

Step 5: Goods and Technology Destined to a Chemical, Biological or Nuclear Weapons, or Missile Application (Goods for Certain Uses)

In 2002, Canada implemented 'catch-all' controls that cover the export of any goods and technology not listed elsewhere on the ECL. ECL Item 5505 *Goods for Certain Uses* imposes a permit requirement on any goods and related technology if it is determined that the goods or technology are destined to an end-use or end-user involved in the development or production of chemical, biological or nuclear weapons or Weapons of Mass Destruction (WMD), or their missile delivery systems. Before exporting any goods or technology exporters must assure themselves that their export is not being transferred, directly or indirectly, to a WMD end-use/end-user. If in doubt, the exporter should contact the Export Controls Division for assistance (refer to inside front cover).

Step 6: Goods and Technology Subject to Export Controls by Other Government Departments/Agencies

Other controls may apply, for example: the Canadian Nuclear Safety Commission for nuclear/atomic items; Environment Canada for endangered species and hazardous waste; and Heritage Canada for cultural properties. Refer to Section F for a description of other departments/agencies which may possibly have export authorisation requirements. For more information about exporting requirements, please contact your local Canada Customs and Revenue Agency (CCRA) office or the responsible government department or agency. These can be found in the blue pages of your local telephone book under "Government of Canada".

Step 7: Goods and Technology Subject to Re-export Controls by Foreign Governments

Some countries, most notably the United States, impose re-export controls from another country on goods and technology that originated in, or were manufactured in their country. Under a bilateral agreement with the U.S., Canada has agreed to not issue Canadian export permits for goods or technology contained in ECL Groups 2 or 6, or ECL Item 5504, if the proposed export includes goods or technology of U.S. origin which are contained in ECL Groups 2 or 6, or ECL Item 5504, unless supported by a U.S. export authorisation (refer to Section E). If in doubt, exporters should contact the Export Controls Division or the original supplier in the country of origin/manufacture.

Summary

In the event none of the above circumstances applies (Steps 1 - 7), then an export permit from DFAIT is not required. However, it is the exporter's responsibility to keep abreast of any changes to Canada's export control regime that may affect their export requirements.

B. Why Do Export Controls Exist?

1. For some goods or technology, such as certain U.S. origin items, controls exist to fulfill Canada's bilateral obligations. However, most of Canada's export controls exist because Canada is a partner in multilateral or international agreements (e.g., Wassenaar Arrangement) designed to control and monitor the movement of strategic goods and technology. These international obligations are non-discretionary. These obligations include the control of military goods and technology, or goods and technology that could be used for developing or producing nuclear, chemical or biological weapons or their missile delivery systems. As examples, consider these two multilateral agreements and the items they control:

The Australia Group

- defines controls to prevent the proliferation and development of chemical and biological weapons.

Missile Technology Control Regime

- defines controls to prevent the proliferation of missile weapons systems and sub-systems capable of delivering chemical, biological or nuclear weapons.