

9.10 Returning Goods from the U.S. to Canada for Repairs, Alterations, Adjustment or Testing

There may be occasions when goods which have been exported to the United States are not acceptable to the customer and have to be returned for reprocessing, repair, adjustment or testing. The repaired goods are then re-exported.

9.11 U.S. Customs Form 4455 "Certificate of Registration"

U.S. Customs regulations state that before the exportation of any article from the U.S. for repairs or alteration or processing effected abroad, or declaration and application must be filed in duplicate on Customs Form 4455 by the owner or exporter with the District Director of U.S. Customs at such a time before the departure of the exporting conveyance from the U.S. that will permit an examination of the articles. U.S. Customs will retain one copy of Form 4455 and return the other to the carrier. A copy of this form should be attached to the invoice when the Canadian firm ships the article back to the company in the U.S.

10.0 Export of Defence Material from the U.S.

In the pursuit of both prime and sub defence contracts, there could well be a requirement to have material or documentation sent from the U.S. to Canada.

There are three categories in the export of these materials from the U.S.:

10.1 Unclassified Material/Documentation

The U.S. International Traffic in Arms Regulation (ITAR, Section 123.12 and 126.5 of Title 22m) permits with some exceptions, (fully automatic firearms, nuclear weapons and design naval nuclear propulsion, submersibles and certain categories of aircraft) the export, without a licence, of any UNCLASSIFIED defence article or any UNCLASSIFIED technical data to Canada for end-use in Canada or subsequent return to the United States.

NOTE (1): There may still be a requirement to comply with Article 123.10(e) (exports in excess of U.S. \$14 million may require Congressional approval) and 123.25 (Filing of Shippers Declaration with United States Customs).

NOTE (2): The Canadian government requires an Export Permit when shipments are consigned to a third country through the U.S. The U.S. requires an In-transit License.

10.2 Unclassified Technical Data Disclosing Critical Technology

A Canadian contractor may register with the Joint Certification Office* which will allow the Canadian company to take the responsibility for safeguarding "Unclassified Data Disclosing Critical Technology". (Unclassified Technical Data" means technical data other than that which in the interest of national security is subject to a system of security classification in the interest of national security.

*United States-Canada Joint Certification Office
Defense Logistics Services Center
Federal Center
Battle Creek, Michigan
49017-3084
(616) 962-6511 EXT 6814

Under the Joint Certification Program (JCP), certified Canadian contractors will be able:

- a) to respond quickly to DoD contract opportunities where specifications involve technical data which can only be released to certified contractors
- b) to attend DoD sponsored restricted access conference where export-controlled data are presented
- c) to more readily access certain DoD technical data which could stimulate both their military and commercial R and D efforts

10.3 Classified/Unclassified (Export Licence Required)

The United States Department of State, Office of Munitions Control regulates the export of defence articles and services.