

Introduction

A. Do I Need An Export Permit?

This is the first question facing an exporter. Goods and technology of some categories, of certain origins, and going to some destinations, require that an exporter first obtain a federal export permit from the Export Controls Division (EPE) of the Department of Foreign Affairs and International Trade (DFAIT) before they can legally be exported. To help understand the decision process involved, please refer to the flow-chart on the opposite page.

What is an Export permit?

Under the *Export and Import Permits Act* (EIPA), the Minister of Foreign Affairs and International Trade may issue to any resident of Canada a permit to export goods and technology included in an *Export Control List* (ECL) or goods and technology to a country included in an *Area Control List* (ACL), subject to such terms and conditions as are described in the permit. The permit indicates among other things, the quantity, description and nature of the items to be exported as well as the final destination country and end-user. There are two types of permits: Individual Export Permits (IEP) or General Export Permits (GEP).

Export permits are required if goods and technology are:

- Step 1:** destined to a country on Canada's *Area Control List*;
- Step 2:** subject to a United Nations Security Council embargo/action;
- Step 3:** on Canada's *Export Control List*;
- Step 4:** of U.S. origin;
- Step 5:** destined to a chemical, biological or nuclear weapons, or missile application (Goods for Certain Uses);
- Step 6:** subject to export controls by other government departments/agencies; **or**
- Step 7:** subject to re-export controls by foreign governments.

Step 1: Goods and Technology Destined to Area Control List Countries

Regardless of being listed or not on the *Export Control List*, any goods or technology going to a country on the *Area Control List* (ACL) require a permit before they can be exported. At time of publication, the ACL included Angola and Myanmar (formerly Burma).

Step 2: Goods and Technology Subject to UN Security Council Embargo/Action

For any nation that is subject to a United Nations Security Council embargo, additional approvals may be required, e.g., all goods destined to Iraq (for a list of current sanctions refer to <http://www.dfait-maeci.gc.ca/trade/sanctions-e.asp>).

Step 3: The *Export Control List*

A variety of specific goods and technology, controlled by the Department of Foreign Affairs and International Trade (DFAIT) require permits for export, regardless of their destination. These goods and technology are found on the *Export Control List* (ECL), which is contained in this Guide. Most, but not all goods and technology are eligible for an exclusion to usual permit requirements if destined for end-use in the U.S. and its possessions (refer to Section D). The ECL is quite detailed, covering many products that Canada controls for various reasons. Section M provides some practical information on using the ECL.

Step 4: U.S. Origin Goods

Exporters should note that the export of all goods of U.S. origin as defined in ECL Item 5400, and regardless of their nature and destination, require permits (refer to Section E) if not captured elsewhere on the ECL. This is in recognition of the favourable permit/licence treatment accorded bilaterally on most controlled goods and technology. (See Step 7 below and Section E for details on exports of U.S. origin goods and technology contained elsewhere in the ECL.)