than for tariff items referred to in subsection (3), be made more than once during the period beginning on the day on which this subsection comes into force and ending on the day before the day that is five years after the day on which this subsection comes into force in respect of goods of a particular kind and, if made during that period, remains in effect for the period, not exceeding three years, specified in the order; and

(b) may, other than for tariff items referred to in subsection (3), be made after the expiry of the period referred to in paragraph (a) only if it is based on an agreement between the Government of Canada and the Government of the Republic of Iceland relating to the application of subsection (1).

Certain tariff items

(3) An order under subsection (1)

(a) may not, in the case of tariff item Nos. 8901.20.90, 8902.00.10, 8905.20.10, 8905.20.20, 8905.90.10 and 8906.90.99, be made more than once during the period beginning on the day that is three years after the day on which this subsection comes into force and ending on the day before the day that is 10 years after the day on which this subsection comes into force in respect of goods of a particular kind and, if made during that period, remains in effect for the period, not exceeding three years, specified in the order; and

(b) may not, in the case of tariff item Nos. 8901.10.90, 8901.90.99, 8904.00.00, 8905.10.00 and 8905.90.90, be made more than once during the period beginning on the day that is three years after the day on which this subsection comes into force and ending on the day before the day that is 15 years after the day on which this subsection comes into force in respect of goods of a particular kind and, if made during that period, remains in effect for the period, not exceeding three years, specified in the order.

Rate of duty when order ceases to have effect

(4) If an order made under subsection (1) ceases to have effect in a particular calendar year,

(a) the rate of customs duty applicable to the goods after the order ceases to have effect and until December 31 of that year is the rate that would otherwise have been applicable one year after the making of the order, as reduced in accordance with section 52.1; and

(b) the rate of customs duty applicable to the goods beginning on January 1 of the following year is the rate specified by the Minister under subsection (5).

Specification of applicable rate

(5) For the purposes of subsection (4), the Minister shall, by order, specify that the rate referred to in paragraph (4)(b) is

- (a) the rate of customs duty that would have been applicable on January 1 of the year following the year in which the order ceases to have effect, if the rate of customs duty had been reduced in accordance with section 52.1, reduced for subsequent years in accordance with that section; or
- (b) the rate of customs duty that would have been applicable one year after the making of the order, reduced in equal annual stages beginning on January 1 of the year following the year in which the order ceases to have effect and ending on the day on which the rate of customs duty for the goods would otherwise be reduced to the final rate in accordance with section 52.1.

Definition of "principal cause"

(6) In this section, "principal cause" means, in respect of a serious injury or threat of serious injury, an important cause that is not less important than any other cause of the serious injury or threat.

Reference to customs duty in effect

(7) For the purposes of paragraph (1)(b), the Most-Favoured-Nation Tariff rate of customs duty in effect in respect of a fresh fruit or vegetable is

(a) in respect of a fresh vegetable, the rate of customs duty applicable to that vegetable set out in the applicable tariff item referred to in Supplementary Note 2(b) in Chapter 7 of the List of Tariff Provisions; and

(b) in respect of a fresh fruit, the rate of customs duty applicable to that fruit set out in the applicable tariff item referred to in Supplementary Note 4(b) in Chapter 8 of the List of Tariff Provisions.

2009, c. 6, s. 34.

Bilateral Emergency Measures — Norway

Orders by Governor in Council

71.3 (1) Subject to subsections (2) to (4), if at any time it appears to the satisfaction of the Governor in Council, as a result of an inquiry made by the Canadian International Trade Tribunal under subsection 19.015(2) of the *Canadian International Trade Tribunal Act* or further to a complaint filed under subsection 23(1.091) of that Act, that goods that are entitled to the Norway Tariff are, as a result of that entitlement, being imported in such increased quantities and under such conditions as to alone constitute a principal cause of serious injury, or a threat of serious injury, to domestic producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, by order

(a) suspend, during the period that the order is in effect, any reduction of the rate of customs duty with respect to those goods that would otherwise be made after that time by virtue of section 52.2;

(b) in respect of goods on which a customs duty is imposed on a seasonal basis, make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty set out in the List of Tariff Provisions that is in effect in respect of those goods at that time, may not exceed the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods immediately before the coming into force of this subsection; and

(c) in respect of goods other than goods referred to in paragraph (b), make those goods subject to a temporary duty, in addition to any other duty specified in this Act

or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty specified in the Norway Tariff that is in effect in respect of those goods at that time, may not exceed the lesser of

- (i) the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods immediately before the coming into force of this subsection, and
- (ii) the Most-Favoured-Nation Tariff rate of customs duty that is in effect in respect of those goods at the time the order is made.

Terms and conditions

(2) An order under subsection (1)

(a) may not, other than for tariff items referred to in subsection (3), be made more than once during the period beginning on the day on which this subsection comes into force and ending on the day before the day that is five years after the day on which this subsection comes into force in respect of goods of a particular kind and, if made during that period, remains in effect for the period, not exceeding three years, specified in the order; and

(b) may, other than for tariff items referred to in subsection (3), be made after the expiry of the period referred to in paragraph (a) only if it is based on an agreement between the Government of Canada and the Government of the Kingdom of Norway relating to the application of subsection (1).

Certain tariff items

(3) An order under subsection (1)

(a) may not, in the case of tariff item Nos. 8901.20.90, 8902.00.10, 8905.20.10, 8905.20.20, 8905.90.10 and 8906.90.99, be made more than once during the period beginning on the day that is three years after the day on which this subsection comes into force and ending on the day before the day that is 10 years after the day on which this subsection comes into force in respect of goods of a particular kind and, if made during that period, remains in effect for the period, not exceeding three years, specified in the order; and

(b) may not, in the case of tariff item Nos. 8901.10.90, 8901.90.99, 8904.00.00, 8905.10.00 and 8905.90.90, be made more than once during the period beginning on the day that is three years after the day on which this subsection comes into force and ending on the day before the day that is 15 years after the day on which this subsection comes into force in respect of goods of a particular kind and, if made during that period, remains in effect for the period, not exceeding three years, specified in the order.

Rate of duty when order ceases to have effect

(4) If an order made under subsection (1) ceases to have effect in a particular calendar year,

(a) the rate of customs duty applicable to the goods after the order ceases to have effect and until December 31 of that year is the rate that would otherwise have been applicable one year after the making of the order, as reduced in accordance with section 52.2; and

(b) the rate of customs duty applicable to the goods beginning on January 1 of the following year is the rate specified by the Minister under subsection (5).

Specification of applicable rate

(5) For the purposes of subsection (4), the Minister shall, by order, specify that the rate referred to in paragraph (4)(b) is

(a) the rate of customs duty that would have been applicable on January 1 of the year following the year in which the order ceases to have effect, if the rate of customs duty had been reduced in accordance with section 52.2, reduced for subsequent years in accordance with that section; or

(b) the rate of customs duty that would have been applicable one year after the making of the order, reduced in equal annual stages beginning on January 1 of the year following the year in which the order ceases to have effect and ending on the day on which the rate of customs duty for the goods would otherwise be reduced to the final rate in accordance with section 52.2.

Definition of “principal cause”

(6) In this section, “principal cause” means, in respect of a serious injury or threat of serious injury, an important cause that is not less important than any other cause of the serious injury or threat.

Reference to customs duty in effect

(7) For the purposes of paragraph (1)(b), the Most-Favoured-Nation Tariff rate of customs duty in effect in respect of a fresh fruit or vegetable is

(a) in respect of a fresh vegetable, the rate of customs duty applicable to that vegetable set out in the applicable tariff item referred to in Supplementary Note 2(b) in Chapter 7 of the List of Tariff Provisions; and

(b) in respect of a fresh fruit, the rate of customs duty applicable to that fruit set out in the applicable tariff item referred to in Supplementary Note 4(b) in Chapter 8 of the List of Tariff Provisions.

Non-application

(8) This section does not apply in respect of goods of the territory of Svalbard.
2009, c. 6, s. 34.

Bilateral Emergency Measures — Switzerland–Liechtenstein

Orders by Governor in Council

71.4 (1) Subject to subsections (2) to (4), if at any time it appears to the satisfaction of the Governor in Council, as a result of an inquiry made by the Canadian International Trade Tribunal under subsection 19.016(2) of the *Canadian International Trade Tribunal Act* or further to a complaint filed under subsection 23(1.092) of that Act, that goods that are entitled to the Switzerland–Liechtenstein Tariff are, as a result of that entitlement, being imported in such increased quantities and under such conditions as to alone constitute a principal cause of serious injury, or a threat of serious injury, to domestic producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, by order

(a) suspend, during the period that the order is in effect, any reduction of the rate of customs duty with respect to those goods that would otherwise be made after that time by virtue of section 52.3;

(b) in respect of goods on which a customs duty is imposed on a seasonal basis, make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty set out in the List of Tariff Provisions that is in effect in respect of those goods at that time, may not exceed the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods immediately before the coming into force of this subsection; and

(c) in respect of goods other than goods referred to in paragraph (b), make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty specified in the Switzerland–Liechtenstein Tariff that is in effect in respect of those goods at that time, may not exceed the lesser of

(i) the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods immediately before the coming into force of this subsection, and

(ii) the Most-Favoured-Nation Tariff rate of customs duty that is in effect in respect of those goods at the time the order is made.

Terms and conditions

(2) An order under subsection (1)

(a) may not, other than for tariff items referred to in subsection (3), be made more than once during the period beginning on the day on which this subsection comes into force and ending on the day before the day that is five years after the day on which this subsection comes into force in respect of goods of a particular kind and, if made during that period, remains in effect for the period, not exceeding three years, specified in the order; and

(b) may, other than for tariff items referred to in subsection (3), be made after the expiry of the period referred to in paragraph (a) only if it is based on an agreement between the Government of Canada and the Government of the Swiss Confederation relating to the application of subsection (1).

Certain tariff items

(3) An order under subsection (1)

(a) may not, in the case of tariff item Nos. 8901.20.90, 8902.00.10, 8905.20.10, 8905.20.20, 8905.90.10 and 8906.90.99, be made more than once during the period beginning on the day that is three years after the day on which this subsection comes into force and ending on the day before the day that is 10 years after the day on which this subsection comes into force in respect of goods of a particular kind and, if made during that period, remains in effect for the period, not exceeding three years, specified in the order; and

(b) may not, in the case of tariff item Nos. 8901.10.90, 8901.90.99, 8904.00.00, 8905.10.00 and 8905.90.90, be made more than once during the period beginning on the day that is three years after the day on which this subsection comes into force and ending on the day before the day that is 15 years after the day on which this subsection comes into force in respect of goods of a particular kind and, if made during that period, remains in effect for the period, not exceeding three years, specified in the order.

Rate of duty when order ceases to have effect

(4) If an order made under subsection (1) ceases to have effect in a particular calendar year,

(a) the rate of customs duty applicable to the goods after the order ceases to have effect and until December 31 of that year is the rate that would otherwise have been applicable one year after the making of the order, as reduced in accordance with section 52.3; and

(b) the rate of customs duty applicable to the goods beginning on January 1 of the following year is the rate specified by the Minister under subsection (5).

Specification of applicable rate

(5) For the purposes of subsection (4), the Minister shall, by order, specify that the rate referred to in paragraph (4)(b) is

(a) the rate of customs duty that would have been applicable on January 1 of the year following the year in which the order ceases to have effect, if the rate of customs duty had been reduced in accordance with section 52.3, reduced for subsequent years in accordance with that section; or

(b) the rate of customs duty that would have been applicable one year after the making of the order, reduced in equal annual stages beginning on January 1 of the year following the year in which the order ceases to have effect and ending on the day on which the rate of customs duty for the goods would otherwise be reduced to the final rate in accordance with section 52.3.

Definition of "principal cause"

(6) In this section, "principal cause" means, in respect of a serious injury or threat of serious injury, an important cause that is not less important than any other cause of the serious injury or threat.

Reference to customs duty in effect

(7) For the purposes of paragraph (1)(b), the Most-Favoured-Nation Tariff rate of customs duty in effect in respect of a fresh fruit or vegetable is

(a) in respect of a fresh vegetable, the rate of customs duty applicable to that vegetable set out in the applicable tariff item referred to in Supplementary Note 2(b) in Chapter 7 of the List of Tariff Provisions; and

(b) in respect of a fresh fruit, the rate of customs duty applicable to that fruit set out in the applicable tariff item referred to in Supplementary Note 4(b) in Chapter 8 of the List of Tariff Provisions.

2009, c. 6, s. 34.

Bilateral Emergency Measures — Peru

Order by Governor in Council

71.5 (1) Subject to subsections (2) to (4), if at any time it appears to the satisfaction of the Governor in Council, as a result of an inquiry made by the Canadian International Trade Tribunal under subsection 19.017(2) of the *Canadian International Trade Tribunal Act* or further to a complaint filed under subsection 23(1.093) of that Act, that goods that are entitled to the Peru Tariff are, as a result of that entitlement, being imported in such increased quantities, in absolute terms or

relative to the domestic production of like or directly competitive goods, and under such conditions as to constitute a principal cause of serious injury, or a threat of serious injury, to domestic producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, by order

- (a) suspend, during the period that the order is in effect, any reduction of the rate of customs duty with respect to those goods that would otherwise be made after that time by virtue of section 49.5; and
- (b) make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty specified in the Peru Tariff that is in effect in respect of those goods at that time, may not exceed the lesser of
 - (i) the Most-Favoured-Nation Tariff rate of customs duty that is in effect in respect of those goods at the time the order is made, and
 - (ii) the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods on January 1, 2007.

Terms and conditions

(2) An order under subsection (1)

- (a) may not be made more than twice during the period beginning on the day on which this subsection comes into force and ending on the day that is seven years after the day on which this subsection comes into force in respect of goods of a particular kind and, if made during that period, remains in effect for the period, not exceeding three years, specified in the order; and
- (b) may not be made after the day that is seven years after the day on which this subsection comes into force.

Application of measures a second time

(3) A measure referred to in an order made under subsection (1) may be applied a second time if the period that has elapsed since the initial application of the measure ended is equal to at least one half of the initial period of application.

Rate of duty when order ceases to have effect

(4) If an order made under subsection (1) ceases to have effect in a particular calendar year, the rate of customs duty applicable to the goods after the order ceases to have effect is the rate of customs duty that is applicable in accordance with section 49.5.

Definition of "principal cause"

(5) In this section, "principal cause" means, in respect of a serious injury or threat of serious injury, an important cause that is not less important than any other cause of the serious injury or threat.

Bilateral Emergency Measures — Israel or Another CIFTA Beneficiary

Orders by Governor in Council

72. (1) Subject to subsection (2), if at any time it appears to the satisfaction of the Governor in Council, as a result of an inquiry made by the Canadian International Trade Tribunal under subsection 19.011(2) of the *Canadian International Trade Tribunal Act* or further to a complaint filed under subsection 23(1.04) of that Act, that goods that are entitled to the Canada–Israel Agreement Tariff are, as a result of that entitlement, being imported into Canada in such increased quantities and under such conditions as to alone constitute a principal cause of serious injury to domestic producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, by order,

(a) suspend, during the period that the order is in effect, any reduction of the rate of customs duty with respect to those goods that would otherwise be made after that time under the Canada–Israel Agreement Tariff; and

(b) make those goods subject to a temporary duty, in addition to any other duties imposed under this Act or any other Act of Parliament relating to customs, at a rate set out in the order, but no such rate may, when added to the rate of customs duty specified in the Canada–Israel Agreement Tariff that is in effect in respect of those goods at that time, exceed the lesser of

(i) the Most-Favoured-Nation Tariff rate of customs duty that is in effect in respect of those goods at the time the order is made, and

(ii) the Most-Favoured-Nation Tariff or General Preferential Tariff rate of customs duty that was in effect in respect of those goods on January 1, 1997.

No order after July 1, 1999

(2) An order under subsection (1) shall not be made, or remain in effect, after July 1, 1999.

Definition of “principal cause”

(3) In this section, “principal cause” means, in respect of a serious injury, an important cause that is not less important than any other cause of the serious injury.

Bilateral Safeguard Measures for U.S. Fresh Fruit or Vegetables

Temporary duty on fresh fruit or vegetables

73. (1) Notwithstanding this Act or any other Act of Parliament but subject to subsections (2) to (7), the Minister may, if the Minister is satisfied that the conditions set out in Article 702 of the Canada–United States Free Trade Agreement for the application of a temporary duty on a fresh fruit or vegetable have been met, by order, for the purpose of implementing Canada’s rights under that Agreement and subject to such terms and conditions as may be prescribed, make a fresh fruit or vegetable of heading No. 07.01, 07.02, 07.03, 07.04, 07.05, 07.06 (other than turnips), 07.07, 07.08, 07.09 (other than truffles), 08.09 or 08.10 (other than cranberries and blueberries) or of subheading No. 0806.10 or 0808.20, set out in the order that is entitled to the United States Tariff, when imported into Canada or any region of Canada set out in the order, subject to a temporary duty, in addition to any other duty imposed under this Act or any other Act of Parliament relating to customs, at a rate set out in the order.

Maximum rate

(2) No rate of temporary duty imposed under subsection (1) in respect of a fresh fruit or vegetable, when added to any other rate of customs duty specified in the List of Tariff Provisions for that fresh fruit or vegetable, may exceed the lesser of

- (a) the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of the fresh fruit or vegetable in the season for that fresh fruit or vegetable immediately before January 1, 1989, and
- (b) the Most-Favoured-Nation Tariff rate of customs duty that is in effect in respect of the fresh fruit or vegetable at the time the order is made.

Temporary duty imposable only once in 12 months

(3) The temporary duty referred to in subsection (1) may be imposed in respect of a fresh fruit or vegetable only once, in respect of any particular region or on a national basis, in any period of 12 consecutive months.

If emergency actions taken

(4) No order may be made in respect of a fresh fruit or vegetable under subsection (1) during any period in which an order made under subsection 55(1), section 60 or subsection 63(1) or 69(2) or under subsection 5(3), (3.2) or (4.1) of the *Export and Import Permits Act* in respect of the same fresh fruit or vegetable is in force.

Non-application to goods in transit

(5) Fresh fruit or vegetables that were purchased, before the coming into force of an order made under subsection (1), for importation through a customs office in a region specified in the order in the expectation in good faith that the United States Tariff rate of customs duty applicable to the fresh fruit or vegetables would apply to them and that were in transit to the purchaser in Canada at the time of the coming into force of the order are not subject to the temporary duty specified in the order.

Repeal if conditions met

(6) The Minister shall repeal an order made under subsection (1) if the Minister is satisfied that the conditions for the removal of the temporary duty set out in paragraph 4 of Article 702 of the Canada–United States Free Trade Agreement have been met.

Ceases to have effect

(7) An order made under subsection (1) ceases to have effect on the earlier of any expiry date set out in the order and the one hundred and eightieth day after the day on which the order is made.

Reference to customs duty in effect

(8) For the purposes of the application of paragraphs 2(a) and (b) in respect of fresh fruit or vegetables on which a customs duty is imposed on a seasonal basis, the

Most-Favoured-Nation Tariff rate of customs duty in effect in respect of the fresh fruit or vegetables is

(a) in respect of fresh vegetables, the rate of customs duty applicable to those vegetables set out in the tariff item referred to in Supplementary Note 2(b) in Chapter 7 of the List of Tariff Provisions; and

(b) in respect of fresh fruit, the rate of customs duty applicable to that fruit set out in the tariff item referred to in Supplementary Note 4(b) in Chapter 8 of the List of Tariff Provisions.

Regulations

(9) The Governor in Council may, on the recommendation of the Minister, make regulations that are consistent with the Canada–United States Free Trade Agreement for carrying out the purposes of this section and to prescribe anything that, by this section, is to be prescribed.

Exemption from *Statutory Instruments Act*

(10) An order made under subsection (1) is exempt from the application of sections 3, 5 and 11 of the *Statutory Instruments Act*.

Publication

(11) Every order made under subsection (1) must be published in the *Canada Gazette*.

Bilateral Safeguard Measures for Mexican Agricultural Goods

Purpose

74. (1) The purpose of this section is to give effect to paragraphs 3 and 4 of Article 703 of the North American Free Trade Agreement.

Application

(2) This section applies to goods of any of tariff item Nos. 0603.10.12, 0603.10.21, 0702.00.92, 0703.10.32, 0707.00.92, 0710.80.21, 0811.10.11, 0811.10.91 and 2002.90.10 that are entitled to the Mexico Tariff.

Limits on reduction of duty

(3) The Governor in Council may, on the recommendation of the Minister, by order, specify limits on the aggregate quantity of goods of any tariff item referred to in subsection (2) that are entitled to a reduction of the rate of customs duty provided for in the List of Tariff Provisions and the periods during which such limits apply.

Application of special measures

(4) An order made under subsection 55(1), section 60 or subsection 63(1) or under subsection 5(3), (3.2) or (4.1) of the *Export and Import Permits Act* has effect in respect of goods referred to in subsection (2) only during any period in which the limits specified under subsection (3) for those goods have not been exceeded.

Cessation

(5) This section ceases to have effect on December 31, 2002.

Bilateral Emergency Measures for Textile and Apparel Goods Imported from a NAFTA Country

Order by Governor in Council

75. (1) If it appears to the satisfaction of the Governor in Council, on the basis of a report of the Minister further to a complaint under subsection 23(1.03) of the *Canadian International Trade Tribunal Act* or as a result of an inquiry made by the Canadian International Trade Tribunal under subparagraph 26(1)(a)(i.3) of that Act, that textile and apparel goods set out in Appendix 1.1 of Annex 300-B of Chapter Three of the North American Free Trade Agreement and entitled to the United States Tariff or the Mexico Tariff are being imported in such increased quantities, in absolute terms or relative to the domestic market for the goods, and under such conditions as to cause serious damage or an actual threat of serious damage to domestic producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, by order,

(a) suspend any further reduction of any rate of customs duty in respect of the goods that would otherwise result under section 45; or

(b) impose, in addition to any other duty imposed under this or any other Act of Parliament, a temporary duty on the goods at a rate specified in the order.

Limit on amount of temporary duty

(2) A rate of temporary duty imposed under paragraph (1)(b) may not, when added to the rate of customs duty specified in the List of Tariff Provisions for the goods, exceed the lesser of

(a) the Most-Favoured-Nation Tariff rate for the goods in effect when the order is made, and

(b) the Most-Favoured-Nation Tariff rate for the goods in effect on December 31, 1993.

Period

(3) Subject to subsection (4), an order made under subsection (1) remains in effect for a period, not exceeding three years, specified in the order.

Duration of order

(4) If an order is made under subsection (1) on the basis of a report of the Minister, the order ceases to have effect at the end of the one hundred and eightieth day after the day on which the order is made unless, before the order so ceases to have effect, the Canadian International Trade Tribunal reports to the Governor in Council, on the basis of an inquiry made under subparagraph 26(1)(a)(i.3) of the *Canadian International Trade Tribunal Act*, that the goods described in the report of the Minister are being imported from the country named in the report under such conditions as to cause or threaten serious damage to domestic producers of like or directly competitive goods.

Extension of order

(5) The Governor in Council may, on the recommendation of the Minister, by order, extend the period of an order made as a result of an inquiry of the Canadian International Trade Tribunal made under subparagraph 26(1)(a)(i.3) of the *Canadian International Trade Tribunal Act* or an order that remains in effect by virtue of subsection (4) on the basis of a report of that Tribunal, but the total period of the order may not exceed three years.

Rate of customs duty after order ceases to have effect

(6) If an order made under subsection (1) ceases to have effect in a particular calendar year,
(a) the rate of customs duty applicable to the goods after the order ceases to have effect and until December 31 of that year is the rate that would have been applicable one year after the making of the order, as reduced in accordance with section 45; and
(b) the rate of customs duty applicable to the goods beginning on January 1 of the following year is the rate specified by the Minister under subsection (7).

Specification of applicable rates

(7) For the purposes of subsection (6), the Minister shall, by order, specify that the rate referred to in paragraph (6)(b) is
(a) the rate of customs duty that would have been applicable on January 1 of the year following the year in which the order ceases to have effect if the rate of customs duty had been reduced in accordance with section 45, reduced to "Free" in accordance with that section; or
(b) the rate of customs duty that would have been applicable one year after the making of the order, reduced to "Free" in equal annual stages beginning on January 1 of the year following the year in which the order ceases to have effect and ending on the day on which the rate of customs duty for the goods would be reduced to "Free" in accordance with section 45.

Further orders

(8) An order under subsection (1) may not be made more than once during the period beginning on January 1, 1994 and ending on December 31, 2003 in respect of goods of a particular kind.

Bilateral Emergency Measures for Textile and Apparel Goods Imported from Chile

Order by Governor in Council

76. (1) If it appears to the satisfaction of the Governor in Council, on the basis of a report of the Minister further to a complaint under subsection 23(1.06) of the *Canadian International Trade Tribunal Act* or as a result of an inquiry made by the Canadian International Trade Tribunal under subparagraph 26(1)(a)(i.6) of that Act, that textile and apparel goods set out in Appendix 1.1 of Annex C-00-B of the Canada–Chile Free Trade Agreement and entitled to the Chile Tariff are being imported in such increased quantities, in absolute terms or relative to the domestic market for the goods, and under such conditions as to cause serious damage or an

actual threat of serious damage to domestic producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, by order,

(a) suspend any further reduction of any rate of customs duty in respect of the goods that would otherwise result under section 46; or

(b) impose, in addition to any other duty imposed under this or any other Act of Parliament, a temporary duty on the goods at a rate specified in the order.

Limit on amount of temporary duty

(2) A rate of temporary duty imposed under paragraph (1)(b) may not, when added to the rate of customs duty specified in the List of Tariff Provisions for the goods, exceed the lesser of

(a) the Most-Favoured-Nation Tariff rate for the goods in effect when the order is made, and

(b) the Most-Favoured-Nation Tariff rate for the goods in effect on July 4, 1997.

Period

(3) Subject to subsection (4), an order made under subsection (1) remains in effect for a period, not exceeding three years, specified in the order.

Duration of order

(4) If an order is made under subsection (1) on the basis of a report of the Minister, the order ceases to have effect at the end of the one hundred and eightieth day after the day on which the order is made unless, before the order so ceases to have effect, the Canadian International Trade Tribunal reports to the Governor in Council, on the basis of an inquiry made under subparagraph 26(1)(a)(i.6) of the *Canadian International Trade Tribunal Act*, that the goods described in the report of the Minister are being imported from the country named in the report under such conditions as to cause or threaten serious damage to domestic producers of like or directly competitive goods.

Extension of order

(5) The Governor in Council may, on the recommendation of the Minister, by order, extend the period of an order made as a result of an inquiry of the Canadian International Trade Tribunal made under subparagraph 26(1)(a)(i.6) of the *Canadian International Trade Tribunal Act* or an order that remains in effect by virtue of subsection (4) on the basis of a report of that Tribunal, but the total period of the order may not exceed three years.

Rate of duty after order ceases to have effect

(6) If an order made under subsection (1) ceases to have effect in a particular calendar year,

(a) the rate of customs duty applicable to the goods after the order ceases to have effect and until December 31 of that year is the rate that would have been applicable one year after the making of the order, as reduced in accordance with section 46; and

(b) the rate of customs duty applicable to the goods beginning on January 1 of the following year is the rate specified by the Minister under subsection (7).

Specification of applicable rates

(7) For the purposes of subsection (6), the Minister shall, by order, specify that the rate referred to in paragraph (6)(b) is

(a) the rate of customs duty that would have been applicable on January 1 of the year following the year in which the order ceases to have effect if the rate of customs duty had been reduced in accordance with section 46, reduced to "Free" in accordance with that section; or

(b) the rate of customs duty that would have been applicable one year after the making of the order, reduced to "Free" in equal annual stages beginning on January 1 of the year following the year in which the order ceases to have effect and ending on the day on which the rate of customs duty for the goods would otherwise be reduced to "Free" in accordance with section 46.

Further orders

(8) An order under subsection (1) may not be made more than once during the period beginning on July 5, 1997 and ending on July 4, 2003 in respect of goods of a particular kind.

Bilateral Emergency Measures for Textile and Apparel Goods Imported from Costa Rica

Order by Governor in Council

76.1 (1) If it appears to the satisfaction of the Governor in Council, on the basis of a report of the Minister further to a complaint under subsection 23(1.08) of the *Canadian International Trade Tribunal Act* or as a result of an inquiry made by the Canadian International Trade Tribunal under subparagraph 26(1)(a)(i.8) of that Act, that textile and apparel goods set out in Appendix III.1.1.1 of Annex III.1 of the Canada — Costa Rica Free Trade Agreement and entitled to the Costa Rica Tariff are being imported in such increased quantities, in absolute terms or relative to the domestic market for the goods, and under such conditions as to cause serious damage or an actual threat of serious damage to domestic producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, by order

(a) suspend any further reduction of any rate of customs duty in respect of the goods that would otherwise result under section 49.1; or

(b) impose, in addition to any other duty imposed under this or any other Act of Parliament, a temporary duty on the goods at a rate specified in the order.

Limit on amount of temporary duty

(2) A rate of temporary duty imposed under paragraph (1)(b) may not, when added to the rate of customs duty specified in the List of Tariff Provisions for the goods, exceed the lesser of

(a) the Most-Favoured-Nation Tariff rate for the goods in effect when the order is made, and

(b) the Most-Favoured-Nation Tariff rate for the goods in effect on the coming into force of this subsection.

Period

(3) Subject to subsection (4), an order made under subsection (1) remains in effect for a period, not exceeding three years, specified in the order.

Duration of order

(4) If an order is made under subsection (1) on the basis of a report of the Minister, the order ceases to have effect at the end of the one hundred and eightieth day after the day on which the order is made unless, before the order so ceases to have effect, the Canadian International Trade Tribunal reports to the Governor in Council, on the basis of an inquiry made under subparagraph 26(1)(a)(i.8) of the *Canadian International Trade Tribunal Act*, that the goods described in the report of the Minister are being imported from the country named in the report under such conditions as to cause or threaten serious damage to domestic producers of like or directly competitive goods.

Extension of order

(5) The Governor in Council may, on the recommendation of the Minister, by order, extend the period of an order made as a result of an inquiry of the Canadian International Trade Tribunal made under subparagraph 26(1)(a)(i.8) of the *Canadian International Trade Tribunal Act* or an order that remains in effect by virtue of subsection (4) on the basis of a report of that Tribunal, but the total period of the order may not exceed three years.

Rate of duty after order ceases to have effect

(6) If an order made under subsection (1) ceases to have effect in a particular calendar year,
(a) the rate of customs duty applicable to the goods after the order ceases to have effect and until December 31 of that year is the rate that would have been applicable one year after the making of the order, as reduced in accordance with section 49.1; and
(b) the rate of customs duty applicable to the goods beginning on January 1 of the following year is the rate specified by the Minister under subsection (7).

Specification of applicable rates

(7) For the purposes of subsection (6), the Minister shall, by order, specify that the rate referred to in paragraph (6)(b) is
(a) the rate of customs duty that would have been applicable on January 1 of the year following the year in which the order ceases to have effect if the rate of customs duty had been reduced in accordance with section 49.1, reduced to "Free" in accordance with that section; or
(b) the rate of customs duty that would have been applicable one year after the making of the order, reduced to "Free" in equal annual stages beginning on January 1 of the year following the year in which the order ceases to have effect and ending on the day on which the rate of customs duty for the goods would otherwise be reduced to "Free" in accordance with section 49.1.

Further orders

(8) An order under subsection (1) may not be made more than once during the period beginning on the coming into force of this subsection and ending on the date that is seven years after the coming into force of this subsection in respect of goods of a particular kind.

2001, c. 28, s. 39.

Measures Relating to Television Picture Tubes

Order increasing duty on certain cathode-ray television picture tubes

77. (1) For the purposes of giving effect to Annex 308.2 of Chapter Three of the North American Free Trade Agreement, notwithstanding any other provision of this Act imposing customs duties, the Minister may, by order, amend the schedule to specify a rate of customs duty for goods described in that Annex, which may not exceed the rate provided for in subsection 45(2) or paragraph 45(9)(c), as the case may be.

Duration of application

(2) This section ceases to have effect on December 31, 2002.

Safeguard Measures in Respect of China

Definitions

77.1 (1) The following definitions apply in this section and in sections 77.2 to 77.8.

"market disruption"

« *désorganisation du marché* »

"market disruption" means a rapid increase in the importation of goods that are like or directly competitive with goods produced by a domestic industry, in absolute terms or relative to the production of those goods by a domestic industry, so as to be a significant cause of material injury, or threat of material injury, to the domestic industry.

"significant cause"

« *cause importante* »

"significant cause" means, in respect of a material injury or threat thereof, an important cause that need not be as important as, or more important than, any other cause of the material injury or threat.

Surtax — market disruption

(2) Subject to section 77.2, if at any time it appears to the satisfaction of the Governor in Council, on the basis of a report of the Minister or of an inquiry made by the Canadian International Trade Tribunal under section 30.21 or 30.22 of the *Canadian International Trade Tribunal Act*, that goods originating in the People's Republic of China are being imported in such increased quantities or under such conditions as to cause or threaten to cause market disruption to domestic producers of like or directly competitive goods, the Governor in Council may, on the

recommendation of the Minister, by order, make any such goods, when imported into Canada or a region or part of Canada specified in the order during the period that the order is in effect, subject to a surtax

(a) at a rate specified in the order; or

(b) at a rate specified in the order that varies from time to time as the quantity of those goods imported into Canada or that region or part of Canada during a period specified in the order equals or exceeds quantities specified in the order.

Maximum rate

(3) The rate specified under subsection (2) may not exceed the rate that in the opinion of the Governor in Council is sufficient to prevent or remedy market disruption to domestic producers of like or directly competitive goods.

Minister's report

(4) A report of the Minister referred to in subsection (2) may be made only if there are, in the opinion of the Minister, critical circumstances.

Inquiry

(5) If an order is made under subsection (2) on the basis of a report of the Minister, the Governor in Council shall immediately refer the matter to the Canadian International Trade Tribunal for an inquiry under subsection 30.21(1) of the *Canadian International Trade Tribunal Act*.

2002, c. 19, s. 7.

Period and repeal

77.2 (1) An order made under subsection 77.1(2)

(a) subject to section 77.3, has effect for a period specified in the order; and

(b) may be amended or repealed at any time by the Governor in Council on the recommendation of the Minister unless, before that time, a resolution directing that the order cease to have effect has been adopted by both Houses of Parliament under section 77.4.

Cessation

(2) If an order is made under subsection 77.1(2) on the basis of a report of the Minister, the order ceases to have effect at the end of the two hundredth day after the day on which the order is made unless, before the order so ceases to have effect, the Canadian International Trade Tribunal reports to the Governor in Council, on the basis of an inquiry made under section 30.21 or 30.22 of the *Canadian International Trade Tribunal Act*, that the goods described in the report of the Minister are being imported in such increased quantities or under such conditions as to cause or threaten to cause market disruption to domestic producers of like or directly competitive goods.

2002, c. 19, s. 7.

Extension order

77.3 (1) If, at any time before the expiry of an order with respect to any goods made under this subsection or subsection 77.1(2) or under subsection 5.4(2) or (4)

of the *Export and Import Permits Act*, it appears to the satisfaction of the Governor in Council, as a result of an inquiry made by the Canadian International Trade Tribunal under subsection 30.25(7) of the *Canadian International Trade Tribunal Act*, that an order continues to be necessary to prevent or remedy market disruption to domestic producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, make an extension order imposing a surtax on any goods specified in the previous order.

Scope and rate

(2) If an extension order is made under subsection (1),

- (a) the extension order applies to goods imported into Canada, or any region or part of Canada, specified in the order during the period that the order is in effect; and
- (b) the rate of the surtax imposed by the extension order must, subject to subsection (3),
 - (i) be at a rate specified in the extension order, or
 - (ii) be at a rate specified in the extension order that varies from time to time as the quantity of those goods imported into Canada or that region or part of Canada during a period specified in the order equals or exceeds totals specified in the order.

Maximum rate

(3) The rate specified in the extension order may not exceed the rate that in the opinion of the Governor in Council is sufficient to prevent or remedy market disruption to domestic producers of like or directly competitive goods.

Period and repeal of extension orders

(4) Every extension order made under subsection (1)

- (a) remains in effect, subject to this section, for the period that is specified in the order; and
- (b) may, notwithstanding any other provision of this section, be amended or repealed at any time by the Governor in Council on the recommendation of the Minister unless, before that time, a resolution directing that the order cease to have effect has been adopted by both Houses of Parliament under section 77.4.

2002, c. 19, s. 7.

Resolution of Parliament of cessation

77.4 Notwithstanding sections 77.1 to 77.3 and 77.5 to 77.8, if a resolution directing that an order made under subsection 77.1(2), 77.3(1) or 77.6(2) cease to have effect is adopted by both Houses of Parliament, the order ceases to have effect on the day that the resolution is adopted or, if the adopted resolution specifies a day on which the order ceases to have effect, on that specified day.

2002, c. 19, s. 7.

Notice in *Canada Gazette*

77.5 If an order made under

- (a) subsection 77.1(2) remains in effect by reason of subsection 77.2(2), or
- (b) subsection 77.1(2), 77.3(1) or 77.6(2) ceases to have effect by reason of a resolution of both Houses of Parliament,

the Minister shall cause a notice to that effect to be published in the *Canada Gazette*, 2002, c. 19, s. 7.

Definitions

77.6 (1) The following definitions apply in this section.

"action"

« *mesure* »

"action" means

(a) any action, including a provisional action, taken

(i) by the People's Republic of China to prevent or remedy market disruption in a WTO Member other than Canada, or

(ii) by a WTO Member other than Canada to withdraw concessions under the World Trade Organization Agreement or otherwise to limit imports to prevent or remedy market disruption in that Member caused or threatened by the importation of goods originating in the People's Republic of China; or

(b) any combination of actions referred to in paragraph (a).

"WTO Member"

« *membre de l'OMC* »

"WTO Member" means a Member of the World Trade Organization established by Article I of the Agreement Establishing the World Trade Organization, signed at Marrakesh on April 15, 1994.

Surtax — trade diversion

(2) If at any time it appears to the satisfaction of the Governor in Council, on the basis of an inquiry made by the Canadian International Trade Tribunal under section 30.21 or 30.23 of the *Canadian International Trade Tribunal Act*, that an action causes or threatens to cause a significant diversion of trade into the domestic market in Canada, the Governor in Council may, on the recommendation of the Minister, by order, make any goods originating in the People's Republic of China, when imported into Canada or a region or part of Canada specified in the order during the period that the order is in effect, subject to a surtax

(a) at a rate specified in the order; or

(b) at a rate specified in the order that varies from time to time as the quantity of those goods imported into Canada or that region or part of Canada during a period specified in the order equals or exceeds quantities specified in the order.

Maximum rate

(3) The rate specified under subsection (2) may not exceed the rate that in the opinion of the Governor in Council is sufficient to prevent or remedy diversion of trade into the domestic market in Canada.

Amendment or repeal

(4) An order made under subsection (2) may be amended or repealed at any time by the Governor in Council on the recommendation of the Minister unless, before that time, a resolution directing that the order cease to have effect has been adopted by both Houses of Parliament under section 77.4.

2002, c. 19, s. 7.

Regulations

77.7 The Governor in Council may make regulations for carrying out the purposes of sections 77.1 to 77.6 and may, by order, suspend a surtax or rate in whole or in part from application to any goods or any class of goods.

2002, c. 19, s. 7.

Decision of Governor in Council final

77.8 The decision of the Governor in Council is final on any question that may arise regarding the application of the surtax or rate imposed under sections 77.1 to 77.6.

2002, c. 19, s. 7.

Expiry date

77.9 Sections 77.1 to 77.8 cease to have effect on December 11, 2013.

2002, c. 19, s. 7.

Surtaxes

Surtax

78. (1) If at any time it appears to the satisfaction of the Governor in Council, on a report of the Minister, that Canada's external financial position and its balance of payments are such as to require special measures respecting Canadian imports, the Governor in Council may, by order, subject goods that originate in a country or that are entitled to any tariff treatment under regulations made under section 16, or any class of such goods, to a surtax that is in addition to the duties imposed under this Act.

Amount of surtax

(2) A surtax referred to in subsection (1) may differ in amount for different goods or classes of goods.

Order ceases to have effect unless approved by Parliament

(3) An order the period of which is longer than 180 days ceases to have effect on the one hundred and eightieth day after it is made if Parliament is then sitting or, if Parliament is not then sitting, at the end of the fifteenth sitting day of the next sitting of Parliament, unless before that day the order is approved by a resolution adopted by both Houses of Parliament.

Meaning of "sitting day"

(4) For the purposes of subsection (3), a day on which either House of Parliament sits is deemed to be a sitting day.

Goods in Transit

Goods in transit

79. An order made under subsection 53(2) or 55(1), section 60 or subsection 63(1), 69(2), 70(2), 71.1(2), 71.5(1), 72(1), 75(1), 76(1) or 76.1(1) may provide that goods that are in transit to Canada at the time the order comes into force are entitled to the tariff treatment that was applicable to those goods immediately before that time.

1997, c. 36, s. 79; 2001, c. 28, s. 40; 2009, c. 16, ss. 47, 56.

PART 3

DUTIES RELIEF

INTERPRETATION

Definitions

80. The definitions in this section apply in this Part.

"customs duties"

« *droits de douane* »

"customs duties", other than for the purposes of sections 95 and 96, means customs duties imposed under Part 2, other than surtaxes imposed under section 53, 55, 60, 63, 68, 77.1, 77.3, 77.6 or 78 or temporary duties imposed under any of sections 69 to 76.1.

"duties"

« *droits* »

"duties", other than for the purposes of section 106, means duties or taxes levied or imposed on imported goods under Part 2, the *Excise Act, 2001*, the *Excise Tax Act*, the *Special Import Measures Act* or any other Act of Parliament relating to customs, but for the purposes of sections 89 and 113 does not include the goods and services tax.

"excise taxes"

« *taxes d'accise* »

"excise taxes" means the taxes imposed under the *Excise Tax Act* other than the goods and services tax.

"goods and services tax"

« *taxe sur les produits et services* »

"goods and services tax" means the tax imposed under Part IX of the *Excise Tax Act*.

"process"

« *transformation* »

"process", in respect of goods, includes the adjustment, alteration, assembly, manufacture, modification, production or repair of the goods.

1997, c. 36, s. 80; 2001, c. 28, s. 41; 2002, c. 19, ss. 8, 19, c. 22, s. 347.

Part binds Her Majesty

81. This Part is binding on Her Majesty in right of Canada or of a province.
Division 1

REDUCTION OF RATES OF CUSTOMS DUTY

Amendment of List of Tariff Provisions and the "F" Staging List

82. (1) The Governor in Council may, on the recommendation of the Minister, by order, amend the List of Tariff Provisions and the "F" Staging List in respect of goods used in the production of other goods or the provision of services, subject to any conditions and for any period that may be set out in the order.

Repeal or amendment

(2) At any time before the expiration of an order made under subsection (1), the Governor in Council may, on the recommendation of the Minister, by subsequent order, repeal or amend the order subject to any conditions and for any period that may be set out in the subsequent order.

Maximum rate

(3) A rate specified in an order made under subsection (1) or (2) may not exceed the rate of customs duty that would have been set out in the List of Tariff Provisions or in the "F" Staging List in respect of those goods if no order were made under this section.

Retroactivity

(4) An order made under subsection (1) or (2) may, if it so provides, be retroactive and have effect in respect of a period before it is made, but no such order may have effect in respect of a period before this section comes into force.

Exception

(5) An order made under subsection (2) that increases a rate of customs duty may not have effect in respect of a period before the date the order is published in the *Canada Gazette*.

Regulations

(6) The Governor in Council may, on the recommendation of the Minister, make regulations for carrying out the purposes of this section.

Division 2

IMPORTATION WITHOUT FULL PAYMENT OF DUTIES

Reduced Value for Duty

Goods of heading No. 98.04

83. In the case of goods that are imported by a traveller, that are reported in accordance with regulations made under paragraph 133(*f*) prescribing conditions for

the classification of goods under heading No. 98.04 and that, but for the fact that their value for duty as determined under section 46 of the *Customs Act* exceeds the maximum value specified under tariff item No. 9804.10.00, 9804.20.00 or 9804.30.00, would be classified under one of those tariff items,

(a) in the case of goods that would have been classified under tariff item No. 9804.10.00 or 9804.20.00, the value for duty of the goods shall be reduced by an amount equal to that maximum specified value and, in the case of alcoholic beverages and tobacco, the quantity of those goods shall, for the purposes of assessing duties other than a duty under section 54 of the *Excise Act, 2001*, be reduced by the quantity of alcoholic beverages and tobacco up to the maximum quantities specified in tariff item No. 9804.10.00 or 9804.20.00, as the case may be;

(b) in the case of goods that would have been classified under tariff item No. 9804.30.00,

(i) the value for duty of the goods shall be reduced by an amount equal to the maximum value specified under tariff item No. 9804.10.00 or 9804.20.00, as the case may be, and

(ii) the first \$300 of the value for duty shall be assessed duties under tariff item No. 9804.30.00; and

(c) the goods shall be classified under tariff items in any of Chapters 1 to 97 and heading No. 98.26, as the case may be.

1997, c. 36, s. 83; 2001, c. 16, s. 4; 2002, c. 22, s. 348.

Goods of tariff item No. 9805.00.00

84. Goods that, but for the fact that their value for duty as determined under section 46 of the *Customs Act* exceeds the value specified under tariff item No. 9805.00.00, would be classified under that tariff item, shall be classified under Chapters 1 to 97 and their value for duty reduced by that specified value.

Goods of tariff item No. 9816.00.00

85. Goods that, but for the fact that their value for duty as determined under section 46 of the *Customs Act* exceeds the value specified under tariff item No. 9816.00.00, would be classified under that tariff item, shall be classified under Chapters 1 to 97 and their value for duty reduced by that specified value.

Regulations

86. The Governor in Council may, on the recommendation of the Minister, make regulations respecting the conditions under which, or circumstances in which, sections 83 to 85 apply.

Goods of tariff item No. 9971.00.00

87. (1) Despite subsection 20(2), the value for duty of goods of tariff item No. 9971.00.00 that are entitled to the Iceland Tariff, the Norway Tariff or the Switzerland–Liechtenstein Tariff is the value of the repairs or alterations made to those goods in Iceland, Norway, Switzerland or Liechtenstein, as the case may be.

Limitation

(2) Subsection (1) ceases to have effect on the day before the day that is 15 years after the day on which this subsection comes into force.

1997, c. 36, s. 87; 2009, c. 6, s. 35.

Ethno-cultural Groups

Goods of tariff item No. 9937.00.00

88. A group desiring to be recognized as an ethno-cultural group for the purposes of tariff item No. 9937.00.00 shall submit an application to the Minister of Public Safety and Emergency Preparedness supported by evidence that the group satisfies the criteria set out in that tariff item.

1997, c. 36, s. 88; 2005, c. 38, ss. 142, 145.

Duty Deferral

Relief

89. (1) Subject to subsection (2), section 95 and any regulations made under section 99, if an application for relief is made within the prescribed time, in accordance with subsection (4), by a person of a prescribed class, relief may be granted from the payment of duties that would but for this section be payable in respect of imported goods that are

(a) released and subsequently exported in the same condition in which they were imported;

(b) released, processed in Canada and subsequently exported;

(c) released and directly consumed or expended in the processing in Canada of goods that are subsequently exported;

(d) released, if the same quantity of domestic or imported goods of the same class is processed in Canada and subsequently exported; or

(e) released, if the same quantity of domestic or imported goods of the same class is directly consumed or expended in the processing in Canada of goods that are subsequently exported.

Exception for tobacco products or designated goods

(2) Relief of the duties or taxes levied or imposed under sections 21.1 to 21.3, the *Excise Act, 2001* or the *Excise Tax Act* may not be granted under subsection (1) on tobacco products or designated goods.

Deemed exportation

(3) For the purposes of subsection (1), goods are deemed to have been exported if they are

(a) designated as ships' stores by regulations made under paragraph 99(g) and supplied for use on board a conveyance of a class prescribed under that paragraph;

(b) used for the equipment, repair or reconstruction of ships or aircraft of a class prescribed under paragraph 99(d);

(c) delivered to a telegraph cable ship of a class prescribed under paragraph 99(d);

(d) supplied for exportation to a department or agency of, or a corporation owned, controlled or operated by, the Government of Canada or the government of a province, that is designated by the Minister of Public Safety and Emergency Preparedness;

(e) placed in a bonded warehouse or duty free shop for exportation, or placed in a bonded warehouse for use in accordance with paragraph (a) or (c);

(f) transferred from a person who has been issued a certificate under section 90 to another person who has been issued such a certificate; or

(g) used or destined for use in any other prescribed manner.

Application

(4) An application for relief under subsection (1) must be in a form and contain information satisfactory to the Minister of Public Safety and Emergency Preparedness.

1997, c. 36, s. 89; 2002, c. 22, s. 349; 2005, c. 38, ss. 142, 145.

Certificate

90. (1) Subject to regulations made under paragraph 99(e), the Minister of Public Safety and Emergency Preparedness may issue a numbered certificate to a person of a prescribed class referred to in section 89.

Amendment, suspension, etc., of certificate

(2) The Minister of Public Safety and Emergency Preparedness may, subject to regulations made under paragraph 99(e), amend, suspend, renew, cancel or reinstate a certificate issued under subsection (1).

Release of goods

(3) Goods in respect of which relief is granted under section 89 may be released without payment of the duties relieved under that section if the number of the certificate issued under subsection (1) is disclosed when the goods are accounted for under section 32 of the *Customs Act* and the certificate is in force at that time.

1997, c. 36, s. 90; 2005, c. 38, ss. 142, 145.

Minister may issue licence for operation of bonded warehouse

91. (1) If the Minister of Public Safety and Emergency Preparedness considers it advisable, that Minister may issue a licence for the operation of any place as a bonded warehouse to a person who meets the qualifications prescribed by regulations made under subparagraph 99(f)(i) and any requirements or conditions set out in this Act, the *Customs Act* and the regulations under both Acts respecting the operation of that place.

Licence restriction

(2) Subject to regulations made under paragraph 99(f), the Minister of Public Safety and Emergency Preparedness may impose in a licence issued under subsection (1) any restriction as to the classes of goods that may be received, or the circumstances under which goods may be received, in the bonded warehouse.

Amendment of licence

(3) The Minister of Public Safety and Emergency Preparedness may, subject to regulations made under paragraph 99(f), amend, suspend, renew, cancel or reinstate a licence issued under subsection (1).

Security

(4) A person to whom a licence is issued under subsection (1) shall, at the request of the Minister of Public Safety and Emergency Preparedness, provide security, of a type and in accordance with the conditions that may be prescribed, in an amount satisfactory to that Minister.

1997, c. 36, s. 91; 2005, c. 38, ss. 142, 145.

Duties not payable in respect of goods in bonded warehouse

92. (1) Subject to section 31 of the *Customs Act* and to any regulations made under paragraph 99(f) or section 100, if a bonded warehouse licence has been issued under section 91, duties imposed on goods that are delivered to the bonded warehouse are not payable until the goods are removed from the bonded warehouse.

Relief on goods removed from bonded warehouse

(2) Relief shall be granted from the payment of duties that, but for this section, would be payable in respect of goods removed from a bonded warehouse that are (a) subject to section 95, exported directly from the bonded warehouse; or (b) designated as ships' stores by regulations made under paragraph 99(g), supplied for use on board a conveyance of a class prescribed by regulations under that paragraph and exported.

Exception

(3) This section does not apply to any duty imposed under the *Excise Act, 2001* in respect of manufactured tobacco that is manufactured in Canada and imported manufactured tobacco that is stamped in accordance with that Act.

1997, c. 36, s. 92; 2001, c. 16, s. 5; 2002, c. 22, s. 350; 2008, c. 28, s. 71.

Submission of evidence

93. If relief has been granted under section 89 or 92, the Minister of Public Safety and Emergency Preparedness may require the submission of evidence satisfactory to that Minister for the purpose of administering section 95.

1997, c. 36, s. 93; 2005, c. 38, ss. 142, 145.

Definition of "customs duties"

94. (1) In sections 95 and 96, "customs duties" means customs duties imposed under Part 2, other than

- (a) additional customs duties levied under sections 21.1 to 21.3;
- (b) surtaxes imposed under section 53, 55, 60, 63, 68, 77.1, 77.3, 77.6 or 78; or
- (c) temporary duties imposed under any of sections 69 to 76.1.

For greater certainty

(2) For greater certainty, in sections 95 and 96, "customs duties" does not include any duties or taxes levied or imposed on imported goods under the *Excise Act, 2001*, the *Excise Tax Act* or the *Special Import Measures Act*.

1997, c. 36, s. 94; 2001, c. 28, s. 42; 2002, c. 19, ss. 9, 21, c. 22, s. 351.

Repayment of relief

95. (1) If relief is granted under section 89 or 92 in respect of goods that are subsequently exported to a NAFTA country on or after the effective date determined under subsection (3),

(a) the person who exported the goods shall, within 60 days after exporting the goods, report the exportation in the prescribed manner to an officer at a customs office and pay the portion of the duties relieved under that section that are customs duties; and

(b) subject to subsections (4) to (6), notwithstanding any other provision of this Part, the person who exported the goods and any other person who was granted the relief are, from the time of exporting the goods, jointly and severally or solidarily liable to pay to Her Majesty in right of Canada the portion of the duties relieved under that section that are customs duties.

Debt to Her Majesty

(2) An amount referred to in subsection (1), while it remains unpaid, is deemed to be a debt owing to Her Majesty in right of Canada under the *Customs Act*.

Effective date

(3) For the purposes of subsection (1), the effective date for the exportation of goods to a NAFTA country is

(a) in respect of exports to the United States or Mexico of goods referred to in paragraph 8 of Article 303 of the North American Free Trade Agreement, January 1, 1994;

(b) in respect of other exports to the United States, January 1, 1996;

(c) in respect of other exports to Mexico, January 1, 2001; and

(d) in respect of exports to any other NAFTA country, the date fixed by order of the Governor in Council on the recommendation of the Minister.

Reduction of amount repayable

(4) The amount of the customs duties levied under subsection (1) in respect of goods other than goods referred to in paragraph 8 of Article 303 of the North American Free Trade Agreement shall be reduced in accordance with subsection (5) if, within 60 days after the goods are exported, evidence satisfactory to the Minister of Public Safety and Emergency Preparedness is submitted to that Minister that customs duties in respect of the exportation of the goods have been paid to the government of a NAFTA country other than Canada.

Amount of reduction

(5) Subject to subsection (4), the amount of customs duties levied under subsection (1) shall be reduced by the amount of customs duties paid to the government of the NAFTA country or, if that amount is equal to or greater than the amount of the customs duties levied, the amount levied shall be reduced to zero.

Exceptions

(6) Subsection (1) and sections 96 to 98 do not apply in respect of

- (a) imported goods that originate in a NAFTA country that are
 - (i) subsequently exported to a NAFTA country,
 - (ii) used as materials in the production of goods that are subsequently exported to a NAFTA country, or
 - (iii) substituted by identical or similar goods used as materials in the production of other goods that are subsequently exported to a NAFTA country;
- (b) imported orange or grapefruit concentrates used in the manufacture or production of orange or grapefruit products of heading No. 20.09 that are exported to the United States;
- (c) imported goods used as materials to make apparel that is exported to the United States and subject to the Most-Favoured-Nation Tariff in accordance with the laws of that country, or imported goods substituted by identical or similar goods used as materials to make such apparel;
- (d) imported goods used as materials in the production of, or for which identical or similar goods are substituted and used as materials in the production of, quilted cotton piece goods and quilted man-made piece goods provided for under subheading No. 5811.00 and furniture moving pads provided for under subheading No. 6307.90, that are exported to the United States and subject to the Most-Favoured-Nation Tariff in accordance with the laws of that country;
- (e) imported goods that are subsequently exported in the condition in which they were imported;
- (f) imported goods referred to in subsection 89(1) that are deemed to have been exported by reason of their having been
 - (i) placed in a duty free shop for exportation,
 - (ii) designated as ships' stores by regulations made under paragraph 99(g),
 - (iii) supplied for use on board a conveyance of a class prescribed by regulations made under paragraph 99(g), or
 - (iv) used or destined for use, in such other manner as may be prescribed, solely and exclusively in conjunction with a project undertaken jointly by the Government of Canada and the government of a NAFTA country, or with a project in Canada undertaken by the government of the NAFTA country and destined to become the property of the government of the NAFTA country; and
- (g) such other imported goods or any imported goods used as materials, or any class of such goods, as may, on the recommendation of the Minister, be prescribed by the Governor in Council on the basis of an agreement between the Government of Canada and the government of a NAFTA country relating to the application of this subsection.

Definition of "identical or similar goods" and "used"

(7) In this section, "identical or similar goods" and "used" have the meanings assigned to those expressions by paragraph 9 of Article 303 of the North American Free Trade Agreement.

Definition of "materials"

(8) In this section, "materials" means goods that are used in the processing of other goods, and includes parts or ingredients.

1997, c. 36, s. 95; 2005, c. 38, ss. 142, 145.

Maximum drawback

96. (1) Subject to subsection 95(6), a drawback, granted under section 113, of customs duties paid in respect of imported goods that are or were exported to the

United States on or after January 1, 1996, that are exported to Mexico on or after January 1, 2001, or that are exported to any other NAFTA country on or after a date fixed by order of the Governor in Council, may not exceed the lesser of

- (a) the amount of customs duties paid or owed in respect of the imported goods at the time of importation, and
- (b) the amount of customs duties paid to the NAFTA country to which the imported goods were subsequently exported.

No drawback on certain goods

(2) No drawback of customs duties paid in respect of goods referred to in paragraph 8 of Article 303 of the North American Free Trade Agreement may be granted under section 113.

No relief or drawback of SIMA duties

97. Subject to subsection 95(6), relief may not be granted under section 89 or 92 and a drawback may not be granted under section 113 of duties paid under the *Special Import Measures Act* on imported goods that are or were exported to the United States on or after January 1, 1996, that are exported to Mexico on or after January 1, 2001 or that are exported to any other NAFTA country on or after a date fixed by order of the Governor in Council.

Exports to NAFTA country

98. (1) Subject to subsection 95(6), if relief or a drawback of duties levied under the *Special Import Measures Act* has been granted in respect of imported goods and the goods are or were exported to the United States on or after January 1, 1996, to Mexico on or after January 1, 2001 or to any other NAFTA country on or after a date fixed by order of the Governor in Council and, at the time the goods are exported, the relief or drawback could not be granted because of section 97,

- (a) the person who exported the goods shall, within 60 days after exporting the goods, report the exportation in the prescribed manner to an officer at a customs office and pay the amount of the duties levied under that Act that were relieved or on which a drawback was granted; and
- (b) notwithstanding any other provision of this Part, any person who exported the goods or who was granted the relief or drawback is, from the time of exporting the goods, jointly and severally or solidarily liable to pay to Her Majesty in right of Canada the amount of the duties levied under that Act that were relieved or on which a drawback was granted.

Debt to Her Majesty

(2) An amount referred to in subsection (1), while it remains unpaid, is deemed to be a debt owing to Her Majesty in right of Canada under the *Customs Act*.

Regulations

99. The Governor in Council may, on the recommendation of the Minister of Public Safety and Emergency Preparedness, make regulations

- (a) prescribing, for the purposes of section 89,
 - (i) classes of persons who may apply for relief,
 - (ii) classes of goods for which, and the circumstances and conditions under which, relief may not be granted,

- (iii) the circumstances in which, and the classes of goods in respect of which, relief of duties levied under sections 21.1 to 21.3 or under the *Special Import Measures Act*, a surtax imposed under section 53, 55, 60, 63, 68, 77.1, 77.3, 77.6 or 78, a temporary duty imposed under any of sections 69 to 76.1, a tax levied under the *Excise Tax Act* or a duty imposed under the *Excise Act, 2001* may not be granted,
 - (iv) the period after the release of the goods within which those goods or the goods processed in Canada must be exported, and
 - (v) the portion of duties otherwise payable that may be relieved;
- (b) prescribing, for the purposes of paragraph 89(1)(a), the uses to which goods may be put or operations that goods may undergo after which the goods are considered to be in the same condition;
- (c) prescribing, for the purposes of paragraphs 89(1)(d) and (e), goods that are to be considered to be of the same class;
- (d) prescribing,
- (i) for the purposes of paragraph 89(3)(b), classes of ships or aircraft, and
 - (ii) for the purposes of paragraph 89(3)(c), classes of telegraph cable ships;
- (e) prescribing, for the purposes of section 90, the circumstances and conditions in which a certificate may be issued, amended, suspended, renewed, cancelled or reinstated;
- (f) for the purposes of section 91,
- (i) prescribing qualifications that must be met by an operator of a bonded warehouse,
 - (ii) prescribing the conditions under which a licence for the operation of a bonded warehouse may be issued, including the security that may be required of an operator of a bonded warehouse in order to be granted a licence, the duration of such a licence and the fees or the manner of determining any fees to be paid for such a licence,
 - (iii) prescribing the form, nature and conditions of any required security,
 - (iv) prescribing the circumstances under which a licence for the operation of a bonded warehouse may be amended, suspended, renewed, cancelled or reinstated,
 - (v) establishing standards for the operation and maintenance of the facilities of a bonded warehouse,
 - (vi) prescribing the manner of acknowledging receipt of goods in a bonded warehouse,
 - (vii) prescribing facilities, equipment and personnel that must be provided at a bonded warehouse,
 - (viii) regulating the transfer of ownership of goods in a bonded warehouse,
 - (ix) prescribing restrictions as to the classes of goods that may be received in a bonded warehouse,
 - (x) prescribing circumstances in which goods shall not be received in a bonded warehouse,
 - (xi) prescribing the period within which goods that have been delivered to a bonded warehouse shall be removed,
 - (xii) prescribing classes of goods that may be forfeited if they are not removed from a bonded warehouse within the prescribed period, and
 - (xiii) otherwise regulating the operation of a bonded warehouse;
- (g) designating certain classes of goods as ships' stores for use on board a conveyance of a prescribed class, including a class based on
- (i) the physical attributes, functions or legal descriptions of conveyances,
 - (ii) areas within which conveyances voyage,
 - (iii) requirements, or limitations, related to voyages of conveyances, or
 - (iv) any combination of the bases mentioned in subparagraphs (i) to (iii);

- (g. 1) limiting the quantity of goods referred to in paragraph (g) that may be used as described in that paragraph during any prescribed period or periods;
- (h) regulating or prohibiting the delivery to conveyances of goods designated as ships' stores;
- (i) regulating or prohibiting the transfer from one conveyance to another of goods designated as ships' stores; and
- (j) prescribing anything required to be prescribed by the Governor in Council under sections 89 to 94 and 96 to 98.

1997, c. 36, s. 99; 2001, c. 28, s. 43; 2002, c. 19, ss. 10, 23, c. 22, ss. 352, 424; 2005, c. 38, ss. 142, 145.

Regulations

100. The Governor in Council may, on the recommendation of the Minister and the Minister of Public Safety and Emergency Preparedness, make regulations prescribing the circumstances under which and the extent to which goods may be manipulated, unpacked, packed, altered or combined with other goods while in a bonded warehouse.

1997, c. 36, s. 100; 2005, c. 38, ss. 142, 145.

Canadian Goods Abroad

Relief for Canadian goods abroad

101. (1) Subject to section 104, if an application is made in accordance with section 102, relief shall be granted in accordance with section 105 from payment of the portion of the duties that, but for this section, would be payable in respect of goods returned to Canada within one year or such other time as may be prescribed after their exportation in the prescribed manner if

- (a) the goods were repaired outside Canada after being exported for the declared purpose of being repaired;
- (b) equipment was added to the goods outside Canada; or
- (c) the goods were the product of Canada and work was done outside Canada on the goods.

Emergency repairs

(2) Subject to section 104, if an application is made in accordance with section 102, relief shall be granted from the payment of the whole of the duties that, but for this section, would be payable in respect of aircraft, vehicles or vessels returned to Canada after their exportation if

- (a) the aircraft, vehicles or vessels were repaired outside Canada as a result of an unforeseen contingency that occurred outside Canada; and
- (b) the repairs were necessary to ensure the safe return to Canada of the aircraft, vehicles or vessels.

Regulations

- (3) The Governor in Council may make regulations
 - (a) on the recommendation of the Minister, prescribing the manner for determining what goods are considered to be a product of Canada for the purposes of subsection (1); and

(b) on the recommendation of the Minister of Public Safety and Emergency Preparedness, defining the words "aircraft", "vehicles" and "vessels" for the purposes of subsection (2).

1997, c. 36, s. 101; 2005, c. 38, ss. 142, 145.

Application

102. An application for relief under section 101 must be

(a) accompanied by evidence satisfactory to the Minister of Public Safety and Emergency Preparedness that the goods were exported and

- (i) in respect of goods referred to in paragraph 101(1)(a), repairs could not have been made in Canada at the place the goods were located before their exportation or within a reasonable distance of that place,
- (ii) in respect of equipment referred to in paragraph 101(1)(b), the equipment added could not practicably have been added in Canada, or
- (iii) in respect of goods referred to in paragraph 101(1)(c), it would not have been practicable to do the work in Canada; or

(b) if the application is made under subsection 101(2), made in the prescribed form and manner, with the prescribed information, at the time of the return to Canada of the goods in respect of which the application is made.

1997, c. 36, s. 102; 2005, c. 38, ss. 89(F), 142, 145.

Release of returned goods

103. Subject to section 104, goods in respect of which relief is granted under section 101 before they are released may be released without any payment of duties.

Conditions for relief

104. Relief shall be granted under section 101 in respect of goods that were returned to Canada after being exported only if

(a) relief, conditional on the exportation of the goods, was not granted in respect of any duties paid or payable; or

(b) if an application for relief under subsection 101(1) is made, the portion of the duties, calculated in accordance with paragraph 105(1)(b), has been paid.

Value for duty of work abroad

105. (1) For the purposes of subsection 101(1), the portion of the duties in respect of which relief is granted under that subsection shall be

(a) the amount that, but for that subsection, would be payable in respect of the returned goods
less

(b) the amount obtained by applying the rate that would, but for that subsection, be applied to determine the duties under paragraph (a) to the value of

- (i) in respect of goods referred to in paragraph 101(1)(a), the repairs made outside Canada,
- (ii) in respect of equipment referred to in paragraph 101(1)(b), the equipment added and related work done outside Canada, or
- (iii) in respect of goods referred to in paragraph 101(1)(c), the work done outside Canada.

Regulations

(2) For the purposes of subsection (1), the Governor in Council may, on the recommendation of the Minister of Public Safety and Emergency Preparedness, make regulations prescribing the method of determining the value of repairs made, equipment added and work done outside Canada.

1997, c. 36, s. 105; 2005, c. 38, ss. 142, 145.

Temporary relief of certain duties and taxes

106. (1) If an application for relief is made in the prescribed circumstances by a person of a prescribed class and in the prescribed form and manner, accompanied by prescribed documents and by security of a prescribed nature in an amount fixed by the Minister of Public Safety and Emergency Preparedness, relief shall be granted from the payment of the whole or the prescribed portion, as the case may be, of any duty imposed under sections 21.1 to 21.3 or the *Excise Act, 2001* or of any excise taxes that, but for this section, would be payable in respect of prescribed goods that are imported and subsequently exported after being used in Canada only for a prescribed purpose.

Release of goods

(2) If relief is granted under subsection (1), the goods may be released without the payment of the relieved duty, duties or taxes.

Conditions

(3) Relief under subsection (1) is subject to prescribed conditions and to the importer of the goods establishing to the satisfaction of the Minister of Public Safety and Emergency Preparedness that the goods are exported within one year after they are released or, if a period is prescribed, within the prescribed period after they are released.

Extension of period

(4) The Minister of Public Safety and Emergency Preparedness may, in respect of prescribed goods, extend the period of exportation by not more than six months if that Minister is satisfied that it is not practical or possible to export the goods within the period.

Waiver

(5) The Minister of Public Safety and Emergency Preparedness may waive the requirement under subsection (1) to provide security.

1997, c. 36, s. 106; 2002, c. 22, s. 353; 2005, c. 38, ss. 142, 145.

General

Effect of relief

107. (1) Subject to section 95, if relief is granted under section 89, 92, 101 or 106 from the payment of the whole or a portion of duties,
(a) no duties are payable, if the relief was from the payment of the whole; and

(b) the portion is not payable, if the relief was only from the payment of the portion.

Effect of relief on duty paid value

(2) Notwithstanding subsection (1), the amount of the customs duties payable on goods shall, for the purposes of determining the duty paid value of the goods, be determined as if relief had not been granted under section 89, 92, 101 or 106.

Effect of relief on value under *Excise Tax Act*

(3) Notwithstanding subsection (1), the amount of customs duties payable on goods shall, for the purposes of determining the value of the goods under section 215 of the *Excise Tax Act*, be determined as if relief had been granted under section 101 but had not been granted under section 89, 92 or 106.

Refund or cancellation of security

108. The Minister of Public Safety and Emergency Preparedness shall refund or cancel any security given

(a) in respect of the issuance of a licence under section 91, when the licence is cancelled;

(b) in respect of goods that would have been classified under tariff item No. 9993.00.00 if they had met the conditions set out in that tariff item, when the goods are accounted for under section 32 of the *Customs Act* and all duties payable in respect of the goods are paid;

(c) in respect of goods of tariff item No. 9993.00.00, when the goods are destroyed in the manner that the Minister of Public Safety and Emergency Preparedness directs or the destruction is certified by a customs officer or another person designated by the President of the Canada Border Services Agency;

(d) in respect of goods of any tariff item in respect of which security is required, other than goods of tariff item No. 9993.00.00, when the goods are exported in the manner and within the period referred to in the tariff item in respect of which security was given or within the period established or extended by the regulations;

(e) in respect of goods of tariff item No. 9993.00.00, when the goods are exported, destroyed, consumed or expended in the manner and within the period referred to in that tariff item or within the period established or extended by the regulations; and

(f) in respect of an application for relief under section 106, if

(i) the goods in respect of which the application was made are not exported within the period referred to in subsection 106(3) or (4), as the case may be, the goods are accounted for under section 32 of the *Customs Act*, and all duties and taxes payable in respect of the goods are paid,

(ii) the goods in respect of which the application was made are destroyed in the manner that the Minister of Public Safety and Emergency Preparedness directs, or

(iii) the goods in respect of which the application was made are exported within the period referred to in subsection 106(3) or (4), as the case may be.

1997, c. 36, s. 108; 2005, c. 38, ss. 88, 142, 145.

Division 3

OBSOLETE OR SURPLUS GOODS

Definition of "obsolete or surplus goods"

109. In this Division, "obsolete or surplus goods" means goods that are

- (a) found to be obsolete or surplus
 - (i) in the case of imported goods, by their importer or owner, or
 - (ii) in any other case, by their manufacturer, producer or owner;
- (b) not used in Canada;
- (c) destroyed in such manner as the Minister of Public Safety and Emergency Preparedness may direct; and
- (d) not damaged before their destruction.

1997, c. 36, s. 109; 2005, c. 38, ss. 142, 145.

Relief for obsolete or surplus goods

110. If an application is made in accordance with section 111, a refund shall be granted of

- (a) all duties, other than the goods and services tax, paid in respect of imported obsolete or surplus goods;
- (b) all duties, other than taxes imposed under the *Excise Tax Act*, paid in respect of imported goods processed in Canada, if the goods that result from the processing become obsolete or surplus goods; and
- (c) all duties, other than taxes imposed under the *Excise Tax Act*, paid in respect of imported goods, other than fuel or plant equipment, that are directly consumed or expended in the processing in Canada of goods that become obsolete or surplus goods.

Application

111. An application under section 110 must be

- (a) made in the prescribed form and manner, with the prescribed information,
 - (i) if the obsolete or surplus goods were imported, by the importer or owner of those goods, or
 - (ii) in any other case, by the manufacturer, producer or owner of the obsolete or surplus goods;
- (b) accompanied by a waiver referred to in section 119, if applicable, and by the prescribed documents; and
- (c) made within five years, or such other time as may be prescribed, after the goods in respect of which it is made are released.

1997, c. 36, s. 111; 2005, c. 38, ss. 89(F), 145.

Regulations

112. The Governor in Council may, on the recommendation of the Minister of Public Safety and Emergency Preparedness, make regulations prescribing documents that must accompany an application under section 110 and the period within which such an application must be made.

1997, c. 36, s. 112; 2005, c. 38, ss. 142, 145.

Division 4

ADDITIONAL RELIEF

Refund or drawback

113. (1) Subject to subsection (2), section 96 and any regulations made under subsection (4), a refund or drawback shall be granted of all or a portion of duties if

- (a) relief or a refund of all or a portion of the duties could have been, but was not, granted under section 89 or 101;
- (b) all or a portion of the duties was paid; and

(c) an application is made in accordance with subsection (3) and section 119.

No refund or drawback in respect of tobacco products

(2) No refund or drawback of the duties imposed on tobacco products under the *Excise Act, 2001* shall be granted under subsection (1), except if a refund of the whole or the portion of the duties is required to be granted under Division 3.

Application

(3) For the purposes of subsection (1), an application must

- (a) be supported by such evidence as the Minister of Public Safety and Emergency Preparedness may require;
- (b) be made by a prescribed person or by a person belonging to a prescribed class of persons;
- (c) be made in the prescribed form and manner, with the prescribed information, within four years, or within such other time as may be prescribed, after the goods in respect of which it is made are released; and
- (d) if the goods have not been exported or deemed exported for the purposes of relief under section 89, disclose the number of the certificate issued under section 90.

Regulations

(4) For the purposes of this section, the Governor in Council may, on the recommendation of the Minister of Public Safety and Emergency Preparedness, make regulations prescribing

- (a) the circumstances in which, and the classes of goods in respect of which, a refund or drawback of duties levied under sections 21.1 to 21.3 or under the *Special Import Measures Act*, a surtax levied under section 53, 55, 60, 63, 68, 77.1, 77.3, 77.6 or 78, a temporary duty levied under any of sections 69 to 76.1, a tax levied under the *Excise Tax Act* or a duty levied under the *Excise Act, 2001* may not be granted under subsection (1);
- (b) the portion of duties paid that may be granted as a refund or drawback under subsection (1);
- (c) the persons or classes of persons who may make an application for a refund or drawback under subsection (1);
- (d) the uses to which goods may be put or operations that goods may undergo after which the goods will be considered to be in the same condition;
- (e) goods that are considered to be of the same class;
- (f) the time within which an application for a refund or drawback must be made;
- (g) the circumstances in which an application for a refund or drawback may be made;
- (h) restrictions as to the classes of goods for which a refund or drawback may be granted; and
- (i) the circumstances in which a refund or drawback may not be granted.

Designated goods

(5) Despite the exception in subsection 89(2), a refund or drawback of duties or taxes levied or imposed under sections 21.1 to 21.3, the *Excise Act, 2001* or the *Excise Tax Act* shall be granted under paragraph (1)(a) on designated goods.

1997, c. 36, s. 113; 2001, c. 28, s. 44; 2002, c. 19, ss. 11, 25, c. 22, s. 354; 2005, c. 38, ss. 89(F), 142, 145.

Overpayment of refund or drawback

114. (1) If a refund or drawback is granted under section 110 or 113 to a person who is not eligible for the refund or drawback or in an amount exceeding the amount for which the person is eligible, that person shall pay to Her Majesty in right of Canada, on the day that the refund or drawback is received,

- (a) any amount for which the person is not eligible; and
- (b) any interest granted under section 127 on the amount referred to in paragraph (a).

Debt to Her Majesty

(2) An amount referred to in subsection (1), while it remains unpaid, is deemed to be a debt owing to Her Majesty in right of Canada under the *Customs Act*.

Discretionary relief

115. (1) The Governor in Council may, on the recommendation of the Minister or the Minister of Public Safety and Emergency Preparedness, by order, remit duties.

Scope of relief

(2) A remission under subsection (1) may be conditional or unconditional, may be granted in respect of the whole or any portion of the duties and may be granted regardless of whether any liability to pay the duties has arisen.

Remission by way of refund

(3) If duties have been paid, a remission under subsection (1) shall be made by granting a refund of the duties to be remitted.

1997, c. 36, s. 115; 2005, c. 38, ss. 142, 145.

Division 5

GENERAL

Debts due the Crown

116. Relief under section 89 or 101 may be refused if, at the time the relief is authorized or required to be granted, the person to whom the relief is to be granted is indebted to

- (a) Her Majesty in right of Canada; or
- (b) Her Majesty in right of a province in respect of tax payable to the province, if there is an agreement between the Government of Canada and the government of the province authorizing Canada to collect the tax on behalf of the province.

Sum in lieu of drawback, refund, etc.

117. If circumstances exist that render it difficult to determine the exact amount of relief under section 89, of a refund under section 110 or of a refund or drawback under section 113 or the exact amount of a general remission of duties under an order made under section 115 of this Act or section 23 of the *Financial*

Administration Act, the Minister of Public Safety and Emergency Preparedness may, with the consent of the applicant for the relief, refund, drawback or remission, grant to the applicant a sum, in an amount determined by that Minister, in lieu of the relief, refund, drawback or remission.

1997, c. 36, s. 117; 2005, c. 38, ss. 142, 145.

Failure to comply with conditions

118. (1) If relief from, or remission of, duties is granted under this Act, other than under section 92, or if remission of duties is granted under section 23 of the *Financial Administration Act* and a condition to which the relief or remission is subject is not complied with, the person who did not comply with the condition shall, within 90 days or such other period as may be prescribed after the day of the failure to comply,

(a) report the failure to comply to an officer at a customs office; and

(b) pay to Her Majesty in right of Canada an amount equal to the amount of the duties in respect of which the relief or remission was granted, unless that person can provide evidence satisfactory to the Minister of Public Safety and Emergency Preparedness that

(i) at the time of the failure to comply with the condition, a refund or drawback would otherwise have been granted if duties had been paid, or

(ii) the goods in respect of which the relief or remission was granted qualify in some other manner for relief or remission under this Act or the *Financial Administration Act*.

Diversions

(2) If a drawback has been granted of duties paid in respect of imported goods by reason of a deemed exportation under subsection 89(3), the goods are not subsequently exported and the goods are diverted to a use other than a use set out in that subsection, the person who diverted the goods shall, within 90 days after the day of the diversion,

(a) report the diversion to an officer at a customs office; and

(b) pay the amount of the drawback and the amount of any interest granted on the drawback under section 127.

Debt to Her Majesty

(3) An amount referred to in paragraph (1)(b) or (2)(b), while it remains unpaid, is deemed to be a debt owing to Her Majesty in right of Canada under the *Customs Act*.

Regulations

(4) The Governor in Council may make regulations

(a) on the recommendation of the Minister of Public Safety and Emergency Preparedness, prescribing time limits for the application of subsection (1) and the goods or classes of goods in respect of which, or the circumstances in which, those limits apply; and

(b) on the recommendation of the Minister, prescribing the circumstances in which certain goods are exempted from the application of subsection (1) and the goods or classes of goods in respect of which, and the period for which and the conditions under which, those exemptions apply.

1997, c. 36, s. 118; 2005, c. 38, ss. 142, 145.

Waivers

119. An application under section 110 or 113 must be accompanied by a waiver, in the prescribed form, from every other person eligible to claim a drawback, refund or remission of the duties in respect of which the application is made, waiving that person's right to apply for the drawback, refund or remission.

1997, c. 36, s. 119; 2005, c. 38, ss. 89(F), 145.

Definition of "value"

120. For the purposes of sections 121 and 122, "value" means, in respect of a by-product, goods or merchantable scrap or waste,

(a) if the processor has sold the by-product, goods or merchantable scrap or waste in an arms-length transaction, the price at which the processor sold the by-product, goods or merchantable scrap or waste; and

(b) in any other case, the price at which the processor would ordinarily have sold the by-product, goods or merchantable scrap or waste in an arms-length transaction,

(i) in the case of an application for a drawback or refund, at the time the application is made, or

(ii) if relief from the payment of duties has been granted under section 89, at the time the goods are exported.

Relief reduced by value of by-product

121. (1) If relief from payment of duties is granted in respect of goods under section 89 and the goods enter into a process that produces a by-product in respect of which relief could not have been granted, the processor shall, within 90 days after production of the by-product, pay to Her Majesty in right of Canada an amount that bears the same proportion to the amount of the relief as the value of the by-product bears to the total value of the products produced from the processing of the goods.

Debt to Her Majesty

(2) An amount referred to in subsection (1), while it remains unpaid, is deemed to be a debt owing to Her Majesty in right of Canada under the *Customs Act*.

Amount of drawback or refund not paid reduced by value of by-product

(3) If goods in respect of which an application was made under section 110 or 113 enter into a process that produces a by-product in respect of which a refund or drawback cannot be granted and the drawback or refund has not yet been paid, the amount of the drawback or refund shall be reduced by the same proportion that the value of the by-product bears to the total value of the products produced from the processing of the goods.

Relief reduced by value of merchantable scrap or waste

122. (1) If goods in respect of which relief is granted under section 89 enter into a process that produces merchantable scrap or waste in respect of which the relief could not have been granted, the processor shall, within 90 days after the production of the scrap or waste, pay to Her Majesty in right of Canada an amount equal to the product obtained by multiplying the value of the merchantable scrap or waste by the

rate of customs duty that applies, at the time that the scrap or waste was produced, to merchantable scrap or waste of the same kind.

Debt to Her Majesty

(2) An amount referred to in subsection (1), while it remains unpaid, is deemed to be a debt owing to Her Majesty in right of Canada under the *Customs Act*.

Drawback or refund reduced by value of merchantable scrap or waste

(3) If goods in respect of which an application was made under section 110 or 113 enter into a process that produces merchantable scrap or waste in respect of which a refund or drawback cannot be granted and the drawback or refund has not yet been paid, the amount of the drawback or refund shall be reduced by an amount equal to the product obtained by multiplying the value of the merchantable scrap or waste by the rate of customs duty that applies, at the time the merchantable scrap or waste results from the process, to merchantable scrap or waste of the same kind.

Interest on overpayment in relation to a refund or drawback

123. (1) Any person who is liable under subsection 114(1) to pay an amount, other than an amount in respect of duty levied under the *Special Import Measures Act*, shall pay, in addition to the amount, interest at the specified rate for the period beginning on the first day after the refund or drawback was granted and ending on the day the amount is paid in full, calculated on the amount of the balance outstanding.

Interest on failure to comply or diversion

(2) Subject to subsection (4), a person who is liable under subsection 118(1) or (2) to pay an amount, other than an amount in respect of duty levied under the *Special Import Measures Act*, shall pay, in addition to the amount, interest at the specified rate for the period beginning on the day that the liability was incurred and ending on the day the amount is paid in full, calculated on the amount of the balance outstanding.

Interest on by-products and merchantable scrap or waste

(3) Subject to subsection (4), a person who is liable under section 121 or 122 to pay an amount, other than an amount in respect of duty levied under the *Special Import Measures Act*, shall pay, in addition to the amount, interest at the specified rate for the period beginning on the first day after the production of the by-product or merchantable scrap or waste and ending on the day the amount is paid in full, calculated on the amount of the balance outstanding.

Exception

(4) If a person pays an amount owing under paragraph 118(1)(b) or section 121 or 122 within the 90 day period referred to in that paragraph or section, no interest on the amount is payable by the person under subsection (2) or (3).

Computation of interest on certain duties

(5) A person who is liable under paragraph 118(1)(b) or section 121 or 122 to pay an amount in respect of duty levied under the *Special Import Measures Act* shall pay interest at the specified rate for the period beginning on the ninety-first day after the day the amount became payable and ending on the day the amount is paid in full, calculated on the amount of the balance outstanding.

Computation of interest on certain duties

(6) A person who is liable under section 98, subsection 114(1) or paragraph 118(2)(b) to repay the amount of a drawback or relief in respect of duty levied under the *Special Import Measures Act* and any interest on the drawback shall pay, in addition to those amounts, interest at the specified rate for the period beginning on the first day after the day the drawback was granted or the person failed to comply with a condition to which the relief was subject, as the case may be, and ending on the day those amounts are repaid in full, calculated on the amount of the balance outstanding.

Interest on the payment of relief for NAFTA

(7) A person who is liable under subsection 95(1) to pay an amount, other than an amount in respect of duty levied under the *Special Import Measures Act*, shall pay, in addition to the amount, interest at the specified rate for the period beginning on the sixty-first day after the day the amount became payable and ending on the day the amount is paid in full, calculated on the amount of the balance outstanding.
1997, c. 36, s. 123; 2001, c. 25, s. 88.

Interest to be compounded

124. Interest computed at a prescribed rate or at a specified rate shall be compounded daily and, if interest computed in respect of an amount under a provision of this Act is unpaid on the day it would, but for this section, have ceased to be computed under that provision, interest at the specified rate, computed and compounded daily on the unpaid interest from that day to the day it is paid, shall be paid in the same manner as the provision requires the principal amount to be paid.
1997, c. 36, s. 124; 2001, c. 25, s. 89.

Prescribed rate may be authorized

125. The Minister of Public Safety and Emergency Preparedness may authorize persons who are required under a provision of this Act to pay interest on an amount at a specified rate to instead pay interest under that provision at the prescribed rate.
1997, c. 36, s. 125; 2005, c. 38, ss. 142, 145.

Waiver of interest

126. (1) The Minister of Public Safety and Emergency Preparedness may at any time waive or cancel payment of all or any portion of any interest otherwise payable under this Part.

Interest on interest refunded

(2) If, as a result of a waiver or cancellation under subsection (1), a person is refunded an amount of interest that was paid, the person shall be given, in addition to the refund, interest at the prescribed rate for the period beginning on the first day after the day the amount was paid and ending on the day the refund is given, calculated on the amount of the refund.

1997, c. 36, s. 126; 2005, c. 38, ss. 142, 145.

Interest

127. (1) A person who is granted a refund or drawback of duties under section 110 or 113, other than duty levied under the *Special Import Measures Act*, shall be granted, in addition to the drawback or refund, interest on the drawback or refund at the prescribed rate for the period beginning on the ninety-first day after an application for the drawback or refund is made in accordance with this Part and ending on the day the drawback or refund is granted.

Interest on SIMA duty

(2) A person who, under a provision of this Part other than section 115, is granted a drawback or refund of an amount in respect of duty levied under the *Special Import Measures Act* shall be granted, in addition to the drawback or refund, interest on it at the prescribed rate for the period beginning on the ninety-first day after the day an application for the drawback or refund is made in accordance with this Part and ending on the day the drawback or refund is granted.

1997, c. 36, s. 127; 2001, c. 25, s. 90.

Payment out of C.R.F.

128. A drawback or refund granted under this Part shall be paid out of the Consolidated Revenue Fund.

PART 4

REGULATIONS AND ORDERS

Regulations

129. The Minister of Public Safety and Emergency Preparedness may make regulations

(a) for the purposes of tariff item No. 9813.00.00 or 9814.00.00, permitting the importation free of customs duties of containers not originating in Canada, if that Minister is satisfied that a like quantity of usable containers has been exported; and

(b) for the purposes of tariff item No. 9897.00.00, prescribing

(i) conditions under which specimens of aigrettes, egret plumes or osprey plumes and the feathers, quills, heads, wings, tails, skins or parts of skins of wild birds of that tariff item may be imported for any museum or for scientific or educational purposes, and

(ii) the manner in which materials from used or second-hand mattresses shall be cleaned and fumigated and the certificates that shall accompany those materials.

1997, c. 36, s. 129; 2005, c. 38, ss. 142, 145.

Powers of the Minister of Public Safety and Emergency Preparedness

130. The Minister of Public Safety and Emergency Preparedness may

- (a) specify documentation that is considered acceptable for the purposes of tariff item No. 9827.00.00; and
- (b) recognize authorities, representatives or authorized persons in a country of origin as competent for the purposes of conditions of classification of goods under a tariff item.

1997, c. 36, s. 130; 2005, c. 38, ss. 142, 145.

Power of the Minister

131. The Minister may designate goods for the purposes of tariff item No. 9938.00.00.

Regulations

132. (1) The Governor in Council may, on the recommendation of the Minister, make regulations

- (a) amending the List of Tariff Provisions to change or prescribe conditions of classification of goods for the purposes of Chapter 99 of that List;
- (b) prescribing territories for the purposes of the definition "country" in subsection 2(1);
- (c) prescribing eligible Commonwealth countries or conditions for eligibility of Commonwealth countries for the purposes of a tariff item of heading No. 51.11, 51.12 or 58.03;
- (d) prescribing a rate of interest or rules for determining a rate of interest for the purposes of any provision of this Act;
- (e) reducing the maximum value of goods that are entitled to be classified under a tariff item of heading No. 98.04;
- (f) for the purposes of tariff item No. 9808.00.00, withdrawing privileges from persons or classes of persons who are referred to in that tariff item and are from a country that refuses to grant the same privileges to Canadian officials holding corresponding or equivalent posts in that country;
- (g) for the purposes of tariff item No. 9810.00.00,
 - (i) designating institutions, foreign countries and military service agencies, and
 - (ii) withdrawing privileges from persons or classes of persons who are referred to in that tariff item and are from a country that refuses to grant corresponding privileges;
- (h) amending the list of products set out in tariff item No. 9905.00.00;
- (i) amending the list of goods in tariff item No. 9987.00.00;
- (j) in respect of goods or classes of goods of heading No. 98.26, amending the schedule to
 - (i) add, delete or amend tariff items relating to goods or classes of goods classified under each tariff item of that heading,
 - (ii) amend the rates of customs duty levied on goods or classes of goods classified under a tariff item of that heading,
 - (iii) amend the conditions under which goods or classes of goods may be imported under a tariff item of that heading,
 - (iv) exclude any goods or classes of goods from the application of a tariff item of that heading,
 - (v) define terms of that heading, and
 - (vi) amend the maximum value of goods that may be imported under a tariff item of that heading;

- (k) reducing any customs duty imposed on goods of Chapter 89 in the List of Tariff Provisions in such circumstances and under such conditions as are prescribed;
- (l) for the purposes of tariff item No. 9993.00.00, limiting or restricting the use, kinds or quantity of goods that may be classified under that tariff item;
- (m) for the purposes of tariff item No. 9897.00.00,
- (i) amending that tariff item to exclude goods manufactured or produced wholly or in part by prison labour from that tariff item, or prescribing the conditions under which such goods may be excluded from that tariff item,
 - (ii) amending that tariff item to exclude used or second-hand motor vehicles manufactured before the calendar year in which importation is sought to be made from that tariff item, or prescribing the conditions under which such vehicles may be excluded from that tariff item, and
 - (iii) amending that tariff item to exclude used or second-hand aircraft from that tariff item, or prescribing the conditions under which such aircraft may be excluded from that tariff item;
- (n) for the purposes of tariff item No. 9898.00.00, amending that tariff item to prescribe conditions under which arms, military stores, munitions of war or offensive weapons are excluded from that tariff item;
- (o) prescribing anything that is to be prescribed under a tariff item in Chapter 98 or 99 in the List of Tariff Provisions;
- (p) prescribing anything that may be prescribed under this Act; and
- (q) generally, for carrying out the purposes and provisions of this Act.

Approval by Parliament

(2) Regulations made under paragraph (1)(e), or under subparagraph (1)(j)(vi) that reduce the maximum value of goods, cease to have effect on the one hundred and eightieth day after the day on which they become effective or, if Parliament is not then sitting, the fifteenth day thereafter that either House of Parliament is sitting unless, not later than that day, the regulations are approved by a resolution adopted by both Houses of Parliament.

Meaning of "sitting day"

(3) For the purposes of subsection (2), a day on which either House of Parliament sits is deemed to be a sitting day.

Maximum value restored

(4) At the time regulations referred to in subsection (2) cease to have effect, the maximum value shall be restored.

Retroactive effect

(5) A regulation made under paragraph (1)(d) that provides that it is to come into force on a day earlier than the day on which it is registered under section 6 of the *Statutory Instruments Act* comes into force on that earlier day if it gives effect to a public announcement made on or before that earlier day.

Regulations

133. The Governor in Council may, on the recommendation of the Minister of Public Safety and Emergency Preparedness, make regulations

- (a) prescribing, for the purposes of section 101,
 - (i) the period after the exportation of goods within which the goods must be returned to Canada, and
 - (ii) what constitutes satisfactory evidence of exportation of the goods;
- (b) defining the expressions "baggage", "conveyance", "former resident", "incidental to the international traffic of the goods", "resident", "temporarily" and "temporary resident" for the purposes of a tariff item of Chapter 98 of the List of Tariff Provisions;
- (c) for the purposes of tariff item No. 9801.10.10, 9801.10.20, 9801.10.30, 9801.20.00, 9808.00.00 or 9810.00.00, prescribing conditions under which goods may be imported;
- (d) for the purposes of tariff item No. 9802.00.00,
 - (i) prescribing conditions under which conveyances may be imported,
 - (ii) limiting the length of time that any imported conveyance may remain in Canada and the use that may be made of the conveyance while it remains in Canada, and authorizing the Minister of Public Safety and Emergency Preparedness to extend those limits,
 - (iii) excluding any class of conveyance from classification under that tariff item, and
 - (iv) authorizing the Minister of Public Safety and Emergency Preparedness to require security for imported conveyances and limit the amount and type of security that may be required;
- (e) for the purposes of tariff item No. 9803.00.00,
 - (i) prescribing conditions under which goods or conveyances may be imported and authorizing the Minister of Public Safety and Emergency Preparedness to establish such conditions in specified circumstances,
 - (ii) limiting the quantity of any class of goods that may be imported and authorizing the Minister of Public Safety and Emergency Preparedness to increase those limits in specified circumstances,
 - (iii) limiting the length of time that imported goods or conveyances may remain in Canada and authorizing the Minister of Public Safety and Emergency Preparedness to extend those limits,
 - (iv) excluding any class of goods or conveyances from classification under that tariff item, and
 - (v) authorizing the Minister of Public Safety and Emergency Preparedness to require security for imported goods or conveyances and limit the amount and type of security that may be required;
- (f) for the purposes of heading No. 98.04 or of tariff item No. 9807.00.00, 9813.00.00, 9814.00.00, 9816.00.00, 9938.00.00 or 9989.00.00, prescribing conditions under which goods may be imported;
- (g) for the purposes of tariff item No. 9805.00.00,
 - (i) exempting goods or classes of goods imported by any class of persons referred to in that tariff item from any of its requirements relating to the period during which goods must be owned, possessed or used abroad, and
 - (ii) substituting less exigent requirements relating to the period during which goods or classes of goods of that tariff item must be owned, possessed or used abroad by any class of persons referred to in that tariff item;
- (h) for the purposes of tariff item No. 9807.00.00,
 - (i) defining the word "settler",
 - (ii) exempting goods or classes of goods imported by any classes of persons referred to in that tariff item from any of its requirements relating to ownership, possession or use, and
 - (iii) substituting less exigent requirements relating to the ownership, possession or use of goods or classes of goods of that tariff item;

- (j) for the purposes of tariff item No. 9897.00.00,
- (i) defining the expressions "issue", "periodical" and "special edition",
 - (ii) prescribing conditions under which an issue of a periodical will be found to be an issue of a special edition that contained an advertisement that was primarily directed to a market in Canada and that did not appear in identical form in all editions of that issue of a periodical that were distributed in the country of origin, and
 - (iii) prescribing conditions under which an issue of a periodical will be found to be an issue more than five per cent of the advertising space in which consisted of space used for advertisements that indicated specific sources of availability in Canada, or specific conditions relating to the sale or provision in Canada, of any goods or services;
- (j) for the purpose of tariff item No. 9971.00.00, prescribing conditions under which goods that have been exported to a NAFTA country, Chile, Costa Rica, Israel or another CIFTA beneficiary, Iceland, Norway, Switzerland, Liechtenstein or Peru for repair or alteration may be imported;
- (j. 1) for the purpose of tariff item No. 9992.00.00, prescribing conditions under which goods that have been exported to a NAFTA country, Chile, Costa Rica, Israel or another CIFTA beneficiary or Peru for repair or alteration may be imported;
- (k) for the purposes of tariff item No. 9993.00.00,
- (i) extending any period that the goods imported under that tariff item may remain in Canada, if it is impracticable or impossible for the importer to export the goods,
 - (ii) setting out the conditions under which the requirement for security or for prescribed documents may be waived, and
 - (iii) prescribing the form, nature and conditions of any security satisfactory to the Minister of Public Safety and Emergency Preparedness; and
- (l) prescribing any other thing that is to be prescribed for the purposes of a tariff item referred to in this section.

1997, c. 36, s. 133; 2001, c. 28, s. 45; 2005, c. 38, ss. 142, 145; 2009, c. 2, s. 122, c. 6, s. 36, c. 16, ss. 48, 56, c. 31, s. 51.

Other orders

134. (1) The Minister of Public Safety and Emergency Preparedness or President of the Canada Border Services Agency may, by order, suspend for a specified period a tariff item referred to in Supplementary Note 2(c) of Chapter 7 of the List of Tariff Provisions, and bring into force for the period one or more tariff items referred to in Supplementary Note 2(b) of that Chapter, in respect of goods that are imported through a customs office in a region or part of Canada specified in the order during that period.

Other orders

(2) The Minister of Public Safety and Emergency Preparedness or President of the Canada Border Services Agency may, by order, suspend for a specified period a tariff item referred to in Supplementary Note 4(c) of Chapter 8 of the List of Tariff Provisions, and bring into force for the period one or more tariff items referred to in Supplementary Note 4(b) of that Chapter, in respect of goods that are imported through a customs office in a region or part of Canada specified in the order during that period.

1997, c. 36, s. 134; 1999, c. 17, s. 131; 2005, c. 38, ss. 141, 142, 145.

Exempt goods

135. (1) An order made under subsection 134(1) or (2) does not apply to goods that

(a) before the order comes into force, a person purchased for importation through a customs office in a region or part of Canada specified in the order in the expectation in good faith that the "Free" rate of customs duty set out in a tariff item suspended by the order would apply to the goods; and

(b) at the time the order comes into force, were in transit to the purchaser in Canada.

Exempt from SIA

(2) An order referred to in subsection 134(1) or (2) is deemed not to be a regulation within the meaning of the *Statutory Instruments Act*.

PART 5

PROHIBITED GOODS

Prohibited imports

136. (1) The importation of goods of tariff item No. 9897.00.00, 9898.00.00 or 9899.00.00 is prohibited.

Subsection 10(1) does not apply

(2) Subsection 10(1) does not apply in respect of goods referred to in subsection (1).

PART 6

TRANSITIONAL PROVISIONS

Definition of "former Act"

137. In sections 139, 140 and 143 to 146, "former Act" means the *Customs Tariff* as it read immediately before the coming into force of section 214.

Amendment of schedule

138. (1) The Minister may, by order, amend the schedule, if the Minister considers it necessary to do so as a consequence of the enactment of this Act.

Retroactivity

(2) An order made under subsection (1) may, if it so provides, be retroactive and have effect in respect of a period before it is made, but no such order may have effect in respect of a period before this section comes into force.

Expiry date

(3) Subsection (1) ceases to have effect three years after the day on which this section comes into force.

Amendment of other Acts

139. (1) The Governor in Council may, on the recommendation of the Minister, by order, amend any Act of Parliament other than this Act, by

- (a) substituting, for any reference made therein to a tariff item or code or portion of a tariff item or code in the former Act, a reference to a tariff item or portion of a tariff item in this Act;
- (b) substituting, for any reference made therein to a schedule other than Schedule VII to the former Act, a reference to the schedule to this Act;
- (c) substituting, for any reference made therein to Schedule VII to the former Act, a reference to tariff item Nos. 9897.00.00 to 9899.00.00; and
- (d) making such other modifications as the Governor in Council considers necessary as a consequence of a substitution made under paragraphs (a) to (c) or as a consequence of the enactment of this Act.

Expiry date

(2) Subsection (1) ceases to have effect three years after the day on which this section comes into force.

References to former tariff items and codes

140. (1) Subject to subsection (2), if a tariff item or code or portion of a tariff item or code of the former Act is referred to in an Act of Parliament, or in a regulation or order made thereunder, the reference to that tariff item, code or portion shall, unless the context requires otherwise, be construed as a reference to the tariff item or portion of a tariff item of this Act referring to goods that correspond most closely to goods referred to in the tariff item, code or portion of a tariff item or code of the former Act.

Exception

(2) A reference in a provision of an Act of Parliament other than this Act, or of an order or regulation made under an Act of Parliament, to a heading, subheading, tariff item or code, or portion of a heading, subheading, tariff item or code, of the former Act or to a note to a chapter of Schedule I to the former Act shall, for any purpose relating to a duty or tax under the *Excise Act* or the *Excise Tax Act* or for any purpose relating to an additional duty under section 21 of this Act, be read as a reference to that heading, subheading, tariff item, code, portion or note as it read immediately before the day on which this section comes into force.

Retroactivity of order and regulations

141. (1) An order or regulation made under this Act may, if it so provides, be retroactive and have effect in respect of any period before it is made, but no such order or regulation may have effect from a day earlier than the day on which this section comes into force.

Expiry date

(2) Subsection (1) ceases to have effect 18 months after the day on which this section comes into force.

Retroactivity of order and regulations

142. (1) If the Governor in Council considers it necessary for the purposes of implementing this Act that an order or regulation under the *Canadian International Trade Tribunal Act*, the *Customs Act* or the *Export and Import Permits Act* have retroactive effect, the order or regulation may, if it so provides, be retroactive and have effect in respect of any period before it is made, but no such order or regulation may have effect from a day earlier than the day on which this section comes into force.

Non-applicable

(2) Subsection 164(3) of the *Customs Act* does not apply in respect of any regulation that, under subsection (1), provides that it has retroactive effect.

Expiry date

(3) Subsection (1) ceases to have effect 18 months after the day on which this section comes into force.

Continuation of regulations and orders

143. If goods were accounted for under section 32 of the *Customs Act* before the day on which this section comes into force and were subject to the former Act, the *Customs Act* or any other Act of Parliament, or to any regulation or order made thereunder, those Acts, regulations or orders continue to apply to those goods after the coming into force of this section.

Bonded warehouse licences continued

144. Licences issued under section 81 of the former Act and in effect on the day on which section 91 of this Act comes into force continue to have effect under that section on and after that day.

Security

145. Security held by the Minister of National Revenue to secure the payment of duties under subsection 81(4) of the former Act is continued as security for the purposes of subsection 91(4) of this Act on and after the day on which this section comes into force.

Certificates continued

146. Certificates issued under section 80.1 of the former Act and in effect on the day on which section 90 of this Act comes into force continue to have effect under that section on and after that day.

PART 7

RELATED AMENDMENTS

147. to 191. [Amendments]

PART 8

CONSEQUENTIAL AMENDMENTS

192. to 212. [Amendments]

PART 9

REPEAL AND COMING INTO FORCE

REPEAL

213. [Repeal]

COMING INTO FORCE

Coming into force

214. This Act comes into force or is deemed to have come into force on January 1, 1998 and applies, or is deemed to have applied, to all goods referred to in this Act imported on or after that day and to goods imported before that day that were not accounted for under section 32 of the *Customs Act* before that day.

*SCHEDULE

<http://www.cbsa-asfc.gc.ca/trade-commerce/tariff-tarif/menu-eng.html>

The Canada Border Services Agency publishes a yearly departmental consolidation of the *Customs Tariff*.]

* [Note: The schedule is accessible, in PDF form, at the following address:

RELATED PROVISIONS

— 2002, c. 22, ss. 305 to 308:

Meaning of "implementation date"

305. In sections 306 to 320, "implementation date" means the day on which Parts 3 and 4 come into force.

— 2002, c. 22, ss. 305 to 308:

Transitional treatment of duties on packaged spirits

306. The following rules apply to packaged spirits on which a duty, at a rate determined by the application of section 1 of Part I of the schedule to the *Excise Act*, was imposed under that Act or levied under the *Customs Tariff* but that had not become payable before the implementation date:

(a) as of that day, the duty is relieved;

(b) as of that day, the *Excise Act* ceases to apply in respect of the spirits;

(c) in the case of imported packaged spirits that have not been released under the *Customs Act*, this Act, the *Customs Act* and the *Customs Tariff* apply in respect of them as though they were imported on that day; and

(d) in the case of any other packaged spirits, this Act applies in respect of them as though

(i) they were produced and packaged in Canada on that day by the person having possession of them immediately before that day and the person were permitted under this Act to produce and package them, and

(ii) if the spirits are in the possession of a duty free shop or an accredited representative or delivered as ships' stores in accordance with the *Ships' Stores Regulations*, they had been entered into an excise warehouse and then removed from the warehouse in accordance with paragraph 147(1)(a) on that day.

— 2002, c. 22, ss. 305 to 308:

Transitional treatment of duties on bulk spirits

307. (1) The following rules apply to bulk spirits on which a duty, at a rate determined by the application of section 1 of Part I of the schedule to the *Excise Act*, was imposed under that Act or levied under the *Customs Tariff* but that had not become payable before the implementation date:

- (a) as of that day, the duty is relieved;
- (b) as of that day, the *Excise Act* ceases to apply in respect of the spirits;
- (c) in the case of imported bulk spirits that have not been released under the *Customs Act*, this Act, the *Customs Act* and the *Customs Tariff* apply in respect of them as though they were imported on that day; and
- (d) in the case of any other bulk spirits, this Act applies in respect of them as though they were produced in Canada on that day by the person having possession of them immediately before that day.

Transitional treatment of bulk spirits imported for bottling or blending

(2) The following rules apply to bulk spirits on which a duty, at a rate determined by the application of section 1 of Part I of the schedule to the *Excise Act*, was levied under the *Customs Tariff* and remitted under the *Distilled Spirits for Bottling in Bond Remission Order* or the *Imported Spirits for Blending Remission Order* before the implementation date:

- (a) as of that day, the duty imposed on the spirits under subsection 135(1) of the *Excise Act* when they were entered into a distillery is relieved;
- (b) as of that day, the *Excise Act* ceases to apply in respect of the spirits; and
- (c) this Act applies in respect of them as though they were produced in Canada on that day by the person having possession of them immediately before that day.

— **2002, c. 22, ss. 305 to 308:**

Transitional treatment of excise taxes on wine

308. The following rules apply to wine on which tax was imposed under section 27 of the *Excise Tax Act* but had not become payable before the implementation date:

- (a) as of that day, the tax is relieved;
- (b) as of that day, Parts III, VI and VII of the *Excise Tax Act* cease to apply in respect of the wine;
- (c) in the case of imported wine that has not been released under the *Customs Act*, this Act, the *Customs Act* and the *Customs Tariff* apply in respect of the wine as though it were imported on that day;
- (d) in the case of bulk wine to which paragraph (c) does not apply, this Act applies in respect of it as though it were produced in Canada on that day
 - (i) if the wine is located in a ferment-on-premises facility or at the residence of an individual, by the individual who owned the wine immediately before that day, or
 - (ii) in any other case, by the person having possession of it immediately before that day; and
- (e) in the case of wine to which neither paragraph (c) nor (d) apply, this Act applies in respect of it as though
 - (i) it were produced and packaged in Canada on that day by the person having possession of it immediately before that day and the person were permitted under this Act to produce and package it, and
 - (ii) in the case of wine in the possession of a duty free shop or an accredited representative or delivered as ships' stores in accordance with the *Ships' Stores Regulations*, it had been entered into an excise warehouse and then removed from the warehouse in accordance with paragraph 147(1)(a) on that day.

— **2002, c. 22, s. 315:**

Removal of alcohol from customs bonded warehouse

315. (1) If packaged alcohol is located in a customs bonded warehouse on the implementation date,

- (a) the alcohol shall be removed from the warehouse; and

(b) any duty on the alcohol that is imposed under this Act or levied under section 21.2 of the *Customs Tariff* as a result of the operation of section 306 or 308 is payable on that day unless the alcohol is without delay entered into an excise warehouse.

Exception

(2) Subsection (1) does not apply if the alcohol in the customs bonded warehouse is to be

- (a) exported in accordance with this Act; or
- (b) delivered
 - (i) to an accredited representative for their personal or official use,
 - (ii) to a duty free shop for sale in accordance with the *Customs Act*,
 - (iii) as ships' stores in accordance with the *Ships' Stores Regulations*, or
 - (iv) to an air carrier that is licensed under section 69 or 73 of the *Canada Transportation Act* to operate an international air service.

— 2002, c. 22, s. 317:

Transitional treatment of imported tobacco products

317. The following rules apply to an imported tobacco product:

- (a) if duty levied under section 21 of the *Customs Tariff* and tax imposed under section 23 of the *Excise Tax Act* on the product had not become payable before the implementation date,
 - (i) the duty and tax are relieved, and
 - (ii) this Act and the *Customs Act* apply in respect of the product as though it were imported into Canada on that day by the importer;
- (b) if the product was stamped or marked under the *Excise Act*, the product is deemed to be stamped or marked, as the case may be, under this Act; and
- (c) the *Excise Act* and Parts III, VI and VII of the *Excise Tax Act* cease to apply in respect of the product.

— 2008, c. 28, s. 70(2):

70. (2) For the purposes of applying the provisions of the *Excise Act, 2001* and of the *Customs Act* that provide for the payment of, or the liability to pay, interest in respect of any amount, the amount shall be determined and interest shall be computed on it as though this section had come into force on February 27, 2008.

AMENDMENTS NOT IN FORCE

—2010, c. 4, s. 30:

30. Subsection 2(1) of the *Customs Tariff* is amended by adding the following in alphabetical order:

"Canada–Colombia Free Trade Agreement"
« *Accord de libre-échange Canada–Colombie* »

"Canada–Colombia Free Trade Agreement" has the same meaning as "Agreement" in section 2 of the *Canada–Colombia Free Trade Agreement Implementation Act*.

"Colombia"
« *Colombie* »

"Colombia" means the land territory, both continental and insular, the air space and the maritime areas over which the Republic of Colombia exercises sovereignty, or sovereign rights or jurisdiction, in accordance with its domestic law and international law.

—2010, c. 4, s. 31:

2009, c. 16, s. 56(14)

31. Section 5 of the Act is replaced by the following:

Goods imported from a NAFTA country, Chile, Costa Rica, an EFTA state, Peru or Colombia

5. For the purposes of this Act, goods are imported from a NAFTA country, Chile, Costa Rica, Iceland, Norway, Switzerland, Liechtenstein, Peru or Colombia if they are shipped directly to Canada from that country.

—2010, c. 4, s. 32:

2009, c. 16, s. 38 and subpar. 56(16)(b)(i)

32. Paragraph 14(2)(c) of the Act is replaced by the following:

(c) by way of compensation for any action taken under subsection 55(1), section 60 or subsection 63(1), 69(2), 70(2), 71(2), 71.01(1), 71.1(2), 71.5(1), 72(1), 75(1), 76(1) or 76.1(1) or under subsection 5(3), (3.2) or (4.1) of the *Export and Import Permits Act*.

—2010, c. 4, s. 33:

2009, c. 16, s. 39

33. Paragraph 24(1)(b) of the Act is replaced by the following:

(b) the goods are entitled to that tariff treatment in accordance with regulations made under section 16 or an order made under paragraph 31(1)(a), 34(1)(a), 38(1)(a) or 42(1)(a), subsection 45(13), section 48 or subsection 49(2), 49.01(8) or 49.5(8).

—2010, c. 4, s. 34:

2009, c. 16, s. 56(15)

34. Section 27 of the Act is replaced by the following:

Abbreviations

27. For the purposes of the List of Tariff Provisions and the "F" Staging List, the abbreviations "UST", "MT", "MUST", "CT", "CRT", "CIAT", "GPT", "LDCT", "CCCT", "AUT", "Nzt", "IT", "NT", "SLT", "PT" and "COLT" refer, respectively, to "United States Tariff", "Mexico Tariff", "Mexico–United States Tariff", "Chile Tariff", "Costa Rica Tariff", "Canada–Israel Agreement Tariff", "General Preferential Tariff", "Least Developed Country Tariff", "Commonwealth Caribbean Countries Tariff", "Australia Tariff", "New Zealand Tariff", "Iceland Tariff", "Norway Tariff", "Switzerland–Liechtenstein Tariff", "Peru Tariff" and "Colombia Tariff".

—2010, c. 4, s. 35:

**35. The Act is amended by adding the following after section 49:
*Colombia Tariff***

Application of COLT

49.01 (1) Subject to section 24, goods that originate in Colombia are entitled to the Colombia Tariff rates of customs duty.

"A" final rate

(2) If "A" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "COLT" in relation to goods entitled to the Colombia Tariff, the Colombia Tariff rate of customs duty that applies to those goods is the final rate of "Free".

"F" staging for COLT

(3) If "F" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "COLT" in relation to goods entitled to the Colombia Tariff, the Colombia Tariff rate of customs duty that applies to those goods is the initial rate, reduced as provided in the "F" Staging List.

Staging for COLT

(4) If "S1", "S2" or "S3" is set out in the column entitled "Preferential Tariff" in the List of Tariff Provisions following the abbreviation "COLT" in relation to goods entitled to the Colombia Tariff, the Colombia Tariff rate of customs duty that applies to those goods is the initial rate, reduced

(a) if "S1" is set out,

- (i) effective on the coming into force of this subsection, to two thirds of the initial rate,
- (ii) effective on January 1 of the year that is one year after the year of the coming into force of this subsection, to one third of the initial rate, and
- (iii) effective on January 1 of the year that is two years after the year of the coming into force of this subsection, to the final rate of "Free";

(b) if "S2" is set out,

- (i) effective on the coming into force of this subsection, to six sevenths of the initial rate,
- (ii) effective on January 1 of the year that is one year after the year of the coming into force of this subsection, to five sevenths of the initial rate,
- (iii) effective on January 1 of the year that is two years after the year of the coming into force of this subsection, to four sevenths of the initial rate,
- (iv) effective on January 1 of the year that is three years after the year of the coming into force of this subsection, to three sevenths of the initial rate,
- (v) effective on January 1 of the year that is four years after the year of the coming into force of this subsection, to two sevenths of the initial rate,
- (vi) effective on January 1 of the year that is five years after the year of the coming into force of this subsection, to one seventh of the initial rate, and
- (vii) effective on January 1 of the year that is six years after the year of the coming into force of this subsection, to the final rate of "Free"; and

(c) if "S3" is set out,

- (i) effective on the coming into force of this subsection, to sixteen seventeenths of the initial rate,
- (ii) effective on January 1 of the year that is one year after the year of the coming into force of this subsection, to fifteen seventeenths of the initial rate,
- (iii) effective on January 1 of the year that is two years after the year of the coming into force of this subsection, to fourteen seventeenths of the initial rate,
- (iv) effective on January 1 of the year that is three years after the year of the coming into force of this subsection, to thirteen seventeenths of the initial rate,
- (v) effective on January 1 of the year that is four years after the year of the coming into force of this subsection, to twelve seventeenths of the initial rate,
- (vi) effective on January 1 of the year that is five years after the year of the coming into force of this subsection, to eleven seventeenths of the initial rate,
- (vii) effective on January 1 of the year that is six years after the year of the coming into force of this subsection, to ten seventeenths of the initial rate,
- (viii) effective on January 1 of the year that is seven years after the year of the coming into force of this subsection, to nine seventeenths of the initial rate,
- (ix) effective on January 1 of the year that is eight years after the year of the coming into force of this subsection, to eight seventeenths of the initial rate,

- (x) effective on January 1 of the year that is nine years after the year of the coming into force of this subsection, to seven seventeenths of the initial rate,
- (xi) effective on January 1 of the year that is 10 years after the year of the coming into force of this subsection, to six seventeenths of the initial rate,
- (xii) effective on January 1 of the year that is 11 years after the year of the coming into force of this subsection, to five seventeenths of the initial rate,
- (xiii) effective on January 1 of the year that is 12 years after the year of the coming into force of this subsection, to four seventeenths of the initial rate,
- (xiv) effective on January 1 of the year that is 13 years after the year of the coming into force of this subsection, to three seventeenths of the initial rate,
- (xv) effective on January 1 of the year that is 14 years after the year of the coming into force of this subsection, to two seventeenths of the initial rate,
- (xvi) effective on January 1 of the year that is 15 years after the year of the coming into force of this subsection, to one seventeenth of the initial rate, and
- (xvii) effective on January 1 of the year that is 16 years after the year of the coming into force of this subsection, to the final rate of "Free".

Rounding of specific rates

(5) If a reduction under subsection (3) or (4) results in a specific rate of customs duty that includes a fraction of one tenth of a cent, the rate shall be rounded down to the nearest one tenth of a cent.

Rounding of amounts

(6) If a reduction under subsection (3) or (4) results in a rate of customs duty that includes a fraction of one per cent other than 0.5, the resulting percentage shall be rounded down to the nearest percentage that divides evenly by 0.5.

Elimination of rates of less than two per cent

(7) If a reduction under subsection (3) or (4) results in a rate of customs duty that is a percentage of less than two per cent, the rate shall be further reduced to "Free" immediately.

Extension of Colombia Tariff

(8) Notwithstanding any other provision of this Act, for the purposes of giving effect to Article 317 of the Canada–Colombia Free Trade Agreement, the Minister may, by order, amend the schedule to extend entitlement to the Colombia Tariff to any imported goods subject to any condition that may be specified in the order.

—2010, c. 4, s. 36:

2009, c. 16, s. 43

36. The definition "principal cause" in section 54 of the Act is replaced by the following:

"principal cause"

« *cause principale* »

"principal cause", in respect of goods imported from Peru or Colombia, means an important cause that is no less important than any other cause.

—2010, c. 4, s. 37:

2009, c. 16, s. 44

37. Section 59.1 of the Act is replaced by the following:

Peru and Colombia emergency measures

59.1 An order made under subsection 55(1) may exclude goods of any kind imported from Peru or Colombia if it appears to the satisfaction of the Governor in Council, on the basis of a report under section 20 or 29 of the *Canadian International Trade Tribunal Act*, that the quantity of those goods being imported is not a principal cause of serious injury or threat of serious injury to domestic producers of like or directly competitive goods.

—2010, c. 4, s. 38:

2009, c. 16, s. 45(2)

38. Subsection 63(4.1) of the Act is replaced by the following:

Exception for goods imported from Peru or Colombia

(4.1) An order under subsection (1) may exclude goods of any kind imported from Peru or Colombia if it appears to the satisfaction of the Governor in Council, on the basis of a report under the *Canadian International Trade Tribunal Act*, that the quantity of those goods being imported is not a principal cause of serious injury or threat of serious injury to domestic producers of like or directly competitive goods.

—2010, c. 4, s. 39:

39. The Act is amended by adding the following after section 71:

Bilateral Emergency Measures — Colombia

Order by Governor in Council

71.01 (1) Subject to subsections (2) to (4), if at any time it appears to the satisfaction of the Governor in Council, as a result of an inquiry made by the Canadian International Trade Tribunal under subsection 19.0121(2) of the *Canadian International Trade Tribunal Act* or further to a complaint filed under subsection 23(1.061) of that Act, that goods that are entitled to the Colombia Tariff are, as a result of that entitlement, being imported in such increased quantities, in absolute terms or relative to the domestic production of like or directly competitive goods, and under such conditions as to constitute a principal cause of serious injury, or a threat of serious injury, to domestic producers of like or directly competitive goods, the Governor in Council may, on the recommendation of the Minister, by order

(a) suspend, during the period that the order is in effect, any reduction of the rate of customs duty with respect to those goods that would otherwise be made after that time by virtue of section 49.01; and

(b) make those goods subject to a temporary duty, in addition to any other duty specified in this Act or in any other Act of Parliament relating to customs, at a rate set out in the order, but that rate, when added to the rate of customs duty specified in the Colombia Tariff that is in effect in respect of those goods at that time, may not exceed the lesser of

(i) the Most-Favoured-Nation Tariff rate of customs duty that is in effect in respect of those goods at the time the order is made, and

(ii) the Most-Favoured-Nation Tariff rate of customs duty that was in effect in respect of those goods on January 1, 2007.

Terms and conditions

(2) An order under subsection (1)

(a) may not be made more than once in respect of goods of any particular kind;

(b) may only remain in effect for the period, not exceeding three years, that is specified in the order; and

(c) may only be made during the period beginning on the day on which this subsection comes into force and ending

(i) if the order is in respect of goods for which the Colombia Tariff rate of customs duty is reduced to the final rate of "Free" over a period of less than 10 years, on the day that is 10 years after the day on which this subsection comes into force, and

(ii) if the order is in respect of goods for which the Colombia Tariff rate of customs duty is reduced to the final rate of "Free" over a period of 10 years or more, on the day after the expiry of the tariff staging period in respect of those goods.

Rate of duty when order ceases to have effect

(3) If an order made under subsection (1) ceases to have effect in a particular calendar year, the rate of customs duty applicable to the goods after the order ceases to have effect is the rate of customs duty that is applicable in accordance with section 49.01.

Definition of "principal cause"

(4) In this section, "principal cause" means, in respect of a serious injury or threat of serious injury, an important cause that is not less important than any other cause of the serious injury or threat.

—2010, c. 4, s. 40:

2009, c. 16, s. 47 and subpar. 56(16)(b)(ii)

40. Section 79 of the Act is replaced by the following:

Goods in transit

79. An order made under subsection 53(2) or 55(1), section 60 or subsection 63(1), 69(2), 70(2), 71.01(1), 71.1(2), 71.5(1), 72(1), 75(1), 76(1) or 76.1(1) may provide that goods that are in transit to Canada at the time the order comes into force are entitled to the tariff treatment that was applicable to those goods immediately before that time.

—2010, c. 4, s. 41:

2009, c. 16, s. 56(17)

41. Paragraphs 133(j) and (j.1) of the Act are replaced by the following:

(j) for the purpose of tariff item No. 9971.00.00, prescribing conditions under which goods that have been exported to a NAFTA country, Chile, Costa Rica, Israel or another CIFTA beneficiary, Iceland, Norway, Switzerland, Liechtenstein, Peru or Colombia for repair or alteration may be imported;

(j.1) for the purpose of tariff item No. 9992.00.00, prescribing conditions under which goods that have been exported to a NAFTA country, Chile, Costa Rica, Israel or another CIFTA beneficiary, Peru or Colombia for repair or alteration may be imported;

—2010, c. 4, s. 42:

42. (1) The List of Tariff Provisions set out in the schedule to the Act is amended by

(a) adding in the column "Preferential Tariff / Initial Rate", above the reference to "GPT", a reference to "COLT:";

(b) adding in the column "Preferential Tariff / Final Rate", above the reference to "GPT", a reference to "COLT:";

(c) adding in the column "Preferential Tariff / Initial Rate" a reference to "Free" after the abbreviation "COLT", and adding in the column "Preferential Tariff / Final Rate" a reference to "Free (A)" after the abbreviation "COLT", for all tariff items except those set out in each of Schedules 1 and 2 to this Act;

(d) adding in the columns "Preferential Tariff / Initial Rate" and "Preferential Tariff / Final Rate" a reference to "N/A" after the abbreviation "COLT" for tariff items set out in Schedule 1 to this Act; and

(e) adding in the columns "Preferential Tariff / Initial Rate" and "Preferential Tariff / Final Rate" after the abbreviation "COLT", for each tariff item set out in Schedule 2 to this Act, the rates of duty and staging categories set out with respect to that tariff item in that Schedule.

(2) The Description of Goods of tariff item No. 9929.00.00 in the List of Tariff Provisions set out in the schedule to the Act is amended by replacing the reference to "imported from the United States, Mexico, Chile, Costa Rica or Peru" with a reference to "imported from the United States, Mexico, Chile, Costa Rica, Peru or Colombia".

(3) The Description of Goods of tariff item No. 9971.00.00 in the List of Tariff Provisions set out in the schedule to the Act is amended by replacing the reference beginning with "All the foregoing," and ending with "in that country." with a reference to "All the foregoing, regardless of the country of origin or tariff treatment, returned to Canada after having been exported to the United States, Mexico, Chile, Costa Rica, Israel or another CIFTA beneficiary, Iceland, Norway, Switzerland, Liechtenstein, Peru or Colombia for repair or alteration in that country."

(4) The Description of Goods of tariff item No. 9990.00.00 in the List of Tariff Provisions set out in the schedule to the Act is amended by

(a) replacing the reference to "Commercial samples imported from the United States, Mexico, Chile, Costa Rica or Peru" with a reference to "Commercial samples imported from the United States, Mexico, Chile, Costa Rica, Peru or Colombia"; and
(b) replacing, in paragraph (i), the reference to "in Canadian, Chilean, Mexican, Costa Rican or Peruvian currency" with a reference to "in Canadian, Chilean, Mexican, Costa Rican, Peruvian or Colombian currency".

(5) The Description of Goods of tariff item No. 9992.00.00 in the List of Tariff Provisions set out in the schedule to the Act is amended by replacing the reference to "exported to the United States, Mexico, Chile, Costa Rica, Israel or another CIFTA beneficiary or Peru for repair or alteration" with a reference to "exported to the United States, Mexico, Chile, Costa Rica, Israel or another CIFTA beneficiary, Peru or Colombia for repair or alteration".

—2010, c. 4, Sch. 1:

SCHEDULE 1

(Subsection 42(1))

0105.11.22	0406.90.52	1901.90.52
0105.94.92	0406.90.62	1901.90.54
0105.99.12	0406.90.72	2105.00.92
0207.11.92	0406.90.82	2106.90.32
0207.12.92	0406.90.92	2106.90.34
0207.13.92	0406.90.94	2106.90.52
0207.13.93	0406.90.96	2106.90.94
0207.14.22	0406.90.99	2202.90.43
0207.14.92	0407.00.12	2309.90.32
0207.14.93	0407.00.19	3502.11.20
0207.24.12	0408.11.20	3502.19.20
0207.24.92	0408.19.20	3504.00.11
0207.25.12	0408.91.20	3504.00.12
0207.25.92	0408.99.20	3504.00.90

0207.26.20	1517.10.20	9801.20.00
0207.26.30	1517.90.22	9826.10.00
0207.27.12	1601.00.22	9826.20.00
0207.27.92	1601.00.32	9826.30.00
0207.27.93	1602.20.22	9826.40.00
0209.00.22	1602.20.32	9897.00.00
0209.00.24	1602.31.13	9898.00.00
0210.99.12	1602.31.14	9899.00.00
0210.99.13	1602.31.94	9904.00.00
0210.99.15	1602.31.95	9938.00.00
0210.99.16	1602.32.13	9987.00.00
0401.10.20	1602.32.14	
0401.20.20	1602.32.94	
0401.30.20	1602.32.95	
0402.10.20	1701.91.10	
0402.21.12	1701.91.90	
0402.21.22	1701.99.10	
0402.29.12	1702.90.11	
0402.29.22	1702.90.12	
0402.91.20	1702.90.13	
0402.99.20	1702.90.14	
0403.10.20	1702.90.15	
0403.90.12	1702.90.16	
0403.90.92	1702.90.17	
0404.10.22	1702.90.18	
0404.90.20	1702.90.21	
0405.10.20	1702.90.29	
0405.20.20	1702.90.61	
0405.90.20	1702.90.69	
0406.10.20	1702.90.70	
0406.20.12	1702.90.81	
0406.20.92	1702.90.89	
0406.30.20	1806.20.22	
0406.40.20	1806.90.12	
0406.90.12	1901.20.12	
0406.90.22	1901.20.22	
0406.90.32	1901.90.32	
0406.90.42	1901.90.34	

—2010, c. 4, Sch. 2:

SCHEDULE 2

(Subsection 42(1))

Tariff Item	Initial Rate	Final Rate
0105.11.21	0.86¢ each	Free (S2)
0105.94.91	1.90¢/kg	Free (S2)
0105.99.11	1.90¢/kg	Free (S2)
0207.11.10	8%	Free (S1)
0207.11.91	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
0207.12.10	8%	Free (S1)

Tariff Item	Initial Rate	Final Rate
0207.12.91	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
0207.13.10	4%	Free (S1)
0207.13.91	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
0207.14.10	9%	Free (S1)
0207.14.91	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
0207.24.11	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
0207.24.91	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
0207.25.11	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
0207.25.91	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
0207.26.10	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
0207.27.91	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
0209.00.21	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
0209.00.23	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
0210.99.11	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
0210.99.14	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
0401.10.10	7.5%	Free (S2)
0401.20.10	7.5%	Free (S2)
0401.30.10	7.5%	Free (S2)
0402.10.10	3.32¢/kg	Free (S2)
0402.21.11	3.32¢/kg	Free (S2)
0402.21.21	6.5%	Free (S2)
0402.29.11	3.32¢/kg	Free (S2)
0402.29.21	6.5%	Free (S2)
0402.91.10	2.84¢/kg	Free (S2)
0402.99.10	2.84¢/kg	Free (S2)
0403.90.11	3.32¢/kg	Free (S2)
0404.10.10	4.94¢/kg	Free (S2)
0404.10.21	3.32¢/kg	Free (S2)
0404.10.90	11%	Free (S2)
0404.90.10	6.5%	Free (S2)
0405.10.10	11.38¢/kg	Free (S2)
0405.20.10	7%	Free (S2)
0405.90.10	7.5%	Free (S2)
0406.10.10	3.32¢/kg	Free (S2)
0406.20.11	2.84¢/kg	Free (S2)
0406.20.91	3.32¢/kg	Free (S2)
0406.30.10	3.32¢/kg	Free (S2)
0406.40.10	3.32¢/kg	Free (S2)
0406.90.11	2.84¢/kg	Free (S2)
0406.90.21	3.32¢/kg	Free (S2)
0406.90.31	3.32¢/kg	Free (S2)
0406.90.41	3.32¢/kg	Free (S2)
0406.90.51	3.32¢/kg	Free (S2)
0406.90.61	3.32¢/kg	Free (S2)
0406.90.71	3.32¢/kg	Free (S2)
0406.90.81	3.32¢/kg	Free (S2)
0406.90.91	3.32¢/kg	Free (S2)
0406.90.93	3.32¢/kg	Free (S2)

Tariff Item	Initial Rate	Final Rate
0406.90.95	3.32¢/kg	Free (S2)
0406.90.98	3.32¢/kg	Free (S2)
0407.00.11	1.51¢/dozen	Free (S2)
0407.00.18	1.51¢/dozen	Free (S2)
1517.90.21	7.5%	Free (S2)
1602.31.11	11%	Free (S2)
1602.31.12	7.5%	Free (S2)
1602.31.93	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
1602.32.11	11%	Free (S2)
1602.32.12	7.5%	Free (S2)
1602.32.93	5% but not less than 4.74¢/kg or more than 9.48¢/kg	Free (S2)
1701.12.90	\$24.69/tonne	Free (S2)
1701.99.90	\$30.86/tonne	Free (S3)
1702.40.00	6%	Free (S2)
1703.90.10	12.5%	Free (S2)
1901.90.31	6.5%	Free (S2)
2106.90.31	5%	Free (S2)
2106.90.33	5%	Free (S2)
2106.90.51	6.68¢/kg	Free (S2)
2106.90.93	7%	Free (S2)
2309.90.31	2%	Free (S2)
3502.11.10	8.5%	Free (S2)
3502.19.10	6.63¢/kg	Free (S2)
3825.30.20	15.5%	Free (S2)
4015.11.00	15.5%	Free (S2)
4015.19.90	15.5%	Free (S2)
4015.90.90	14%	Free (S2)
4303.10.10	15.5%	Free (S2)
4303.10.20	14%	Free (S2)
4304.00.00	15.5%	Free (S2)
5407.20.99	14%	Free (S2)
5602.10.90	14%	Free (S2)
5602.21.99	12%	Free (S2)
5602.29.00	14%	Free (S2)
5602.90.90	14%	Free (S2)
5603.11.50	14%	Free (S2)
5603.11.99	14%	Free (S2)
5603.12.50	14%	Free (S2)
5603.12.99	14%	Free (S2)
5603.13.50	14%	Free (S2)
5603.13.99	14%	Free (S2)
5603.14.50	14%	Free (S2)
5603.14.99	14%	Free (S2)
5603.91.90	14%	Free (S2)
5603.92.99	14%	Free (S2)
5603.93.90	14%	Free (S2)
5603.94.90	14%	Free (S2)
5607.29.20	10%	Free (S2)

Tariff Item	Initial Rate	Final Rate
5607.29.90	10%	Free (S2)
5607.49.20	10%	Free (S2)
5607.49.90	10%	Free (S2)
5607.50.20	10%	Free (S2)
5607.50.90	10%	Free (S2)
5607.90.20	10%	Free (S2)
5607.90.90	10%	Free (S2)
5903.10.19	14%	Free (S2)
5903.10.29	14%	Free (S2)
5903.20.19	14%	Free (S2)
5903.20.29	14%	Free (S2)
5903.90.10	14%	Free (S2)
5903.90.29	14%	Free (S2)
6305.20.00	17%	Free (S2)
6305.32.00	18%	Free (S2)
6305.33.00	18%	Free (S2)
6305.39.00	18%	Free (S2)
6309.00.90	18%	Free (S2)
6401.10.19	20%	Free (S1)
6401.10.20	20%	Free (S1)
6401.92.12	20%	Free (S1)
6401.92.91	20%	Free (S1)
6401.92.92	20%	Free (S1)
6402.12.20	18%	Free (S1)
6402.12.30	17.5%	Free (S1)
6402.20.19	16%	Free (S1)
6402.20.20	18%	Free (S1)
6402.91.10	17.5%	Free (S1)
6402.91.90	17.5%	Free (S1)
6402.99.10	17.5%	Free (S1)
6403.12.20	18%	Free (S1)
6403.12.30	18%	Free (S1)
6403.40.00	18%	Free (S1)
6406.10.11	15.5%	Free (S2)
6406.10.19	15.5%	Free (S2)
6406.10.90	8%	Free (S2)
6504.00.90	12.5%	Free (S2)
6505.10.00	15.5%	Free (S2)
6505.90.39	12.5%	Free (S2)
6505.90.40	12.5%	Free (S2)
6505.90.90	15.5%	Free (S2)
6506.99.90	12.5%	Free (S2)
6812.91.00	15.5%	Free (S2)
7019.32.90	15.5%	Free (S2)
7019.40.99	15.5%	Free (S2)
7019.51.99	15.5%	Free (S2)
7019.52.99	15.5%	Free (S2)
7019.59.99	15.5%	Free (S2)

Tariff Item	Initial Rate	Final Rate
7019.90.40	15.5%	Free (S2)
8804.00.10	15.5%	Free (S2)
8901.10.10	25%	Free (S2)
8901.10.90	25%	Free (S2)
8901.20.10	25%	Free (S2)
8901.20.90	25%	Free (S2)
8901.30.00	25%	Free (S2)
8901.90.10	15%	Free (S2)
8901.90.91	25%	Free (S2)
8901.90.99	25%	Free (S2)
8902.00.10	25%	Free (S2)
8904.00.00	25%	Free (S2)
8905.10.00	25%	Free (S2)
8905.20.10	20%	Free (S2)
8905.20.20	25%	Free (S2)
8905.90.10	20%	Free (S2)
8905.90.90	25%	Free (S2)
8906.10.00	25%	Free (S2)
8906.90.19	15%	Free (S2)
8906.90.91	25%	Free (S2)
8906.90.99	25%	Free (S2)
8907.90.90	15.5%	Free (S2)
8908.00.90	15.5%	Free (S2)
9401.90.20	15.5%	Free (S2)
9404.30.00	15.5%	Free (S2)
9404.90.10	14%	Free (S2)
9404.90.90	14%	Free (S2)
9607.20.10	11.5%	Free (S2)
9612.10.20	15.5%	Free (S2)
9612.10.30	15.5%	Free (S2)

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