

The authority to control the import and export of commodities and technologies is derived from the Act. The Act finds its origin in the War Measures Act and was passed as a Statutory Act of Parliament in 1947 and subsequently amended on a number of occasions.

The Act provides that the Governor in Council may establish lists known as the **Import Control List (ICL)**, the **Export Control List (ECL)** and the **Area Control List (ACL)**. For each one of these lists, the Act sets out criteria that govern the inclusion of goods or countries on the respective lists and provides that the Governor in Council may revoke, amend, vary or re-establish any of the lists. Control over the flow of goods contained on these lists or to specific destinations is effected through the issuance of import or export permits.

The Act delegates to the Minister of International Trade the authority to grant or deny applications for these permits and thus confers on him broad powers to control the flow of the goods contained in these lists. The operations carried out under the Act can be grouped under the following headings:

### 1. IMPORT CONTROL:

- a. Textiles and Clothing
- b. Agricultural Products
- c. Steel Products
- d. Weapons and Munitions

### 2. EXPORT CONTROL:

- a. Strategic, military and atomic energy goods, materials and technology as well as items controlled for non-proliferation purposes.
- b. Miscellaneous goods including logs, softwood lumber, cedar bolts and blocks, roe herring, peanut butter, sugar, sugar-containing products and products of U.S. origin.
- c. Any goods to countries listed on the **Area Control List (ACL)**, which in 2004 was Myanmar (Burma).

### 3. OFFENCES:

The Act contains provisions pertaining to offences and penalties therefor. Every person (including a corporation, any of its directors or officers) found contravening any provision of the Act is liable to be prosecuted. A prosecution may be instituted at any time within but not later than three years after the time when the subject matter of the complaint arose.

## REPORT

### 1. IMPORT CONTROL

Section 5 of the Act provides that the Governor in Council may establish a list of goods, called an **Import Control List (ICL)**, whose importation the Governor in Council deems it necessary to control for any of the following purposes:

- to ensure, in accordance with the needs of Canada, the best possible supply and distribution of an article that is scarce in world markets or is subject to governmental controls in the countries of origin or to allocation by intergovernmental arrangement;
- to restrict, for the purpose of supporting any action taken under the *Farm Products Marketing Agencies Act*, the importation in any form of a like article to one produced or marketed in Canada the quantities of which are fixed or determined under that Act;