

A N N U A L R E P O R T S
RESPECTING OPERATIONS UNDER THE
EXPORT AND IMPORT PERMITS ACT
1946 - 1989

R A P P O R T S A N N U E L S
SUR LES ACTIVITÉS DÉCOULANT DE LA
LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION
1946 - 1989

VOLUME I

External Affairs and
International Trade Canada

Affaires extérieures et
Commerce extérieur Canada

Canada

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RESPECTING OPERATIONS UNDER THE
EXPORT AND IMPORT PERMITS ACT
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VOLUME I

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ANNUAL REPORTS
respecting operations under the
EXPORT AND IMPORT PERMITS ACT
1946 - 1989

VOLUME I

Compiled by: E.V. Beckles ((613) 995-4023)
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Date: 1 October 1990

RAPPORTS ANNUELS
sur les activités découlant de la
LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION
1946 - 1989

VOLUME I

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Direction de l'administration et
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Date: 1 octobre 1990

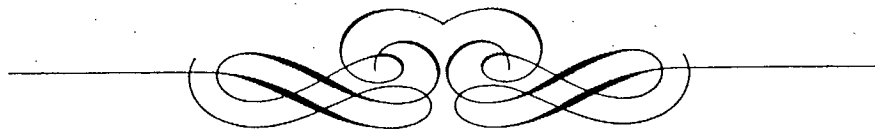
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PART I
REPORTS OF THE MINISTER OF TRADE AND COMMERCE
respecting operations under the
EXPORT AND IMPORT PERMITS ACT
for the years 1946 - 1968



PARTIE I
RAPPORTS DU MINISTÈRE DU COMMERCE
sur les activités découlant de la
LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION
pour les années 1946 - 1968

ANNUAL REPORT OF THE EXPORT PERMIT BRANCH
FOR THE FISCAL YEAR ENDED MARCH 31, 1946

45-26

With the ending of the war many items were removed from export control, and by the end of the year only some 900 items were still listed as requiring permits for shipments to all destinations, whereas a year before virtually all commodities required permits. A large number of items of iron and steel were freed from the requirement of an export permit, but unfortunately the steel strike in the United States with its repercussions in Canada caused this control to be reimposed. The shortage continues even with the end of the strike, partly as the result of the coal shortage, and also because of a lack of scrap; accordingly, steel items are likely to require export permits for some time to come.

Another major relaxation in export control made near the end of the year ended the necessity of securing export permits for goods not specifically listed in the schedule to the Export Permit Regulations when these goods were consigned to a specified list of countries. Previously all exports to any destination other than the British Empire or the United States had to be covered by export permits, whether the goods appeared in the above-mentioned list or not. This overall control now affects only a few countries.

In spite of these developments, the Branch's activities have continued to increase, and more applications were received and more permits were issued during the year than during any previous similar period. The reasons lie partly in a continuing easing of supplies in Canada even for items still under control, and partly in the great improvement in the availability of shipping space which followed the end of hostilities. To some extent also there has been an easing in the control of imports in many countries abroad. Applications for permits during 1945-46 numbered 151,577 as compared with 144,533 in the previous year, and permits issued 144,612 compared with 138,184. Fees collected for export permits

.....

amounted to \$241,529 as compared with last year's \$215,055.

As part of the price stabilization policy of the Government, subsidy payments are made to Canadian manufacturers, processors or importers, in order that the commodity concerned may sell in Canada within the price ceiling. When a commodity thus subsidized is exported, the Export Permit Branch, before granting a permit, recovers from the exporter the amount of subsidy involved, which is then remitted to the agency of the Government which pays the subsidy. The subsidies collected during the present fiscal year amounted to \$2,410,949.01 as compared with \$2,376,804.38 for the previous year.

With the continuing shortages in many lines of production, notably in iron and steel, foodstuffs and textiles, as well as with the necessity of providing a method for recovering subsidies, it appears that the Export Permit Branch will continue to be active for at least another year, and quite possibly longer.

The following are figures of the Branch's activities:

Number of applications received

| <u>1942-43</u> | <u>1943-44</u> | <u>1944-45</u> | <u>1945-46</u> |
|----------------|----------------|----------------|----------------|
| 95,000 | 123,035 | 144,533 | 151,577 |

Number of permits issued

| <u>1942-43</u> | <u>1943-44</u> | <u>1944-45</u> | <u>1945-46</u> |
|----------------|----------------|----------------|----------------|
| \$7,400 | 99,153 | 138,184 | 144,612 |

The following fees were paid for export permits:

| <u>1942-43</u> | <u>1943-44</u> | <u>1944-45</u> | <u>1945-46</u> |
|----------------|----------------|----------------|----------------|
| \$140,056.00 | \$174,998.00 | \$215,055.00 | \$241,529.00 |

The collection of subsidies, etc., is as follows:

| <u>1943-44</u> | <u>1944-45</u> | <u>1945-46</u> |
|----------------|----------------|----------------|
| \$304,081.14 | \$2,376,804.38 | \$2,410,949.01 |

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1947

1. This report is submitted pursuant to Section 15 of this Act which provides as follows:

"15. As soon as practicable after the thirty-first day of December, 1947, the Minister shall prepare and lay before Parliament, if Parliament is then in session, a report of the operations under this Act for the year 1947, or if Parliament is not then in session, within the first fifteen days of the next ensuing session thereof."

2. Section 10 of this Act provides:

"10. The Governor in Council may make regulations:

- (a) prescribing the terms and conditions upon which permits may be issued and shall continue in force, including a requirement for the recovery from the applicant by His Majesty or any other person named by the Minister of a sum which in the opinion of the Minister represents the pecuniary benefit which has ensued to the applicant as a result of the payment of subsidy or any other advantage conferred by or pursuant to the regulation of domestic prices;
- (b) respecting the procedure to be followed in applying for and issuing permits;
- (c) respecting information to be furnished by an applicant for a permit;
- (d) exempting any person or any goods, or any class of persons or goods, from the operation of this Act; and

(e) generally for carrying out the purposes and provisions of this Act."

EXPORT CONTROL

Under Section 10, Order in Council P. C. 1891 of May 14, 1947, was passed, establishing Export Permit Regulations, an office consolidation of which, as amended, is appended hereto.

3. Section 3 of the Act provides:

"3. A list of goods to which section five of this Act shall apply may be established by order of the Governor in Council which order shall be published in the Canada Gazette within fifteen days after the passing of such order, and such list may be amended by the Governor in Council by order so published: Provided that no article other than arms, munitions, war materials or supplies, shall be included in such list unless the Governor in Council is satisfied that, in order to ensure an adequate supply and distribution in Canada of such articles or any component or material used in the production thereof or in order to implement an intergovernmental arrangement or commitment it is necessary to regulate or control the export of such article."

Under Section 3, Order in Council P. C. 1893 of May 14, 1947, was passed, establishing a list of commodities in respect to which an export permit is required. An office consolidation of this Order, as amended to December 31, 1947, is appended hereto. The original list comprised 542 commodities. By amendment, 10 commodities were added and 32 were deleted, leaving 520 still under export permit control on December 31, 1947.

4. A number of conditions were present during the year to render the withdrawal of commodities from export control extremely difficult. The main factors included:
 - (a) The deterioration in Canada's food and feed supply in the face of grave world shortages which, together with food contracts with the United Kingdom and allocations by the International Emergency Food Council, made it imperative that certain foods and feedstuffs be controlled;
 - (b) A strong world demand for, and limited domestic supply of, certain types of textiles, steel and steel products, building products, wood and wood products, paper and chemicals;
 - (c) Under the Hyde Park Agreement, goods under export control by the United States to countries other than Canada have been freely exported to Canada. To prevent their export from Canada to third countries the retention of export control in Canada has been necessary.
 - (d) The imposition of import restrictions by Canada in the latter part of 1947 with consequent enlarged demand for domestic products, in a few instances, delayed the removal of export controls, especially in regard to foodstuffs.
5. In the enforcement of export permit regulations, every effort has been made to reduce to the minimum the inconvenience to manufacturers and exporters and to interfere as little as possible with normal export operations. In keeping with this policy, 800 special permits have been issued - 400 in 1947 - whereby the manufacturer is authorized, during a period of twelve months, to export a specified quantity of goods under one general licence and to unrestricted destinations. This obviates the necessity of

applying for a permit for each individual shipment.

- 6. During the year, certain commodities continued to be subject to price control, supported by subsidies paid by the Commodity Prices Stabilization Corporation; the Canadian Wheat Board administered the regulation of prices of certain grain and grain products; and the Department of Agriculture granted freight assistance to Western grains for consumption as feed in Eastern Canada. Any of such products, when exported, become subject to refund of subsidy or of other pecuniary benefit to the Government bodies concerned.

Commodities thus dealt with during the year were:

- Oats and certain oat products
- Barley and certain barley products
- Flaxseed and linseed oil
- *Coffee
- *Corn Products
- Cotton
- *Dried Fruits
- *Leather Footwear
- *Leather Gloves
- Lard
- *Non-Ferrous Metals
- *Protein Feeds
- Shortening
- Soap

* - No longer subject to refund claims.

- 7. The Wartime Prices and Trade Board terminated the Administration of Ships' Stores in November, 1947, and certain ships' stores, namely, wheat flour, macaroni, lard, shortening, butter, soap, rice, corn syrup and other syrups, were then placed under export permit control by amendment of Section 15 of the Export Permit Regulations.

8. Statistical Summary re Export Control

From May 14th to December 31st, 1947, the Export Permit Branch received applications for export permits numbering.....77,504
 Applications under previous regulations in course of process on May 14..... 690

During the same period export permits have been issued totalling.....73,819
rejected applications totalled..... 1,909
Applications for export permits for items not under control which were withdrawn totalled..... 2,468

During the same period the Export Permit Branch has collected the following refunds of subsidy or other pecuniary benefit for the following bodies:

Commodity Prices Stabilization Corporation.....\$319,531.24
Agricultural Board.....\$ 2,582.30
Canadian Wheat Board.....\$397,282.08

In addition to the above, certain collections were made direct by the Commodity Prices Stabilization Corporation and the Canadian Wheat Board.

IMPORT CONTROL

9. Section 4 of the Act provides:

"4. A list of goods to which section six of this Act shall apply may be established by order of the Governor in Council which order shall be published in the Canada Gazette within fifteen days after the passing of such order, and such list may be amended by the Governor in Council by order so published: Provided that no article shall be included in such list unless the Governor in Council is satisfied that by reason of the scarcity in world markets or governmental controls in the countries of origin or allocation by intergovernmental arrangement of such article it is necessary to regulate or control the import of the same for the purpose of ensuring the best possible supply and distribution of the article in accordance with the needs of Canada, or unless the price of such article is supported under The Agri-

cultural Prices Support Act, 1944, The Fisheries Prices Support Act, 1944, The Agricultural Products Cooperative Marketing Act, 1939, or is in effect supported under The Agricultural Products Act."

10. During the course of the year, some improvement was seen in the supply position of various food stuffs and primary industrial materials, allowing the removal of a number from control. In other instances, owing to present high levels of world demand and delays in rehabilitation of producing areas, the available world stocks have even deteriorated, as in the case of tin. It was important to prevent unwarrantable diversion of raw materials in world short supply away from products necessary to meet international allocations, as in the case of raw sugar, and import control of processed forms of such materials was necessary in order to protect allocations.
11. Discontinuance of bulk purchasing by the Commodity Prices Stabilization Corporation has permitted return of private trading under import licensing in some commodities remaining under international allocation, as in the cases of cocoa and tin, and in other commodities has permitted removal of controls, as in the cases of coffee and dried fruits.
12. Under Section 4 of this Act, Order in Council I. C. 1892 of May 14, 1947, was passed, establishing a list of commodities under 67 tariff items in respect to which an import permit was required. On November 7th, by amending Order in Council, rye was added to the list. These items were regularly reviewed and as the reasons for the control lapsed, items were removed from the list by amending Order in Council. Four amending Orders in Council were passed

removing goods under 24 tariff items from import permit control. Effective January 1, 1948, import permit control under this Act applied to goods under 44 tariff items. An office consolidation of said Order in Council P. C. 1292, as amended, is appended hereto.

13. The goods remaining under import control on January 1, 1948, are as follows:

| <u>Tariff Item</u> | <u>Description</u> |
|------------------------------------|---|
| 13, 14 et al | Oils and greases, vegetable animal and fish, provided for in Tariff Items 13, 14, ex 208t, 215, 215a, ex 216, 258, 259a, 259b, 262, 265a, ex 266, China wood oil, 276, 276a, 276b, 277, 277a, 278, 278a, 278b, 278c, 278d, 278e, 280, ex 711, 824, 831, 838, and 839. |
| 62 | Rice. |
| (ex 72d, ex 73, ex 76d, ex 276b | Rape seed, sesame seed, Sunflower seed and cotton seed. |
| 77a | Cocoa beans, not roasted, crushed or ground. |
| ex 109, 109a | Peanuts shelled or unshelled. |
| 113a | Copra. |
| 114a | Palm kernels. |
| 343 | Tin, in blocks, pigs or bars. |
| 43a | Powdered milk. |
| 43b | Dried whey, when imported for use in the manufacture of animal or poultry feeds. |
| 58 | Rye. |

14. Statistical Summary re Import Control

During the period May 14th to December 31st, 1947, 4207 applications were received for the importation of controlled commodities; 4014 permits were approved and 193 refused. In addition, general permits were issued allowing entry of woollen and worsted yarns from

all sources. It was possible to do this because the United Kingdom is the main source and arrangements were made with the authorities controlling exports from the United Kingdom whereby only the types required by Canada were permitted to be exported against the Canadian allocation. General permits were issued also to allow immediate unrestricted entry of some goods pending procurement of an Order in Council removing the goods from the controlled list.

OTTAWA, February 10, 1948.

MINISTER OF TRADE AND COMMERCE.

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1948

- ✓ 1. This report is submitted pursuant to Section 15 of this Act which provides as follows:

"15. As soon as practicable after the thirty-first day of December of each year during which this Act is in force, the Minister shall prepare and lay before Parliament, if Parliament is then in session, a report of the operations under this Act for such year, or if Parliament is not then in session, within the first fifteen days of the next ensuing session thereof."

2. Section 10 of this Act provides:

"10. The Governor in Council may make regulations:

- (a) prescribing the terms and conditions upon which permits may be issued and shall continue in force, including a requirement for the recovery from the applicant by His Majesty or any other person named by the Minister of a sum which in the opinion of the Minister represents the pecuniary benefit which has enured to the applicant as a result of the payment of subsidy or any other advantage conferred by or pursuant to the regulation of domestic prices;
- (b) respecting the procedure to be followed in applying for and issuing permits;
- (c) respecting information to be furnished by an applicant for a permit;
- (d) exempting any person or any goods, or any class of persons or goods, from the operation of this Act; and
- (e) generally for carrying out the purposes and provisions of this Act."

EXPORT CONTROL

Under Section 10, Order in Council P.C.1891 of May 14, 1947, was passed, establishing Export Permit Regulations, an office consolidation of which, as amended, is appended hereto.

3. Section 3 of the Act provides:

"3. A list of goods to which section five of this Act shall apply may be established by order of the Governor in Council which order shall be published in the Canada Gazette within fifteen days after the passing of such order, and such list may be amended by the Governor in Council by order so published: Provided that no article other than arms, munitions, war materials or supplies, shall be included in such list unless the Governor in Council is satisfied that, in order to ensure an adequate supply and distribution in Canada of such article or any component or material used in the production thereof or in order to implement an inter-governmental arrangement or commitment it is necessary to regulate or control the export of such article."

Under Section 3, Order in Council P. C. 1893 of May 14, 1947, was passed, establishing a list of commodities in respect to which an export permit is required. An office consolidation of this Order, as amended to December 31, 1948, is appended hereto. On December 31, 1947, 520 items were under export control. During the year 11 items were added and 123 deleted, leaving 408 still under control on December 31, 1948.

4. The removal of some 123 items from control was indicative of the easing of the general supply position in Canada. It was, however, necessary to continue to exercise export control over a considerable number of products in deference to:

- (a) the need to fulfill commitments under the United Kingdom food contracts;

- (b) the continuing shortage of steel and building products required for domestic consumption;
- (c) our understanding with the United States Export Licencing Authorities under which goods subject to export control in the United States move freely to Canada without export licences. We maintain export control on these items as a guarantee that Canada will not be used as a backdoor to defeat United States Export Controls on the movement of these products to third countries through Canada.

5. In connection with the European Recovery Program of the United States it became necessary to seek Parliamentary approval for the establishment of complete export control on all shipments to European and Mediterranean areas. Chapter 16 of 1948 was, therefore, added to the Statutes. Under its authority, as from July 15th, 1948, an export permit was necessary for all shipments to specified European countries. By this means goods in world wide short supply, such as base metals, were directed to recipient countries under the E.R.P. program in preference to other European destinations. Close liaison was maintained with the United States Authorities in respect to the control on commodities for such areas.

6. In carrying out the export permit regulations, every effort has been made to reduce to the minimum the inconvenience to manufacturers and exporters and to interfere as little as possible with normal export operations. In keeping with this policy, 435 special permits have been issued - in comparison to 400 in 1947 - whereby the manufacturer is authorized, during a period of twelve months, to export a specified quantity of goods under one general licence. This obviates the necessity of applying for a permit for each individual shipment.

7. During the year price controls were gradually dropped and subsidies paid by the Commodity Prices Stabilization

Corporation discontinued. At the end of the year refunds were collectible by the Export Permit Branch only on feeds containing wheat in excess of 25%; exported Western grains which had received freight assistance to Eastern Canada; and equalization fees on Ships' Stores. The Canadian Wheat Board continued to collect refunds on flour and wheat products.

8. The Export Permit Branch continued to exercise export control over Ships' Stores, the list of commodities being reduced to wheat flour, macaroni, shortening and soap.

9. Statistical Summary re Export Control

| | |
|--|---------|
| Applications for Export Permits received during the year 1948..... | 118,338 |
| Permits issued during the year (including applications received 1947 and processing completed 1948)..... | 113,094 |
| Applications refused or withdrawn as not required | 4,348 |

During the same period the Export Permit Branch collected the following refunds of subsidy or other pecuniary benefit for the following bodies:

| | |
|---|--------------|
| Commodity Prices Stabilization Corporation..... | \$ 43,915.01 |
| Department of Agriculture..... | \$ 1,008.68 |
| Canadian Wheat Board..... | \$736,217.23 |

IMPORT CONTROL

10. Section 4 of the Act provides:

"4. A list of goods to which section six of this Act shall apply may be established by order of the Governor in Council which order shall be published in the Canada Gazette within fifteen days after the passing of such order, and such list may be amended by the Governor in Council by order so published: Provided that no article shall be included in such list unless the Governor in Council is satisfied that by reason of the scarcity in world markets or governmental controls in the countries of origin or allocation by

intergovernmental arrangement of such article it is necessary to regulate or control the import of the same for the purpose of ensuring the best possible supply and distribution of the article in accordance with the needs of Canada, or unless the price of such article is supported under The Agricultural Prices Support Act, 1944, The Fisheries Prices Support Act, 1944, The Agricultural Products Cooperative Marketing Act, 1939, or is in effect supported under The Agricultural Products Act."

11. During the course of the year a continued improvement was seen in the supply position of various food stuffs and primary industrial materials but not to an extent permitting release of many of these commodities from international allocations. In the case of such commodities as rice and tin, supply difficulties continued in the face of present high levels of world demand. During the course of the year imports of edible and inedible fats and oils were returned to private trading under import licensing with discontinuance of bulk purchasing by the Commodity Prices Stabilization Corporation; imports of these materials were still restricted to allocations arranged by the International Emergency Food Council. Control of imports of rye was discontinued during November.
12. Towards the end of the year the increasing shortage of steel supplies available to meet greatly expanding demand in the United States made it necessary to place some control on certain structural shapes and on scrap iron and steel imported from the United States. This was accomplished by import control in Canada, as a preferable alternative to export control exercised by the United States. Under this arrangement licences were required for accepted imports from the United States but imports from all other sources were freely admitted.

13. During the year there were received 2,557 applications for licences for importation of controlled commodities; 2,521 of these applications were approved and 36 rejected. At the end of the period 49 tariff classifications remained under import control under this Statute as follows:

| <u>Tariff Item</u> | <u>Description</u> |
|--------------------|--|
| 43a | Powdered milk |
| 43b | Dried whey, when imported for use in the manufacture of animal or poultry feeds |
| 343 | Tin, in blocks, pigs or bars |
| 77a | Cocoa beans, not roasted, crushed or ground |
| 62 | Rice |
| 13, 14, et al | Oils and greases, vegetable, animal and fish, provided for in Tariff Items 13, 14, ex 208t, 215, 215a, ex 216, 258, 259a, 259b, 262, 265, 265a, ex 266 China wood oil, 276, 276a, 276b, 277, 277a, 278, 278a, 278b, 278c, 278d, 278e, 280, ex 711, 824, 831, 838, and 839. |
| ex 72d, ex 73 | Rape seed, sesame seed |
| ex 76d, ex 276b | Sunflower Seed and Cotton Seed |
| ex 109, 109a | Peanuts shelled or unshelled, produced in or imported from countries other than the United States. |
| 113a | Copra |
| 114a | Palm kernels |
| 388 | Iron or steel angles, beams, channels, columns, girders, joists, tees, zees and other shapes or sections, not punched, drilled or further manufactured than hot rolled, weighing not less than 35 pounds per lineal yard, n.o.p.; piling of iron or steel |

| <u>Tariff Item</u> | <u>Description</u> |
|--------------------|--|
| 388 (cont'd) | not punched or drilled, weighing not less than 35 pounds per lineal yard, including interlocking sections, if any, used therewith, n.o.p. |
| 388a | Iron or steel shapes or sections, as hereunder defined, not punched, drilled or further manufactured than hot rolled, weighing not less than 35 pounds per lineal yard, viz.: I-beams, up to and including 6 inches in depth, but not to include H sections; channels, up to and including 7 inches in depth; angles, up to and including 6 inches by 6 inches; zees, up to and including 6 inches in depth of web. |
| 388b | Iron or steel angles, beams, channels, columns, girders, joists, tees, zees and other shapes or sections; not punched, drilled or further manufactured than hot rolled, n.o.p.; piling of iron or steel, not punched or drilled, including interlocking sections, if any, used therewith, n.o.p. |
| 388c | Iron or steel beams or joists, not punched, drilled or further manufactured than hot rolled, weighing less than 5½ pounds per lineal yard for each inch in depth of web. |
| 388d | Iron or steel angles, beams, channels, columns, girders, joists, piling, tees, zees, and other shapes or sections, punched, drilled or further manufactured than hot rolled or cast, n.o.p. |

Tariff Item

Description

373

Scrap or iron or steel:-

(a) Wrought, being waste or refuse, to be remelted in furnaces or cupolas

(b) Cast, being waste or refuse, to be remelted in furnaces or cupolas

(c) Railway rails, which have been in actual use, to be remelted in

furnaces or to be remanufactured in rolling mills into other products

than iron or steel rails.

Provided that articles of iron steel, damaged in transit, if broken up under Customs supervision, and rendered unsaleable except as scrap, may be entered for duty as scrap.

OTTAWA, FEBRUARY 10, 1949.

MINISTER OF TRADE AND COMMERCE.

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the
EXPORT AND IMPORT PERMITS ACT

file copy

for the year 1949.

1. This report is submitted pursuant to Section 15 of this Act which provides as follows:

"15. As soon as practicable after the thirty-first day of December of each year during which this Act is in force, the Minister shall prepare and lay before Parliament, if Parliament is then in session, a report of the operations under this Act for such year, or if Parliament is not then in session, within the first fifteen days of the next ensuing session thereof".

2. Section 10 of this Act provides:

"10. The Governor in Council may make regulations:

- (a) prescribing the terms and conditions upon which permits may be issued and shall continue in force, including a requirement for the recovery from the applicant by His Majesty or any other person named by the Minister of a sum which in the opinion of the Minister represents the pecuniary benefit which has enured to the applicant as a result of the payment of subsidy or any other advantage conferred by or pursuant to the regulation of domestic prices;
- (b) respecting the procedure to be followed in applying for and issuing permits;
- (c) respecting information to be furnished by an applicant for a permit;
- (d) exempting any person or any goods, or any class of persons or goods, from the operation of this Act; and
- (e) generally for carrying out the purposes and provisions of this Act."

Under Section 10, Order in Council P.C. 1891 of May 14, 1947, was passed, establishing Export Permit Regulations, a consolidation of which, as amended, and appearing in the Canada Gazette of January 10, 1950, is appended hereto.

3. Section 3 of the Act provides:

"3. A list of goods to which section five of this Act shall apply may be established by order of the Governor in Council which order shall be published in the Canada Gazette within fifteen days after the passing of such order, and such list may be amended by the Governor in Council by order so published: Provided that no article other than arms, munitions, war materials or supplies, shall be included in such list unless the Governor in Council is satisfied that, in order to ensure an adequate supply and distribution in Canada of such article or any component or material used in the production thereof or in order to implement an inter-governmental arrangement or commitment it is necessary to regulate or control the export of such article."

Under Section 3, Order in Council P.C. 1893 of May 14, 1947 was passed, establishing a list of commodities in respect to which an export permit is required. A consolidation of this Order, as amended, and appearing in the Canada Gazette of January 10, 1950, is appended hereto. On December 31, 1948, 408 items were under export control. During the year 11 items were added and 328 items deleted, leaving 91 items still under control on December 31, 1949.

4. The removal of some 328 items from control was indicative of the easing of the general supply position in Canada. It was, however, necessary to continue to exercise export control over a considerable number of products in deference to:

- (a) the need to fulfill commitments under the United Kingdom food contracts:

- (b) The continuing shortage of steel and building products required for domestic consumption;
- (c) Our understanding with the United States Export Licencing Authorities under which goods subject to export control in the United States move freely to Canada without export licences. We maintain export control on these items as a guarantee that Canada will not be used as a backdoor to defeat United States Export Controls on the movement of these products to third countries through Canada.

5. In connection with the European Recovery Program of the United States it became necessary to seek Parliamentary approval for the establishment of complete export control on all shipments to European and Mediterranean areas. Under authority of Chapter 16 of 1948 of the Statutes, area control was established in respect to 48 European and Mediterranean areas. [During the year under review, for strategic purposes, it became necessary to extend this control to 16 additional countries, to include China and adjacent areas. This was authorized by P.C. 6562 of December 29, 1949.] [In order to minimize the inconvenience of such restrictions, a general permit #1597 was issued to the Customs Division, under which non-essential items can move freely to such area countries without the necessity of obtaining an individual export permit. Close liaison was maintained with the United States Authorities in respect to the control on commodities for such areas.]
6. In carrying out the export permit regulations, every effort has been made to reduce to the minimum the inconvenience to manufacturers and exporters and to interfere as little as possible with normal export operations. In keeping with this policy, 569 special permits have been issued - in comparison to 435 in 1948 - whereby the manufacturer is authorized, during a period of twelve months, to export a specified quality of goods under one general licence. This obviates the necessity of applying for a permit for each individual shipment.

7. In previous years, the Export Permit Branch recovered subsidies, equalization fees and freight assistance on behalf of the Commodity Prices Stabilization Corporation, the Canadian Wheat Board and the Agricultural Prices Support Board on export shipment. During the year, the Commodity Prices Stabilization Corporation discontinued the payment of subsidies and arrangements were made under which the Canadian Wheat Board and the Department of Agriculture collected equalization fees and freight assistance direct. As a result only \$15,548.00 was collected by the Export Permit Branch, compared with \$2,992,786.94 in 1946.

8. Statistical Summary re Export Control

Applications for Export Permits during the year 1949.....75,570
 Permits issued during the year (including applications received 1948 and processing completed 1949..... 74,724
 Applications refused or withdrawn as not required..... 1,144
 Collection of Subsidy Refunds, Equalization Fees, etc.

| | |
|--|-------------|
| Canadian Wheat Board..... | \$14,467.56 |
| Agricultural Board..... | 220.00 |
| Commodity Prices Stabilization Corporation | 860.44 |

During the year under review, legislation was passed extending the Export and Import Permits Act to July 31, 1951.

IMPORT CONTROL

10. Section 4 of the Act provides:

"4. A list of goods to which section six of this Act shall apply may be established by Order of the Governor in Council which order shall be published in the Canada Gazette within fifteen days after the passing of such order, and such list may be amended by the Governor in Council by order so published: Provided that no article shall be included in such list unless the Governor in Council is satisfied that by reason of the scarcity in world markets or governmental controls in the countries of origin or allocation by inter-governmental arrangement to such article it is necessary to regulate or control the import of the same for the purpose of ensuring the best possible supply and distribution of the article in accordance with the needs of Canada, or unless the price of such article is supported under The Agricultural Prices Support Act, 1944, The Fisheries Prices Support Act, 1944, The Agricultural Products Cooperative Marketing Act, 1939, or is in effect supported under The Agricultural Products Act."

At the beginning of 1949, the importation of commodities classified in fifty tariff items were controlled under the provisions of Section 4 of the Act. They included powdered milk and dried whey, tin, cocoa beans, rice, oils and greases of vegetable, animal and fish origin, specified classes of structural iron and steel and scrap iron or steel.

As the general supply position in most of these categories improved during the year, the international allocating committees agreed to abandon the quota arrangements permitting removal of the corresponding import controls which for oils and fats was effected by P.C. 721 of 17th. February, for cocoa beans by P.C. 3287 of 6th. July and for tin by P.C. 6274 of 13th December.

By the end of December only three tariff items remained under control, namely rice and scrap iron or steel.

- A. During 1948, at the request of and by arrangements with the United States Government, a group of steel items was placed under import control. With an improvement in the supply position, the control over the structural steel items was removed on April 28, 1949, by P.C. 2069. Control was continued on scrap iron and steel.

The number of applications that were received covering commodities controlled under this Act during 1949 amounted to 1,110; thirty-one were refused and 1,079 were approved. The items remaining under import control at year's end were:-

| | | |
|-------------|-----|---------------------|
| Tariff Item | 62 | Rice |
| " " | 63 | Rice, cleaned |
| " " | 373 | Scrap Iron or Steel |

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1950.

1. This report is submitted pursuant to Section 15 of this Act which provides as follows:
 - "15. As soon as practicable after the thirty-first day of December of each year during which this Act is in force, the Minister shall prepare and lay before Parliament, if Parliament is then in session, a report of the operations under this Act for such year, or if Parliament is not then in session, within the first fifteen days of the next ensuing session thereof".
2. Section 10 of this Act provides:
 - "10. The Governor in Council may make regulations;
 - (a) prescribing the terms and conditions upon which permits may be issued and shall continue in force, including a requirement for the recovery from the applicant by His Majesty or any other person named by the Minister of a sum which in the opinion of the Minister represents the pecuniary benefit which has ensued to the applicant as a result of the payment of subsidy or any other advantage conferred by or pursuant to the regulation of domestic prices;
 - (b) respecting the procedure to be followed in applying for and issuing permits;
 - (c) respecting information to be furnished by an applicant for a permit;
 - (d) exempting any person or any goods, or any class of persons or goods, from the operation of this Act; and
 - (e) generally for carrying out the purposes and provisions of this Act".

Under Section 10, Order in Council P.C. 6560 of December 29, 1949, was passed establishing revised Export Permit Regulations, a consolidation of which appeared in the Canada Gazette of January 10, 1950. Changes were made in these Regulations under Order in Council P.C. 1382 of March 16, 1950, affecting shipments to Government Offices, and Order in Council P.C. 4636 of September 25, 1950, which revoked Regulations with which the Canadian Wheat Board was concerned.

3. Section 3 of the Act provides:

"3. A list of goods to which section five of this Act shall apply may be established by order of the Governor in Council which order shall be published in the Canada Gazette within fifteen days after the passing of such order, and such list may be amended by the Governor in Council by order so published: Provided that no article other than arms, munitions, war materials or supplies, shall be included in such list unless the Governor in Council is satisfied that, in order to ensure an adequate supply and distribution in Canada of such article or any component or material used in the production thereof or in order to implement an inter-governmental arrangement or commitment it is necessary to regulate or control the export of such article".

Under Section 3, Order in Council P.C. 6561 of December 29, 1949, was passed, establishing a list of commodities in respect to which an export permit is required. A consolidation of this Order appeared in the Canada Gazette of January 10, 1950. On December 31, 1949, 91 items were under export control, and no new items were added until the end of September, 1950. Although Canada has maintained export control for supply reasons on the movement of certain goods to the United States, the United States has always exempted Canada from export control with the result that goods move freely from the United States to Canada. In recognition of this

policy, and after consultation with United States Officials, a new arrangement of items under export control was established by P.C. 4638 of September 25, 1950. Effective October 1, items under export control were divided into two schedules. In Schedule 1 63 short supply and atomic energy items were placed under control to all destinations, including the United States. In Schedule 2 113 items were placed under control to all destinations other than the United States. Schedule 2 parallels the United States export control list, and by placing these items under export control in Canada it is possible to maintain the free movement of goods from the United States to Canada and, at the same time, ensure that United States shippers, by means of shipping through Canada, do not evade United States Export Control Regulations.

4. In connection with the European Recovery Program of the United States it became necessary to seek Parliamentary approval for the establishment of complete export control on all shipments to European and Mediterranean areas. Under authority of Chapter 16 of 1945 of the Statutes, area control was established in respect to 48 areas. Subsequently, in order to conform with export controls extended by the United States to include Far Eastern countries, 16 countries including Korea, China and Hong Kong were also placed under area control by Canada by Order in Council P.C. 6562 of December 29, 1949. [These controls were more precisely defined through the addition of six areas, by Order in Council P.C. 4637 of September 25, 1950. In order to minimize the inconvenience of such restrictions, General Permit #1597, issued to the Customs and Excise Division of the Department of National Revenue, continued in force. This General Permit allows non-essential items to move freely, without the necessity of obtaining individual export permits, to all destinations with the exception of Hong Kong, China, Macau, Korea and Manchuria.]

5. During the year the Export Permit Branch recovered equalization fees in the amount of \$2,834.43 for the Canadian Wheat Board.

6. Statistical Summary of Export Control

| | |
|--|------------|
| Applications for export permits during 1950..... | 25,050 |
| Permits issued during the year (including applications received 1949 and processing completed 1950)..... | 23,526 |
| Applications refused or withdrawn as not required | 725 |
| Collection of Equalization Fees..... | \$2,834.43 |

7. Section 4 of the Act provides:

"4. A list of goods to which section six of this Act shall apply may be established by Order of the Governor in Council which order shall be published in the Canada Gazette within fifteen days after the passing of such order, and such list may be amended by the Governor in Council by order so published: Provided that no article shall be included in such list unless the Governor in Council is satisfied that by reason of the scarcity in world markets or governmental controls in the countries of origin or allocation by inter-governmental arrangement to such article it is necessary to regulate or control the import of the same for the purpose of ensuring the best possible supply and distribution of the article in accordance with the needs of Canada, or unless the price of such article is supported under The Agricultural Prices Support Act, 1944. The Fisheries Prices Support Act, 1944. The Agricultural Products Cooperative Marketing Act, 1939, or is in effect supported under the Agricultural Products Act".

At the beginning of 1950, only two items, namely scrap iron or steel and rice remained under import control, under the provisions of Section 4 of this Act. The control on scrap iron and steel was terminated on March 28, 1950, by Order in Council P.C. 1562. The control on rice was terminated by Order in Council P.C. 2935 on August 31, 1950.

During the period of control the number of applications
received were:

| | | |
|----------------------|----|---------------------------|
| Iron and steel | 5 | All approved. |
| Rice | 5 | All approved. |
| Cleaned rice | 20 | 17 approved - 3 rejected. |

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1951

1. This report is submitted pursuant to Section 15 of this Act which provides as follows:

"15. As soon as practicable after the thirty-first day of December of each year during which this Act is in force, the Minister shall prepare and lay before Parliament, if Parliament is then in session, a report of the operations under this Act for such year, or if Parliament is not then in session, within the first fifteen days of the next ensuing session thereof".

2. Section 10 of this Act provides:

"10. The Governor in Council may make regulations:

- (a) prescribing the terms and conditions upon which permits may be issued and shall continue in force, including a requirement for the recovery from the applicant by His Majesty or any other person named by the Minister of a sum which in the opinion of the Minister represents the pecuniary benefit which has enured to the applicant as a result of the payment of subsidy or any other advantage conferred by or pursuant to the regulation of domestic prices;
- (b) respecting the procedure to be followed in applying for and issuing permits;
- (c) respecting information to be furnished by an applicant for a permit;
- (d) exempting any person or any goods, or any class of persons or goods, from the operation of this Act; and
- (e) generally for carrying out the purposes and provisions of this Act".

Under Section 10, Order in Council P.C. 4320 of August 22, 1951, was passed establishing revised Export Permit Regulations which were published in the Canada Gazette of September 1, 1951, and revoking Export Permit Regulations established by Order in Council P.C. 6560 of December 29, 1949, as amended.

3. Section 3 of the Act, as amended May 31, 1951, provides:

"3.(1) A list of goods to which section five of this Act shall apply may be established and amended by order of the Governor in Council; but no article, other than arms, munitions, war materials or supplies, shall be included in such list unless the Governor in Council is satisfied that, in order to ensure an adequate supply and distribution in Canada of such article or any component or material used in the production thereof or in order to implement an intergovernmental arrangement or commitment it is necessary to regulate or control the export of such article.

(2) The Governor in Council may by order establish and amend a list of countries to which section five of this Act shall apply".

Under Section 3 (1), Order in Council P.C. 4638 of September 25, 1950, establishing a list of commodities in respect to which an export permit was required, was revoked by Order in Council P.C. 458 of January 27, 1951, which established a revised list. Order in Council P.C. 4141 of August 22, 1951, revoking Order in Council P.C. 458, as amended, and establishing a revised list of commodities, was published in the Canada Gazette of September 1, 1951, containing 80 items in Schedule 1, requiring an export permit to all destinations, and 199 in Schedule 2, requiring an export permit to all destinations other than the United States, compared to a total of 186 items under export control on December 31, 1950. The increase in the number of

items under export control is due to the continuation of an agreement with the United States to parallel the Canadian export controls with those of the United States, in order to maintain the free entry of imports into Canada, without export control by the United States, and to prevent Canada from being used as a means of evading United States Regulations.

Under Section 3 (2), Order in Council P.C. 4142 of August 22, 1951, published in the Canada Gazette of September 1, 1951, listed seventy countries under area control, and revoked and consolidated previous Orders in Council establishing a list of such countries.

4. Section 5 of the Act provides that no person shall export or attempt to export from Canada any goods to a country named in a list established pursuant to subsection two of section three, except under the authority of and in accordance with a permit issued under this Act. General Permit No. 1597, which was issued and forwarded to the Customs and Excise Division of the Department of National Revenue, authorized the exportation of described classes of goods to all destinations in order to minimize the inconvenience of such restrictions. It was cancelled and replaced by General Permit EX.1, on August 22, 1951, published in the Canada Gazette of September 1, 1951. This General Permit allows described non-essential items to move freely to all destinations with the exception of North Korea, Hong Kong, China, Macao, Manchuria, Mongolia, Sinkiang and Tibet, without the necessity of obtaining individual permits.

5. Statistical Summary of Export Control

| | |
|--|--------|
| Applications for export permits during 1951 | 34,466 |
| Permits issued during the year (including applications received 1950 and processing completed 1951)..... | 32,026 |
| Applications refused or withdrawn as not required | 1,862 |

IMFCRT CONTROL

6. Under Section 10, Order in Council P.C. 4321 of August 22, 1951, was passed establishing Import Permit Regulations, which were published in the Canada Gazette of September 1, 1951.

7. Section 4 of the Act provides:

"4.(1) A list of goods to which section six of this Act shall apply may be established and amended by order of the Governor in Council; but no article shall be included in such list unless (a) the Governor in Council is satisfied that by reason of the scarcity in world markets or governmental controls in the countries of origin or allocation by intergovernmental arrangement of such article, it is necessary to regulate or control the import of such article for the purposes of ensuring the best possible supply and distribution of the article in accordance with the needs of Canada, (b) the price of such article is supported under The Agricultural Prices Support Act, 1944, The Fisheries Prices Support Act, 1944, The Agricultural Products Cooperative Marketing Act, 1939, or is in effect supported under The Agricultural Products Act, or (c) its production, supply, distribution or use is restricted or otherwise regulated under the authority of any Act of Parliament.

Under Section 4, Order in Council P.C. 2757 of May 30, 1951, published in the Canada Gazette of June 13, 1951, established import control over eight Iron and Steel Items, Shearlings and Sulphur, and revoked the list of goods established by Order in Council P.C. 5798 of November 29, 1950. P.C. 4058 of August 2, 1951, amended the list of goods under import control by adding thereto those goods requiring Certificates of Destination. P.C. 4087 of August 8, 1951, amended the list of goods established by Order in Council P.C. 2757 as amended by adding thereto, Butter. Both of

such Orders in Council were published in the Canada Gazette of August 22, 1951. The reasons for these controls were as follows:

Steel Items These items were placed under import control in order to put steel from Foreign sources under the same form of regulation as that governing steel from Canadian production. A general Permit was issued to allow, under proper conditions, the import of steel without individual permit.

Shearlings These skins were placed under import control at the request of the United States authorities, to enable the proper working of the United States quota arrangements. A general Permit was issued permitting freely the entry of other than United States Shearlings.

Sulphur To comply with international allocations, this item was placed under import control. Free entry from the United States is permitted under General Import Permit, but permits are necessary from other sources.

Butter In view of the necessity for government bulk purchasing of imported supplies, this item was placed under Import Control.

8. Statistical Summary of Import Control

| | |
|---|-----|
| Applications received during 1951 | 122 |
| Permits issued during the year | 109 |
| Applications withdrawn | 1 |

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1952

1. This report is submitted pursuant to Section 15 of this Act which provides as follows:

"15. As soon as practicable after the thirty-first day of December of each year during which this Act is in force, the Minister shall prepare and lay before Parliament, if Parliament is then in session, a report of the operations under this Act for such year, or if Parliament is not then in session, within the first fifteen days of the next ensuing session thereof".

2. Section 10 of this Act provides:

"10. The Governor in Council may make regulations:

- (a) prescribing the terms and conditions upon which permits may be issued and shall continue in force, including a requirement for the recovery from the applicant by His Majesty or any other person named by the Minister of a sum which in the opinion of the Minister represents the pecuniary benefit which has ensued to the applicant as a result of the payment of subsidy or any other advantage conferred by or pursuant to the regulation of domestic prices;
- (b) respecting the procedure to be followed in applying for and issuing permits;
- (c) respecting information to be furnished by an applicant for a permit;
- (d) exempting any person or any goods, or any class of persons or goods, from the operation of this Act; and
- (e) generally for carrying out the purposes and provisions of this Act".



Under Section 10, Export Permit Regulations established by Order in Council P.C. 4325 of August 22, 1951, were amended by Order in Council P.C. 4554 of November 22, 1952, published in the Canada Gazette of December 10, 1952, which added the following requirement to subsection one of section six of the Regulations, immediately after the words "no export permit required":

and, in respect to all shipments to destinations other than the United States, the exporter shall, on Form B-13 truthfully make the following declaration:

"This export does not contain goods imported from the United States which have not been further processed or manufactured in Canada and the export is in accordance with the Export and Import Permits Act and Regulations".

The purpose of this amendment to the Regulations was to give more force to provisions under the Regulations which are designed to prevent export shipments of United States goods being moved via Canada in order to evade the controls exercised by the United States on exports to destinations other than Canada.

3. Section 3 of the Act, as amended May 31, 1951, provides:

"3.(1) A list of goods to which section five of this Act shall apply may be established and amended by order of the Governor in Council; but no article, other than arms, munitions, war materials or supplies, shall be included in such list unless the Governor in Council is satisfied that, in order to ensure an adequate supply and distribution in Canada of such article or any component or material used in the production thereof or in order to implement an intergovernmental arrangement or commitment it is necessary to regulate or control the export of such article.

(2) The Governor in Council may by order establish and amend a list of countries to which section five of this Act shall apply .

Under Section 3 (1), Order in Council P.C. 4141 of August 22, 1951,

as amended, establishing a list of commodities in respect to which an export permit was required, was revoked by Order in Council P.C. 3458 of July 4, 1952, as published in the Canada Gazette of July 4, 1952, which established a revised list. Orders in Council P.C. 4093 of September 24, 1952, as published in the Canada Gazette of October 8, 1952, and P.C. 4555 of November 28, 1952, as published in the Canada Gazette of December 10, 1952, amended Order in Council P.C. 3458. The revised list of commodities contained 42 listings in Schedule 1, for which a permit is required to export to any destination, and 207 in Schedule 2, for which a permit is required to export to any destination other than the United States. The comparable numbers of listings as at December 31, 1951, were 80 listings in Schedule 1, and 199 in Schedule 2.

Improvement in supply conditions enabled relaxation of export controls but the necessity of preventing strategic goods reaching undesirable destinations forced retention of control under Schedule 2 of many items removed from Schedule 1. In view of the absence of any control on exports from the United States into Canada it is essential that Canadian export controls should parallel closely the pattern of controls exercised by the United States on trade with other countries, otherwise shipment via Canada might permit evasion of United States regulations.

Under Section 3(2), Order in Council P.C. 4142 of August 22, 1951, published in the Canada Gazette of September 1, 1951, establishing seventy countries under area control, remained in force.

4. Section 5 of the Act provides that no person shall export or attempt to export from Canada any goods to a country named in a list established pursuant to subsection two of section three, except under the authority of and in accordance with a permit issued under this Act. General Permit Ex.1, of August 27, 1951, published in the Canada Gazette of September 1, 1951, remained in force. This General Permit allows described non-essential items to move freely to all destinations with the exception of North Korea, Hong Kong, China, Macao, Manchuria, Mongolia, Sinkiang and Tibet, without the necessity of obtaining individual permits.

5. Statistical Summary of Export Control:

Applications for export permits during 1952 34,433

Permits issued during the year (including applications received 1951 and processing completed 1952) 33,422

Applications refused or withdrawn as not required 1,119.

IMPORT CONTROL

6. Under Section 10, Import Permit Regulations, established by Order in Council P.C. 4321 of August 22, 1951, as published in the Canada Gazette of September 1, 1951, remained in force.

7. Section 4 of the Act provides:

"4.(1) A list of goods to which section six of this Act shall apply may be established and amended by order of the Governor in Council; but no article shall be included in such list unless (a) the Governor in Council is satisfied that by reason of the scarcity in world markets or governmental controls in the countries of origin or allocation by intergovernmental arrangement of such article, it is necessary to regulate or control the import of such article for the purposes of ensuring the best possible supply and distribution of the article in accordance with the needs of Canada, (b) the price of such article is supported under The Agricultural Prices Support Act, 1944, The Fisheries Prices Support Act, 1944, The Agricultural Products Cooperative Marketing Act, 1939, or is in effect supported under The Agricultural Products Act, or (c) its production, supply, distribution or use is restricted or otherwise regulated under the authority of any Act of Parliament.

Under Section 4, the list of goods under import control, established by Order in Council P.C. 2757 of May 30, 1951, as amended, was further amended by Order in Council P.C. 1234 of March 3, 1952, as published in the

Canada Gazette of March 3, 1952, adding thereto certain livestock and meats, due to the outbreak of foot and mouth disease, and to give protection to the marketing of Canadian production; and by Order in Council P.C. 1949 of April 4, 1952, as published in the Canada Gazette of April 23, 1952, at the request of the United States authorities, adding non-ferrous metal scrap in order to control imports from the United States, and removing shearlings due to improvement in the supply position.

8. Statistical Summary of Import Control:

| | |
|---|-------|
| Applications received during 1951 | 1,589 |
| Permits issued during the year | 1,568 |
| Applications withdrawn | 19. |

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REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the
EXPORT AND IMPORT PERMITS ACT

for the year 1953

RECORDS
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1. This report is submitted pursuant to Section 15 of this Act which provides as follows:

"15. As soon as practicable after the thirty-first day of December of each year during which this Act is in force, the Minister shall prepare and lay before Parliament, if Parliament is then in session, a report of the operations under this Act for such year, or if Parliament is not then in session, within the first fifteen days of the next ensuing session thereof".

2. Section 10 of this Act provides:

"10. The Governor in Council may make regulations:

- (a) prescribing the terms and conditions upon which permits may be issued and shall continue in force, including a requirement for the recovery from the applicant by Her Majesty or any other person named by the Minister of a sum which in the opinion of the Minister represents the pecuniary benefit which has accrued to the applicant as a result of the payment of subsidy or any other advantage conferred by or pursuant to the regulation of domestic prices;
- (b) respecting the procedure to be followed in applying for and issuing permits;
- (c) respecting information to be furnished by an applicant for a permit;
- (d) exempting any person or any goods, or any class of persons or goods, from the operation of this Act; and
- (e) generally for carrying out the purposes and provisions of this Act".

Under Section 10, Export Permit Regulations established by Order in Council P. C. 4320 of August 22, 1951, as amended, were further amended by Order in Council P. C. 1953-183 of February 13, 1953, published in the Canada Gazette of February 25, 1953, which substituted the reference "Customs entry form B-13" for the reference "Customs entry form B-13-B", wherever it occurred in the Regulations, and changed a requirement in the completion of applications for export permits, as set forth in subsection three of section three of the Regulations. Order in Council P.C. 1953-2016 of December 29, 1953, revised sections six and seven of the Regulations, covering the handling of certain shipping documents.

3. Section 3 of the Act, as amended May 31, 1951, provides:

"3. (1) A list of goods to which section five of this Act shall apply may be established and amended by order of the Governor in Council; but no article, other than arms, munitions, war materials or supplies, shall be included in such list unless the Governor in Council is satisfied that, in order to ensure an adequate supply and distribution in Canada of such article or any component or material used in the production thereof or in order to implement an intergovernmental arrangement or commitment it is necessary to regulate or control the export of such article.

(2) The Governor in Council may by order establish and amend a list of countries to which section five of this Act shall apply.

Under Section 3 (1), Order in Council P.C. 3458 of July 4, 1952, as amended, which established a list of commodities in respect to which an export permit was required, was further amended by Order in Council P.C. 1953-17 of January 7, 1953, published in the Canada Gazette of January 7, 1953, and by Order in Council P.C. 1953-401 of March 19, 1953, published in the Canada Gazette of March 19, 1953. Order in Council P.C. 1953-1213 of August 5, 1953, published in the Canada Gazette of August 5, 1953, revoked Order in Council P.C. 3458 as amended, and established a new list of commodities in respect to which an export

permit was required. Order in Council P.C. 1953-1663 of October 28, 1953, published in the Canada Gazette of November 11, 1953, and Order in Council P.C. 1953-1844 of November 26, 1953, published in the Canada Gazette of November 26, 1953, amended Order in Council P.C. 1953-1213. The revised list of commodities contained seventeen listings in Schedule 1, for which a permit is required to export to any destination, and 167 in Schedule 2, for which a permit is required to export to any destination other than the United States. The comparable numbers of listings as at December 31, 1952 were 42 in Schedule 1, and 207 in Schedule 2.

The reduction in the list of controlled commodities reflected the improvement in supply conditions. There were no relaxations in activities to control the movement of strategic goods, in order to prevent them reaching undesirable destinations. In view of the absence of any control on exports from the United States into Canada, Canadian export controls paralleled closely the pattern of controls exercised by the United States; otherwise shipment via Canada might permit evasion of United States regulations.

Under Section 3 (2), Order in Council P.C. 4142 of August 22, 1951, published in the Canada Gazette of September 1, 1951, establishing seventy countries under area control, remained in force.

4. Section 5 of the Act provides that no person shall export or attempt to export from Canada any goods to a country named in a list established pursuant to subsection two of section three, except under the authority of and in accordance with a permit issued under this Act. General Permit Ex. 1 of August 27, 1951, published in the Canada Gazette of September 1, 1951, was revoked and replaced by General Permit Ex. 1 of January 13, 1953, published in the Canada Gazette of January 13, 1953, which allowed described non-essential items to move freely to all destinations with the exception of North Korea, Hong Kong, China, Macao, Manchuria, Mongolia, Sinkiang, Tibet, Albania, Bulgaria, Czechoslovakia, Estonia, Germany (Russian occupied Zone only), Hungary, Latvia, Lithuania, Poland and Danzig, Rumania, Ukraine, Union of Soviet Socialist Republics. General Permit Ex. 1 of November 26, 1953, published in the Canada Gazette of November 26, 1953, revoked and replaced General Permit Ex. 1 of January 13, 1953, thereby establishing an additional list of goods which may be shipped to Hong Kong, without the necessity of obtaining

individual permits. General Permit Ex. 2 of December 1, 1953, published in the Canada Gazette of December 1, 1953, extended the provisions in General Permit Ex. 1 concerning gift parcels, and permitted shipment thereunder of casual gift parcels having a value not exceeding \$25.00 to the Area countries set forth above.

5. Statistical Summary of Export Control:

| | |
|---|---------|
| Applications for export permits during 1953 | 26,150. |
| Permits issued during the year (including applications received 1952 and processing completed 1953) | 26,635. |
| Applications refused or withdrawn as not required | 640. |

IMPORT CONTROL

6. Under Section 10, Import Permit Regulations, established by Order in Council P.C. 4321 of August 22, 1951, as published in the Canada Gazette of September 1, 1951, remained in force.

Part II of the Regulations covers goods requiring special certificate of destination, the export of which from any country to Canada is, under the law of that country, not permitted unless the Export and Import Permit Division has issued a special certificate of destination. Five hundred and six such certificates were issued. The destination certificate carries with it the obligation on the part of the Canadian importer to obtain and present a delivery verification certificate when so requested by the exporting country. Eighty-one delivery verification certificates were issued.

7. Section 4 of the Act provides:

"4.(1) A list of goods to which section six of this Act shall apply may be established and amended by order of the Governor in Council; but no article shall be included in such list unless (a) the Governor in Council is satisfied that by reason of the scarcity in world markets or governmental controls in the countries of origin or allocation by intergovernmental arrangement of such article, it is necessary to regulate or control the import of such article for the purposes of ensuring the best possible

supply and distribution of the article in accordance with the needs of Canada, (b) the price of such article is supported under The Agricultural Prices Support Act, 1944, The Fisheries Prices Support Act, 1944, The Agricultural Products Cooperative Marketing Act, 1939, or is in effect supported under The Agricultural Products Act, or (c) its production, supply, distribution or use is restricted or otherwise regulated under the authority of any Act of Parliament.

Under Section 4, the list of goods under import control, established by Order in Council P.C. 2757 of May 30, 1951, as amended, was further amended by Order in Council P.C. 1953-16 of January 7, 1953, published in the Canada Gazette of January 28, 1953, which removed iron and steel from import control, when the Department of Defence Production Order SD-2, restricting the purchase of steel materials for certain types of building construction, was revoked; by Order in Council P.C. 1953-297 of February 26, 1953, published in the Canada Gazette of March 11, 1953, removed control of import of certain live-stock and meats which control had been imposed to give protection to the marketing of Canadian production during the outbreak of foot and mouth disease; by Order in Council P.C. 1953-400 of March 19, 1953, published in the Canada Gazette of March 19, 1953, decontrolled imports of non-ferrous metal scrap, and Order in Council P.C. 1953-1662 of October 28, 1953, published in Canada Gazette November 11, 1953, decontrolled imports of sulphur and brimstone, due to improvement in their supply positions. Butter only remains under import control, due to the fact that its price is supported under The Agricultural Prices Support Act, 1944.

8. Statistical Summary of Import Control:

| | |
|--|-----|
| Applications received during 1953..... | 658 |
| Permits issued during the year | 650 |
| Applications withdrawn | 8. |

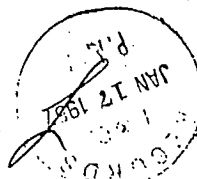
3-6-9

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1954



- 1. A new Export and Import Permits Act was assented to 31st March, 1954 and proclaimed in force effective 1st June, 1954. References in this report will be to the new Act. The report, however, covers operations for the full calendar year 1954.

This report is submitted pursuant to Section 26 of the Act which provides:

"26. As soon as practicable after the thirty-first day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

- 2. Section 12 of the Act provides:

"12. The Governor in Council may make regulations,

- (a) prescribing the information and undertakings to be furnished by applicants for permits, certificates or other authorizations under this Act, the procedure to be followed in applying for and issuing or granting permits, certificates or other authorizations, the duration thereof, and the terms and conditions, including those with reference to shipping or other documents, upon which permits, certificates or other authorizations may be issued or granted under this Act;

- (b) respecting information to be supplied by persons to whom permits, certificates or other authorizations have been issued or granted under this permit and any other matter associated with their use;

- (c) respecting the issue of and conditions or requirements applicable to general permits or general certificates;

- (d) respecting the certification, authorization or other control of any intransit movement through any port or place of any goods that are exported from Canada or any goods that come into any port or place in Canada;

- (e) exempting any person or goods or any class of persons or goods from the operation of any or all of the provisions of this Act;

(f) generally for carrying out the purposes and provisions of this Act."

Under Section 12, Export Permit Regulations established by Order in Council P.C. 4320 of August 22, 1951, published in the Canada Gazette of September 1, 1951, as amended, were revoked and replaced by Order in Council P.C. 1954 -- 788 of May 27, 1954, effective June 1, 1954, published in the Canada Gazette of May 27, 1954. These regulations more clearly defined the information to be supplied by the applicant and they also authorized an applicant (who must be a Canadian resident) to make application in behalf of a non-Canadian resident, they more clearly defined the shipping requirements and reduced the tolerance from ten per cent and five per cent as an absolute maximum.

3. Section 3 of the Act Provides:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely,

- (a) to ensure that arms, ammunition, implements or munitions of war, Naval, Army or Air Stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;
- (b) to implement an inter-governmental arrangement or commitment; or
- (c) to ensure there is an adequate supply and distribution of such article in Canada for defence or other needs."

Under Section 3, Order in Council P.C. 1953-1213 of August 5, 1953 published in the Canada Gazette of August 5, 1953, as amended, which established a list of commodities in respect to which an Export Permit was required, was revoked by Order in Council P.C. 1954-791 of May 27, 1954, which established a new Export Control List. Order in Council P.C. 1954-841 of June 3, 1954, published in the Canada Gazette of June 3, 1954 amended the Export Control List established by Order in Council P.C. 1954-791 of May 27, 1954.

Order in Council P.C. 1954-1226 of August 18, 1954 published in the Canada Gazette of August 23, 1954, revoked Order in Council P.C. 1954-791 of May, 1954, as amended, and established a new Export Control List. This revised List of commodities contains 281 Listings for which a permit is required to export to any destination with the exception of the United States, and for the latter a permit is required for 18 of these Listings, 12 of which are in the atomic energy group. The comparable number of Listings as at December 31, 1953 was 184 for which a permit was required for all destinations with the exception of the United States, and for the latter a permit was required for 17 of these Listings.

While the Export Control List established by Order in Council P.C. 1954-1226 indicates an increase in the number of commodity listings under Export Control, the range of commodities under control was actually reduced, and the apparent increase is due to more detail being included of the actual commodities classified under Order in Council P.C. 1953-1213.

In view of the absence of any control on exports from the United States into Canada, Canadian export controls paralleled closely the pattern of controls exercised by the United States; otherwise shipment via Canada might permit evasion of United States controls.

4. Section 4 of this Act provides:

" The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control".

Order in Council P.C. 4142 of August 22, 1951 published in the Canada Gazette of September 1, 1951, established 70 countries under Area Control, and remained in force until June 1, 1954, when it was revoked by Order in Council P.C. 1954-792 of May 27, 1954, published in the Canada Gazette of May 27, 1954, which established a new Area Control List of 18 countries. Order in Council P.C. 1954-1180 of August 11, 1954, published in the Canada Gazette of August 20, 1954, amended the Area Control List established by Order in Council P.C. 1954-792 by adding thereto "Indo-China". The reduction of the list of countries included in the Area Control List removed any requirements of export products on a wide range of commodity trade between countries of ten Free World.

5. Section 13 of this Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an Export Permit issued under this Act".

General Export Permit No. Ex.1 of November 26, 1953 published in the Canada Gazette of November 26, 1953, was replaced by:-

- ✓ (a) General Export Permit No. Ex.1 of May 25, 1954, effective June 1, 1954, published in the Canada Gazette of May 27, 1954 under the authority of which any person may export from Canada to any country, except Area Control Countries, any goods that have a value of \$50 or less; from Canada to any country casual gift shipments not exceeding \$25 goods consigned to Embassies, Legations, etc. of Canada or the United Kingdom, and personal or settlers effects taken or shipped by an individual on leaving Canada, without the necessity of an individual Export Permit. General Export Permit No. Ex.2 of December 1, 1953, published in the Canada Gazette of December 1, 1953 which extended the provisions in General Export Permit No. Ex.1 of November 26, 1953 concerning gift shipments was revoked and included in General Export Permit No. Ex.1 of May 25, 1954.
- ✓ (b) General Export Permit No. Ex.2; of May 25, 1954, effective June 1, 1954, published in the Canada Gazette of May 27, 1954 allows described non-essential goods, irrespective of country of origin to move freely to all destinations with the exception of Albania, Bulgaria, China (including Manchuria but excluding Taiwan), Czechoslovakia, Estonia, Germany (Soviet Zone only), Hungary, Latvia, Lithuania, Mongolia, North Korea, Poland, Rumania, Sinkiang, Tibet, Union of Soviet Socialist Republics and Macao, without the necessity of obtaining individual permits, thus establishing considerable relaxation on shipments to Hong Kong.
- (c) General Permit No. Ex. 3 of May 25, 1954, effective June 1, 1954, published in the Canada Gazette of May 27, 1954, permits shipment from Canada of ship or aircraft stores with the exception of bunkering for voyages destined to mainland China or North Korea, without the necessity of obtaining individual permits.

6. Statistical Summary of Export Control:

| | |
|--|--------|
| Applications received for Export Permits during 1954 | 16,912 |
| Export Permits issued during the year (including applications received 1953 and processing completed 1954) | 16,541 |
| Applications refused or withdrawn as not required | 873 |

Import Control

7. Under Section 12, Import Permit Regulations, established by Order in Council P.C. 4321 of August 22, 1951, as published in the Canada Gazette of September 1, 1951, were revoked by Order in Council P.C. 1954-789 of May 27, 1954, published in the Canada Gazette of May 27, 1954, which established new Import Permit Regulations.

8. Section 5 of the Act provides:

"5. The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely,

(a) 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 inter-governmental arrangement;

(b) to implement any action taken under the Agricultural Prices Support Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act or the Agricultural Products Board Act, to support the price of the article or that has the effect of supporting the price of the article; or

(c) to implement an inter-governmental arrangement or commitment; and where any goods are included in the List for the purpose of ensuring supply or distribution of goods subject to allocation by inter-governmental arrangement or for the purpose of implementing an inter-governmental arrangement or commitment, a statement of the effect or a summary of the arrangement commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the List is laid before Parliament pursuant to the Regulations Act."

The List of goods under Import Control established by an Order in Council P.C. 2757 of May 30, 1951, as amended, was revoked by an Order in Council P.C. 1954-793 of May 27, 1954, effective June 1, 1954, as published in the Canada Gazette of May 27, 1954, which continued Import Control on butter, due to the fact that its price is supported under the Agricultural Prices Support Act, 1944.

No import permit applications were received for this commodity during 1954.

9. Section 8 of the Act provides:

"8. The Minister may issue to any resident of Canada applying therefor a permit to import goods included in any Import Control List, in such quantity and of such quality by such persons, from such places or persons and subject to such other terms and conditions as are described in the Permit or in the Regulations."

General Import Permit No. Im.1 permits the import into Canada of butter for the personal use of the importer and his household, and not exceeding \$5 in value for each importation, without the necessity of obtaining an individual Import Permit.

10. Section 9 of the Act provides:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an Import Certificate stating that the applicant has undertaken to import the goods described in the Certificate within the time specified therein and containing such other information as the regulations require."

Order in Council P.C. 1954-790 of May 27, 1954, effective June 1, 1954, published in the Canada Gazette of May 27, 1954, established Import Certificate Regulations which permit the issuance of Import Certificates covering goods for which such certificates are required by the country of export before it will allow their export to Canada.

11. Statistical Summary of Import Control:

| | | |
|---|-------|-----|
| Import Permits issued (Prior to 1st June, 1954, it was necessary to issue Import Permits to applicants for Import Certificates) | | 152 |
| Import Certificates issued | | 549 |

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REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

For the year 1955

1955 21 NOV

REPORT

This report is submitted pursuant to Section 26 of the Act which provides:

"26. As soon as practicable after the thirty-first day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an Export Permit issued under this Act."

The section of the Act that provides for the establishment of an Export Control List, Section 3, is as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

- (a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted there-into or made useful in the production thereof or

otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;

- (b) to implement an inter-governmental arrangement or commitment; or
- (c) to ensure there is an adequate supply and distribution of such article in Canada for defence or other needs."

A list of goods under Export Control was established by Order in Council, P.C. 1954-1226 of August 18, 1954 - published in an Extra of the Canada Gazette of August 23, 1954 and in the regular issue of September 8, 1954. This List was amended by Order in Council, P.C. 1955-740 of May 19, 1955 - published in an Extra of the Canada Gazette of May 19, 1955 and in the regular issue of June 8, 1955- which widened the description of nickel by adding nickel salts and compounds. This list of commodities now contains 281 items, for which Export Permits are required for any destination except the United States. All except 18 of these items may be exported without an Export Permit to the United States under a reciprocal arrangement which allows goods to move freely between these two countries while controlling the movement to third countries. No new items were added to the Export Control List during the year.

In addition to specified commodities, export permits are required for all goods of foreign origin that are re-exported from Canada, subject to limited exceptions.

Section 4 of the Act provides for the establishment of an Area Control List. Section 4 states:

- "4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any

goods to which he deems it necessary to control."

The Area Control List in effect during 1955 was established by Order in Council, P.C. 1954-792 of May 27, 1954, published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. This List includes all countries of the Communist Bloc and Hong Kong and Macao. It was amended, to add Indo-China, by Order in Council, P.C. 1954-1180, of August 11, 1954. This amending Order in Council was published in an Extra of the Canada Gazette of August 20, 1954 and in the regular issue of August 25, 1954.

The Export Permit Regulations established under Section 12, by Order in Council, P.C. 1954-788 of May 27, 1954, published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954, remained in force during the year. In addition new Regulations respecting Trans-shipment were established by Order in Council, P.C. 1955-17 of January 4, 1955, published in an Extra of the Canada Gazette on January 4, 1955 and in the regular issue of January 26, 1955. The purpose of these regulations is to enable Canada to co-operate in the system agreed upon by many countries of the free world for preventing diversion of strategic materials in transit.

General Export Permits are issued to cover certain general classes of goods. Those in effect during 1955 were:

- (i) General Export Permit No. EX. 1 of May 25, 1954.- published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. Under the authority of this General Export Permit any person may export from Canada to any country, except Area Control Countries, any goods that have a value of \$50 or less; from Canada to any country casual gift shipments not exceeding \$25; goods consigned to Embassies, Legations, etc.

of Canada or the United Kingdom, and personal or settlers effects taken or shipped by an individual on leaving Canada, without the necessity of an individual Export Permit.

- (ii) General Export Permit No. EX. 2 of May 25, 1954, - published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954 - was revoked and replaced by General Export Permit No. EX. 2 of June 2, 1955, - published in an Extra of the Canada Gazette of July 1, 1955 and in the regular issue of July 13, 1955. It allows non-essential goods, irrespective of country of origin to move freely to all destinations with the exception of Albania, Bulgaria, China (including Manchuria but excluding Taiwan), Czechoslovakia, Estonia, Germany (Soviet Zone only), Hungary, Latvia, Lithuania, Mongolia, North Korea, Poland, Rumania, Sinkiang, Tibet, Union of Soviet Socialist Republics, Macao, and Indo-China, without the necessity of obtaining individual permits, thus establishing considerable relaxation on shipments to Hong Kong.

- (iii) General Export Permit No. EX. 3 of May 25, 1954, - published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. It permits shipment from Canada of ship or aircraft stores with the exception of bunkering for voyages destined to Mainland China or North Korea, without the necessity of obtaining individual permits.

The statistical summary of export permits issued during 1955
is as follows:

| | |
|--|--------|
| Applications received for Export Permits during 1955 | 10,262 |
| Export Permits issued during the year (including applications received 1954 and processing completed 1955) | 9,962 |
| Applications refused cancelled or withdrawn as not required | 624 |

IMPORT CONTROLS

The import Control List is established under Section 5 of the
Act which states:

- "5. The Governor in Council may establish a list of goods,
to be called an Import Control List, including therein
any article the import of which he deems it necessary
to control for any of the following purposes, namely:
- (a) 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 inter-governmental arrangement;
 - (b) to implement any action taken under the Agricultural
Prices Support Act, the Fisheries Prices Support Act,
the Agricultural Products Co-operative Marketing Act
or the Agricultural Products Board Act, to support
the price of the article; or that has the effect of
supporting the price of the article; or
 - (c) to implement an inter-governmental arrangement or
commitment; and where any goods are included in the
List for the purpose of ensuring supply or distribution
of goods subject to allocation by inter-governmental
arrangement or for the purpose of implementing an inter-
governmental arrangement or commitment, a statement

of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the List is laid before Parliament pursuant to the Regulations Act."

The Import Control List was established by Order in Council, P.C. 1954-793 of May 27, 1954, published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. The only item listed was butter, which remained under control because its price is supported under the Agricultural Prices Support Act.

Import Permit Regulations were established by Order in Council, P.C. 1954-789 of May 27, 1954. The Regulations are contained in the issues of the Canada Gazette publishing the Import Control List.

General Import Permit No. Im. 1 permits the import into Canada of butter for the personal use of the importer and his household, and not exceeding \$5 in value for each importation, without the necessity of obtaining an individual Import Permit.

In addition to import permits, the Act provides for import certificates - Section 9 of the Act states:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an Import Certificate stating that the applicant has undertaken to import the goods described in the Certificate within the time specified therein and containing such other information as the regulations require."

Order in Council, P.C. 1954-790 of May 27, 1954 - published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954 - established the Import Certificate Regulations. These regulations provide for the issuance of Import Certificates where

they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to implement the system of preventing improper trans-shipment of strategic materials.

The statistical summary of Import Permits and Import Certificates is:

| | |
|----------------------------------|-----|
| Import Permits issued..... | 4 |
| Import Certificates issued | 637 |

REPORT OF THE MINISTER OF TRADE AND COMMERCE
Respecting Operations under the
EXPORT AND IMPORT PERMITS ACT
for the year 1956

REPORT

This report is submitted pursuant to Section 26 of the Act which provides:

"26. As soon as practicable after the thirty-first day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an Export Permit issued under this Act."

The section of the Act that provides for the establishment of an Export Control List, Section 3, is as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

(a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;

- (b) to implement an inter-governmental arrangement or commitment; or
- (c) to ensure there is an adequate supply and distribution of such article in Canada for defence or other needs."

A List of goods under Export Control was established by Order in Council P.C. 1954-1226 of August 18, 1954 - published in an Extra of the Canada Gazette of August 23, 1954 and in the regular issue of September 8, 1954. This List was amended by Order in Council P.C. 1955-740 of May 19, 1955 - published in an Extra of the Canada Gazette of May 19, 1955 and in the regular issue of June 8, 1955 - which widened the description of nickel by adding nickel salts and compounds.

The List was further amended by Order in Council, P.C. 1956-1000 of June 28, 1956, published in Canada Gazette of July 11, 1956, which added the following items to the List:

- a) Cable Making Machinery
- b) Lithium, metal compounds, ores, and concentrates
- c) The Description of copper was widened by adding copper residues
- d) The description of nickel was further widened by adding Nickel Castings of all forms
- e) Silicon
- f) The description of "Fluorinated hydrocarbons" was widened by adding "Difluoroethane; Monochlorodifluoroethane". and
- g) By adding the following new items under the heading, "Atomic Energy Materials and Equipment";
- i) Radioactive materials, non-fissionable (including but not limited to radium, radioactive carbon, radioactive cobalt, radioactive phosphorus)
- (ii) Blowers and compressors (turbo, centrifugal and axial-flow types), wholly made of or lined with aluminum, nickel or alloy containing 60 per cent or more nickel

- (iii) Nuclear reactors and parts and components specifically designed therefor.

This List of commodities now contains 286 items, for which Export Permits are required for any destination except the United States. All except 22 of these items may be exported without an Export Permit to the United States under a reciprocal arrangement which allows goods to move freely between these two countries while controlling the movement to third countries.

In addition to specified commodities, Export Permits are required for all goods of foreign origin that are re-exported from Canada, subject to limited exceptions.

Section 4 of the Act provides for the establishment of an Area Control List. Section 4 states:

- "4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List in effect during 1956 was established by Order in Council, P.C. 1954-792 of May 27, 1954, published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. This List includes all countries of the Communist Bloc and Hong Kong and Macao. It was amended, to add Indo-China, by Order in Council, P.C. 1954-1180 of August 11, 1954. This amending Order in Council was published in an Extra of the Canada Gazette of August 20, 1954 and in the regular issue of August 25, 1954. [Order in Council P.C. 1954-2072 of December 31, 1954 published in Canada Gazette of January 26, 1955 consolidated the Area Control List by revoking Order in Council P.C. 1954-792 of May 27, 1954, as amended.]

The Export Permit Regulations established under Section 12, by Order in Council, P.C. 1954-788 of May 27, 1954, published in an Extra of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year. In addition, the Regulations

respecting Trans-shipment which were established by Order in Council, P.C. 1955-17 of January 4, 1955, published in an Extra of the Canada Gazette on January 4, 1955 and in the regular issue of January 26, 1955 continued in operation. The purpose of these regulations is to enable Canada to co-operate in the system agreed upon by many countries of the free world for preventing diversion of strategic materials in transit.

General Export Permits are issued to cover certain general classes of goods. Those in effect during 1956 were:

- (i) General Export Permit No. EX 1 of May 25, 1954 - published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. Under the authority of this General Export Permit any person may export from Canada to any country, except Area Control Countries, any goods that have a value of \$50 or less; from Canada to any country casual gift shipments not exceeding \$25; goods consigned to Embassies, Legations, etc. of Canada or the United Kingdom, and personal or settlers effects taken or shipped by an individual on leaving Canada, without the necessity of an individual Export Permit.
- (ii) General Export Permit No. EX 2 of June 2, 1955 - published in the Extra of the Canada Gazette of July 1, 1955 and in the regular issue of July 13, 1955 - was revoked and replaced by General Export Permit No. EX 2 of June 11, 1956 - published in the Canada Gazette of July 11, 1956.

It allows certain non-strategic goods, irrespective of country of origin to move freely to all destinations, with the exception of Albania, Bulgaria, China (including Manchuria but excluding Taiwan), Czechoslovakia, Estonia, Germany (Soviet zone only), Hungary, Latvia, Lithuania,

Mongolia, North Korea, Poland, Roumania, Sinkiang, Tibet, Union of Soviet Socialist Republics, Macao, and Indo-China, without the necessity of obtaining individual export permits. This General Permit also allows the same non-strategic goods, when of Canadian origin only, to move freely to all destinations with the exception of China (including Manchuria but excluding Outer Mongolia and Taiwan), North Korea, Sinkiang, Tibet, Macao, Indo-China and Vladivostok and neighbouring ports, without the necessity of obtaining individual export permits. Hence considerable relaxation has been established on shipments to Hong Kong and also to a lesser degree the European Soviet Bloc countries, by dispensing with certain formalities.

(iii) General Export Permit No. EX 3 of May 25, 1954 - published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. It permits shipments from Canada of ship or aircraft stores with the exception of bunkering for voyages destined to Mainland China or North Korea, without the necessity of obtaining individual permits.

The statistical summary of export permits issued during 1956 is as follows:

| | |
|--|--------|
| Applications received for Export Permits during 1956 | 13,352 |
| Export Permits issued during the year (including applications received 1955 and processing completed 1956) | 13,123 |
| Applications refused cancelled or withdrawn as not required | 387 |

IMPORT CONTROLS

The import Control List is established under Section 5 of the Act which states:

"5. The Governor in Council may establish a list of goods to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely: ..6

- (a) 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 inter-governmental arrangement;
- (b) to implement any action taken under the Agricultural Prices Support Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act or the Agricultural Products Board Act, to support the price of the article; or that has the effect of supporting the price of the article; or
- (c) to implement an inter-governmental arrangement or commitment; and where any goods are included in the List for the purpose of ensuring supply or distribution of goods subject to allocation by inter-governmental arrangement or for the purpose of implementing an inter-governmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the List is laid before Parliament pursuant to the Regulations Act."

The Import Control List was established by Order in Council, P.C. 1954-793 of May 27, 1954, published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. The only item listed was butter, which remained under control because its price is supported under the Agricultural Prices Support Act.

Import Permit Regulations were established by Order in Council, P.C. 1954-789 of May 27, 1954. The Regulations are contained in the issues of the Canada Gazette publishing the Import Control List.

General Import Permit No. Im 1 permits the import into Canada of butter for the personal use of the importer and his household, and not exceeding \$5 in value for each importation, without the necessity of obtaining an individual Import Permit.

In addition to import permits, the Act provides for import certificates - Section 9 of the Act states:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an Import Certificate stating that the applicant has undertaken to import the goods described in the Certificate within the time specified therein and containing such other information as the regulations require."

Order in Council P.C. 1954-790 of May 27, 1954 - published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954 - established the Import Certificate Regulations. These regulations provide for the issuance of Import Certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to implement the system of preventing improper trans-shipment of strategic materials.

The statistical summary of Import Permits and Import Certificates is:

| | |
|----------------------------------|-----|
| Import Permits issued | 3 |
| Import Certificates issued | 559 |

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1957

REPORT

This report is submitted pursuant to Section 26 of the Export and Import Permits Act, Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an Export Permit issued under this Act."

The section of the Act that provides for the establishment of an Export Control List, Section 3, is as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein, any article the export of which he deems it necessary to control for any of the following purposes, namely:

- a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;
- b) to implement an inter-governmental arrangement or commitment; or

...../2.

- c) to ensure there is an adequate supply and distribution of such articles in Canada for defence or other needs."

A List of goods under Export Control was established by Order in Council P.C. 1956-1930 of December 28, 1956 - published in the Canada Gazette of January 9, 1957. This List was amended by Order in Council P.C. 1957-322 of March 7, 1957 - published in the Canada Gazette of March 13, 1957, which added Used Rails and Used Railway Axles.

In view of the improved supply situation in Nickel, the List was further amended by Order in Council P.C. 1957-1672 of December 17, 1957, published in the Canada Gazette of December 25, 1957, which removed the control over export shipments of Nickel to United States destinations.

The Export Control List includes 243 items. An export permit is required before any commodity included in this List can be exported to any destination other than destinations in the United States. For supply reasons, export permits are also required for shipments to the United States with respect to 15 of these items. In addition to specified commodities, Export Permits are required for all goods of foreign origin that are re-exported from Canada, subject to limited exceptions.

Section 4 of the Act provides for the establishment of an Area Control List. Section 4 states:

- "4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List in effect during 1957 was established by Order in Council P.C. 1954-2072 of December 31, 1954 published in Canada Gazette of January 26, 1955.

The Export Permit Regulations established under Section 12, by Order in Council P.C. 1954-788 of May 27, 1954, published in an Extra of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year. In addition, the Regulations respecting Trans-shipment which were established by Order in Council P.C. 1955-17 of January 4, 1955, published in an Extra of the Canada Gazette on January 4, 1955 and in the regular

issue of January 26, 1955 continued in operation. The purpose of these regulations is to enable Canada to co-operate in the system agreed upon by many countries of the free world for preventing diversion of strategic materials in transit.

General Export Permits are issued to cover certain general classes of goods. Those in effect during 1957 were:

(i) General Export Permit No. Ex. 1 of May 25, 1954 - published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. Under the authority of this General Export Permit any person may export from Canada to any country, except Area Control Countries, any goods that have a value of \$50 or less; from Canada to any country casual gift shipments not exceeding \$25; goods consigned to Embassies, Legations, etc. of Canada or the United Kingdom, and personal or settlers effects taken or shipped by an individual on leaving Canada, without the necessity of an individual Export Permit.

(ii) General Export Permit No. Ex. 2 of June 11, 1956, published in the Canada Gazette of July 11, 1956. It allows certain non-strategic goods, irrespective of country of origin to move freely to all destinations, with the exception of Albania, Bulgaria, China (including Manchuria but excluding Taiwan), Czechoslovakia, Estonia, Germany (Soviet zone only), Hungary, Latvia, Lithuania, Mongolia, North Korea, Poland, Roumania, Sinkiang, Tibet, Union of Soviet Socialist Republics, Macao, and Indo-China, without the necessity of obtaining individual export permits. This General Permit also allows the same non-strategic goods, when of Canadian origin only, to move freely to all destinations with the exception of China (including Manchuria but excluding Outer Mongolia and Taiwan), North Korea, Sinkiang, Tibet, Macao, Indo-China, and Vladivostock and neighbouring

ports, without the necessity of obtaining individual export permits. Hence considerable relaxation has been established on shipments to Hong Kong and also to a lesser degree the European Soviet Bloc countries, by dispensing with certain formalities.

- (iii) General Export Permit No. Ex. 3 of May 25, 1954 - published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. It permits shipments from Canada of ship or aircraft stores with the exception of bunkering for voyages destined to Mainland China or North Korea, without the necessity of obtaining individual permits.

The statistical summary of export permits issued during 1957 is as follows:

| | |
|---|--------|
| Applications received for Export Permits during 1957 | 11,431 |
| Export Permits issued during the year (including applications received 1956 and processing completed 1957)..... | 11,320 |
| Applications refused cancelled or withdrawn as not required..... | 383 |

IMPORT CONTROLS

The Import Control List is established under Section 5 of the Act, which states:

- "5. The Governor in Council may establish a list of goods to be called an Import Control List including therein any article the import of which he deems it necessary to control for any of the following purposes, namely:
 - a) 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 countries of origin or to allocation by inter-governmental arrangement;

- b) to implement any action taken under the Agricultural Prices Support Act, the Fisheries Prices Support Act, the Agricultural Products Co-Operative Marketing Act, or the Agricultural Products Board Act, to support the price of the article; or that has the effect of supporting the price of the article; or
- c) to implement an inter-governmental arrangement or commitment; and where any goods are included in the List for the purpose of ensuring supply or distribution of goods subject to allocation by inter-governmental arrangement or for the purpose of implementing an inter-governmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the List is laid before Parliament pursuant to the Regulations Act."

The Import Control List was established by Order in Council, P.C. 1954-793 of May 27, 1954, published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. The only item listed was Butter, which remained under control because its price is supported under the Agricultural Prices Support Act.

The Import Control List was amended by the following Orders in Council:

Order in Council P.C. 1957-750 of May 28, 1957, published in the Canada Gazette of June 12, 1957 placed Cheddar Cheese under import control, in order to implement action taken under the Agricultural Products Co-Operative Marketing Act.

Order in Council P.C. 1957-955 of July 16, 1957, published in the Canada Gazette of July 24, 1957,

placed Turkeys under import control, in order to implement action taken under the Agricultural Prices Support Act.

Order in Council P.C. 1957-956 of July 16, 1957, published in the Canada Gazette of July 24, 1957 placed Fowl under import control, in order to implement action taken under the Agricultural Prices Support Act.

Order in Council P.C. 1957-1280 of September 21, 1957 published in the Canada Gazette of October 9, 1957, placed Dry Skimmed Milk under import control, in order to implement action taken under the Agricultural Prices Support Act.

Order in Council P.C. 1957-1475 of November 13, 1957, published in the Canada Gazette of November 27, 1957, placed Butter Oil and any other forms of Butterfat containing fifty-five per cent or more Butterfat under import control, in order to implement action taken under the Agricultural Prices Support Act.

Import Permit Regulations were established by Order in Council, P.C. 1954-789 of May 27, 1954. The Regulations are contained in the issues of the Canada Gazette publishing the Import Control List.

General Import Permit No. Im. 1 of May 25, 1954, published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954, permits the import into Canada of Butter for the personal use of the importer and his household and not exceeding \$5 in value for each importation, without the necessity of obtaining an individual import permit.

General Import Permit No. Im. 2 of May 28, 1957, published in the Canada Gazette of June 12, 1957, permits the import into Canada of Cheddar Cheese for the personal use of the importer and his household and not exceeding \$5 in value, without the necessity of obtaining an individual import permit.

General Import Permit No. Im. 3 of July 17, 1957, published in the Canada Gazette of August 14, 1957, permits the import into Canada of the following, without obtaining an individual import permit:

Fowl:

- (a) not exceeding four for each non-commercial importation,
- (b) purebred fowl for the improvement of stock, and
- (c) in jars or cans of 10 pounds or less;

Turkeys:

- (a) not exceeding one for each non-commercial importation,
- (b) purebred turkeys for the improvement of stock,
- (c) turkey poults, and
- (d) in jars or cans of 10 pounds or less

General Import Permit No. Im. 4 of September 23, 1957, published in the Canada Gazette of October 9, 1957, permits the import into Canada of Dry Skimmed Milk for the personal use of the importer and his household and not exceeding \$5 in value, without the necessity of obtaining an individual import permit.

In addition to import permits, the Act provides for Import Certificates. Section 9 of the Act states:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an Import Certificate stating that the applicant has undertaken to import the goods described in the Certificate within the time specified therein and containing such other information as the regulations require."

Order in Council P.C. 1954-790 of May 27, 1954 - published in an Extra of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954 -

established the Import Certificate Regulations. These regulations provide for the issuance of Import Certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to implement the system of preventing improper trans-shipment of strategic materials.

The statistical summary of Import Permits and Import Certificates is:

| | |
|----------------------------------|-----|
| Import Permits issued..... | 35 |
| Import Certificates issued | 442 |

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Jan. 28/59
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REPORT OF THE MINISTER OF TRADE AND COMMERCE
Respecting Operations under the
EXPORT AND IMPORT PERMITS ACT
for the year 1958

REPORT

This report is submitted pursuant to Section 26 of the Export and Import Permits Act, Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

The Section of the Act which provides for the establishment of an Export Control List, Section 3, is as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely,

a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted therinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;

b) to implement an intergovernmental arrangement or commitment; or

*Amended
Jan 27/59
[Signature]*

- c) to ensure that there is an adequate supply and distribution of such articles in Canada for defence or other needs."

Order in Council P.C. 1958-1158 of August 15, 1958, published in Part II of the Canada Gazette of August 27, 1958, revoked the Export Control List made by Order in Council P.C. 1956-1930 of December 28, 1956, as amended, and established a revised Export Control List, effective August 16, 1958. This had the effect of removing certain items such as aluminum, copper, many forms of nickel, a wide range of metalworking machinery, general industrial equipment, electronic equipment, transportation equipment, and chemicals from export control; it also re-defined many items previously controlled and added a few new items, such as certain electronic devices, jet fuels, containers for liquid gases, and certain chemicals. This List was amended by Order in Council P.C. 1958-1737 of December 22, 1958, published in Part II of the Canada Gazette of January 14, 1959, which added an item "Swine of that breed known as Lacombe swine".

The Export Control List includes 228 items. An export permit is required before an item included in this List may be exported to any destination other than the United States. For supply reasons, 16 of the items in the List require an export permit before they may be exported to the United States. In addition to specified commodities, goods of foreign origin that are to be re-exported from Canada require an export permit, subject to a few exceptions.

Section 4 of the Act provides for the establishment of an Area Control List. Section 4 states:

- "4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List in effect during 1958 was established by Order in Council P.C. 1954-2072 of December 31, 1954, published in Part II of the Canada Gazette of January 26, 1955.

The Export Permit Regulations established under Section 12, by Order in Council P.C. 1954-788 of May 27, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained

in force during the year. In addition, the Regulations respecting Trans-shipment which were established by Order in Council P.C. 1955-17 of January 4, 1955, published in an Extra of Part II of the Canada Gazette of January 4, 1955 and in the regular issue of January 26, 1955, continued in force. The purpose of these regulations is to enable Canada to co-operate in the system agreed upon by many countries of the free world for preventing diversion of strategic materials in transit.

General export permits are issued to cover certain general classes of goods. Those in effect during 1958 were:

- (i) General Export Permit No. Ex. 1 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954. Under the authority of this general export permit any person may export from Canada to any country, except Area Control countries, any goods that have a value of \$50 or less; from Canada to any country casual gift shipments not exceeding \$25; goods consigned to Embassies, Legations, et cetera, of Canada or the United Kingdom; and personal or settlers' effects taken or shipped by an individual on leaving Canada; without an individual export permit.
- (ii) General Export Permit No. Ex. 2 of June 11, 1956, effective July 16, 1956, published in Part II of the Canada Gazette of July 11, 1956. This general export permit allows certain non-strategic goods, irrespective of country of origin, to move freely to all destinations except Albania, Bulgaria, China (including Manchuria but excluding Taiwan), Czechoslovakia, Estonia, Germany (Soviet zone only), Hungary, Latvia, Lithuania, Mongolia, North Korea, Poland, Roumania, Sinkiang, Tibet, Union of Soviet Socialist Republics, Macao, and Indo-China, without an individual export permit.

This permit also allows certain non-strategic goods, when of Canadian origin only, to move freely to all destinations except China (including Manchuria but excluding Outer Mongolia and Taiwan), North Korea, Sinkiang, Tibet, Macao, Indo-China and Vladivostock and neighbouring ports, without an individual export permit. Formal requirements have been relaxed considerably on shipments to Hong Kong and to a lesser degree on shipments to European Soviet Bloc countries.

- (iii) General Export Permit No. Ex. 3 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954. This general export permit allows ships and aircraft in Canada to take on board normal stores, except bunkers for voyages to mainland China or North Korea, without individual permits.

The following is a statistical summary of export permits processed during 1958:

| | |
|--|-------|
| Applications received for export permits during 1958 | 8,275 |
| Export permits issued during the year (including applications received in 1957 and processing completed in 1958) | 8,199 |
| Applications refused, cancelled, or withdrawn as not required | 700 |

IMPORT CONTROLS

The Import Control List is established under Section 5 of the Act, which states:

- *5. The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely,
 - a) to ensure, in accordance with the needs of Canada, the best possible supply and dis-

- tribution 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;
- b) to implement any action taken under the Agricultural Prices Support Act, the Fisheries Prices Support Act, the Agricultural Products Co-Operative Marketing Act or the Agricultural Products Board Act, to support the price of the article or that has the effect of supporting the price of the article; or
 - c) to implement an intergovernmental arrangement or commitment;

and where any goods are included in the list for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the list is laid before Parliament pursuant to the Regulations Act."

The Import Control List was established by Order in Council P.C. 1954-793 of May 27, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954.

The Import Control List was amended by the following Orders in Council:

Order in Council P.C. 1958-745 of May 29, 1958, effective June 1, 1958, published in Part II of the Canada Gazette of June 11, 1958, which deleted the item "Butter oil and any other form of butterfat containing fifty-five per cent or more of butterfat", and substituted the following items:

"Any form of butterfat either alone or in combination with other substances but excluding concentrated milk products, cheese and any combination in which the presence of other substances renders the combination unsuitable for use as a butterfat ingredient."

This Order in Council also extended for another year the import control on dry skimmed milk and cheddar cheese.

Order in Council P.C. 1958-778 of May 30, 1958, published in Part II of the Canada Gazette of June 11, 1958, which deleted the item "Fowl".

Order in Council P.C. 1958-1355 of October 1, 1958, published in Part II of the Canada Gazette of October 22, 1958, which added the item "Tin".

The Import Control List includes six items - butter, cheddar cheese, butterfat, dry skimmed milk, turkeys, and tin. An import permit is required before any item included in this List may be imported from any source.

Import Permit Regulations established under Section 12 by Order in Council P.C. 1954-789, of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

General Import Permits in effect during 1958 were the following:

- (i) General Import Permit No. Im. 1 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, permits the import into Canada of butter for the personal use of the importer and his household and not exceeding five dollars in value for each importation, without an individual import permit.

...../7.

(ii) General Import Permit No. Im. 2 of May 28, 1957, published in Part II of the Canada Gazette of June 12, 1957, permits the import into Canada of cheddar cheese for the personal use of the importer and his household and not exceeding five dollars in value, without an individual import permit.

(iii) General Import Permit No. Im. 3 of July 17, 1957, published in Part II of the Canada Gazette of August 14, 1957, was revoked effective June 6, 1958. A revised General Import Permit No. Im. 3 of June 6, 1958, published in Part II of the Canada Gazette of June 25, 1958, permits the entry into Canada of the following without an individual import permit:

Turkeys:

- (a) not exceeding one for each non-commercial importation,
- (b) purebred turkeys for the improvement of stock,
- (c) turkey poults, and
- (d) in jars or cans of 10 pounds or less.

(iv) General Import Permit No. Im. 4 of September 23, 1957, published in Part II of the Canada Gazette of October 9, 1957, permits the import into Canada of dry skimmed milk for the personal use of the importer and his household and not exceeding five dollars in value, without an individual import permit.

(v) General Import Permit No. Im. 5 of October 2, 1958, published in Part II of the Canada Gazette of October 22, 1958, permits the import of tin into Canada from the following countries without an individual import permit:

Belgian Congo and Ruanda-Urundi

Bolivia

Indonesia

Malaya

Nigeria

Thailand.

In addition to import permits, the Act provides for import certificates.

Section 9 of the Act states:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Order in Council P.C. 1954-790 of May 27, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, established the Import Certificate Regulations. These regulations provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to implement the system of preventing improper trans-shipment of strategic materials.

The following is a statistical summary of import permits and import certificates issued in 1958:

| | |
|----------------------------------|-----|
| Import permits issued | 96 |
| Import certificates issued | 429 |

John R. ...
26 Jan / 59

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1959

REPORT

This report is submitted pursuant to Section 26 of the Export and Import Permits Act, Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

The Section of the Act which provides for the establishment of an Export Control List, Section 3, is as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely

- a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;
- b) to implement an intergovernmental arrangement or commitment; or

- c) to ensure that there is an adequate supply and distribution of such articles in Canada for defence or other needs."

The Export Control List includes 228 items. An export permit is required before an item included in this List may be exported to any destination other than the United States. For supply reasons, 16 of the items in the List require an export permit before they may be exported to the United States. In addition to specified commodities, goods of foreign origin that are to be re-exported from Canada require an export permit, subject to the indicated exceptions. No additions were made to or deletions made from the Export Control List in 1959.

Section 4 of the Act provides for the establishment of an Area Control List. Section 4 states:

- "4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established by Order in Council P.C. 1954-2072 of December 31, 1954 was revoked and a new Area Control List established by Order in Council P.C. 1958-1769, published in Part II of The Canada Gazette of January 14, 1959. The new Area Control List eliminated Hong Kong and Macao from Area Control and substituted "North Viet-Nam" for "Indo-China", effective January 1, 1959.

The Export Permit Regulations established under Section 12, by Order in Council P.C. 1954-788 of May 27, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year. In addition, the Regulations respecting Trans-shipment which were established by Order in Council P.C. 1955-17 of January 4, 1955, published in an Extra of Part II of The Canada Gazette of January 4, 1955 and in the regular issue of January 26, 1955, continued in force. The purpose of these regulations is to enable Canada to co-operate in the system agreed upon by many countries of the free world for preventing diversion of strategic materials in transit.

General export permits are issued to cover certain general classes of goods. Those general export permits which were in effect in 1959 were:

- (i) General Export Permit No. Ex. 1 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954. Under the authority of this general export permit, any person may without an individual export permit, export from Canada to any country, except Area Control countries, any goods that have a value of \$50 or less; from Canada to any country casual gift shipments not exceeding \$25; goods consigned to Embassies, Legations, et cetera, of Canada or the United Kingdom; and personal or settlers' effects taken or shipped by an individual on leaving Canada. General Export Permit No. Ex. 1 of May 25, 1954 was revoked with the issuance of a new General Export Permit No. Ex. 1 of May 20, 1959, published in Part II of The Canada Gazette of June 10, 1959, bringing the list of excepted countries into conformity with the Area Control List.

A sub-paragraph (d) to paragraph 3 authorizes the export of "goods returned as "defective" or "not according to order", that qualify for export under Customs Export Entry Form E-15, and are not included in Groups 1 to 8, inclusive, of the Export Control List."

- (ii) General Export Permit No. Ex. 2 of June 11, 1956, effective July 16, 1956, published in Part II of The Canada Gazette of July 11, 1956. This general export permit allows certain non-strategic goods, irrespective of country of origin, to move freely to all destinations except Albania, Bulgaria, China (including Manchuria but excluding Taiwan), Czechoslovakia, Estonia, Germany (Soviet zone only), Hungary, Latvia

Lithuania, Mongolia, North Korea, Poland, Roumania, Sinkiang, Tibet, Union of Soviet Socialist Republics, Macao, and Indo-China, without an individual export permit. This permit also allows certain non-strategic goods, when of Canadian origin only, to move freely to all destinations except China (including Manchuria but excluding Outer Mongolia and Taiwan), North Korea, Sinkiang, Tibet, Macao, Indo-China and Vladivostock and neighbouring ports, without an individual export permit. This general export permit was amended, effective January 1, 1959, by revoking section 2 and substituting a new section 2. The effect of the amendment was to extend the authorization to export goods listed in section 3 of the permit to Macao, and to substitute "North Viet-Nam" for "Indo-China". The amendment was published in Part II of The Canada Gazette of January 14, 1959. Section 3 of this General Export Permit was amended, effective January 22, 1959, by deleting the item

"Foodstuffs, other than those included in the Export Control List or controlled by the Canadian Wheat Board"

and by substituting the following therefor:

"Foodstuffs, other than those included in Group 2 of the Export Control List or controlled by the Canadian Wheat Board";

and by deleting the item

"Livestock"

and by substituting the following therefor:

"Livestock other than livestock included in Group 2 of the Export Control List".

The amendment was published in Part II of The Canada Gazette of February 11, 1959.

(iii) General Export Permit No. Ex. 3 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. This general export permit allows ships and aircraft in Canada to take on board normal stores, except bunkers for voyages to mainland China or North Korea, without individual permits.

The following is a statistical summary of export permits processed during 1959:

| | |
|---|-------|
| Applications received for export permits during 1959..... | 6,027 |
| Export Permits issued during the year (including applications received in 1958 and processing completed in 1959)..... | 5,767 |
| Applications refused, cancelled, or withdrawn as not required..... | 167 |

IMPORT CONTROLS

The Import Control List is established under Section 5 of the Act, which states:

- "5. The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely,
- a) 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;
 - b) to implement any action taken under the Agricultural Prices Support Act, the Fisheries Prices Support Act, the Agricultural Products Co-Operative Marketing Act or the Agricultural Products Board Act, to support the price of the article or that has the effect of supporting the price of the article; or
 - c) to implement an intergovernmental arrangement or commitment;

and where any goods are included in the list for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the list is laid before Parliament pursuant to the Regulations Act."

The Import Control List was established by Order in Council P.C. 1954-793 of May 27, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954.

The Import Control List was amended by Order in Council P.C. 1959-291 of March 12, 1959, published in Part II of The Canada Gazette of March 25, 1959, which deleted the item "tin".

The Import Control List presently includes five items - butter, cheddar cheese, dry skimmed milk, butterfat, and turkeys. An import permit is required before any item included in this list may be imported from any source.

Import Permit Regulations established under Section 12 by Order in Council P.C. 1954-789, of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

General Import Permits in effect in 1959 were:

- (1) General Import Permit No. Im. 1 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954. This permit authorizes the import into Canada of butter for the personal use of the importer and his household and not exceeding five dollars in value for each importation, without an individual import permit.

- (ii) General Import Permit No. Im. 2 of May 28, 1957, published in Part II of The Canada Gazette of June 12, 1957. This permit authorizes the import into Canada of cheddar cheese for the personal use of the importer and his household and not exceeding five dollars in value, without an individual import permit.
- (iii) General Import Permit No. Im. 3 of June 6, 1958, published in Part II of The Canada Gazette of June 25, 1958. This permit authorizes the entry into Canada of turkeys, as follows, without an individual import permit:
- (a) not exceeding one for each non-commercial importation,
 - (b) purebred turkeys for the improvement of stock,
 - (c) turkey poults, and
 - (d) in jars or cans of 10 pounds or less.
- (iv) General Import Permit No. Im. 4 of September 23, 1957, published in Part II of The Canada Gazette of October 9, 1957. This permit authorizes the import into Canada of dry skimmed milk for the personal use of the importer and his household and not exceeding five dollars in value, without an individual import permit.

In addition to import permits, the Act provides for import certificates.

Section 9 of the Act states:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Order in Council P.C. 1954-790 of May 27, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, established the Import Certificate Regulations. These regulations

provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to implement the system of preventing improper transshipment of strategic materials.

The following is a statistical summary of import permits and import certificates issued in 1959:

| | |
|---------------------------------|-----|
| Import permits issued..... | 124 |
| Import certificates issued..... | 419 |

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1960

REPORT

This report is submitted pursuant to Section 26 of the Export and Import Permits Act, Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

The Section of the Act which provides for the establishment of an Export Control List, Section 3, is as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely

- a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted therinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;
- b) to implement an intergovernmental arrangement or commitment; or

- c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs.*

An export permit is required before an item included in the Export Control List may be exported to any destination except the United States. In order to conserve supply or to implement an intergovernmental arrangement there are six items in the List which require export permits before they may be exported to any destination, including the United States. Also, as provided for in the Atomic Energy Control Regulations, ten items included in Group 8 (Atomic Energy Materials and Equipment) of the List require export permits before they may be exported from Canada to any destination, including the United States. In addition to specified items, all goods which originate outside Canada that are to be re-exported from Canada require an export permit, subject to the exceptions stipulated in Group 9 of the Export Control List. During 1960 there were five additions to and five deletions from the Export Control List while, in addition, four items were re-defined. Amendments made by the Governor in Council were as follows:

Order in Council P.C. 1960-35, published in an Extra of Part II of the Canada Gazette dated January 27, 1960, amended the Export Control List effective January 18, 1960 by adding thereto:

Pork and Pork Products (all destinations including the United States)

Order in Council P.C. 1960-1248, published in an Extra of Part II of the Canada Gazette dated September 28, 1960, further amended the Export Control List, effective October 1, 1960, by adding:

- a) Ion vacuum pumps, and specially fabricated parts and accessories;
- b) Dendritic produced forms of any semi-conductor material, or combinations thereof, suitable for use in diodes or transistors;
- c) Diethylene triamine;
- d) Photographic equipment designed and used for military purposes;

Order in Council P.C. 1960-1248, published in Part II of the Canada Gazette dated September 28, 1960, further amended the Export Control List, effective October 1, 1960, by deleting therefrom:

- a) Butter (All destinations including the United States)

- b) Pancreas glands of swine (All destinations including the United States)
- c) Right angle (T) lathes for making gas turbine discs
- d) Spar millers
- e) Mercury metal

Order in Council P.C. 1960-1248, published in Part II of the Canada Gazette of September 28, 1960, further amended the Export Control List, effective October 1, 1960, by deleting therefrom the item relating to "line communication transmission equipment" and by substituting therefor

"Communication transmission equipment as follows:

- a) terminal and intermediate repeater or amplifier equipment designed to deliver, carry, or receive frequencies higher than 36 kc/s into, or in, a communication system;
- b) multi-channel telegraph terminal transmitting and receiving equipment;
- c) specialized components, accessories and sub-assemblies for the above equipment".

by deleting therefrom the item relating to "alloys" and substituting therefor

"Alloys, as follows:

- a) containing 10 per cent or more molybdenum (but 5 per cent or more molybdenum in any alloys containing 14 per cent chromium); or
- b) containing 6 per cent or more cobalt except permanent magnetic metals with a cobalt content of 25 per cent or less, and high speed tool steels containing up to 10 per cent cobalt, less than 5 per cent chromium, and no nickel; or
- c) containing 1.5 per cent or more niobium and/or tantalum;
- d) nickel bearing stabilized steels, not elsewhere specified, having a total of 38 per cent or more of alloying elements except such steels containing less than 0.4 per cent titanium or niobium-tantalum;
- e) precipitation hardening steels containing 4 per cent or more nickel".

by deleting therefrom the item relating to "cobalt" and substituting therefor

"Cobalt, as follows:

- a) raw materials including white alloys and red alloys;

- b) cobalt metal and cobalt-bearing alloys containing 50 per cent or more cobalt, or 19 per cent or more cobalt and 14 per cent or more chromium and less than 1 per cent carbon, or 19 per cent or more cobalt and 14 per cent or more chromium and 3 per cent or more molybdenum;
- c) scrap forms of the metal and alloys covered under (b) above".

by deleting therefrom the item relating to "nickel" and substituting therefor

"Nickel, as follows:

- a) raw materials;
- b) nickel base alloys, not elsewhere specified, containing 32 per cent or more nickel except nickel-copper alloys containing not more than 6 per cent of other alloying elements, electrical resistance materials (wire, rod, tape, and strip), bi-metallic strip for thermostats, and thermocouple nickel-chrome wire within a diameter range of 0.2 mm. to 5 mm., inclusive, containing less than 95 per cent nickel;
- c) nickel wire containing 95 per cent or more nickel 0.1 mm. or less in diameter;
- d) nickel powder;
- e) scrap forms of the alloys listed under (b) above".

Section 4 of the Act provides for the establishment of an Area Control List. Section 4 states:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established by Order in Council P.C. 1958-1769, effective January 1, 1959, remained in force during the year.

The Export Permit Regulations established under Section 12 of the Act by Order in Council P.C. 1954-788 of May 27, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954, remained in force during the year.

The Regulations respecting Trans-shipment, established by Order in Council P.C. 1955-17 of January 4, 1955, published in an Extra of Part II of the Canada Gazette of January 4, 1955 and in the regular issue of January 26, 1955, continued in force. The purpose of these regulations is to enable Canada to

co-operate in a system agreed upon by many countries of the free world for preventing diversion of strategic materials in transit.

General export permits are issued to cover certain general classes of goods. Those general export permits which were in effect in 1960 were:

- (i) General Export Permit No. Ex. 1 of May 20, 1959, effective June 1, 1959, published in Part II of the Canada Gazette of June 10, 1959. Under the authority of this general export permit any person may export from Canada to any country, except Area Control countries, any goods that have a value of \$50 or less; from Canada to any country, casual gift shipments not exceeding \$25; goods consigned to Embassies, Legations, et cetera, of Canada or the United Kingdom; personal or settlers' effects taken or shipped by an individual on leaving Canada; goods returned as 'defective' or 'not according to order', that qualify for export under Customs Export Entry Form E-15, and are not included in Groups 1 to 8, inclusive, of the Export Control List.
- (ii) General Export Permit No. Ex. 2 of June 11, 1956, effective July 16, 1956, published in Part II of the Canada Gazette of July 11, 1956. This general export permit allows certain non-strategic goods, irrespective of country of origin, to move freely to all destinations except Albania, Bulgaria, China (including Manchuria but excluding Taiwan), Czechoslovakia, Estonia, Germany (Soviet zone only), Hungary, Latvia, Lithuania, Mongolia, North Korea, North Viet-Nam, Poland, Rumania, Sinkiang, Tibet, and the Union of Soviet Socialist Republics. Section 2 of General Export Permit No. Ex. 2 was amended, effective December 16, 1960 (published in Part II of the Canada Gazette of December 28, 1960) to add "Cuba" to the list of excepted countries. This permit also allows certain non-strategic goods, if of Canadian origin, to be exported to all destinations except China (including Manchuria but excluding Outer Mongolia and Taiwan), North Korea, North Viet-Nam, Sinkiang, Tibet and Vladivostock and neighbouring ports.

- (iii) General Export Permit No. Ex. 3 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. This general export permit allows ships and aircraft in Canada to take on board normal stores, except bunkers for voyages to Mainland China or North Korea.
- (iv) General Export Permit No. Ex. 4, effective January 18, 1960, published in an Extra of Part II of the Canada Gazette of January 27, 1960, was issued to permit the export of pork and pork products to any country except the United States and to permit the export of certain kinds of pork and pork products to the United States.
- (v) General Export Permit No. Ex. 5, effective April 19, 1960, published in an Extra of Part II of the Canada Gazette of May 11, 1960, revoked General Export Permit No. Ex. 4 above, and excepted canned luncheon meat in 12 ounce tins from the canned meat item to make it subject to individual export permit when shipped to the United States.
- (vi) A new General Export Permit No. Ex. 4, effective October 31, 1960, published in an Extra of Part II of the Canada Gazette of November 23, 1960, revoked General Export Permit No. Ex. 5 of April 19, 1960 and permits the export of pork and pork products to any country.

The following is a statistical summary of export permits processed during 1960:

| | |
|--|-------|
| Applications received for export permits during 1960 | 6,708 |
| Export permits issued during the year (including applications received in 1959 for which processing was completed in 1960) | 6,648 |
| Applications refused, cancelled, or withdrawn as not required | 136 |

IMPORT CONTROLS

The Import Control List is established under Section 5 of the Act, which states:

- "5. The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely,
- a) 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;
 - b) to implement any action taken under the Agricultural Prices Support Act, the Fisheries Prices Support Act, the Agricultural Products Co-Operative Marketing Act, or the Agricultural Products Board Act, to support the price of the article or that has the effect of supporting the price of the article; or
 - c) to implement an intergovernmental arrangement or commitment;

and where any goods are included in the List for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the List is laid before Parliament pursuant to the Regulations Act.*

The Import Control List was established by Order in Council P.C. 1954-793 of May 27, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954.

The Import Control List presently includes five items - butter, cheddar cheese, dry skimmed milk, butterfat, and turkeys. An import permit is required before any item included in this List may be imported from any source.

Order in Council P.C. 1960-733 dated May 26, 1960, published in Part II of the Canada Gazette dated June 8, 1960 amends Order in Council P.C. 1958-745 of May 29, 1958 by deleting from the last paragraph thereof that portion immediately following the phrase "June, 1958".

Import Permit Regulations established under Section 12 by Order in Council P.C. 1954-789 of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

General Import Permits in effect in 1960 were:

- (i) General Import Permit No. Im. 1 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. This permit authorizes the import into Canada of butter for the personal use of the importer and his household and not exceeding five dollars in value for each importation.
- (ii) General Import Permit No. Im. 2 of May 28, 1957, published in Part II of the Canada Gazette of June 12, 1957. This permit authorizes the import into Canada of cheddar cheese for the personal use of the importer and his household and not exceeding five dollars in value.
- (iii) General Import Permit No. Im. 3 of June 6, 1958, published in Part II of the Canada Gazette of June 25, 1958. This permit authorizes the entry into Canada of turkeys, as follows:
 - a) not exceeding one for each non-commercial importation,
 - b) purebred turkeys for the improvement of stock,
 - c) turkey poults, and
 - d) in jars or cans of 10 pounds or less.
- (iv) General Import Permit No. Im. 4 of September 23, 1957, published in Part II of the Canada Gazette of October 9, 1957. This

permit authorizes the import into Canada of dry skimmed milk for the personal use of the importer and his household and not exceeding five dollars in value.

In addition to import permits, the Act provides for the issuance of Import Certificates. Section 9 of the Act states:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Order in Council P.C. 1954-790 of May 27, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, established the Import Certificate Regulations. These regulations provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to implement the system of preventing improper trans-shipment of strategic materials.

The following is a statistical summary of import permits and import certificates issued in 1960:

| | |
|----------------------------------|-----|
| Import permits issued | 215 |
| Import certificates issued | 367 |

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1961

REPORT

This report is submitted pursuant to Section 26 of the Export and Import Permits Act, Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

The Section of the Act which provides for the establishment of an Export Control List, Section 3, is as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely

- a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;

- b) to implement an intergovernmental arrangement or commitment; or
- c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

An export permit is required before an item included in the Export Control List may be exported to any destination except the United States. In order to conserve supply or to implement an intergovernmental arrangement there are six items in the List which require export permits before they may be exported to any destination, including the United States. Also, as provided for in the Atomic Energy Control Regulations, ten items included in Group 8 (Atomic Energy Materials and Equipment) of the List require export permits before they may be exported from Canada to any destination, including the United States. In addition to specified items, all goods which originate outside Canada that are to be re-exported from Canada require an export permit, subject to the exceptions stipulated in Group 9 of the Export Control List.

No additions or deletions were made to the Export Control List in 1961.

Section 4 of the Act provides for the establishment of an Area Control List.

Section 4 states:

- "4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established by Order in Council P.C. 1958-1769, effective January 1, 1959, remained in force during the year.

The Export Permit Regulations established under Section 12 of the Act by Order in Council P.C. 1954-788 of May 27, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954, remained in force during the year.

The Regulations respecting Trans-shipment, established by Order in Council P.C. 1955-17 of January 4, 1955, published in an Extra of Part II of the Canada Gazette of January 4, 1955 and in the regular issue of January 26, 1955, continued in force. The purpose of these regulations is to enable Canada to co-operate in

a system agreed upon by many countries of the free world for preventing diversion of strategic materials in transit.

General export permits are issued to cover certain general classes of goods. Those general export permits which were in effect in 1961 were:

- (i) General Export Permit No. Ex. 1 of May 20, 1959, effective June 1, 1959, published in Part II of the Canada Gazette of June 10, 1959. Under the authority of this general export permit any person may export from Canada to any country, except Area Control countries, any goods that have a value of \$50 or less; from Canada to any country, casual gift shipments not exceeding \$25; goods consigned to Embassies, Legations, et cetera, of Canada or the United Kingdom; personal or settlers' effects taken or shipped by an individual on leaving Canada; goods returned as 'defective' or 'not according to order', that qualify for export under Customs Export Entry Form E-15, and are not included in Groups 1 to 8, inclusive, of the Export Control List.
- (ii) General Export Permit No. Ex. 2 of June 11, 1956, effective July 16, 1956, published in Part II of the Canada Gazette of July 11, 1956. This general export permit allows certain non-strategic goods, irrespective of country of origin, to move freely to all destinations except Albania, Bulgaria, China (including Manchuria but excluding Taiwan), Czechoslovakia, Estonia, Germany (Soviet zone only), Hungary, Latvia, Lithuania, Mongolia, North Korea, North Viet-Nam, Poland, Rumania, Sinkiang, Tibet, and the Union of Soviet Socialist Republics. Section 2 of General Export Permit No. Ex. 2 was amended, effective December 16, 1960 (published in Part II of the Canada Gazette of December 23, 1960) to add "Cuba" to the list of excepted countries. This permit also allows certain non-strategic goods, if of Canadian origin, to be exported to all destinations except China

(including Manchuria but excluding Outer Mongolia and Taiwan), North Korea, North Viet-Nam, Sinkiang, Tibet and Vladivostock and neighbouring ports.

- (iii) General Export Permit No. Ex. 3 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. This general export permit allows ships and aircraft in Canada to take on board normal stores, except bunkers for voyages to Mainland China or North Korea.

The following is a statistical summary of export permits processed during 1961:

| | |
|--|-------|
| Applications received for export permits during 1961 | 8,389 |
| Export permits issued during the year (including applications received in 1960 for which processing was completed in 1961) | 7,964 |
| Applications refused, cancelled, or withdrawn as not required | 405 |

IMPORT CONTROLS

The Import Control List is established under Section 5 of the Act, which states:

- "5. The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely,
 - a) 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;
 - b) to implement any action taken under the Agricultural Prices Support Act, the Fisheries Prices Support Act, or the Agricultural Products Board Act, to support the price of the article or that has the effect of supporting the price of the article; or

c) to implement an intergovernmental arrangement or commitment;

and where any goods are included in the List for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the List is laid before Parliament pursuant to the Regulations Act."

The Import Control List was established by Order in Council P.C. 1954-793 of May 27, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954.

The Import Control List presently includes five items - butter, cheddar cheese, dry skimmed milk, butterfat, and turkeys. An import permit is required before any item included in this List may be imported from any source.

Order in Council P.C. 1960-733 dated May 26, 1960, published in Part II of the Canada Gazette dated June 8, 1960 amends Order in Council P.C. 1958-745 of May 29, 1958 by deleting from the last paragraph thereof that portion immediately following the phrase "June, 1958".

Import Permit Regulations established under Section 12 by Order in Council P.C. 1954-789 of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

General Import Permits in effect in 1960 were:

- (i) General Import Permit No. Im. 1 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. This permit authorizes the import into

Canada of butter for the personal use of the importer and his household and not exceeding five dollars in value for each importation.

- (ii) General Import Permit No. Im. 2 of May 28, 1957, published in Part II of the Canada Gazette of June 12, 1957. This permit authorizes the import into Canada of cheddar cheese for the personal use of the importer and his household and not exceeding five dollars in value.
- (iii) General Import Permit No. Im. 3 of June 6, 1958, published in Part II of the Canada Gazette of June 25, 1958. This permit authorizes the entry into Canada of turkeys, as follows:
 - a) not exceeding one for each non-commercial importation,
 - b) purebred turkeys for the improvement of stock,
 - c) turkey poults, and
 - d) in jars or cans of 10 pounds or less.
- (iv) General Import Permit No. Im. 4 of September 23, 1957, published in Part II of the Canada Gazette of October 9, 1957. This permit authorizes the import into Canada of dry skimmed milk for the personal use of the importer and his household and not exceeding five dollars in value.

In addition to import permits, the Act provides for the issuance of Import Certificates. Section 9 of the Act states:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Order in Council P.C. 1954-790 of May 27, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, established the Import Certificate Regulations. These regulations provide for the issuance of import certificates where they are required by the country of export

before it will allow goods to be shipped to Canada. The purpose of the Regulations is to implement the system of preventing improper trans-shipment of strategic materials.

The following is a statistical summary of import permits and import certificates issued in 1961:

| | |
|----------------------------------|-----|
| Import permits issued | 204 |
| Import certificates issued | 262 |

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1962.

6-3-1
6-3-1
REPORT

This report is submitted pursuant to Section 26 of the Export and Import Permits Act, Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

Section 3 of the Act provides for the establishment of an Export Control List, as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely

a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada:

- b) to implement an intergovernmental arrangement or commitment; or
- c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

An export permit is required before an item included in the Export Control List may be exported to any destination except the United States. In order to conserve supply or to implement an intergovernmental arrangement there are five items in the List which require export permits before they may be exported to any destination, including the United States. Also, as provided for in the Atomic Energy Control Regulations, seven items included in Group 8 (Atomic Energy Materials and Equipment) of the List require export permits before they may be exported from Canada to any destination, including the United States. In addition to specified items, all goods which originate outside Canada that are to be re-exported from Canada require an export permit, subject to the exceptions stipulated in Group 9 of the Export Control List.

Order in Council P.C. 1961-1853, published in Part II of the Canada Gazette dated January 24, 1962, revoked the Export Control List made by Order in Council P.C. 1958-1158 of August 15, 1958, as amended, and established a revised Export Control List effective February 5, 1962. This revised Export Control List redefines existing items to provide a more precise identification and to narrow control coverage of certain items that had heretofore been defined in general terms, and includes as new items cryogenic (low temperature) equipment, certain thermoelectric materials and devices, ferritic materials, and certain materials used in atomic energy applications, but does not include such previously included items as deep hole drilling machines and rotary rock drill bits, external surface broaching tools, equipment for processing nitrogen tetroxide, high octane blending agents, certain types of equipment used in atomic energy applications, and Lacombe swine.

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established by Order in Council P.C. 1958-1769, effective January 1, 1959, remained in force during the year.

The Export Permit Regulations established under Section 12 of the Act by Order in Council P.C. 1954-788 of May 27, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

The Regulations respecting Trans-shipment, established by Order in Council P.C. 1955-17 of January 4, 1955, published in an Extra of Part II of the Canada Gazette of January 4, 1955, and in the regular issue of January 26, 1955, continued in force. The purpose of these regulations is to enable Canada to co-operate in a system agreed upon by a number of countries of the free world for preventing diversion of strategic materials in transit.

General export permits are issued to cover certain general classes of goods. General export permits which were in effect in 1962 were:

- (i) General Export Permit No. Ex. 1 of May 20, 1959, effective June 1, 1959, published in Part II of the Canada Gazette of June 10, 1959. Under the authority of this general export permit any person may export from Canada to any country, except a country included in an Area Control List: any goods that have a value of \$50 or less; from Canada to any country: casual gift shipments not exceeding \$25, goods consigned to Embassies and Legations of Canada or the United Kingdom, personal or settlers' effects taken or shipped by an individual on leaving Canada, and goods returned as 'defective' or 'not according

to order' that qualify for export under Customs Export Entry Form E-15 and are not included in Groups 1 to 8, inclusive, of the Export Control List.

- (ii) General Export Permit No. Ex. 2 of June 11, 1956, effective July 16, 1956, published in Part II of the Canada Gazette of July 11, 1956. This general export permit authorizes the export of certain non-strategic goods, irrespective of country of origin, to all destinations except Albania, Bulgaria, China (including Manchuria but excluding Taiwan), Czechoslovakia, Estonia, Germany (Soviet zone only), Hungary, Latvia, Lithuania, Mongolia, North Korea, North Viet-Nam, Poland, Rumania, Sinkiang, Tibet, and the Union of Soviet Socialist Republics. Section 2 of General Export Permit No. Ex. 2 was amended, effective December 16, 1960 (published in Part II of the Canada Gazette of December 28, 1960) to add Cuba to the list of excepted countries. This permit also allows certain non-strategic goods, if of Canadian origin, to be exported to all destinations except China (including Manchuria but excluding Outer Mongolia and Taiwan), North Korea, North Viet-Nam, Sinkiang, Tibet, and Vladivostock and neighbouring ports.
- (iii) General Export Permit No. Ex. 3 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954. This general export permit allows ships and aircraft in Canada to take on board normal stores, except bunkers for voyages to Mainland China or North Korea.

- (iv) General Export Permit No. Ex. 4 of October 31, 1960, effective November 14, 1960, published in Part II of the Canada Gazette of November 23, 1960. This general permit authorizes the export of pork or pork products to any country.
- (v) General Export Permit No. Ex. 5 of August 23, 1962, effective September 17, 1962, published in Part II of the Canada Gazette of September 12, 1962. This general permit authorizes the export to any country of logs of all species (of wood) upon presentation to the Collector of Customs at the Canadian port of exit of a certificate satisfactory to the Collector that the export consists of poles, piling, posts or pitprops, or of boomsticks or swifters being used as bindings on floating booms.

The following is a statistical summary of export permits processed during 1962:

| | |
|--|-------|
| Applications received for export permits during 1962 .. | 8,526 |
| Export permits issued during the year (including applications received in 1961 for which processing was completed in 1962) | 8,246 |
| Applications refused, cancelled, or withdrawn as not required | 235 |

IMPORT CONTROLS

Section 5 of the Act provides for the establishment of an Import Control List, as follows:

- "5. The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely,
 - a) 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;

- b) to implement any action taken under the
Agricultural Stabilization Act, the
Fisheries Prices Support Act, the Agricultural
Products Co-operative Marketing Act or the
Agricultural Products Board Act, to support
the price of the article or that has the
effect of supporting the price of the
article; or
- c) to implement an intergovernmental arrangement
or commitment;

and where any goods are included in the List for
the purpose of ensuring supply or distribution of
goods subject to allocation by intergovernmental
arrangement or for the purpose of implementing an
intergovernmental arrangement or commitment, a
statement of the effect or a summary of the arrange-
ment or commitment, if it has not previously been
laid before Parliament, shall be laid before
Parliament at the time the Order of the Governor
in Council including those goods in the List is
laid before Parliament pursuant to the Regulations
Act."

The Import Control List was established by Order in Council P.C.
1954-793 of May 27, 1954, published in an Extra of Part II of the Canada
Gazette of May 27, 1954, and in the regular issue of June 23, 1954.

The Import Control List as amended includes five commodity items -
butter, cheddar cheese, dry skimmed milk, butterfat, and turkeys. An
import permit is required before any item included in this List may be
imported from any source.

Order in Council P.C. 1962-903, published in an Extra of Part II
of the Canada Gazette dated June 24, 1962, amended the Import Control
List, effective June 25, 1962, by adding:

- 1) Goods valued at more than twenty-five dollars entered for consumption under part (1) of Tariff Item 703b, except any such goods included in the baggage accompanying residents of Canada returning from abroad after an absence from Canada that commenced before June 25th, 1962.
- 2) Goods valued at more than seventy-five dollars entered for consumption under part (2) of Tariff Item 703b, except any such goods acquired by residents of Canada returning from abroad after an absence from Canada that commenced before June 25th, 1962.

Import Permit Regulations established under Section 12 by Order in Council P.C. 1954-789 of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

General Import Permits in effect in 1962 were:

- (i) General Import Permit No. Im. 1 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954. This permit authorizes the import into Canada of butter for the personal use of the importer and his household and not exceeding five dollars in value for each importation.
- (ii) General Import Permit No. Im. 2 of May 28, 1957, published in Part II of the Canada Gazette of June 12, 1957. This permit authorizes the import into Canada of cheddar cheese for the personal use of the importer and his household and not exceeding five dollars in value.
- (iii) General Import Permit No. Im. 3 of June 6, 1958, published in Part II of the Canada Gazette of

June 25, 1958. This permit authorizes the entry into Canada of turkeys, as follows:

- a) not exceeding one for each non-commercial importation,
 - b) purebred turkeys for the improvement of stock,
 - c) turkey poults, and
 - d) in jars or cans of 10 pounds or less.
- (iv) General Import Permit No. Im. 4 of September 23, 1957, published in Part II of the Canada Gazette of October 9, 1957. This permit authorizes the import into Canada of dry skimmed milk for the personal use of the importer and his household and not exceeding five dollars in value.

There were 178 import permits issued in 1962.

IMPORT CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Order in Council P.C. 1954-790 of May 27, 1954, published in an Extra of Part II of the Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, established the Import Certificate Regulations. These regulations provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to implement the system of preventing the diversion in transit or the unauthorized transshipment of strategic materials.

There were 296 import certificates issued in 1962.

PROSECUTIONS

There was one prosecution under the Act which resulted in a conviction and the imposition of a fine of \$2,000.

REPORT OF THE MINISTER OF TRADE AND COMMERCE
Respecting Operations under the
EXPORT AND IMPORT PERMITS ACT
for the year 1963.

REPORT

This report is submitted pursuant to Section 26 of the Export and Import Permits Act, Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

Section 3 of the Act provides for the establishment of an Export Control List, as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada:

- b) to implement an intergovernmental arrangement or commitment; or
- c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

An export permit is required before an item included in the Export Control List may be exported to any destination except the United States. In order to conserve supply or to implement an intergovernmental arrangement there are five items in the List which require export permits before they may be exported to any destination, including the United States. Also, as provided for in the Atomic Energy Control Regulations, seven items included in Group 8 (Atomic Energy Materials and Equipment) of the List require export permits before they may be exported from Canada to any destination, including the United States. In addition to specified items, all goods which originate outside Canada that are to be re-exported from Canada require an export permit, subject to the exceptions stipulated in Group 9 of the Export Control List.

Order in Council P.C. 1962-1714, published in Part II of The Canada Gazette dated December 12, 1962, revoked the Export Control List made by Order in Council P.C. 1961-1853 of December 28, 1961, and established a revised Export Control List effective January 1, 1963. Most of the revisions consist of amendments of existing items, in some cases narrowing the coverage, as, for instance, in deleting nickel ores and concentrates, in other cases extending the coverage to include new developments of strategic importance, particularly electronic devices and chemical products. Forty-one items are thus amended. Four new items have been added: devices for generating electric energy in space applications; electron beam welding equipment; electric arc devices; and gravity meters for airborne and marine use. Four items have been deleted in their entirety: jig boring and grinding machines; forging hammers; certain types of marine steam boilers; and picric acid, or trinitrophenol.

A new system of reference numbers for the items in the Export Control List has been introduced with the current revision. This system has a number of advantages, one of which is to provide continuity in future revisions of the List.

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established by Order in Council P.C. 1958-1769, effective January 1, 1959, remained in force during the year.

The Export Permit Regulations established under Section 12 of the Act by Order in Council P.C. 1954-788 of May 27, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

The Regulations respecting Trans-shipment, established by Order in Council P.C. 1955-17 of January 4, 1955, published in an Extra of Part II of The Canada Gazette of January 4, 1955, and in the regular issue of January 26, 1955, continued in force. The purpose of these regulations is to enable Canada to co-operate in a system agreed upon by a number of countries of the free world for preventing diversion of strategic materials in transit.

General export permits are issued to cover certain general classes of goods. General export permits which were in effect in 1963 were:

- (i) General Export Permit No. Ex. 1 of May 20, 1959, effective June 1, 1959, published in Part II of The Canada Gazette of June 10, 1959. Under the authority of this general export permit any person may export from Canada to any country, except a country included in an Area Control List: any goods that have a value of \$50 or less; from Canada to any country: casual gift shipments not exceeding \$25,

goods consigned to Embassies and Legations of Canada or the United Kingdom, personal or settlers' effects taken or shipped by an individual on leaving Canada, and goods returned as "defective" or "not according to order" that qualify for export under Customs Export Entry Form E-15 and are not included in Groups 1 to 8, inclusive, of the Export Control List.

- (ii) General Export Permit No. Ex. 2 of June 11, 1956, published in Part II of The Canada Gazette of July 11, 1956. This General Permit was withdrawn on September 16, 1963, with the issuance in substitution therefor of General Export Permit No. Ex. 2, of August 28, 1963, published in Part II of The Canada Gazette of September 11, 1963. This general export permit authorizes the export of certain non-strategic goods, irrespective of country of origin, to any country except a country named in the Area Control List, or Cuba. The permit also allows certain non-strategic goods, if of Canadian origin, to be exported to any country named in the Area Control List.
- (iii) General Export Permit No. Ex. 3 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954. This general export permit allows ships and aircraft in Canada to take on board normal stores, except bunkers for voyages to Mainland China or North Korea.

- (iv) General Export Permit No. Ex. 4 of October 31, 1960, effective November 14, 1960, published in Part II of The Canada Gazette of November 23, 1960. This general export permit authorizes the export of pork or pork products to any country.
- (v) General Export Permit No. Ex. 5 of August 23, 1962, effective September 17, 1962, published in Part II of The Canada Gazette of September 12, 1962. This general permit authorizes the export to any country of logs of all species (of wood) upon presentation to the Collector of Customs at the Canadian port of exit of a certificate satisfactory to the Collector that the export consists of poles, piling, posts or pitprops, or of boomsticks or swifters being used as bindings on floating booms.

The following is a statistical summary of export permits processed during 1963:

| | |
|--|------|
| Applications received for export permits during 1963... | 8835 |
| Export permits issued during the year (including applications received in 1962 for which processing was completed in 1963) | 8544 |
| Applications refused, cancelled, or withdrawn as not required | 214 |

IMPORT CONTROLS

The Import Permit Regulations established under Section 12 of the Export and Import Permits Act by Order in Council P.C. 1954-789 of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

Section 5 of the Act provides for the establishment of an Import Control List, as follows:

- "5. The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely,
- a) 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;
 - b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act or the Agricultural Products Board Act, to support the price of the article or that has the effect of supporting the price of the article; or
 - c) to implement an intergovernmental arrangement or commitment;
- and where any goods are included in the List for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the List is laid before Parliament pursuant to the Regulations Act."

The Import Control List in force until December 12, 1963, was established by Order in Council P.C. 1954-793 of May 27, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954. This List, as amended, included five commodity items: butter, butterfat, Cheddar cheese, dry skimmed milk, and, until further amended by Order in Council P.C. 1963-1256 of August 21, 1963, published in Part II of The Canada Gazette dated September 11, 1963, turkeys. The List also included goods valued at more than twenty-five dollars entered for consumption under part (1) of Tariff Item 703b, and goods valued at more than seventy-five dollars entered for consumption under part (2) Tariff Item 703b.

Order in Council P.C. 1963-1837 of December 12, 1963, published in Part II of The Canada Gazette of December 25, 1963, revoked the Import Control List established by Order in Council P.C. 1954-793 of May 27, 1954, and established a new Import Control List which includes four commodity items: butter, butterfat, Cheddar and Colby cheese, and dry skimmed milk. An import permit is required before any item in this List may be imported from any source.

General Import Permits in effect in 1963 were:

- (i) General Import Permit No. Im. 1 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954. This permit authorizes the import into Canada of butter for the personal use of the importer and his household and not exceeding five dollars in value for each importation.
- (ii) General Import Permit No. Im. 2 of May 28, 1957, published in Part II of The Canada Gazette of June 12, 1957. This permit authorizes the import into Canada of Cheddar cheese for the personal use of the importer and his household and not exceeding five dollars in value.

- (iii) General Import Permit No. Im. 3 of June 6, 1958, published in Part II of The Canada Gazette of June 25, 1958. This general import permit, which authorized certain imports of turkeys, was withdrawn effective August 28, 1963, and notification of the withdrawal was published in Part II of The Canada Gazette of September 11, 1963.
- (iv) General Import Permit No. Im. 4 of September 23, 1957, published in Part II of The Canada Gazette of October 9, 1957. This permit authorizes the import into Canada of dry skimmed milk for the personal use of the importer and his household and not exceeding five dollars in value.

There were 60... import permits issued in 1963.

IMPORT CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Order in Council P.C. 1954-790 of May 27, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, established the Import Certificate Regulations. These Regulations provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to implement the system of preventing the diversion in transit or the unauthorized trans-shipment of strategic materials.

There were 401... import certificates issued in 1963.

PROSECUTIONS

Proceedings were instigated under the Act in one case.
At the year end, the case had not been pleaded in court.

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1964

REPORT

This report is submitted pursuant to Section 26 of the Export and Import Permits Act, Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year".

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

Section 3 of the Act provides for the establishment of an Export Control List, as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada:

- b) to implement an intergovernmental arrangement or commitment; or
- c) to ensure that there is an adequate supply, and distribution of such article in Canada for defence or other needs."

The Export Control List established under Section 3 of the Act by Order in Council P.C. 1962-1714, published in Part II of The Canada Gazette dated December 12, 1962, remained in force during the year. An export permit is required before an item included in the Export Control List may be exported to any destination except the United States. In order to conserve supply or to implement an intergovernmental arrangement there are five items in the List describing goods which require export permits before they may be exported to any destination, including the United States. Also, in conformity with the Atomic Energy Control Regulations, substances and equipment described in seven items in Group 8 (Atomic Energy Materials and Equipment) of the List require export permits before they may be exported from Canada to any destination, including the United States. In addition to specified items, all goods originating outside Canada that are re-exported from Canada require an export permit, subject to the exceptions stipulated in Group 9 of the Export Control List.

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

- "4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established under Section 4 of the Act by Order in Council P.C. 1958-1769, effective January 1, 1959, continued in force.

The Export Permit Regulations established under Section 12 of the Act by Order in Council P.C. 1954-788 of May 27, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of

June 23, 1954, remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of specified goods to all destinations or to specified destinations. The following general export permits were in effect in 1964:

- (i) General Export Permit No. Ex. 1 of May 20, 1959, effective June 1, 1959, published in Part II of The Canada Gazette of June 10, 1959. This general permit was withdrawn on January 20, 1964, with the issuance in substitution therefor of General Export Permit No. Ex. 1, of December 27, 1963, published in Part II of The Canada Gazette of January 22, 1964. The general permit authorizes any person to export: goods that have a value of fifty dollars or less to any country, except a country included in the Area Control List; casual gift shipments not exceeding \$25, to any country; goods consigned to Embassies and Legations of Canada or the United Kingdom; personal or settlers' effects taken or shipped by an individual on leaving Canada; goods returned as being "not as ordered" under the Goods Not as Ordered Remission Order; and goods that have been imported into Canada under the Temporary Entry of Articles for Special Use Regulations.
- (ii) General Export Permit No. Ex. 2, of August 28, 1963, published in Part II of The Canada Gazette of September 11, 1963. This general export permit authorizes the export of certain non-strategic goods, irrespective of country of origin, to any country except a country named in the Area Control List, or Cuba, and, if of Canadian origin, to any country named in the Area Control List.
- (iii) General Export Permit No. Ex. 3 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954. This general export permit allows ships and aircraft in Canada to take on board normal stores, except bunkers for voyages to Mainland China or North Korea.

- (iv) General Export Permit No. Ex. 4 of October 31, 1960, effective November 14, 1960, published in Part II of The Canada Gazette of November 23, 1960. This general export permit authorizes the export of pork or pork products to any country.
- (v) General Export Permit No. Ex. 5 of August 23, 1962, effective September 17, 1962, published in Part II of The Canada Gazette of September 12, 1962. This general permit authorizes the export to any country of logs of all species (of wood) upon presentation to the Collector of Customs at the Canadian port of exit of a certificate satisfactory to the Collector that the export consists of poles, piling, posts or pitprops, or of boomstick or swifters being used as bindings on floating booms.

The Regulations respecting Trans-shipment, established by Order in Council P.C. 1955-17 of January 4, 1955, published in an Extra of Part II of The Canada Gazette of January 4, 1955 and in the regular issue of January 26, 1955, also continued in force. The purpose of these regulations is to enable Canada to co-operate in a system agreed upon by a number of countries of the free world for preventing diversion of strategic materials in transit.

The following is a statistical summary of export permits processed during 1964:

| | |
|---|-------|
| Applications received for export permits during 1964..... | 9,220 |
| Export permits issued during the year (including applications received in 1963 for which processing was completed in 1964)..... | 9,124 |
| Applications refused, cancelled, or withdrawn as not required..... | 303 |

IMPORT CONTROLS

The Import Permit Regulations established under Section 12 of the Export and Import Permits Act by Order in Council P.C. 1954-789 of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

Section 5 of the Act provides for the establishment of an Import Control List, as follows:

- *5. The Governor in Council may establish a list of goods to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely,
- a) 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;
 - b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act or the Agricultural Products Board Act, to support the price of the article or that has the effect of supporting the price of the article; or
 - c) to implement an intergovernmental arrangement or commitment;

and where any goods are included in the List for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the List is laid before Parliament pursuant to the Regulations Act."

The Import Control List in force until October 1, 1964, was established by Order in Council P.C. 1963-1837 of December 12, 1963, published in Part II of The Canada Gazette of December 25, 1963. This list included four commodity items: butter, butterfat, Cheddar and Colby cheese, and dry skimmed milk. Order in

Council P.C. 1964-1313 of September 25, 1964, effective October 1, 1964, published in Part II of The Canada Gazette of September 25, 1964, revoked the Import Control List established by Order in Council P.C. 1963-1837 and substituted a new Import Control List, retaining the four commodity items indicated above and adding coffee, in any form, including parchment, green, roasted, decaffeinated, liquid and soluble.

Section 8 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions. The following general import permits were in effect in 1964:

- (i) General Import Permit No. Im. 1 of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954. This permit authorizes the import into Canada of butter for the personal use of the importer and his household and not exceeding five dollars in value for each importation.
- (ii) General Import Permit No. Im. 2 of May 28, 1957, published in Part II of The Canada Gazette of June 12, 1957. This permit authorizes the import into Canada of Cheddar cheese for the personal use of the importer and his household and not exceeding five dollars in value.
- (iii) General Import Permit No. Im. 3 of September 15, 1964, effective October 1, 1964, published in Part II of The Canada Gazette of October 14, 1964. This permit authorizes the import into Canada of coffee, provided that where the coffee is accompanied by a Certificate of Origin or a Certificate of Re-export, that Certificate shall be presented to the Collector of Customs at the Canadian port of entry.
- (iv) General Import Permit No. Im. 4 of September 23, 1957, published in Part II of The Canada Gazette of October 9, 1957. This permit authorizes the import into Canada of dry skimmed milk for the personal use of the importer and his household and not exceeding five dollars in value.

There were 74 import permits issued in 1964.

IMPORT CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Order in Council P.C. 1954-790 of May 27, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, established the Import Certificate Regulations. These Regulations provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to implement the system of preventing the diversion in transit or the unauthorized trans-shipment of strategic materials.

There were 398 import certificates issued in 1964.

PROSECUTIONS

In the case referred to in the report for the year 1963, trial was postponed until early in 1965. Proceedings were instigated under the Act in one new case.

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1965

REPORT

This report is submitted pursuant to Section 26 of the Export and Import Permits Act, Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

Section 3 of the Act provides for the establishment of an Export Control List, as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

- (a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;

- (b) to implement an intergovernmental arrangement or commitment; or
- (c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

An export permit is required before an item included in the Export Control List may be exported to any destination except the United States. In order to conserve supply or to implement an intergovernmental arrangement, the following five items in the List require export permits before they may be exported to any destination including the United States: pancreas glands of cattle and calves, pork and pork products, logs of all species (of wood), pulpwood of all species (of wood), and scrap iron and steel, used rails and used railway axles. Seven items included in Group 8 (Atomic Energy Materials and Equipment) of the List require export permits before they may be exported from Canada to any destination including the United States. All goods originating outside Canada that are to be re-exported require an export permit except any such goods that have been further processed or manufactured in Canada so as to result in a substantial change in value, form and use of the goods or in the production of new goods. Certain exceptions to this requirement are made for goods in transit through Canada in bond and goods shipped from the United States and accompanied by certain specified documentation.

~~Order in Council P.C. 1964-1944, published in Part II of The Canada Gazette-dated December 23, 1964, revoked the Export Control List made by Order in Council P.C. 1962-1714 of November 29, 1962, and established a revised Export Control List effective January 1, 1965.~~

~~The revision of the Export Control List resulted in the deletion of four cobalt and nickel items, plant and components for the production of titanium or zirconium metal, ice-breakers (ships), electric power generating mobile units, and positive ion sources. A number of commodity items were transferred to the "Arms, Munitions, Military, Naval or Air Stores" group in conformity with the practice followed by countries with which Canada~~

~~co-operates in controlling exports of strategic goods. Eight new items have been added to the list. These include machinery for the working of synthetic film used as a dielectric or as magnetic recording tape, cold cathode tubes and switches, artificial graphite, polypyromellitimide and polybenzimidazole, continuous yarns, rovings and tapes for filament wound structures, automatic speed-of-sound measuring devices, neutron generator tubes, and process control instrumentation for certain atomic energy purposes.~~

~~Order in Council P.C. 1965-2065, published in an Extra of Part II of The Canada Gazette dated November 22, 1965, further amended the Export Control List by adding thereto copper ores, concentrates, matte, anodes, all refinery shapes, rolled copper rod, copper and copper base alloys in all mill forms including wire mill products, secondary ingot and copper and copper base scrap.~~

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

^{REVOKED}
~~The Area Control List established under Section 4 of the Act by Order in Council P.C. 1958-1769, effective January 1, 1959, continued in force. Order in Council P.C. 1965-2252 of December 20, 1965 amended the Area Control List by adding thereto the following country: Rhodesia.~~

Authority is provided under Section 12 of the Act for the establishment of regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, the duration, terms and conditions and other circumstances under which permits may be issued as well as regulations for carrying out the purpose and provisions of the Act. Regulations established under this Section by Order in Council P.C. 1954-788 of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of specified goods to all destinations or to specified destinations. The general export permits which remained in effect or were introduced or amended in 1965 are:

(i) General Export Permit No. Ex. 1, of December 27, 1963, published in Part II of The Canada Gazette of January 22, 1964. This general export permit authorizes any person to export: goods that have a value of fifty dollars or less to any country, except a country included in the Area Control List; casual gift shipments not exceeding twenty-five dollars, to any country; goods consigned to Embassies and Legations of Canada or the United Kingdom; personal or settler's effects taken or shipped by an individual on leaving Canada; goods returned as being "not as ordered" under the Goods Not as Ordered Remission Order; and goods that have been imported into Canada under the Temporary Entry of Articles for Special Use Regulations.

1) SUSPENSION FOR RAILROADS ADDED
2) HIDES SKINS, LEATHER AND
LEATHER MANUFACTURES DELETED
3) HIDES SKINS ETC ADDED

(ii) General Export Permit No. Ex. 2, of August 28, 1963, effective September 16, 1963, published in Part II of The Canada Gazette of September 11, 1963. This general export permit authorizes the export of certain non-strategic goods, irrespective of country of origin, to any country except a country named in the Area Control List, or Cuba, and, if of Canadian origin, to any country named in the Area Control List. Sub Item (4) of Item 5 of the Schedule to General Export Permit No. Ex. 2 (copper ores, concentrates, refinery shapes and scrap) was revoked on November 22, 1965, as published in an Extra of Part II of The Canada Gazette of November 22, 1965.

(iii) General Export Permit No. Ex. 3, of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954. This general export permit allows ships and aircraft in Canada to take on board normal stores, except bunkers for voyages to Mainland China or North Korea.

SUSPENSION FOR RHODESIA ADDED

(iv) General Export Permit No. Ex. 4, of October 31, 1960, effective November 14, 1960, published in Part II of The Canada Gazette of November 23, 1960. This general export permit authorizes the export of pork or pork products to any country.

SUSPENSION FOR RHODESIA ADDED

(v) General Export Permit No. Ex. 5, of August 23, 1962, effective September 17, 1962, published in Part II of The Canada Gazette of September 12, 1962. This general export permit authorizes the export to any country of logs of all species (of wood) upon presentation to the Collector of Customs at the Canadian port of exit of a certificate satisfactory to the Collector that the export consists of poles, piling, posts or pitprops, or of boomsticks or swifters being used as bindings on floating booms.

SUSPENSION FOR RHODESIA ADDED

PERMIT REVOKED ADDED

(vi) General Export Permit No. Ex. 6, of November 22, 1965, published in an Extra of Part II of The Canada Gazette of November 22, 1965. This general export permit authorizes any person to export from Canada to any country copper ores and concentrates of Canadian origin.

The Regulations respecting Trans-shipment, established by Order in Council P.C. 1955-17 of January 4, 1955, effective January 16, 1955, published in an Extra of Part II of The Canada Gazette of January 4, 1955 and in the regular issue of January 26, 1955, also continued in force. The purpose of these regulations is to enable Canada to co-operate in a system agreed upon by a number of countries of the free world for preventing diversion of strategic materials in transit.

The following is a statistical summary of export permits processed during 1965:

| | |
|--|-------|
| Applications received for export permits during 1965 | 3,547 |
| Export permits issued during the year (including applications received in 1964 for which processing was completed in 1965) | 8,182 |
| Applications refused, or withdrawn as not required | 298 |
| Export permits cancelled and suspended | 181 |

IMPORT CONTROLS

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 5 of the Act provides for the establishment of an Import Control List, as follows:

"5. The Governor in Council may establish a list of goods to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely:

- (a) 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;
- (b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act or the Agricultural Products Board Act, to support the price of the article or that has the effect of supporting the price of the article; or
- (c) to implement an intergovernmental arrangement or commitment;

and where any goods are included in the List for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the List is laid before Parliament pursuant to the Regulations Act."

The Import Control List, effective October 1, 1964, was established by Order in Council P.C. 1964-1313 of August 25, 1964, published in Part II of The Canada Gazette of September 9, 1964. This List included four commodity items, namely, butter, butterfat, Cheddar and Colby cheese, and dry skimmed milk, for the purpose of implementing action to support the price of the articles in the Canadian market and one commodity item, namely, coffee, in order to implement Canada's commitments under the International Coffee Agreement.

~~Six commodity items of Rhodesian origin were added to the Import Control List during the year in order to implement the Government's decision to ban their import into Canada. Order in Council P.C. 1965-2134 published in Part II of The Canada Gazette of December 8, 1965, amended the Import Control List effective November 30, 1965, by adding thereto:~~

TO BE REPLACED BY
COUNCIL ORDER
BY COUNCIL A
Tobacco of Rhodesian origin
Sugar of Rhodesian origin.

~~Order in Council P.C. 1965-2211 published in Part II of The Canada Gazette of December 22, 1965, further amended the Import Control List effective December 8, 1965, by adding thereto:~~

- ~~Chrome ores and concentrates of Rhodesian origin~~
- ~~Ferrocchrome of Rhodesian origin~~
- ~~Asbestos, unmanufactured, of Rhodesian origin~~
- ~~Meats, sterile, canned, soaked, of Rhodesian origin~~

The Import Permit Regulations established under Section 12 of the Export and Import Permits Act by Order in Council P.C. 1954-789 of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

Section 8 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions. The following general import permits were in effect in 1965:

- (1) General Import Permit No. Im. 1, of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954.

This general import permit authorizes the import into Canada of butter for the personal use of the importer and his household and not exceeding five dollars in value for each importation.

(ii) General Import Permit No. Im. 2, of May 23, 1957, published in Part II of The Canada Gazette of June 12, 1957. This general import permit authorizes the import into Canada of Cheddar cheese for the personal use of the importer and his household and not exceeding five dollars in value for each importation.

Suspension for Rhodesia added

(iii) General Import Permit No. Im. 3, of May 31, 1965, effective July 1, 1965, published in Part II of The Canada Gazette of June 9, 1965, revoked General Import Permit No. Im. 3 of September 15, 1964. This general import permit authorizes any person to import into Canada: samples and parcels of coffee up to a set limit; coffee which is accompanied by a Certificate of Origin or a Certificate of Re-export in the form prescribed by the International Coffee Organization certifying that the coffee was produced by a country that is a Contracting Party to the International Coffee Agreement, 1962.

(iv) General Import Permit No. Im. 4, of September 23, 1957, published in Part II of The Canada Gazette of October 9, 1957. This general import permit authorizes the import into Canada of dry skimmed milk for the personal use of the importer and his household and not exceeding five dollars in value for each importation.

6 added

There were 196 import permits issued in 1965.

IMPORT CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Order in Council P.C. 1954-790 of May 27, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, established the Import Certificate Regulations, effective June 1, 1954. These Regulations provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to prevent the diversion in transit or the unauthorized trans-shipment of the goods.

There were 446 import certificates issued in 1965.

PROSECUTIONS

Two prosecutions under the Act concluded with convictions in 1965. In the case referred to in the report for 1963, the accused was convicted of violations of Section 13 of the Act and was sentenced to a total of three years' imprisonment. This sentence was later reduced upon appeal to a total of eighteen months' imprisonment. In the second case, the accused was convicted of violations of Sections 13 and 17 of the Act and was fined one thousand dollars. Under Section 13 it is an offence to export or attempt to export any goods in an Export Control List or any goods to a country in an Area Control List except under the authority of an export permit issued under the Act. Under Section 17 it is an offence to wilfully furnish false or misleading information in any application for a permit under the Act.

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1966

REPORT

This report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

SUMMARY

During 1966, the Import Control List was amended to reflect the Government's policy affecting trade with Rhodesia by imposing import control on all goods of Rhodesian origin. The List was further amended to implement action for support of the price of Canadian casein by imposing import control on dry casein and caseinates.

Consistent with the restrictions imposed on trade with Rhodesia, certain general export and import permits were suspended to the extent that they would not be valid for exports to Rhodesia or for imports of Rhodesian goods. Hides and skins were removed from General Export Permit Ex. 2 in March but restored thereto in November. All changes to control lists and general permits are described below.

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

Section 3 of the Act provides for the establishment of an Export Control List, as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

- (a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;
- (b) to implement an intergovernmental arrangement or commitment; or
- (c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

An export permit is required before an item included in the Export Control List may be exported to any destination except the United States. In order to conserve supply or to implement an intergovernmental arrangement, five items in the List require export permits before they may be exported to any destination including the United States: pancreas glands of cattle and calves, pork and pork products, logs of all species (of wood), pulpwood of all species (of wood), and scrap iron and steel, used rails and used railway axles. Seven items included in Group 8 (Atomic Energy Materials and Equipment) of the List require export permits before they may be exported from Canada to any destination including the United States. Copper ores, concentrates, matte, anodes, all refinery shapes, rolled copper rod, copper and copper base alloys in all mill forms including wire mill products, secondary ingot and copper and copper base scrap require export permits before they may be exported from Canada to any destination other than the United States. All goods originating outside Canada which are to be re-exported require an export permit except any such goods that have been further processed or manufactured in Canada so as to result in a substantial change in value, form and use of the goods or in the production of new goods. Certain exceptions to this requirement are made for goods in transit through Canada in bond and goods shipped from the United States and accompanied by certain specified documentation.

The Export Control List established under Section 3 of the Act by Order in Council P.C. 1964-1944, effective January 1, 1965, published in Part II of The Canada Gazette dated December 23, 1964 and amended by Order in Council P.C. 1965 - 2065, published in an Extra of Part II of The Canada Gazette of November 22, 1965, remained in force during the year.

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established under Section 4 of the Act by Order in Council P.C. 1958-1769, effective January 1, 1959, published in Part II of the Canada Gazette dated January 14, 1959, amended by Order in Council P.C. 1965-2252 of December 20, 1965, published in Part II of The Canada Gazette dated January 12, 1966, remained in force during the year.

Authority is provided under Section 12 of the Act for the establishment of regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, the duration, terms and conditions and other circumstances under which permits may be issued as well as regulations for carrying out the purpose and provisions of the Act. Regulations established under this Section by Order in Council P.C. 1954-788 of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of specified goods to all destinations or to specified destinations. The following general export permits were in effect in 1966:

- (i) General Export Permit No. Ex. 1, of December 27, 1963, published in Part II of The Canada Gazette of January 22, 1964. This general export permit authorizes any person to export: goods which have a value of fifty dollars or less to any country, except a country included in the Area Control List; casual gift shipments not exceeding twenty-five dollars, to any country; goods consigned to Embassies and Legations of Canada or the United Kingdom; personal or settler's effects taken or shipped by an individual on leaving Canada; goods returned as being "not as ordered" under the Goods Not as

Ordered Remission Order; and goods that have been imported into Canada under the Temporary Entry of Articles for Special Use Regulations.

(ii) General Export Permit No. Ex. 2, of August 28, 1963, effective September 16, 1963, published in Part II of The Canada Gazette of September 11, 1963. This general export permit authorizes the export of certain non-strategic goods, irrespective of country of origin, to any country except a country named in the Area Control List, or Cuba, and, if of Canadian origin, to any country named in the Area Control List. Pursuant to Section 10 of the Act, General Export Permit No. Ex. 2 was suspended effective February 24, 1966. to the extent that it would not be valid for exports to Rhodesia by an Order dated February 4, 1966, published in Part II of The Canada Gazette of February 23, 1966.

Subitems (13), "hides, skins, fur and fur manufactures", and (14), "leather and leather manufactures", of item 1 of the Schedule to General Export Permit No. Ex. 2 were revoked and a new subitem (13), "fur and fur manufactures", was substituted therefor, effective March 24, 1966, by an amendment published in an Extra of Part II of The Canada Gazette of March 23, 1966. Item 1 of the Schedule to General Export Permit No. Ex. 2 was subsequently further amended by adding subitem (14), "hides, skins, leather and leather manufactures", effective November 16, 1966, by an amendment published in Part II of The Canada Gazette dated November 23, 1966.

(iii) General Export Permit No. Ex. 3, of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954. This general export permit allows ships and aircraft in Canada to take on board normal stores other than bunkers for voyages to Mainland China or North Korea.

- (iv) General Export Permit No. Ex. 4, of October 31, 1960, effective November 14, 1960, published in Part II of The Canada Gazette of November 23, 1960. This general export permit authorizes the export of pork or pork products to any country. Pursuant to Section 10 of the Act, General Export Permit No. Ex. 4 was suspended effective February 24, 1966 to the extent that it would not be valid for exports to Rhodesia by an Order dated February 4, 1966, published in Part II of The Canada Gazette of February 23, 1966.
- (v) General Export Permit No. Ex. 5, of August 23, 1962, effective September 17, 1962. This general export permit authorizes the export to any country of logs of all species (of wood) upon presentation to the Collector of Customs at the Canadian port of exit of a certificate satisfactory to the Collector that the export consists of poles, piling, posts or pitprops, or of boomsticks or swifters being used as bindings on floating booms. Pursuant to Section 10 of the Act, General Export Permit No. Ex. 5 was suspended effective February 24, 1966 to the extent that it would not be valid for exports to Rhodesia by an Order dated February 4, 1966, published in Part II of The Canada Gazette of February 23, 1966.
- (vi) General Export Permit No. Ex. 6, of November 22, 1965, published in an Extra of Part II of The Canada Gazette of November 22, 1965, authorized any person to export from Canada to any country copper ores and concentrates of Canadian origin. Pursuant to Section 10 of the Act, it was suspended effective February 24, 1966 to the extent that it would not be valid for exports to Rhodesia by an Order dated February 4, 1966, published in Part II of The Canada Gazette of February 23, 1966. Also pursuant to Section 10 of the Act, General Export Permit No. Ex. 6, as amended, was revoked, effective March 21, 1966, by an Order dated March 1, 1966, published in Part II of The Canada Gazette of March 23, 1966.

The Regulations respecting Trans-shipment, established by Order in Council P.C. 1955-17 of January 4, 1955, effective January 16, 1955, published in an Extra of Part II of The Canada Gazette of January 4, 1955 and in the regular issue of January 26, 1955, continued in force. The purpose of these regulations is to enable Canada to co-operate in a system agreed upon by a number of countries of the free world for preventing diversion of strategic materials in transit.

The following is a statistical summary of export permits processed during 1966:

| | |
|---|-------|
| Applications received for export permits during 1966..... | 9,675 |
| Export permits issued during the year (including applications received in 1965 for which processing was completed in 1966)..... | 9,206 |
| Applications refused, or withdrawn as not required..... | 390 |
| Export permits cancelled and suspended..... | 94 |

IMPORT CONTROLS

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 5 of the Act provides for the establishment of an Import Control List, as follows:

"5. The Governor in Council may establish a list of goods to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely:

(a) 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;

(b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act or the

Agricultural Products Board Act, to support the price of the article or that has the effect of supporting the price of the article; or

- (c) to implement an intergovernmental arrangement or commitment;

and where any goods are included in the List for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the List is laid before Parliament pursuant to the Regulations Act."

The Import Control List established by Order in Council P.C. 1964-1313 of August 25, 1964, published in Part II of The Canada Gazette of September 9, 1964, as amended by Orders in Council 1965-2134 of November 30, 1965 and 1965-2211 of December 8, 1965, published in Part II of The Canada Gazette of December 8, 1965, and of December 22, 1965, respectively, included eleven items: butter, butterfat in any form, Cheddar and Colby cheeses, coffee, dry skimmed milk, and six commodities of Rhodesian origin: tobacco, sugar, chrome ores and concentrates, ferrochrome, unmanufactured asbestos, and canned meats. Pursuant to Sections 5 and 6 of the Act, the Import Control List was amended by Order in Council P.C. 1966-289 of February 10, 1966, published in Part II of The Canada Gazette of February 23, 1966, revoking the six items specifying commodities of Rhodesian origin and substituting a new item, "Goods of Rhodesian origin".

The Import Control List was further amended by Order in Council P.C. 1966-960 of May 26, 1966, effective June 15, 1966, published in Part II of The Canada Gazette of June 8, 1966, by adding thereto: "Dry casein and caseinates" for the purpose of implementing action to support the price of Canadian casein.

The Import Permit Regulations established under Section 12 of the Act by Order in Council P.C. 1954-789 of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

Section 8 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions. The following general import permits were in effect in 1966:

- (i) General Import Permit No. Im. 1, of May 25, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954. This general import permit authorizes the import into Canada of butter for the personal use of the importer and his household in an amount not exceeding five dollars in value for each importation. Pursuant to Section 10 of the Act, General Import Permit No. Im. 1 was suspended effective February 24, 1966 to the extent that it would not be valid for imports of goods of Rhodesian origin by an Order dated February 4, 1966, published in Part II of The Canada Gazette of February 23, 1966.
- (ii) General Import Permit No. Im. 2, of May 28, 1957, published in Part II of The Canada Gazette of June 12, 1957. This general import permit authorizes the import into Canada of Cheddar cheese for the personal use of the importer and his household in an amount not exceeding five dollars in value for each importation. Pursuant to Section 10 of the Act, General Import Permit No. Im. 2 was suspended effective February 24, 1966 to the extent that it would not be valid for imports of goods of Rhodesian origin by an Order dated February 4, 1966, published in Part II of The Canada Gazette of February 23, 1966.

- (iii) General Import Permit No. Im. 3, of May 31, 1965, effective July 1, 1965, published in Part II of The Canada Gazette of June 9, 1965. This general import permit authorizes any person to import into Canada: samples and parcels of coffee up to a set limit, and coffee accompanied by a Certificate of Origin or a Certificate of Re-export in the form prescribed by the International Coffee Organization certifying that the coffee was produced by a country that is a Contracting Party to the International Coffee Agreement, 1962. Pursuant to Section 10 of the Act, General Import Permit No. Im. 3 was suspended effective February 24, 1966 to the extent that it would not be valid for imports of goods of Rhodesian origin by an Order dated February 4, 1966, published in Part II of The Canada Gazette of February 23, 1966.
- (iv) General Import Permit No. Im. 4, of September 23, 1957, published in Part II of The Canada Gazette of October 9, 1957. This general import permit authorizes the import into Canada of dry skimmed milk for the personal use of the importer and his household in an amount not exceeding five dollars in value for each importation. Pursuant to Section 10 of the Act, General Import Permit No. Im. 4 was suspended effective February 24, 1966 to the extent that it would not be valid for imports of goods of Rhodesian origin by an Order dated February 4, 1966, published in Part II of The Canada Gazette of February 23, 1966.
- (v) General Import Permit No. Im. 5, of November 16, 1966, expiring on January 15, 1967, published in Part II of The Canada Gazette of November 23, 1966. During the period of its validity, this general import permit authorizes any person to import casual gifts, including those transported by parcel post, up to a value not exceeding twenty-five dollars under the conditions prescribed therein.

There were 346 import permits issued in 1966.

IMPORT CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Order in Council P.C. 1954-790 of May 27, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954, established Import Certificate Regulations, effective June 1, 1954. These Regulations provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to prevent the diversion in transit or the unauthorized trans-shipment of the goods.

There were 480 import certificates issued in 1966.

PROSECUTIONS

There were no prosecutions under the Act in 1966.

REPORT OF THE MINISTER OF TRADE AND COMMERCE

Respecting Operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1967

REPORT

This report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

SUMMARY

During 1967, the Export Control List was revised to fulfill Canada's international commitments with other countries that adhere jointly to the practise of co-ordinating their basic controls over the export of strategic goods to the Sino-Soviet bloc. In the aggregate, the scope of the control was reduced. The revised List was subsequently amended to ensure an adequate supply and distribution of specified commodities in Canada by imposing export control on silver and its derivatives, scrap nickel including residues and dross and secondary ingots of nickel and alloys, and Charolais cattle.

With the imposition of restrictions on the export of silver and its derivatives, a new general export permit was brought into force to ease the control burden on certain categories of permissible exports.

All changes to control lists and general permits are described below.

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

Section 3 of the Act provides for the establishment of an Export Control List, as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

- (a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;
- (b) to implement an intergovernmental arrangement or commitment; or
- (c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

An export permit is required before an item included in the Export Control List may be exported to any destination except the United States. In order to conserve supply or to implement an intergovernmental arrangement, seven items in the List require export permits before they may be exported to any destination including the United States: pancreas glands of cattle and calves, pork and pork products, Charolais cattle, logs of all species (of wood), pulpwood of all species (of wood), scrap iron and steel including used rails and used railway axles, and silver and its derivatives. Seven items included in Group 8 (Atomic Energy Materials and Equipment) of the List require export permits before they may be exported from Canada to any destination including the United States. The following goods require export permits before they may be exported from Canada to any destination other than the United States: copper ores, concentrates, matte, anodes, all refinery shapes, rolled copper rod, copper and copper base alloys in all mill forms including wire mill products, secondary ingot and copper and copper base scrap and in addition nickel scrap, nickel alloy scrap, and other nickel-bearing scrap materials, including residues and dross; secondary ingots of nickel or of nickel alloys. All goods originating outside Canada which are to be re-exported require an export permit except any such goods that have been further

processed or manufactured in Canada so as to result in a substantial change in value, form and use of the goods or in the production of new goods. Certain exceptions to this requirement are made for goods in transit through Canada in bond and goods shipped from the United States and accompanied by certain specified documentation.

Pursuant to Sections 3 and 6 of the Act, Order-In-Council P.C. 1967-25 of January 12, 1967, published in Part II of The Canada Gazette dated January 25, 1967, revoked the Export Control List made by Order-In-Council P.C. 1964-1944 of December 15, 1964, as amended, and established a revised Export Control List effective February 20, 1967. The revision of the Export Control List reflected amendments to nearly 40 per cent of the items, although many of the amendments were of a minor nature intended for purposes of clarification of control coverage. Three items were deleted in their entirety. These involved centrifugal and axial flow compressors or blowers, tankers (that is, ships for carrying petroleum in bulk) designed for speeds of more than 18 knots, and an organic chemical, pentaerythritol tetranitrate. Two new items were added; these describe machinery for the extrusion of a strategic fluoro carbon compound and equipment specially designed for use in processing irradiated nuclear materials to isolate or recover fissionable materials.

Order-In-Council P.C. 1967-1122 of June 2, 1967, published in an Extra of Part II of The Canada Gazette of June 5, 1967, and in the regular issue of June 14, 1967, amended the Export Control List by adding thereto: silver coin; silver, wrought or unwrought; silver alloys, wrought or unwrought; silver chemicals, salts and compounds; silver and silver alloy scrap; imposing control of exports of such goods to all destinations including the United States.

Order-In-Council P.C. 1967-1183 of June 13, 1967, published in Part II of The Canada Gazette of June 28, 1967, also amended the Export Control List by adding thereto: nickel scrap, nickel alloy scrap, and other nickel bearing scrap materials, including residues and dross; secondary ingots of nickel or of nickel alloys; imposing control of exports of such goods to any destination other than the United States.

Order-In-Council P.C. 1967-1805 of September 21, 1967, published in Part II of The Canada Gazette of October 11, 1967 further amended the Export Control List by adding thereto purebred Charolais cattle; imposing control of

exports of this breed of cattle to all destinations including the United States.

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established under Section 4 of the Act by Order-In-Council P.C. 1958-1769 of December 31, 1958, as amended by Order-In-Council P.C. 1965-2252 of December 20, 1965, remained in force during the year.

Authority is provided under Section 12 of the Act for the establishment of regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, the duration, terms and conditions and other circumstances under which permits may be issued as well as regulations for carrying out the purpose and provisions of the Act. Regulations established under this Section by Order-In-Council P.C. 1954-788 of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of specified goods to all destinations or to specified destinations. General Export Permit Nos. Ex.2, Ex.4, Ex.5 and Ex.6 were amended effective February 24, 1966 to the extent that they are not valid for exports to Rhodesia. The following general export permits were in effect in 1967:

- (i) General Export Permit No. Ex.1, of December 27, 1963, authorizes any person to export: goods which have a value of fifty dollars or less to any country, except a country included in the Area Control List; casual gift shipments not exceeding twenty-five dollars; to any country; goods consigned to Embassies and Legations of Canada or the United Kingdom; personal or settler's effects taken or shipped by an individual on leaving Canada; goods returned as being "not as ordered" under the Goods Not as Ordered Remission

Order; and goods that have been imported into Canada under the Temporary Entry of Articles for Special Use Regulations.

Pursuant to Section 10 of the Act, General Export Permit No. Ex.1 was amended by an Order dated June 2, 1967, published in Part II of The Canada Gazette of June 5, 1967 adding under Section 1 a new subsection stipulating that the General Export Permit does not apply so as to permit the export of silver coin; silver, wrought or unwrought; silver alloys, wrought or unwrought; silver chemicals, salts and compounds; and silver and silver alloy scrap.

- (ii) General Export Permit No. Ex.2, of August 28, 1963, as amended, authorizes the export of certain non-strategic goods, irrespective of country of origin, to any country except a country named in the Area Control List, or Cuba, and, if of Canadian origin, to any country named in the Area Control List.

Pursuant to Section 10 of the Act, General Export Permit No. Ex.2 was amended, effective June 2, 1967, by an Order published in an Extra of Part II of The Canada Gazette of June 5, 1967, revoking subitem (14) of Item 5 of the Schedule, "silver bullion and coin", and subitem (20) of Item 10 of the Schedule, "paintings, works of art, antiques, collectors' postage stamps and coins, philatelic and numismatic accessories" and substituting respectively a new subitem (14) of Item 5, "silver coin having an aggregate face amount value not exceeding \$5.00 carried in the personal effects of an individual leaving Canada", and a new subitem (20) of Item 10, "paintings, works of art, antiques, collectors' postage stamps, philatelic and numismatic accessories".

- (iii) General Export Permit No. Ex.3, of May 25, 1954, allows ships and aircraft in Canada to take on board normal stores other than bunkers for voyages to Mainland China or North Korea.

- (iv) General Export Permit No. Ex.4, of October 31, 1960, authorizes the export of pork or pork products to any country.
- (v) General Export Permit No. Ex.5, of August 23, 1962, authorizes the export to any country of logs of all species (of wood) upon presentation to the Collector of Customs at the Canadian port of exit of a certificate satisfactory to the Collector that the export consists of poles, piling, posts or pitprops, or of boomsticks or swifters being used as bindings on floating booms.
- (vi) General Export Permit No. Ex.6, of June 14, 1967, published in Part II of The Canada Gazette of June 28, 1967, authorized any person to export from Canada to any country except Rhodesia: silver coins not exceeding \$1.00 face value in any one letter package; "Royal Canadian Mint" silver coin sets sealed in pliofilm; silver medallions; and silver coins having an aggregate face amount value not exceeding \$5.00 carried in the personal effects of an individual leaving Canada. Pursuant to Section 6 of the Regulations, General Export Permit No. Ex.6 dated June 14, 1967 was withdrawn by an Order dated August 8, 1967, published in Part II of The Canada Gazette of August 23, 1967, and a revised General Export Permit No. Ex.6, effective August 8, 1967, was issued in substitution therefor. The revised General Export Permit No. Ex.6 authorizes any person to export from Canada to any country, except Rhodesia, not only the silver coins described in the previous General Export Permit No. Ex.6 but also silver coins other than silver coins of Canada, silver coins included in Canadian Centennial coin sets of the Royal Canadian Mint, and uncirculated silver dollars dated 1962, 1963 or 1964 individually sealed in pliofilm and embossed by the Royal Canadian Mint on the outer edge.

The Regulations respecting Trans-shipment, established by Order-In-Council P.C. 1955-17 of January 4, 1955, continued in force. The purpose of

these regulations is to enable Canada to co-operate in a system agreed upon by a number of countries of the free world for preventing diversion of strategic materials in transit.

The following is a statistical summary of export permits processed during 1967:

| | |
|---|--------|
| Applications received for export permits during 1967..... | 12,140 |
| Export permits issued during the year (including applications received in 1966 for which processing was completed in 1967)..... | 11,587 |
| Applications refused, or withdrawn as not required..... | 376 |
| Export permits cancelled and suspended..... | 77 |

IMPORT CONTROLS

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 5 of the Act provides for the establishment of an Import Control List, as follows:

"5. The Governor in Council may establish a list of goods to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely:

- (a) 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;
- (b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act or the Agricultural Products Board Act, to support the price of the article or that has the effect of supporting the price of the article; or
- (c) to implement an intergovernmental arrangement or

commitment;
and where any goods are included in the List for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the List is laid before Parliament pursuant to the Regulations Act."

The Import Control List established by Order-In-Council P.C. 1964-1313 of August 25, 1964, as amended by Orders-In-Council P.C. 1966-289 of February 10, 1966 and P.C. 1966-960 of May 26, 1966, includes seven items; butter, butterfat in any form, Cheddar and Colby cheeses, coffee, dry skimmed milk, goods of Rhodesian origin, and dry casein and caseinates.

An import permit is required before an item included in the Import Control List may be imported into Canada from any country.

The Import Permit Regulations established under Section 12 of the Act by Order-In-Council P.C. 1954-789 of May 27, 1954, remained in force during the year.

Section 8 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions. General Import Permit Nos. Im.1, Im.2, Im.3 and Im.4 were amended effective February 4, 1966 to the extent that they are not valid for imports from Rhodesia. The following general import permits were in effect in 1967:

- (i) General Import Permit No. Im.1, of May 25, 1954, authorizes the import into Canada of butter for the personal use of the importer and his household in an amount not exceeding five dollars in value for each importation.
- (ii) General Import Permit No. Im.2, of May 28, 1957, authorizes the import into Canada of Cheddar cheese for the personal use of the importer and his household in an amount not exceeding five dollars in value for each importation.

- (iii) General Import Permit No. Im.3, of May 31, 1965, authorizes any person to import into Canada: samples and parcels of coffee up to a set limit, and coffee accompanied by a Certificate of Origin or a Certificate of Re-export in the form prescribed by the International Coffee Organization certifying that the coffee was produced by a country that is a Contracting Party to the International Coffee Agreement, 1962.
- (iv) General Import Permit No. Im.4, of September 23, 1957, authorizes the import into Canada of dry skimmed milk for the personal use of the importer and his household in an amount not exceeding five dollars in value for each importation.
- (v) General Import Permit No. Im.5, of November 16, 1966, which authorized the import into Canada of casual gifts having a value not exceeding twenty-five dollars, expired on January 15, 1967.

There were 203 import permits issued in 1967.

IMPORT CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Order-In-Council P.C. 1954-790 of May 27, 1954, established Import Certificate Regulations that provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to prevent the diversion in transit or the unauthorized trans-shipment of the goods.

There were 557 import certificates issued in 1967.

PROSECUTIONS

There were no prosecutions under the Act in 1967.

REPORT OF THE MINISTER OF TRADE AND COMMERCE
Respecting Operations Under the
EXPORT AND IMPORT PERMITS ACT
for the year 1968

This report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

SUMMARY

All sections of the Act as described in last year's report were maintained in force during 1968.

The Import Control List was amended by imposing import controls on dry buttermilk and dry whey.

Changes to the Import Control List are described below.

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

Section 3 of the Act provides for the establishment of an Export Control List, as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

- (a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;
- (b) to implement an intergovernmental arrangement or commitment; or
- (c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

An export permit is required before an item included in the Export Control List may be exported to any destination except the United States. In order to conserve supply or to implement an intergovernmental arrangement, seven items in the List require export permits before they may be exported to any destination including the United States: pancreas glands of cattle and calves, pork and pork products, Charolais cattle, logs of all

species (of wood), pulpwood of all species (of wood), scrap iron and steel including used rails and used railway axles, and silver and its derivatives. Seven items included in Group 8 (Atomic Energy Materials and Equipment) of the List require export permits before they may be exported from Canada to any destination including the United States. The following goods require export permits before they may be exported from Canada to any destination other than the United States: copper ores, concentrates, matte, anodes, all refinery shapes, rolled copper rod, copper and copper base alloys in all mill forms including wire mill products, secondary ingot and copper and copper base scrap and in addition nickel scrap, nickel alloy scrap, and other nickel-bearing scrap materials, including residues and dross; secondary ingots of nickel or of nickel alloys. All goods originating outside Canada which are to be re-exported require an export permit except any such goods that have been further processed or manufactured in Canada so as to result in a substantial change in value, form and use of the goods or in the production of new goods. Exceptions to this requirement are made for goods in transit through Canada in bond accompanied by billings clearly indicating the ultimate destination, and goods shipped from the United States accompanied by authenticated Shipper's Export Declarations.

The Export Control List established under Sections 3 and 6 of the Act by Order-In-Council P.C. 1967-35 of January 12, 1967, effective February 20, 1967, as amended by Order-In-Council P.C. 1967-1122 of June 2, 1967, Order-In-Council P.C. 1967-1183 of June 13, 1967, and Order-In-Council P.C. 1967-1805 of September 21, 1967, remained in force during the year.

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established under Section 4 of the Act by Order-In-Council P.C. 1958-1769 of December 31, 1958, as amended by Order-In-Council P.C. 1965-2252 of December 20, 1965, remained in force during the year.

Authority is provided under Section 12 of the Act for the establishment of regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, the duration, terms and conditions and other circumstances under which permits may be issued as well as regulations for carrying out the purpose and provisions of the Act. Regulations established under this Section by Order-In-Council P.C. 1954-788 of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954, and in the regular issue of June 23, 1954, remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of specified goods to all destinations or to specified destinations. General Export Permit Nos. Ex.2, Ex.4, Ex.5 and Ex.6 were amended effective February 24, 1966 to the extent that they are not valid for exports to Rhodesia. The following general export permits were in effect in 1968:

- (i) General Export Permit No. Ex.1, of December 27, 1963, authorizes any person to export: goods which have a value of fifty dollars or less to any country, except a country included in the

Area Control List; casual gift shipments not exceeding twenty-five dollars, to any country; goods consigned to Embassies and Legations of Canada or the United Kingdom; personal or settler's effects taken or shipped by an individual on leaving Canada; goods returned as being "not as ordered" under the Goods Not as Ordered Remission Order; and goods that have been imported into Canada under the Temporary Entry of Articles for Special Use Regulations. Pursuant to Section 10 of the Act, the General Export Permit does not apply so as to permit the export of silver coin; silver, wrought or unwrought; silver alloys, wrought or unwrought; silver chemicals, salts and compounds; and silver and silver alloy scrap.

- (ii) General Export Permit No. Ex.2, of August 28, 1963, as amended by Orders of November 22, 1965, March 18, 1966, November 16, 1966 and June 2, 1967, authorizes the export of certain non-strategic goods, irrespective of country of origin, to any country except a country named in the Area Control List, or Cuba, and, if of Canadian origin, to any country named in the Area Control List.

- (iii) General Export Permit No. Ex.3, of May 25, 1954, allows ships and aircraft in Canada to take on board normal stores other than bunkers for voyages to Mainland China or North Korea.
- (iv) General Export Permit No. Ex.4, of October 31, 1960, authorizes the export of pork or pork products to any country.
- (v) General Export Permit No. Ex.5, of August 23, 1962, authorizes the export to any country of logs of all species (of wood) upon presentation to the Collector of Customs at the Canadian port of exit of a certificate satisfactory to the Collector that the export consists of poles, piling, posts or pitprops, or of boomsticks or swifters being used as bindings on floating booms.
- (vi) General Export Permit No. Ex.6, of August 8, 1967, authorizes any person to export from Canada to any country except Rhodesia: silver coins other than silver coins of Canada; silver coins of Canada not exceeding \$1.00 face value in any one letter package; silver coins of Canada having an aggregate face amount value not exceeding \$5.00 carried in the personal effects of an individual leaving Canada; silver coins included in Canadian Centennial coin sets of the Royal Canadian Mint; uncirculated silver dollars dated 1962, 1963 or 1964, individually sealed in pliofilm and embossed by the Royal Canadian Mint on the outer edge; and silver medallions.

The Regulations respecting Trans-shipment, established by Order-In-Council P.C. 1955-17 of January 4, 1955, continued in force. The purpose of these regulations is to enable Canada to co-operate in a system agreed upon by a number of countries of the free world for preventing diversion of strategic materials in transit.

The following is a statistical summary of export permits processed during 1968:

| | |
|--|--------|
| Applications received for export permits during 1968 | 13,577 |
| Export permits issued during the year (including applications received in 1967 for which processing was completed in 1968) | 12,963 |
| Applications refused, or withdrawn as not required | 305 |
| Export permits cancelled and suspended . . | 93 |

IMPORT CONTROLS

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods ~~included in an Import Control List~~ except under the authority of and in accordance with an import permit issued under this Act."

Section 5 of the Act provides for the establishment of an Import Control List, as follows:

"5. The Governor in Council may establish a list of goods to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely:

- (a) 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;

(b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act or the Agricultural Products Board Act, to support the price of the article or that has the effect of supporting the price of the article; or

(c) to implement an intergovernmental arrangement or commitment;

and where any goods are included in the List for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the List is laid before Parliament pursuant to the Regulations Act."

Pursuant to Sections 5 and 6 of the Act, Order-In-Council P.C. 1968-995 of May 22, 1968, published in Part II of The Canada

Gazette dated June 12, 1968, revoked the Import Control List made by Order-In-Council P.C. 1964-1313 of August 25, 1964, as amended, and established a revised Import Control List by adding dry buttermilk and dry whey thereto. The new List consisted of 9 items: butter, butterfat in any form, Cheddar and Colby cheeses, coffee, dry buttermilk, dry casein and caseinates, dry skimmed milk, dry whey and goods of Rhodesian origin.

An import permit is required before an item included in the Import Control List may be imported into Canada from any country.

The Import Permit Regulations established under Section 12 of the Act by Order-In-Council P.C. 1954-789 of May 27, 1954, remained in force during the year.

Section 8 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions. General Import Permit Nos. Im. 1, Im. 2, Im. 3 and Im. 4 were amended effective February 4, 1966 to the extent that they are not valid for imports from Rhodesia. The following general import permits were in effect in 1968:

- (i) General Import Permit No. Im.1, of May 25, 1954, authorizes the import into Canada of butter for the personal use of the importer and his household in an amount not exceeding five dollars in value for each importation.
- (ii) General Import Permit No. Im.2, of May 28, 1957, authorizes the import into Canada of Cheddar cheese for the personal use of the importer and his household in an amount not exceeding five dollars in value for each importation.

- (iii) General Import Permit No. Im.3, of May 31, 1965, authorizes any person to import into Canada: samples and parcels of coffee up to a set limit, and coffee accompanied by a Certificate of Origin or a Certificate of Re-export in the form prescribed by the International Coffee Organization certifying that the coffee was produced by a country that is a Contracting Party to the International Coffee Agreement, 1962.
- (iv) General Import Permit No. Im.4, of September 23, 1957, authorizes the import into Canada of dry skimmed milk for the personal use of the importer and his household in an amount not exceeding five dollars in value for each importation.

There were 232 import permits issued in 1968.

IMPORT CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Order-In-Council P.C. 1954-790 of May 27, 1954, established Import Certificate Regulations that provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The

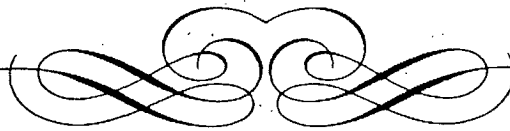
purpose of the Regulations is to prevent the diversion in transit or the unauthorized trans-shipment of the goods.

There were 658 import certificates issued in 1968.

PROSECUTIONS

Investigations were instigated under the Act in twenty cases. The prosecution of nine of these cases resulted in one conviction and the imposition of a total fine of \$7,500 and two rejections, one for lack of conclusive evidence and the other due to conflicting interpretation of the Act which is being appealed in the courts. The remaining prosecutions and investigations will be pursued during the year 1969.

PART II
REPORTS OF THE MINISTER OF INDUSTRY, TRADE AND COMMERCE
respecting operations under the
EXPORT AND IMPORT PERMITS ACT
for the years 1969 - 1981



PARTIE II
RAPPORTS DU MINISTÈRE DE L'INDUSTRIE ET DU COMMERCE
sur les activités découlant de la
LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION
pour les années 1969 - 1981

REPORT OF THE MINISTER OF INDUSTRY, TRADE AND COMMERCE
Respecting Operations Under the
EXPORT AND IMPORT PERMITS ACT
for the year 1969

This report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

SUMMARY

The Act was amended on February 27, 1969 by adding the Canadian Dairy Commission Act to the Acts specified in paragraph (b) of Section 5 in respect of which any article may be included in an Import Control List for the purpose of implementing any action taken to support the price of the article or that has the effect of supporting the price of the article; and by extending it to July 31, 1974.

The Export Control List was amended by adding (a) specified breeds of purebred cattle, (b) Canadian five-cent nickel coins, and (c) nickel in all forms.

The Import Control List was amended by adding (a) sugar and (b) cheese that is imported for further processing in Canada.

General Permits were issued to authorize exports of small amounts of Canadian five-cent coins and the import of sugar and coffee under conditions specified in the Permit.

Changes to Control Lists and General Permits are described below.

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

Section 3 of the Act provides for the establishment of an Export Control List, as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

- (a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;
- (b) to implement an intergovernmental arrangement or commitment; or
- (c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

An export permit is required before an item included in the Export Control List may be exported from Canada to any destination except the United States. In order to conserve supply or to implement an intergovernmental arrangement, eight items in the List require export permits before they may be exported to any destination including the United States: pancreas glands of cattle and calves, pork and pork products, purebred cattle of specified breeds, logs of all species (of wood), pulpwood of all species (of wood), scrap iron and steel including used rails and used railway axles, silver and its derivatives, and nickel in all forms. Another item, copper, included in the List for the purpose of ensuring an adequate supply for Canadian needs, requires export permits to any destination other than the United States.

All goods originating outside Canada which are to be re-exported require an export permit except any such goods that have been further processed or manufactured in Canada so as to result in a substantial change in value, form and use of the goods or in the production of new goods. Exceptions to this requirement are made for goods in transit through Canada in bond accompanied by billings clearly indicating the ultimate destination, and goods shipped from the United States accompanied by authenticated Shipper's Export Declarations.

The Export Control List established under Section 3 of the Act by Order in Council P.C. 1967-35 of January 12, 1967, effective February 20, 1967, as amended by Orders in Council P.C. 1967-1122 of June 2, 1967, P.C. 1967-1183 of June 13, 1967, P.C. 1967-1805 of September 21, 1967, and the additional amendments described below, remained in force.

Order in Council P.C. 1969-979 of May 13, 1969, published in Part II of The Canada Gazette of May 28, 1969, amended the Export Control List by expanding the content of Item 1003 to include purebred cattle of the following breeds: Blonde d'Aquitaine, Charolais, Limousin, Maine-Anjou, and Simmental (Pie Rouge).

Order in Council P.C. 1969-2006 of October 17, 1969, published in Part II of The Canada Gazette of November 12, 1969, also amended the Export Control List by adding thereto Item 5663, "Nickel coins (Canadian) in the five-cent denomination. (All destinations including the United States)."

Order in Council P.C. 1969-2315 of December 4, 1969, published in Part II of The Canada Gazette of December 24, 1969, further amended the Export Control List by revoking Items 5663 and 5664 and substituting therefor an expanded Item 5664, "Nickel in all forms, including: nickel ores, concentrates and matte; sinter, oxide, anodes and primary metal; powder; salts and compounds; nickel bearing alloys; semi-fabricated items; nickel scrap; nickel alloy scrap and other nickel bearing scrap materials; residues and dross; secondary ingots of nickel or of nickel alloys; and nickel coins (Canadian) in the five-cent denomination. (All destinations including the United States)."

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established under Section 4 of the Act by Order in Council P.C. 1958-1769 of December 31, 1958, as amended by Order in Council P.C. 1965-2252 of December 20, 1965, remained in force during the year.

Authority is provided under Section 12 of the Act for the establishment of regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, the duration, terms and conditions and other circumstances under which permits may be issued as well as regulations for carrying out the purpose and provisions of the Act. Regulations established under this Section by Order in Council P.C. 1954-788 of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954, remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of specified goods to all destinations or to specified destinations. General Export Permit Nos. Ex. 2, Ex. 4, Ex. 5 and Ex. 6 were suspended effective February 24, 1966 to the extent that they are not valid for exports to Rhodesia. The following general export permits were in effect in 1969:

- (i) General Export Permit No. Ex. 1, of December 27, 1963, as amended, authorizes any person to export: goods (except silver coin, silver, silver alloys, silver chemicals, and silver scrap) which have a value of fifty dollars or less, to any country other than a country included in the Area Control List; casual gift shipments, not exceeding twenty-five dollars, to any country; goods consigned to Embassies and Legations of Canada or the United Kingdom; personal or settler's effects taken

or shipped by an individual on leaving Canada; goods returned as being "not as ordered" under the Goods Not as Ordered Remission Order; and goods that have been imported into Canada under the Temporary Entry of Articles for Special Use Regulations.

- (ii) General Export Permit No. Ex. 2, of August 28, 1963, as amended, authorizes the export of certain non-strategic goods, irrespective of country of origin, to any country except a country named in the Area Control List or Cuba, and, if of Canadian origin, to any country named in the Area Control List.
- (iii) General Export Permit No. Ex. 3, of May 25, 1954, allows ships and aircraft in Canada to take on board normal stores for flights or for voyages to most destinations.
- (iv) General Export Permit No. Ex. 4, of October 31, 1960, authorizes the export of pork or pork products to any country.
- (v) General Export Permit No. Ex. 5, of August 23, 1962, authorizes the export to any country of logs of all species (of wood) upon presentation to the Collector of Customs at the Canadian port of exit of a certificate satisfactory to the Collector that the export consists of poles, piling, posts or pitprops, or of boomsticks or swifters being used as bindings on floating booms.
- (vi) General Export Permit No. Ex. 6, of August 8, 1967, authorizes any person to export from Canada to any country except Rhodesia: silver coins other than silver coins of Canada; silver coins of Canada not exceeding \$1.00 face value in any one letter package; silver coins of Canada having an aggregate face amount value not exceeding \$5.00 carried in the

personal effects of an individual leaving Canada; silver coins included in Canadian Centennial coin sets of the Royal Canadian Mint; uncirculated silver dollars dated 1962, 1963 or 1964 individually sealed in pliofilm and embossed by the Royal Canadian Mint on the outer edge; and silver medallions.

(vii) General Export Permit No. Ex. 7, of October 20, 1969, published in Part II of The Canada Gazette of November 12, 1969, authorizes any person to export from Canada to any country except Rhodesia: nickel coins (Canadian) in the five-cent denomination having an aggregate face value not exceeding \$5.00.

The Regulations respecting Trans-shipment, established by Order in Council P.C. 1955-17 of January 4, 1955, continued in force. The purpose of these regulations is to enable Canada to co-operate in a system agreed upon by a number of countries of the free world for preventing diversion of strategic materials in transit.

The following is a statistical summary of export permits processed during 1969:

| | |
|---|----------|
| Applications received for export permits during 1969..... | 12,640 |
| Export permits issued during the year (including applications received in 1968 for which processing was completed in 1969)..... | 12,603 / |
| Applications refused, or withdrawn as not required..... | 139 |
| Export permits cancelled..... | 108 |

IMPORT CONTROLS

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 5 of the Act provides for the establishment of an Import Control List, as follows:

"5. The Governor in Council may establish a list of goods to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely:

- (a) 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;
- (b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act or the Agricultural Products Board Act or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article; or
- (c) to implement an intergovernmental arrangement or commitment;

and where any goods are included in the List for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the List is laid before Parliament pursuant to the Regulations Act."

The Import Control List established under Section 5 of the Act by Order in Council P.C. 1968-995 of May 22, 1968, with amendments described below, remained in force.

Control over the import of sugar became necessary in order to implement regulatory measures under the International Sugar Agreement. Order in Council P.C. 1969-489 of March 11, 1969, published in Part II of The Canada Gazette of March 26, 1969, added Item 10 to the Import Control List, "Sugar in any of its recognized commercial forms derived from sugar cane or sugar beet, including edible and fancy molasses, syrups and any other form of liquid sugar used for human consumption."

Order in Council P.C. 1969-978 of May 13, 1969, published in Part II of The Canada Gazette of May 28, 1969, further amended the Import Control List by expanding the content of Item 3 to include:

"Cheeses

(a) Cheddar and Colby

(b) Cheese, other than Cheddar and Colby cheese, that is imported for further processing in Canada by blending with other cheese, by the addition of other ingredients, by heating or emulsifying or by any other process that changes the original composition thereof but not where the further processing is cutting, grating or any other fragmentation that changes only the physical form of the cheese."

An import permit is required before an item included in the Import Control List may be imported into Canada from any country.

The Import Permit Regulations established under Section 12 of the Act by Order in Council P.C. 1954-789 of May 27, 1954, remained in force during the year.

Section 8 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions. General Import Permit Nos. Im. 1, Im. 2, Im. 3 and Im. 4 were suspended effective February 4, 1966 to the extent that they are not valid for imports from Rhodesia. The following general import permits were in effect in 1969:

- (i) General Import Permit No. Im. 1, of May 25, 1954, authorizes the import into Canada of butter for the personal use of the importer and his household in an amount not exceeding five dollars in value for each importation.
- (ii) General Import Permit No. Im. 2, of May 28, 1957, authorizes the import into Canada of Cheddar cheese for the personal use of the importer and his household in an amount not exceeding five dollars in value for each importation.
- (iii) General Import Permit No. Im. 3, of July 9, 1969, published in Part II of The Canada Gazette of July 23, 1969, authorizes any person to import into Canada: samples and parcels of coffee up to a specified limit per importation, and coffee (in any form and quantity) that is accompanied by a Certificate in the form prescribed by the International Coffee Organization certifying that the coffee was produced by a country that is a member of the International Coffee Organization.
- (iv) General Import Permit No. Im. 4, of September 23, 1957, authorizes the import into Canada of dry skimmed milk for the personal use of the importer and his household in an amount not exceeding five dollars in value for each importation.
- (v) General Import Permit No. Im. 5, of March 11, 1969, published in Part II of The Canada Gazette of March 26, 1969, authorizes any person to import at any time not more than ten pounds of sugar for his personal use or the use of his household, and (in any quantity) sugar that is accompanied by documentary evidence of its export from a country that is a Contracting Party to the International Sugar Agreement.

There were 313 import permits issued in 1969.

IMPORT CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Order in Council P.C. 1954-790 of May 27, 1954, established Import Certificate Regulations that provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to prevent the diversion in transit or the unauthorized trans-shipment of the goods.

There were 611 import certificates issued in 1969.

OFFENCES

Thirty-six alleged offences, chiefly involving the unauthorized export of silver coins, were investigated. Twelve prosecutions were instituted resulting in three convictions and three acquittals while decisions in six cases remained pending.

REPORT OF THE MINISTER OF INDUSTRY, TRADE AND COMMERCE

Respecting Operations Under The

EXPORT AND IMPORT PERMITS ACT

for the year 1970

This report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament, a report of the operations under this Act for that year."

SUMMARY

During 1970, the Export Control List was revised to correspond generally with revisions by other countries which adhere to the practice of co-ordinating their basic controls in relation to the export of strategic goods.

The Area Control List was revised without affecting the extent of the control to reflect the fact that certain of the countries designated are now part of larger geopolitical entities or are commonly known by names other than those used previously.

The Import Control List was amended by adding animal feeds containing more than 40 per cent of non-fat milk solids, dry whole milk, and evaporated and condensed milks and by expanding the cheese item to include cheese of all types. In addition, the butterfat item was amended by removing the references to the exclusion of concentrated milk products and cheese, which are now covered by the new items.

Existing General Import Permits were all revoked and new ones established to reflect the changes to the Import Control List.

Changes to Control Lists and General Permits are described below.

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control list except under the authority of and in accordance with an export permit issued under this Act."

Section 3 of the Act provides for the establishment of an Export Control List, as follows:

- "3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:
- (a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted therewith or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;
 - (b) to implement an intergovernmental arrangement or commitment;
 - or
 - (c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

An export permit is required before an item included in the Export Control List may be exported from Canada to any destination except the United States. In order to conserve supply or to implement an intergovernmental arrangement, nine items in the List require export permits before they may be exported to any destination including the United States: pancreas glands of cattle and calves, pork and pork products, purebred cattle of specified breeds, logs of all species (of wood), pulpwood of all species (of wood), scrap iron and steel including used rails and used railway axles, silver and its derivatives, nickel in all forms, and copper ores, concentrates, matte, anodes, all refinery shapes, rolled copper rod, copper and copper base alloys in all mill forms including wire mill products, secondary ingot and copper and copper base scrap.

All goods originating outside Canada which are to be re-exported require an export permit except any such goods that have been further processed or manufactured in Canada so as to result in a substantial change in value, form and use of the goods or in the production of new goods. Exceptions to this requirement are made for goods in transit through Canada in bond accompanied by billings clearly indicating the ultimate destination, and goods shipped from the United States accompanied by authenticated Shipper's Export Declarations.

Order In Council P.C. 1970-1, of January 13, 1970, published in Part II of The Canada Gazette of January 28, 1970, amended the Export Control List by adding the words "All destinations, including the United States" after Item 5680 - copper ores, concentrates, matte, anodes, all refinery shapes, rolled copper rod, copper and copper base alloys in all mill forms including wire mill products, secondary ingot and copper and copper base scrap.

Pursuant to Sections 3 and 6 of the Act, Order in Council P.C. 1970-2000 of November 17, 1970, published in Part II of The Canada Gazette of December 9, 1970, revoked the Export Control List made by Order in Council P.C. 1967-35, of January 12, 1967, as amended, and established a revised Export Control List effective December 9, 1970. Some items have been removed in their entirety from the Export Control List, others have been amended or combined, in most cases reducing the extent of control. Twelve items have been added, including rapeseed of which the oil contains 5 per cent or less of erucic acid. The addition of the rapeseed item will enable Canada to retain stocks necessary for an orderly changeover to the new low erucic acid variety developed by the Canadian Department of Agriculture.

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

Pursuant to Sections 3 and 6 of the Act, Order In Council P.C. 1970-1999, of November 17, 1970, published in Part II of The Canada Gazette of December 9, 1970, revoked the Area Control List made by Order in Council P.C. 1958-1769, of

December 31, 1958, as amended, and established a revised Area Control List effective December 9, 1970. The revision was made, without affecting the extent of the control, because certain of the countries previously designated are now part of larger geopolitical entities or are known by names other than those in use at the time the previous Area Control List was established.

Authority is provided under Section 12 of the Act for the establishment of regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, the duration, terms and conditions and other circumstances under which permits may be issued as well as regulations for carrying out the purpose and provisions of the Act. Regulations established under this Section by Order In Council P.C. 1954-788, of May 27, 1954, effective June 1, 1954, published in an Extra of Part II of The Canada Gazette of May 27, 1954 and in the regular issue of June 23, 1954, remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of specified goods to all destinations or to specified destinations. General Export Permit Nos. Ex.2, Ex.4, Ex.5, and Ex.6 were suspended effective February 24, 1966 to the extent that they are not valid for exports to Rhodesia. The following general export permits were in effect in 1970.

- (i) General Export Permit No. Ex. 1, of December 27, 1963, as amended, authorizes any person to export: goods (except silver coin, silver, silver alloys, silver chemicals, and silver scrap) which have a value of fifty dollars or less, to any country other than a country included in the Area Control List; casual gift shipments, not exceeding twenty-five dollars, to any country; goods consigned to Embassies and Legations of Canada or the United Kingdom; personal or settler's effects taken or shipped by an individual on leaving Canada; goods returned as being "not as ordered" under the Goods Not As Ordered Remission Order; and goods that have been imported into Canada under the Temporary Entry of Articles for Special Use Regulations.

- (ii) General Export Permit No. Ex.2, of August 28, 1963, as amended, authorizes the export of certain non-strategic goods, irrespective of country of origin, to any country except a country named in the Area Control List or Cuba, and, if of Canadian origin, to any country named in the Area Control List.
- (iii) General Export Permit No. Ex.3, of May 25, 1954, allows ships and aircraft in Canada to take on board normal stores for flights or for voyages to most destinations.
- (iv) General Export Permit No. Ex.4, of October 31, 1960, authorizes the export of pork or pork products to any country.
- (v) General Export Permit No. Ex.5, of August 23, 1962, authorizes the export to any country of logs of all species (of wood) upon presentation to the Collector of Customs at the Canadian port of exit of a certificate satisfactory to the Collector that the export consists of poles, piling, posts or pitprops, or of boomsticks or swifters being used as bindings on floating booms.
- (vi) General Export Permit No. Ex.6, of August 8, 1967, authorizes any person to export from Canada to any country except Rhodesia: silver coins other than silver coins of Canada; silver coins of Canada not exceeding \$1.00 face value in any one letter package; silver coins of Canada having an aggregate face amount value not exceeding \$5.00 carried in the personal effects of an individual leaving Canada; silver coins included in Canadian Centennial coin sets of the Royal Canadian Mint; uncirculated silver dollars dated 1962, 1963 or 1964 individually sealed in pliofilm and embossed by the Royal Canadian Mint on the outer edge; and silver medallions.

(vii) General Export Permit No. Ex.7, of October 20, 1969, authorizes any person to export from Canada to any country except Rhodesia: nickel coins (Canadian) in the five-cent denomination having an aggregate face value not exceeding \$5.00.

The Regulations respecting Trans-shipment, established by Order in Council P.C. 1955-17, of January 4, 1955, continued in force. The purpose of these regulations is to enable Canada to co-operate in a system agreed upon by a number of countries of the free world for preventing diversion of strategic materials in transit.

The following is a statistical summary of export permits processed during 1970:

| | |
|--|--------|
| Applications received for export permits during 1970..... | 12,423 |
| Export permits issued during the year (including applications received in 1969 for which processing was completed in 1970) | 12,142 |
| Applications refused, or withdrawn as not required..... | 261 |
| Export permits cancelled | 78 |

IMPORT CONTROL

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 5 of the Act provides for the establishment of an Import Control List, as follows:

"5. The Governor in Council may establish a list of goods to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely:

- (a) 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;

(b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, or the Agricultural Products Board Act or the Canadian Dairy Commission Act, to support the price of the article, or that has the effect of supporting the price of the article; or

(c) to implement an intergovernmental arrangement or commitment;

and where any goods are included in the List for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament at the time the Order of the Governor in Council including those goods in the List is laid before Parliament pursuant to the Regulations Act."

Pursuant to Sections 5 and 6 of the Act, Order in Council P.C. 1970-1376, of July 31, 1970, published in Part II of The Canada Gazette of August 26, 1970, revoked the Import Control List made by Order in Council P.C. 1968-995, of May 22, 1968 as amended, and established a revised Import Control List effective August 14, 1970, including the following items:

- 1) Animal feeds containing more than 40 per cent of non-fat milk solids.
- 2) Butter.
- 3) Butterfat in any form either alone or in combination with other substances, except any combination in which the presence of other substances renders the combination unsuitable as a butterfat ingredient.
- 4) Cheese of all types.
- 5) Coffee, in any form, including parchment, green, roasted, ground, decaffeinated, liquid and soluble.
- 6) Dry buttermilk.
- 7) Dry casein and caseinates.
- 8) Dry skimmed milk.
- 9) Dry whole milk.

- 10) Dry whey.
- 11) Evaporated and condensed milks.
- 12) Sugar in any of its recognized commercial forms derived from sugar cane or sugar beet, including edible and fancy molasses, syrups and any other form of liquid sugar used for human consumption.
- 13) Goods of Rhodesian origin.

Control over the import of cheese of all types, dry whole milk, evaporated and condensed milks, and animal feeds containing more than 40 per cent of non-fat milk solids became necessary because depressed international prices for dairy products, resulting from a heavy world over-supply, had led to certain dairy products not under import control entering or being offered to Canada at prices well below Canadian support levels.

An import permit is required before an item included in the Import Control List may be imported into Canada from any country.

The Import Permit Regulations established under Section 12 of the Act by Order in Council P.C. 1954-789, of May 27, 1954, remained in force during the year.

Section 8 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions. General Import Permits Nos. Im.1, Im.2, Im.3, Im.4, and Im.5 were revoked and General Import Permits Nos. 1, 2 and 3 substituted therefor, effective August 14, 1970. The following conditions governed the issuance of the three new general import permits:

- (i) General Import Permit No. 1, of August 14, 1970, published in Part II of The Canada Gazette of August 26, 1970, authorizes the import into Canada from any country except Rhodesia of (a) any dairy products for the personal use of the importer and his household and not exceeding ten dollars in value for each importation; (b) any natural cheese for direct consumption except Cheddar cheese or Colby cheese.
- (ii) General Import Permit No. 2, of August 14, 1970, published in Part II of The Canada Gazette of August 26, 1970, authorizes any person to import into Canada, except from Rhodesia (a) sugar in any of its recognized commercial forms derived from sugar cane or sugar beet, including edible and fancy molasses, syrups and any other form of liquid sugar used for human consumption, upon presentation of documentary evidence that such sugar is sugar exported

from a country that is a contracting party to the International Sugar Agreement; and (b) sugar from any source for the personal use of the importer and his household not exceeding ten pounds in weight or ten dollars in value for each importation.

- (iii) General Import Permit No. 3, of August 14, 1970, published in Part II of The Canada Gazette of August 26, 1970, authorizes any person to import into Canada (a) from any country except Rhodesia samples and parcels of coffee up to a specified limit per importation; (b) from any country designated as an Importing Member of the International Coffee Organization, except Rhodesia, coffee in any form and quantity upon presentation of a Certificate of Origin, a Certificate of Re-export, or a Certificate of Transit in the form prescribed by the International Coffee Organization certifying that the coffee was produced by a country that is a Member of the International Coffee Organization.

There were 484 import permits issued in 1970.

IMPORT CERTIFICATES

Section 9 of the Act provides:

- "9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefore an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Order in Council P.C. 1954-790, of May 27, 1954, established Import Certificate Regulations that provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to prevent the diversion in transit or the unauthorized trans-shipment of the goods.

There were 599 Import Certificates issued in 1970.

OFFENCES

Twenty-four alleged offences, chiefly involving the unauthorized export of silver coins, were investigated. As a result, three prosecutions were instituted, resulting in convictions.

REPORT OF THE MINISTER OF INDUSTRY, TRADE AND COMMERCE

Respecting Operations Under The

EXPORT AND IMPORT PERMITS ACT

for the year 1971

This report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament, a report of the operations under this Act for that year."

SUMMARY

An Act to provide for the examination, publication and scrutiny of regulations and other statutory instruments (Chapter 38) and an Act to establish the Textile and Clothing Board and to make certain amendments to other Acts in consequence thereof (Chapter 39), were assented to on May 25, 1971, resulting in amendments to Section 5 of the Export and Import Permits Act. The first affected the procedure in providing Parliament with information concerning any item included in the Import Control List for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment. The second provided for the inclusion on the Import Control List of goods of any kind the importation of which causes or threatens serious injury to Canadian producers of like or directly competitive goods.

The Export Control List was amended by the revocation of two items in their entirety and of one item in part, and the redefinition of one item. These amendments had the effect of deleting from the List:

- (a) Rapeseed of which the oil contains 5% or less of erucic acid,
- (b) Nickel coins (Canadian) in the five cent denomination, and
- (c) Silver coin; silver, wrought or unwrought; silver alloys, wrought or unwrought; silver chemicals, salts and compounds; silver and silver alloy scrap,

and of extending control to all breeds of purebred cattle that have been imported into Canada through a Canadian or Canadian controlled quarantine station.

The Import Control List was amended by adding the following goods:

- (a) Yarns and rovings, including threads, cords and twines, wholly of cotton.
- (b) Shirts, men's and boys', dress, work and sports, made from woven or knitted fabric.

General Permits were issued, amended, or revoked, as appropriate, consistent with changes in the Export Control List and Import Control List.

Changes to Control Lists and General Permits are described more specifically hereunder.

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

Section 3 of the Act provides for the establishment of an Export

Control List as follows:

- "3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:
- (a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;
 - (b) to implement an intergovernmental arrangement or commitment;
 - or
 - (c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

An export permit is required before an item included in the Export Control List may be exported from Canada to any destination except the United States. In order to conserve supply or to implement an intergovernmental arrangement, eight items in the List require export permits before they may be exported to any destination including the United States: pancreas glands of cattle and calves, pork and pork products, specified purebred cattle, logs of all species (of wood), pulpwood of all species (of wood), scrap iron and steel including used rails and used railway axles, nickel in specified forms, and copper ores, concentrates,

matte, anodes, all refinery shapes, rolled copper rod, copper and copper base alloys in all mill forms including wire mill products, secondary ingot and copper and copper base scrap.

All goods originating outside Canada which are to be re-exported require an export permit except any such goods that have been further processed or manufactured in Canada so as to result in a substantial change in value, form and use of the goods or in the production of new goods. Exceptions to this requirement are made for goods in transit through Canada in bond accompanied by billings clearly indicating the ultimate destination, and goods shipped from the United States accompanied by authenticated Shipper's Export Declarations.

The Export Control List made by Order in Council P.C. 1970-2000, of November 17, 1970, as amended, remained in force during the year.

Order in Council P.C. 1971-2288 of November 2, 1971, published in Part II of The Canada Gazette of November 24, 1971, amended the Export Control List by revoking Item 1009, rapeseed of which the oil contains 5 per cent or less of erucic acid.

Order in Council P.C. 1971-2532, of November 16, 1971, published in Part II of The Canada Gazette of December 8, 1971, amended the Export Control List by redefining Item 1003 to include all purebred cattle that have been imported into Canada through a Canadian or Canadian controlled quarantine station and the offspring of such cattle if both parents have been imported into Canada through a Canadian or Canadian controlled quarantine station. An export permit is required for all destinations, including the United States.

Order in Council P.C. 1971-2728 of December 14, 1971, published in Part II of The Canada Gazette of December 22, 1971, amended the Export Control List by revoking subitem (11) of Item 5664, nickel coins (Canadian) in the five cent denomination, and by revoking Item 5666, silver coin and silver in other forms.

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established by Order in Council P.C. 1970-1999, of November 17, 1970, published in Part II of The Canada Gazette of December 9, 1970; remained in force during the year.

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order in Council P.C. 1954-788, of May 27, 1954, remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of specified goods to all destinations or to specified destinations. General Export Permit Nos. Ex.2, Ex.4, Ex.5, and Ex.6 were suspended effective February 24, 1966, to the extent that they are not valid for exports to Rhodesia. The following general export permits were in effect in 1971:

- (i) General Export Permit No. Ex.1, of December 27, 1963, as amended, authorizes any person to export: goods which have a value of fifty dollars or less to any country other than a country included in the Area Control List; casual gift shipments, not exceeding twenty-five dollars, to any country; goods consigned to Embassies and Legations of Canada or the United Kingdom; personal or settler's effects taken or shipped by an individual on leaving Canada; goods

returned as being "not as ordered" under the Goods Not As Ordered Remission Order; and goods that have been imported into Canada under the Temporary Entry of Articles for Special Use Regulations. The exclusion of silver coin and other forms of silver from the provision authorizing the export of goods that have a value of fifty dollars or less, which was in effect from June 2, 1967 (SOR/67-289) was removed on December 5, 1971 (SOR/71-653, published in Part II of The Canada Gazette of December 22, 1971).

(ii) General Export Permit No. Ex.2, of August 28, 1963, as amended, authorizes the export of certain non-strategic goods, irrespective of country of origin, to any country except a country named in the Area Control List or Cuba, and, if of Canadian origin, to any country named in the Area Control List. The General Export Permit No. Ex.2 was further amended on April 2, 1971 (SOR/71-155, published in The Canada Gazette, Part II of April 28, 1971) as follows:

1. Subitem (1) of item 1 of the Schedule was amended to read:

(1) Animals, live, except animals described in Item 1003 of the Export Control List.

2. Subitem (21) of item 1 of the Schedule was amended to read:

(21) Seeds of vegetables, forage and grass, and oil seeds, except rapeseed of which the oil contains not more than 5 per cent of erucic acid.

3. Subitem (31) of item 10 of the Schedule was amended to read:

(31) Toys, games and athletic and sporting goods, except sporting firearms and parts and ammunition therefor.

With the removal of rapeseed from the Export Control List, subitem (21) of Item 1 of the Schedule was restored to its original wording on November 2, 1971 (SOR/71-582, published in Part II of The Canada Gazette of November 24, 1971); i.e.,

(21) Seeds of vegetables, forage and grass, and oil seeds.

With the removal of silver and its derivatives and nickel coins (Canadian) in the five cent denomination from the Export Control List, the following subitems were restored to their original wording on December 5, 1971 (SOR/71-653, published in Part II of The Canada Gazette of December 22, 1971); i.e.,

(1) Subitem (14) of item 5:

(14) Silver bullion and coin.

(2) Subitem (20) of item 10:

(20) Paintings, works of art, antiques, collectors' postage stamps and coins, and philatelic and numismatic accessories.

(iii) General Export Permit No. Ex.3, of May 25, 1954, which authorized ships and aircraft to be supplied in Canada with goods normally taken on board as stores for voyages and flights, was revoked on April 2, 1971 and a new General Export Permit No. Ex.3 was issued in substitution therefor (SOR/71-156, published in Part II of The

Canada Gazette of April 28, 1971). The new permit authorizes the supply to vessels and aircraft departing from Canada of usual and reasonable quantities of consumable stores intended for use by or on the vessels and aircraft taking them on board. "Consumable stores" includes fuel oils, lubricants, provisions and supplies required for a voyage or flight and medical and surgical supplies.

- (iv) General Export Permit No. Ex.4, of October 31, 1960, authorizes the export of pork or pork products to any country.
- (v) General Export Permit No. Ex.5, of August 23, 1962, authorizes the export to any country of logs of all species (of wood) upon presentation to the Collector of Customs at the Canadian port of exit of a certificate satisfactory to the Collector that the export consists of poles, piling, posts or pitprops, or of boomsticks or swifters being used as bindings on floating booms.
- (vi) General Export Permit No. Ex.6, of August 8, 1967, authorized any person to export specified silver coins and medallions from Canada to any country except Rhodesia. The permit was revoked on December 5, 1971 consistent with the removal of silver coins from export control (SOR/71-653, published in Part II of The Canada Gazette of December 22, 1971).
- (vii) General Export Permit No. Ex.7, of October 20, 1969, authorized any person to export from Canada to any country, except Rhodesia; nickel coins (Canadian) in the five-cent

denomination having an aggregate face value not exceeding \$5.00. The permit was revoked on December 5, 1971 consistent with the removal of Canadian nickel five cent coins from export control (SOR/71-653, published in Part II of The Canada Gazette of December 22, 1971).

(viii) General Export Permit Ex.8, of November 16, 1971 (SOR/71-604 published in Part II of The Canada Gazette of December 8, 1971) authorizes the export to any country, except Rhodesia, of cattle of specified breeds.

The Regulations respecting Trans-shipment, established by Order in Council P.C. 1955-17, of January 4, 1955, continued in force. The purpose of these regulations is to enable Canada to co-operate in a system agreed upon by a number of countries of the free world to prevent the diversion of strategic materials in transit.

The following is a statistical summary of export permits processed during 1971:

| | |
|--|-------|
| Applications received for export permits during 1971 | 11616 |
| Export permits issued during the year (including applications received in 1970 for which processing was completed in 1971) | 10935 |
| Applications refused, or withdrawn as not required | 455 |
| Export Permits cancelled | 69 |

IMPORT CONTROLS

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 5 of the Act provides for the establishment of an Import Control List, as follows:

- "5. The Governor in Council may establish a list of goods to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely:
- (a) 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;
 - (b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, or the Agricultural Products Board Act or the Canadian Dairy Commission Act, to support the price of the article, or that has the effect of supporting the price of the article; or
 - (c) to implement an intergovernmental arrangement or commitment;

...

- (2) Where at any time it appears to the satisfaction of the Governor in Council on a report of the Minister made pursuant to
- (a) an inquiry made by the Textile and Clothing Board with respect to the importation of any textile and clothing goods within the meaning of the Textile and Clothing Board Act, or

(b) an inquiry made under section 16A of the Anti-dumping Act by the Anti-dumping Tribunal in respect of any goods other than textile and clothing goods within the meaning of the Textile and Clothing Board Act that goods of any kind are being imported or are likely to be imported into Canada at such prices, in such quantities and under such conditions as to cause or threaten serious injury to Canadian producers of like or directly competitive goods, any goods of the same kind may, by order of the Governor in Council, be included on the Import Control List in order to limit the importation of such goods to the extent and for the period that, in the opinion of the Governor in Council, is necessary to prevent or remedy the injury."

The Import Control List made by Order in Council P.C. 1970-1376, of July 31, 1970 with the additions shown hereunder, remained in force during the year.

Order in Council P.C. 1971-1788, of August 26, 1971, published in Part II of The Canada Gazette of September 8, 1971, amended the Import Control List by adding:

14. Yarns and rovings, including threads, cords and twines, wholly of cotton, other than those
 - (a) for use in the manufacture of cotton sewing thread or Schiffli embroidery thread;
 - (b) for use in the manufacture of crochet, knitting, darning, or embroidery cottons to be packaged for sale at retail for household use;
 - (c) of count seventy or finer, imported by manufacturers for use in the manufacture of levers' lace;
 - (d) that are mercerized yarns of count seventy-five and finer; or
 - (e) that are 2 ply, with pearl twist, for use in the manufacture of torchon lace.

Order in Council P.C. 1971-2190, of October 19, 1971, published in Part II of The Canada Gazette of October 29, 1971, amended the Import Control List by adding:

15. Shirts, men's and boys', dress, work and sport, made from woven or knitted fabric, with tailored collar, front opening and long or short sleeves, and having an export price, determined in accordance with the Anti-dumping Act, of less than
 - (a) thirty Canadian dollars per dozen, in the case of woven fabric shirts; and
 - (b) thirty-three Canadian dollars per dozen, in the case of knitted fabric shirts.

An import permit is required before an item included in the Import Control List may be imported into Canada from any country.

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order in Council P.C. 1954-789 of May 27, 1954 remained in force during the year.

Section 8 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions. The following General Import Permits were in effect in 1971:

- (i) General Import Permit No. 1, of August 14, 1970, authorizes the import into Canada from any country except Rhodesia of
 - (a) any dairy products for the personal use of the importer and his household and not exceeding ten dollars in value for each importation; (b) any natural cheese for direct consumption except Cheddar cheese or Colby cheese.
- (ii) General Import Permit No. 2, of August 14, 1970, authorizes any person to import into Canada, except from Rhodesia (a) sugar in any of its recognized commercial forms derived

from sugar cane or sugar beet, including edible and fancy molasses, syrups and any other form of liquid sugar used for human consumption, upon presentation of documentary evidence that such sugar is sugar exported from a country that is a contracting party to the International Sugar Agreement; and (b) sugar from any source for the personal use of the importer and his household not exceeding ten pounds in weight or ten dollars in value for each importation.

- (iii) General Import Permit No. 3, of August 14, 1970, authorizes any person to import into Canada (a) from any country except Rhodesia samples and parcels of coffee up to a specified limit per importation; (b) from any country designated as an Importing Member of the International Coffee Organization, except Rhodesia, coffee in any form and quantity upon presentation of a Certificate of Origin, a Certificate of Re-export, or a Certificate of Transit in the form prescribed by the International Coffee Organization certifying that the coffee was produced by a country that is a member of the International Coffee Organization.
- (iv) General Import Permit No. 4, of September 24, 1971, (SOR/71-486, published in Part II of The Canada Gazette of September 24, 1971 and effective on October 1, 1971) authorizes any person to import into Canada from specified countries any yarns and rovings, including threads, cords and twines, wholly of cotton, that are described in Item 14 of the Import Control List. It also allows individual importations of samples or goods for the personal use of the importer and his household if each importation does not exceed fifteen dollars in declared value.

(v) General Import Permit No. 5, of October 29, 1971, (SOR/71-540, published in Part II of The Canada Gazette of October 29, 1971, effective November 30, 1971) authorizes any person to import into Canada from any country except Rhodesia not more than twelve shirts described in Item 15 of the Import Control List that are acquired or received by a resident of Canada for his personal use or as gifts or that are commercial samples not for sale in Canada.

The following is a statistical summary of import permits processed during 1971:

| | |
|--|------|
| Applications received for import permits during 1971 | 1376 |
| Import permits issued during the year (including applications received in 1970 for which processing was completed in 1971) | 988 |
| Applications refused, or withdrawn as not required | 135 |
| Import permits cancelled | 2 |

IMPORT CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefore an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations required."

Order in Council P.C. 1954-790, of May 27, 1954, established Import Certificate Regulations that provide for the issuance of import certificates

where they are required by the country of export before it will allow goods to be shipped to Canada. The purpose of the Regulations is to prevent the diversion in transit or the unauthorized trans-shipment of the goods.

There were 494 Import Certificates issued in 1971.

OFFENCES

Eleven cases were investigated, none of which required court proceedings.

REPORT OF THE MINISTER OF INDUSTRY, TRADE AND COMMERCE
Respecting Operations Under The
EXPORT AND IMPORT PERMITS ACT
for the year 1972

This report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter 27 of the 1953-54 Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

SUMMARY

The Export Control List was amended by Order-in-Council on two occasions as indicated in the body of this report.

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

Section 3 of the Act provides for the establishment of an Export Control List as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems

it necessary to control for any of the following purposes, namely:

- (a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;
- (b) to implement an intergovernmental arrangement or commitment;
or
- (c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

An export permit is required before an item included in the Export Control List may be exported from Canada to any destination except the United States. In order to conserve supply or to implement an intergovernmental arrangement, six items in the List require export permits before they may be exported to any destination including the United States: pancreas glands of cattle and calves; pork and pork products; specified purebred cattle; logs of all species (of wood); pulpwood of all species (of wood); and scrap iron and steel including used rails and used railway axles. Seven items in the Atomic Energy Materials and Equipment Group of the List also require permits to be exported to any destination including the United States.

All goods originating outside Canada which are to be re-exported require an export permit except any such goods that have been further processed or manufactured in Canada so as to result in a substantial change in value, form and use of the goods or in the production of new goods. Exceptions to this requirement are made for goods in transit through Canada in bond accompanied by billings clearly indicating the ultimate destination, and goods shipped from the United States accompanied by a Shipper's Export Declaration certified by the exporter to be a true copy.

The Export Control List made by Order in Council P.C. 1970-2000 of November 17, 1970, as amended, remained in force during the year.

Order in Council P.C. 1972-1028 of May 16, 1972, published in Part II of The Canada Gazette of June 14, 1972, amended the Export Control List by revoking items 5680 (copper in various forms) and 5664 (nickel in all forms), except that "nickel based alloys containing more than one per cent thorium oxide" was retained as a new item 5661.

Order in Council P.C. 1972-1531 of July 11, 1972, published in Part II of The Canada Gazette of July 26, 1972, amended The Export Control List by revoking paragraph (b) of subitem (2) of item 9001 and substituting the following therefor:

"(b) in the case of goods shipped from the United States, is accompanied by a copy of the United States Shipper's Export Declaration, certified by the exporter to be a true copy, which export declaration does not contain terms conflicting with those of the billing and is presented to the Collector of Customs at the Canadian port of exit."

The amendment substituted the underlined words for "authenticated by a United States Collector of Customs", and represented a procedural change.

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established by Order in Council P.C. 1970-1999, of November 17, 1970, published in Part II of The Canada Gazette of December 9, 1970, remained in force during the year.

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order in Council P.C. 1954-788, of May 27, 1954, remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations. The following general export permits were in effect in 1972:

- (i) General Export Permit No. Ex. 1, of December 27, 1963, as amended, authorizes any person to export: goods which have a value of fifty dollars or less to any country other than a country included in the Area Control List; casual gift

shipments, not exceeding twenty-five dollars, to any country; goods consigned to Embassies and Legations of Canada or the United Kingdom; personal or settler's effects taken or shipped by an individual on leaving Canada; goods returned as being "not as ordered" under the Goods Not As Ordered Remission Order; and goods that have been imported into Canada under the Temporary Entry of Articles for Special Use Regulations.

- (ii) General Export Permit No. Ex. 2, of August 28, 1963, as amended, authorizes the export of certain non-strategic goods, irrespective of country of origin, to any country except a country named in the Area Control List or Cuba, and, if of Canadian origin, to any country named in the Area Control List.
- (iii) General Export Permit No. Ex. 3, of April 2, 1971, authorizes the supply to vessels and aircraft departing from Canada of usual and reasonable quantities of consumable stores intended for use by or on the vessels and aircraft taking them on board. "Consumable stores" includes fuel oils, lubricants, provisions and supplies required for a voyage or flight and medical and surgical supplies.
- (iv) General Export Permit No. Ex. 4, of October 31, 1960, authorizes the export of pork or pork products to any country.

(v) General Export Permit No. Ex. 5, of August 23, 1962, authorizes the export to any country of logs of all species (of wood) upon presentation to the Collector of Customs at the Canadian port of exit of a certificate satisfactory to the Collector that the export consists of poles, piling, posts or pitprops, or of boomsticks or swifters being used as bindings or floating booms.

(vi) General Export Permit No. Ex. 8, of November 16, 1971, authorizes the export to any country, except Rhodesia, of cattle of specified breeds.

General Export Permits No. Ex. 2, No. Ex. 4 and No. Ex. 5 remained suspended to the extent that they are not valid for exports to Rhodesia.

The Regulations respecting Trans-shipment, established by Order in Council P.C. 1955-17, of January 4, 1955, continued in force. The purpose of these regulations is to enable Canada to co-operate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of export permits processed during 1972:

| | |
|---|--------|
| Applications received for export permits during 1972 | 10,633 |
| Export permits issued during the year (including applications received in 1971 for which processing was completed in 1972 | 10,024 |
| Applications refused, or withdrawn as not required | 431 |
| Export permits cancelled | 81 |
| |7 |

IMPORT CONTROLS

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 5 of the Act provides for the establishment of an Import Control List as follows:

"5(1) The Governor in Council may establish a list of goods to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely:

- (a) 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;
- (b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, the Agricultural Products Board Act or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article; or

(c) to implement an intergovernmental arrangement or commitment; and where any goods are included in the list for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament not later than fifteen days after the Order of the Governor in Council including those goods in the list is published in the Canada Gazette pursuant to the Statutory Instruments Act or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

(2) Where at any time it appears to the satisfaction of the Governor in Council on the report of the Minister made pursuant to:

(a) an inquiry made by the Textile and Clothing Board with respect to the importation of any textile and clothing goods within the meaning of the Textile and Clothing Board Act,
or

(b) an inquiry made under Section 16A of the Anti-dumping Act by the Anti-dumping Tribunal in respect of any goods other than textile and clothing

goods within the meaning of the
Textile and Clothing Board Act

that goods of any kind are being imported or are likely to be imported into Canada at such prices, in such quantities and under such conditions as to cause or threaten serious injury to Canadian producers of like or directly competitive goods, any goods of the same kind may by order of the Governor in Council, be included on the Import Control List in order to limit the importation of such goods to the extent and for the period that, in the opinion of the Governor in Council, is necessary to prevent or remedy the injury."

The Import Control List made by Order in Council P.C. 1970-1376, of July 31, 1970, as amended, remained in force during the year.

An import permit is required before an item included in the Import Control List may be imported into Canada from any country.

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order in Council P.C. 1954-789 of May 27, 1954, remained in force during the year.

Section 8 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified

conditions. The following General Import Permits were in effect in 1972:

- (i) General Import Permit No. 1, effective August 14, 1970, authorizes any person to import into Canada from any country except Rhodesia
 - (a) any dairy products for the personal use of the importer and his household and not exceeding ten dollars in value for each importation; (b) any natural cheese for direct consumption except Cheddar cheese or Colby cheese.
- (ii) General Import Permit No. 2, effective August 14, 1970, authorizes any person to import into Canada, except from Rhodesia (a) sugar in any of its recognized commercial forms derived from sugar cane or sugar beet, including edible and fancy molasses, syrups and any other form of liquid sugar used for human consumption, upon presentation of documentary evidence that such sugar is sugar exported from a country that is a contracting party to the International Sugar Agreement; and (b) sugar for the personal use of the importer and his household not exceeding ten pounds in weight or ten dollars in value for each importation.
- (iii) General Import Permit No. 3, effective August 14, 1970, authorizes any person to import into Canada (a) samples and parcels of coffee up to a specified limit per importation from any country,

....11

except Rhodesia (b) coffee up to a specified limit per importation from a country, except Rhodesia, designated as an importing Member of the International Coffee Organization (c) coffee in any form and quantity from any country, except Rhodesia, upon presentation of a Certificate of Origin, a Certificate of Re-export, or a Certificate of Transit in the form prescribed by the International Coffee Organization certifying that the coffee was produced by a country that is a member of the International Coffee Organization.

(iv) General Import Permit No. 4, effective October 1, 1971, authorizes any person to import into Canada from specified countries any yarns and rovings, including threads, cords and twines, wholly of cotton, that are described in Item 14 of the Import Control List. It also allows individual importations of samples or goods for the personal use of the importer and his household if each importation does not exceed fifteen dollars in declared value.

(v) General Import Permit No. 5, effective November 30, 1971, authorizes any person to import into Canada from any country except Rhodesia not more than twelve shirts described in Item 15 of the Import Control List that are acquired or received by a resident of Canada for his personal use

or as gifts or that are commercial samples not for sale in Canada.

The following is a statistical summary of import permits processed during 1972:

| | |
|--|-------|
| Applications received for import permits during 1972 | 2,321 |
| Import permits issued during the year (including applications received in 1971 for which processing was completed in 1972) | 2,287 |
| Applications refused, or withdrawn as not required | 315 |
| Import permits cancelled | 6 |

IMPORT CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefore an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations required."

Order in Council P.C. 1954-790, of May 27, 1954, established Import Certificate Regulations that provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada. The purposes of the Regulations is to prevent the diversion in transit or the unauthorized transshipment of the goods.

There were 528 Import Certificates issued in 1972.

OFFENCES

Fourteen cases were investigated, in two of which decisions remain outstanding. No court proceedings were required in 1972.

REPORT OF THE MINISTER OF INDUSTRY, TRADE AND COMMERCE
Respecting Operations Under The
EXPORT AND IMPORT PERMITS ACT
for the year 1973.

This report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-17 of the 1970 revised Statutes of Canada, which provides:

"26. As soon as practicable after 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

SUMMARY

The Export Control List was amended in May, 1973, by Order-in-Council to correspond generally with revisions by other countries which adhere to the practice of co-ordinating their basic controls in relation to the export of strategic goods.

The Export Control List was also amended by Order-in-Council on several occasions during 1973, by adding certain goods (Canadian silver coins, agricultural protein commodities and beef, pork and livestock), to ensure an adequate supply and distribution of such goods in Canada. Subsequently, the controls over agricultural protein commodities and beef, pork and livestock were removed to reflect the improved supply and distribution of such goods in Canada.

Several new General Export Permits were established and some of them subsequently revoked to reflect changes to the Export Control List. In addition, several existing General Export Permits were either amended or revoked to reflect changes to the Export Control List or in Government Policy.

The Import Control List was amended by Order-in-Council by removing coffee and sugar.

Several existing General Import Permits were revoked to

reflect changes to the Import Control List.

Changes to the Control Lists and General Permits are described below.

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

Section 3 of the Act provides for the establishment of an Export Control List as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

- (a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;
- (b) to implement an intergovernmental arrangement or commitment;
or
- (c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

An export permit is required before an item included in the Export Control List may be exported from Canada to any destination with the exception, in most cases, of the United States. In order to conserve supply or to implement an inter-governmental arrangement, six items in the List require permits before they may be exported to any destination including the United States: pancreas glands of cattle and calves; specified purebred cattle; logs of all species (of wood); pulpwood of all species (of wood); scrap iron and steel; and Canadian silver coin bearing the year 1968 or an earlier year. Five items in the Atomic Energy Materials and Equipment Group of the List also require permits to be exported to any destination including the United States.

All goods originating in the United States which are to be re-exported from Canada require an export permit except any such goods that have been further processed or manufactured outside the United States, by combining them with other goods so as to result in a substantial change in value, form and use of the goods or in the production of new goods.

All goods originating outside Canada which are to be re-exported from Canada require an export permit to any destination with the exception, in most cases, of the United States, when they are listed on the Export Control List. Any such goods that are in transit through Canada in bond accompanied by a billing clearly indicating the ultimate destination, or in the case of goods shipped from the United States, that are accompanied by a Shipper's Export Declaration certified by the exporter to be a true copy, are exempted from control.

Order-in-Council P.C. 1973-1105, of May 8, 1973, published in Part II of the Canada Gazette of May 23, 1973, revoked the Export Control List made by Order-in-Council P.C. 1970-2000, of November 17, 1970, as amended, and established a revised Export Control List effective May 23, 1973. Nine items were removed in their entirety from the Export Control List. Seventy-five items were amended or combined with the effect, in most cases, of reducing the

extent of control. Seven new items were added. Perhaps, the most significant change in the revised Export Control List was the limitation of the control in Group 9 over goods originating outside Canada, that are not included elsewhere on the Export Control List, to goods of United States origin only. This constituted the elimination of what has been a major non-tariff barrier to Canada's export trade, in that export permits are no longer required for the re-export of goods which originate in countries other than the United States when such goods themselves are not described in the Export Control List.

As a consequential amendment to the removal of pork and pork products from the Export Control List, General Export Permit Number Ex. 4 was revoked by a ministerial order effective May 23, 1973.

Order-in-Council P.C. 1973-1121 of May 15, 1973, amended the Export Control List established by Order-in-Council P.C. 1973-1105 of May 8, 1973, by revoking items 7018 and 10003 and introducing a new item 7018 in substitution therefor.

To ensure an adequate supply and distribution of certain commodities in Canada the Export Control List was also amended, as follows:

Order-in-Council P.C. 1973-860 of April 5, 1973, amended the Export Control List by adding item 5666 (Canadian silver coin bearing the year 1968 or an earlier year). Concurrently, a consequential amendment was made to General Export Permit No. Ex. 2 and a new General Export Permit No. Ex. 6 established, by ministerial orders.

Order-in-Council P.C. 1973-1829 of June 29, 1973, amended the Export Control List by adding items 1004 (soybeans, soybean cake and meal); 1005 (rapeseed, rapeseed cake and meal); 1006 (flaxseed and linseed cake and meal); 1007 (fishmeal). A consequential amendment was made to General Export Permit No. Ex. 2 by ministerial order.

Order-in-Council P.C. 1973-1951 of July 9, 1973, (SOR/73-396) amended the Export Control List by adding items 1008 (sunflowerseed, sunflowerseed cake and meal); 1009 (dehydrated or sun-cured alfalfa products) 1010 (packinghouse and rendering by-products); 1011 (vegetable oils, in 45 gallon units, or over, both crude or refined); 1012 (mixed feeds for livestock or poultry); 1013 (lard in 20 pound units); 1014 (tallow); 1015 (brewing or distilling by-products); 1016 (corn gluten feed and meal); 1017 (soybean lecithin); and 1018 (methionine). Consequential amendments to General Export Permit No. Ex. 2 were necessary and effected by ministerial orders.

Orders-in-Council P.C. 1973-2375 and P.C. 1973-2376 of August 14, 1973, amended the Export Control List by adding items 1019 (beef) and 1020 (hogs). A consequential amendment was made to General Export Permit No. Ex. 2 and new General Export Permits No. Ex. 9 and 10 were established by ministerial orders.

General Export Permits No. Ex. 9 and 10 were subsequently revoked and new General Export Permits No. Ex. 9 and 10 were established in substitution therefor by ministerial orders effective September 15, 1973.

Order-in-Council P.C. 1973-3449 of October 30, 1973, amended the Export Control List by revoking items 1004 to 1020, inclusive, (agricultural protein commodities, and beef, pork and livestock). Consequently, General Export Permits No. Ex. 9 and 10 were revoked by ministerial orders effective October 30, 1973.

General Export Permit No. Ex. 5 was amended by ministerial order effective September 20, 1973, requiring that the poles, pilings and crib timber referred to therein be both peeled and 11 inches or under top diameter.

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established by Order-in-Council P.C. 1970-1999, of November 17, 1970, published in Part II of the Canada Gazette of December 9, 1970, remained in force during the year.

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order-in-Council P.C. 1954-788, of May 27, 1954, remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

The Regulations respecting Trans-shipment, established by Order-in-Council P.C. 1955-17, of January 4, 1955, continued in force. The purpose of these regulations is to enable Canada to co-operate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of export permits processed during the year 1973:

| | |
|--|--------|
| Applications received for export permits during 1973 | 11,659 |
| Export permits issued during the year (including applications received in 1972 for which processing was completed in 1973) | 10,840 |

| | |
|---------------------------------|-----|
| Applications refused | 199 |
| Applications withdrawn | 498 |
| Export Permits suspended | 259 |
| Export Permits cancelled | 51 |
| Export Permits reinstated | 1 |

In accordance with Canada's obligation to implement intergovernmental arrangements or commitments the following certificates have been processed during the year 1973:

Re-export Certificates issued during the year .. 183

IMPORT CONTROLS

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 5 of the Act provides for the establishment of an Import Control List as follows:

"5(1) The Governor in Council may establish a list of goods to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely:

- (a) 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;
- (b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, the Agricultural Products Board Act or the Canadian Dairy Commission Act, to support the price of the article or

that has the effect of supporting the price of the article; or

- (c) to implement an intergovernmental arrangement or commitment;

and where any goods are included in the list for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement of commitment, a statement of the effect or a summary of the arrangement or commitment, if it has not previously been laid before Parliament not later than fifteen days after the Order of the Governor in Council including those goods in the list is published in the Canada Gazette pursuant to the Statutory Instruments Act, or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

- (2) Where at any time it appears to the satisfaction of the Governor in Council on the report of the Minister made pursuant to:

(a) an inquiry made by the Textile and Clothing Board with respect to the importation of any textile and clothing within the meaning of the Textile and Clothing Board Act, or,

(b) an inquiry made under Section 16A of the Anti-dumping Act by the Anti-dumping Tribunal in respect of any goods other than textile and clothing goods within the meaning of the Textile and Clothing Board Act that goods of any kind are being imported or are likely to be imported into Canada at such prices, in such quantities and under such conditions as to

cause or threaten serious injury to Canadian producers of like or directly competitive goods, any goods of the same kind may by order of the Governor in Council, be included on the Import Control List in order to limit the importation of such goods to the extent and for the period that, in the opinion of the Governor in Council, is necessary to prevent or remedy the injury."

The Import Control List made by Order-in-Council P.C. 1970-1376, of July 31, 1970, as amended, remained in force during the year.

An import permit is required before an item included in the Import Control List may be imported into Canada from any country.

The Import Control List was amended to implement certain intergovernmental arrangements or commitments, as follows:

Order-in-Council P.C. 1973-2795 of October 1, 1973, amended the Import Control List by revoking item 5 (coffee). A consequential revocation by a ministerial order of General Import Permit No. 3 was made, effective October 1, 1973.

Order-in-Council P.C. 1973-4042 of December 18, 1973, amended the Import Control List by revoking item 12 (sugar), effective January 1, 1974. A consequential revocation by a ministerial order of General Import Permit No. 2 was made effective January 1, 1974.

General Import Permit No. 4 was amended twice by ministerial orders, effective December 7, 1973 and January 4, 1974, respectively. The first amendment was effected by deleting therefrom reference to "Korea, Republic of." The second amendment was effected by revoking General Import Permit Number 4 dated October 1, 1971 and annexing a new General Import Permit Number 4 in substitution therefor, which gives authority to import into Canada cotton yarn as described in item 14 of the Import Control List from any place except Rhodesia.

Authority is provided under Section 12 of the Act for

regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order-in-Council P.C. 1954-789 of May 27, 1954, remained in force during the year.

Section 8 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

The following is a statistical summary of import permits processed during the year 1973:

| | |
|--|-------|
| Applications received for import permits during 1973 | 2,252 |
| Import Permits issued during the year (including applications received in 1972 for which processing was completed in 1973) | 1,891 |
| Applications refused | 42 |
| Applications withdrawn | 141 |
| Import Permits cancelled | NIL |

IMPORT CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefore an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations required."

Order-in-Council P.C. 1954-790 of May 27, 1954, established Import Certificate Regulations that provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada

It also provides for the issuance of Delivery Verification Certificates of the delivery in Canada of goods imported into Canada to comply with the requirements. The purposes of the Regulations is to prevent the diversion in transit or the unauthorized transshipment of such goods.

The following is a statistical summary of certificates processed during the year 1973:

| | |
|---|-----|
| Import Certificates issued during the year | 471 |
| Delivery-Verification Certificates issued during the year | 117 |

OFFENCES

Twenty suspected violations of the Export and Import Permits Act were investigated with charges being laid in seven cases. In one case a conviction was obtained and in the other cases decisions remain outstanding.

REPORT OF THE MINISTER OF INDUSTRY, TRADE AND COMMERCE
Respecting Operations Under The
EXPORT AND IMPORT PERMITS ACT
for the year 1974.

This report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-17 of the 1970 revised Statutes of Canada, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

SUMMARY

The Export and Import Permits Act was amended on May 7, 1974. The purpose of the amendment was to repeal Section 27 of the Act as well as to amend Sections 3 and 5 of the said Act.

The Export Control List was also amended by Order-in-Council five times during 1974, by adding, removing or substituting certain goods to ensure an adequate supply and distribution of such goods in Canada or to implement an inter-governmental arrangement.

Two new General Export Permits were established and two amendments made to existing permits to reflect changes to the Export Control List.

The Import Control List was amended by Order-in-Council four times during 1974 by adding certain goods such as turkeys, cocoa beans and cocoa products as well as eggs and egg products.

There were four new General Import Permits issued and one amended to reflect changes to the Import Control List.

Changes to the Act, Control Lists, and General Permits are described below.

AMENDMENT TO THE ACT.

Bill C-4 received Royal Assent as of Tuesday, May 7, 1974.

The purpose of the Bill was to amend the Export and Import Permits Act by permitting the Governor in Council to restrict the exportation of any article that is a product of a natural resource of Canada where national policy requires the further processing of that product in Canada, and to restrict the exportation of raw or semi-finished material, not being an agricultural product, that is produced in Canada in circumstances of surplus supply and depressed prices of that material.

The Act was also amended in order to permit the Governor in Council to limit the import of any article that, under the Farm Products Marketing Agencies Act, is limited in respect of production or marketing in Canada.

Bill C-4 also repealed Section 27 of the Act providing for the expiry of the Act on July 31, 1974.

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

Section 3 of the Act provides for the establishment of an Export Control List as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely,

(a) to ensure that arms, ammunitions, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;

(a.1) to ensure that any action taken to promote the further processing in Canada of a natural resource that is produced in Canada is not rendered ineffective by reason of the unrestricted exportation of that natural resource;

(a.2) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus supply and depressed prices and that is not a produce of agriculture;

- (b) to implement an inter-governmental arrangement or commitment; or
- (c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs.

An export permit is required before an item included in the Export Control List may be exported from Canada to any destination with the exception, in most cases, of the United States. In order to conserve supply or to implement an inter-governmental arrangement, nine items in the List require permits before they may be exported to any destination including the United States: pancreas glands of cattle and calves; specified purebred cattle; logs of all species (of wood); pulpwood of all species (of wood); scrap iron and steel; Canadian silver coin bearing the year 1968 or an earlier year; Canadian one cent bronze coins; live bovine animals, beef and veal; and live swine and pork. Five items in the Atomic Energy Materials and Equipment Group of the List also require permits to be exported to any destination including the United States.

All goods originating in the United States which are to be re-exported from Canada require an export permit except any such goods that have been further processed or manufactured outside the United States, by combining them with other goods so as to result in a substantial change in value, form and use of the goods or in the production of new goods.

All goods originating outside Canada which are to be re-exported from Canada require an export permit to any destination with the exception, in most cases, of the United States, when they are listed on the Export Control List. Any such goods that are in transit through

Canada in bond accompanied by a billing clearly indicating the ultimate destination, or in the case of goods shipped from the United States that are accompanied by a Shipper's Export Declaration certified by the exporter to be a true copy, are exempted from control. However early in 1974, the United States Bureau of the Census accorded certain specified United States' companies the privilege of reporting their export shipments on a monthly rather than an individual basis. Export shipments by these companies will no longer, therefore, be accompanied by a certified copy of the U.S. Shipper's Export Declaration, but rather by documentation citing a Summary Authorization Number or Symbol assigned by the United States Bureau of the Census. However, in order to avoid the necessity of obtaining individual Export Permits for these in-transit shipments, it was necessary to amend Item 9002 (b) of the Export Control List through Order-in-Council P.C. 1974-1050 of May 7, 1974.

Order-in-Council P.C. 1974-977 of April 30, 1974 amended the Export Control List by adding item 5667 (Canadian one cent bronze coin.) Concurrently a new General Export Permit No. Ex. 7 was established, by Ministerial order. In addition sub-items 5 (14) and 10 (20) of the General Export Permit No. Ex. 2, were amended to include Canadian one cent bronze coins.

Order-in-Council P.C. 1974-1050 of May 7, 1974 amended the Export Control List by revoking sub-item 9002 (b) and a new item substituted therefor.

Order-in-Council P.C. 1974-1431 of June 20, 1974 amended the Export Control List by revoking item 7018 and a new item substituted therefor. Additionally, this Order-in-Council provided for a new item 10003 (technical data).

Order-in-Council P.C. 1974-2519 of November 19, 1974 amended the Export Control List in order to reflect changes in Canada's international commitments with respect to the control of the export of strategic goods, and to correct minor typographical errors in their present definition. These amendments are as follows:-

- item 3501(2)(a)(ii) revoked and a new item substituted therefor.
- item 3501(2)(b) " " " " "
- item 3522 " " " " "
- item 3558(1)(a)(ii) " " " " "
- item 3558(1)(b)(ii) " " " " "
- item 3561 " " " " "
- item 3568(ii)(a)(iii) " " " " "
- item 3572 (2) " " " " "
- item 3572 (4) " " " " "
- item 4460 (4) revoked
- item 5631 (4) revoked and a new item substituted therefor.
- item 5671 (2) (a) amended by adding sub-paragraphs (xi) to (xv)
- item 6763 (1) and (2) revoked and a new item substituted therefor.

Order-in-Council P.C. 1974-2763 of December 13, 1974 amended the Export Control List by adding items 1021 and 1022 (beef and pork) and by revoking the heading of the Export Control List and substituting a new heading therefor to provide for the control of goods to one or more than one specific destination. The control for the export of these goods applies to U.S.A. only. Concurrently, an amendment was made to General Export Permit No. Ex. 2 and a new General Export Permit No. Ex.13 established, by Ministerial orders.

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of goods to which he deems it necessary to control."

The Area Control List established by Order-in-Council P.C. 1970-1999, of November 17, 1970, published in Part II of the Canada Gazette of December 9, 1970, remained in force during the year.

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order-in-Council P.C. 1954-788, of May 27, 1954, remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

The Regulations respecting Trans-shipment, established by Order-in-Council P.C. 1955-17, of January 4, 1955, continued in force. The purpose of these regulations is to

enable Canada to co-operate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of export permits processed during the year 1974:

| | |
|--|-------|
| Export permits issued during the year (including applications received in 1973 for which processing was completed in 1974) | 9,291 |
| Applications refused | 77 |
| Applications withdrawn | 342 |
| Export Permits suspended | 33 |
| Export Permits cancelled | 32 |
| Export Permits reinstated | 3 |

In accordance with Canada's obligation to implement inter-governmental arrangements or commitments, the following certificates have been processed during the year 1974:

Re-export Certificates issued during the year ... 6

IMPORT CONTROLS

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 5 of the Act provides for the establishment of an Import Control List as follows:

"5(1) The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely,

(a) 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 inter-governmental arrangement;

(a.1) 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;

(b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, the Agricultural Products Board Act or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article; or

(c) to implement an intergovernmental arrangement or commitment;

and where any goods are included in the list for the purpose of ensuring supply or distribution of goods subject to allocation by inter-governmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect

or a summary of the arrangement or commitment, if it has not previously been laid before Parliament, shall be laid before Parliament not later than fifteen days after the Order of the Governor in Council including those goods in the list is published in the Canada Gazette pursuant to the Statutory Instruments Act or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting

(2) Where at any time it appears to the satisfaction of the Governor in Council on a report of the Minister made pursuant to

(a) an inquiry made by the Textile and Clothing Board with respect to the importation of any textile and clothing goods within the meaning of the Textile and Clothing Board Act, or

(b) an inquiry made under section 16A of the Anti-dumping Act by the Anti-dumping Tribunal in respect of any goods other than textile and clothing goods within the meaning of the Textile and Clothing Board Act

that goods of any kind are being imported or are likely to be imported into Canada at such prices, in such quantities and under such conditions as to cause or threaten serious injury to Canadian producers of like or directly competitive goods, any goods of the same kind may by order of the Governor in Council, be included on the Import Control List in order to limit the importation of such goods to the extent and for the period that, in the opinion of the Governor Council, is necessary to prevent or remedy the injury. "

The Import Control List made by Order-in-Council P.C. 1970-1376, of July 31, 1970, as amended, remained in force during the year.

An import permit is required before an item included in the Import Control List may be imported into Canada from any country.

The Import Control List was amended to implement certain inter-governmental arrangements or commitments, or to comply with the provisions of the Farm Product Marketing Agencies Act, as follows:

Order-in-Council P.C. 1974-162 of January 23, 1974 placed cocoa beans and cocoa products (Item (6)) on the Import Control List.

A consequential General Import Permit No. 6 was issued by Ministerial Order of February 4, 1974.

Order-in-Council P.C. 1974-1086 of May 8, 1974 placed turkeys (Item 17) on the Import Control List. A consequential General Import Permit No. 7 was issued by Ministerial Order of May 8, 1974.

Order-in-Council P.C. 1974-1085 of May 8, 1974 placed eggs and egg products (Item 18) on the Import Control List. A consequential General Import Permit No. 8 was issued by Ministerial Order of May 8, 1974. General Import Permit No. 8 was subsequently cancelled by Ministerial Order on September 18, 1974, and a new General Import Permit No. 8 issued by the same Ministerial order of September 18, 1974. The effect of this action was to permit the controlled importation of eggs and egg products by the free issuance of individual import permits without applying quota restriction.

Order-in-Council P.C. 1974-1829 of August, 1974 placed live cattle over 700 pounds for slaughter within 90 days of entry (Item 19) and beef and veal in fresh and fresh frozen form (item 20) on the Import Control List.

A consequential General Import Permit No. 9 was issued by Ministerial Order of August 8, 1974.

Order-in-Council P.C. 1974-2841 of December 20, (15m21) 1974, placed nylon woven fabrics originating in the Republic of Korea, on the Import Control List, to be effective January 1, 1975.

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order-in-Council P.C. 1954-789 of May 27, 1954, remained in force during the year.

Section 8 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

The following is a statistical summary of import permits processed during the year 1974:

| | | |
|--|-------|-------|
| Applications received for import permits during 1974 | | 2,548 |
| Import Permits issued during the year (including applications received in 1973 for which processing was completed in 1974) | | 2,287 |
| Applications refused | | 166 |
| Applications withdrawn | | 133 |
| Import Permits cancelled | | NIL |

IMPORT CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada

applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations required."

Order-in-Council P.C. 1954-790 of May 27, 1954 established Import Certificate Regulations that provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada.

It also provides for the issuance of Delivery Verification Certificates of the delivery in Canada of goods imported into Canada to comply with the requirements. The purpose of the Regulations is to prevent the diversion in transit or the unauthorized trans-shipment of such goods.

The following is a statistical summary of certificates processed during the year 1974:

| | |
|---|----------|
| Import Certificates issued during the year |490 |
| Delivery-Verification Certificates issued during the year | 83 |

OFFENCES

Thirty-three (33) suspected violations of the Export and Import Permits Act were investigated with charges being laid in ten (10) cases. In five (5) cases a conviction was obtained, in one case the accused was acquitted and in the other cases decisions remain outstanding.

REPORT OF THE MINISTER OF INDUSTRY, TRADE AND COMMERCE
Respecting Operations Under The
EXPORT AND IMPORT PERMITS ACT
for the year 1975

This report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-17 of the 1970 revised Statutes of Canada, as amended, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

SUMMARY

The Export Control List was amended by Order-in-Council 3 times during 1975 by adding certain goods such as endangered species of wild fauna and flora and human blood products, or by amending the provisions of items already under control to insure an adequate supply and distribution of such goods in Canada or to implement an intergovernmental arrangement.

Two new General Export Permits were established and 3 amendments made to existing permits to reflect changes to the Export Control List and to certain control measures.

The Import Control List was amended by Order-in-Council 14 times during 1975 by adding certain goods such as men's suits and jackets, endangered species of wild fauna and flora, polyester fabrics, nylon fabrics, polyester yarn, wool fabric, acrylic yarns, double knit and warp knit fabrics and work gloves, or by amending the provisions of items already under control.

Ten new General Import Permits were established and 10 amendments made to existing permits to reflect changes to the Import Control List or to certain control measures.

Changes to the Control Lists and General Permits are

described below.

EXPORT CONTROLS

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

Section 3 of the Act provides for the establishment of an Export Control List as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely,

- (a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;
- (a.1) to ensure that any action taken to promote the further processing in Canada of a natural resource that is produced in Canada is not rendered ineffective by reason of the unrestricted exportation of that natural resource;

- (a.2) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus supply and depressed prices and that is not a produce of agriculture;
- (b) to implement an inter-governmental arrangement or commitment; or
- (c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

An export permit is required before an item included in the Export Control List may be exported from Canada to any destination with the exception, in most cases, of the United States. However, 15 items in the List require permits before they may be exported to any destination including the United States, i.e.: pancreas glands of cattle and calves; specified purebred cattle; beef and veal carcasses; logs of all species (of wood); pulpwood of all species (of wood); scrap iron and steel; Canadian silver coin bearing the date 1968 or an earlier year; Canadian one cent bronze coin; source (fertile) and fissionable materials; deuterium and compounds; tritium and compounds; radioactive materials; nuclear reactors and two human blood products, fibrinogen and serum albumin.

All goods originating in the United States which are to be re-exported from Canada require an export permit except any such goods that have been further processed or manufactured outside the United States, by combining them with other goods so as to result in a substantial change in value, form and use of the goods or in the production of new goods.

All goods originating outside Canada which are to be re-exported from Canada require an export permit to any destination with the exception, in most cases, of the United States, when

they are listed on the Export Control List. Any such goods that are in transit in bond through Canada accompanied by a billing or other documentation which clearly indicates the ultimate destination are exempted from Control.

EXPORT CONTROL LIST

Order-in-Council P.C. 1975-1431 of July 3, 1975 amended the Export Control List to include all specimens of species of endangered wild fauna and flora as established by the Convention on International Trade in Endangered Species of Wild Fauna and Flora that came into force on July 1, 1975 (item 1011). Consequential General Export Permit Nos. Ex. 14 and 15 were issued by a Ministerial Order of July 4, 1975. A Ministerial Order dated July 4, 1975 also amended the provisions of General Export Permit No. Ex. 2.

Order-in-Council P.C. 1975-1924 of August 6, 1975 amended the Export Control List by revoking item 1022 covering pork and by changing the provisions of item 1021 covering beef. A Ministerial Order effective August 7, 1975 amended General Export Permit No. Ex. 2 insofar as these goods are concerned, and General Export Permit No. Ex. 13 which applies to item 1021.

General Export Permit No. Ex. 13 relating to item 1021 was amended by Ministerial Order dated September 23, 1975 to be effective January 1, 1976 to remove the requirements for individual export permits for goods controlled under item 1021 of the Export Control List.

Order-in-Council P.C. 1975-3041 of December 23rd, 1975, ^{3(c)} placed two blood products of human origin (Fibrinogen and Serum Albumin) on the Export Control List (items 10010 and 10011).

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established by Order-in-Council P.C. 1970-1999 of November 17, 1970, remained in force during the year.

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order-in-Council P.C. 1954-788 of May 27, 1954 remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

The Regulations respecting trans-shipment, established by Order-in-Council P.C. 1955-17, of January 4, 1955 continued in force. The purpose of these regulations is to enable Canada to co-operate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of applications for export permits processed during the year 1975:

| | |
|---|------|
| Export permits issued..... | 8035 |
| Applications refused..... | 82 |
| Applications withdrawn..... | 265 |
| Export permits cancelled..... | 81 |
| Applications pending as of December 31, 1975..... | 304 |

IMPORT CONTROLS

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 5 of the Act provides for the establishment of an Import Control List as follows:

- "5(1) The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely,
- (a) 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;
 - (a.1) 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;
 - (b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, the Agricultural Products Board Act or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article;
- or

- (c) to implement an intergovernmental arrangement or commitment;
- and where any goods are included in the list for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment if it has not previously been laid before Parliament, shall be laid before Parliament not later than fifteen days after the Order of the Governor in Council including those goods in the list is published in the Canada Gazette pursuant to the Statutory Instruments Act or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.
- (2) Where at any time it appears to the satisfaction of the Governor in Council on a report of the Minister made pursuant to
- (a) an inquiry made by the Textile and Clothing Board with respect to the importation of any textile and clothing goods within the meaning of the Textile and Clothing Board Act,
or
- (b) an inquiry made under section 16A of the Anti-dumping Act by the Anti-dumping Tribunal in respect of any

goods other than textile and clothing goods within the meaning of the Textile and Clothing Board Act that goods of any kind are being imported or are likely to be imported into Canada at such prices, in such quantities and under such conditions as to cause or threaten serious injury to Canadian producers of like or directly competitive goods, any goods of the same kind may by order of the Governor in Council, be included on the Import Control List in order to limit the importation of such goods to the extent and for the period that, in the opinion of the Governor in Council, is necessary to prevent or remedy the injury."

The Import Control List made by Order-in-Council P.C. 1970-1376, of July 31, 1970, as amended, remained in force during the year.

An import permit is required before an item included in the Import Control List may be imported into Canada from any country.

The Import Control List was amended to implement certain inter-governmental arrangements or commitments, or to comply with the provisions of the Farm Product Marketing Agencies Act and the Textile and Clothing Board Act.

IMPORT CONTROL LIST

Order-in-Council P.C. 1975-405 of 25 February 1975 placed broadwoven polyester filament fabrics originating in the Republic of Korea (item 22) and doubleknit and warp knit fabrics originating in the Republic of Korea (item 23) on the Import Control List, effective 1 March 1975. A consequential General Import Permit No. 11 was issued by Ministerial Order of 25 February 1975 effective 1 March 1975.

Order-in-Council P.C. 1975-1062 of 8 May 1975 amended

item 23 of the Import Control List by deleting the words "originating in the Republic of Korea". A consequential Ministerial Order amended the provisions of General Import Permit No. 11 effective 8 May 1975.

Order-in-Council P.C. 1975-1196 of 27 May 1975 amended the provisions of item 22 of the Import Control List to include such goods originating in or imported from Hong Kong. A consequential General Import Permit No. 10 was issued by Ministerial Order of 3 June 1975. General Import Permit No. 10 had been previously revoked by Ministerial Order of 8 May 1975.

General Import Permit No. 11 was further amended by Ministerial Order of 3 June 1975 to refer only to item 23 of the Import Control List.

Order-in-Council P.C. 1975-531 of 6 March 1975 placed worsted spun acrylic yarn for machine knitting originating in Brazil (item 24) on the Import Control List, effective 1 April 1975. A consequential General Import Permit No. 12 was issued by Ministerial Order of 6 March 1975 effective 1 April 1975.

Order-in-Council P.C. 1975-1062 of 8 May 1975 amended the provisions of item 24 of the Import Control List in order to delete the words "originating in Brazil". General Import Permit No. 12 was amended accordingly by Ministerial Order of 8 May 1975.

Order-in-Council P.C. 1975-532 of 6 March 1975 placed worsted fabric containing 17% or more by weight of wool originating in the People's Republic of China and Czechoslovakia (item 25) on the Import Control List effective 1 April 1975. A consequential General Import Permit No. 13 was issued by Ministerial Order of 6 March 1975 effective 1 April 1975.

Order-in-Council P.C. 1975-533 of 6 March 1975 placed broadwoven fabrics of filament nylon originating in Poland (item 26) on the Import Control List effective 1 April 1975. A consequential General Import Permit No. 14 was issued by Ministerial Order of 6 March 1975 effective 1 April 1975.

Order-in-Council P.C. 1975-1061 of 8 May 1975 amended

the provisions of item 26 of the Import Control List to include such goods originating in the Republic of Korea and Taiwan.

Ministerial Order of 8 May 1975 amended General Import Permit No. 14 to give effect to these changes. *It also revoked item 21 of the ICL*

Order-in-Council P.C. 1975-534 of 6 March 1975 placed textured polyester filament yarn (item 27) on the Import Control List effective 1 April 1975. A consequential General Import Permit No. 15 was issued by Ministerial Order of 6 March 1975, effective 1 April 1975.

Order-in-Council P.C. 1975-1062 of 8 May 1975 placed men's fine suits of woven or knitted fabric originating in the Republic of Korea, Taiwan, Hong Kong, Hungary, Romania and Poland (item 28) on the Import Control List. A consequential General Import Permit No. 16 was issued by Ministerial Order of 8 May 1975.

Order-in-Council 1975-1406 of 17 June 1975 amended the provisions of item 28 of the Import Control List by changing the words "men's fine suits" to "men's structured suits and jackets" and by including such goods originating in Czechoslovakia. General Import Permit No. 16 was amended accordingly by Ministerial Order of 18 June 1975.

Order-in-Council P.C. 1975-2263 of 25 September 1975 amended the provisions of item 28 of the Import Control List to include such goods originating in Colombia.

Order-in-Council P.C. 1975-1510 of 3 July 1975 placed all specimens of species of endangered wild fauna and flora or by-products of such specimens (item 30) on the Import Control List. Consequential General Import Permit Nos. 17 and 18 were issued by Ministerial Order of 4 July 1975.

Order-in-Council P.C. 1975-1925 of 6 August 1975 revoked item 19 of the Import Control List covering live cattle over 700 pounds for slaughter.

Order-in-Council P.C. 1975-3042 of 23 December 1975 placed work gloves originating in Hong Kong, the People's Republic of China, Taiwan, the Republic of Korea, Pakistan and Hungary (item 31) on the Import Control List. A consequential General

Import Permit No. 20 was issued by Ministerial Order of 23 December 1975.

General Import Permit No. 4 was amended by Ministerial Order of 19 February 1975 to permit the import of cotton yarns, rovings, threads, cord and twines wholly of cotton as described in item 14 of the Import Control List except from a restricted list of 19 countries.

General Import Permit No. 1 covering dairy products was amended by Ministerial Order of 6 June 1975 to change the value of imports for personal use from ten to twenty dollars and to remove the reference to natural cheese.

General Import Permit No. 8 covering eggs was amended by Ministerial Order of July 4, 1975 to restrict the importation for personal use to two dozen for each importation.

General Import Permit No. 9 was amended by Ministerial Order of 23 December 1975 to remove the requirements for individual import permits for goods controlled under item 20 (beef and veal) of the Import Control List.

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order-in-Council P.C. 1954-788, May 27, 1954, remained in force during the year.

Section 8 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

The following is a statistical summary of applications for import permits processed during the year 1975:

| | |
|---|------|
| Import Permits issued..... | 8267 |
| Applications refused..... | 358 |
| Applications withdrawn..... | 89 |
| Import Permits cancelled..... | 3 |
| Applications pending as of December 31, 1975..... | 257 |

CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate the importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations required."

Order-in-Council P.C. 1954-790 of May 27, 1954 established Import Certificate Regulations that provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada.

It also provides for the issuance of Delivery Verification Certificates of the delivery in Canada of goods imported into Canada to comply with the requirements. The purpose of the Regulations is to prevent the diversion in transit or the unauthorized trans-shipment of such goods.

The following is a statistical summary of certificates processed during the year 1975:

| | |
|---|-----|
| Import Certificates issued..... | 363 |
| Delivery-Verification Certificates issued | |
| | 115 |

OFFENCES

Twenty-six (26) suspected violations of the Export and Import Permits Act were investigated or are still under investigation. No charges were laid during 1975. Of the four (4) cases in which charges were laid in 1974, two (2) convictions were obtained and two (2) cases remain outstanding.

ENDANGERED SPECIES

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, which came into force on July 1, 1975, is an international agreement to regulate trading over 800 designated endangered species of animals and plants including their respective parts and derivatives. As of December 31, 1975, 23 countries had ratified the Convention, including Canada, which proceeded to ratification on April 10, 1975. It is anticipated that by the end of 1976 over 50 countries will have ratified the Convention.

The Department of Industry, Trade and Commerce was designated by Cabinet as the Competent Authority to perform those functions related to the regulation of trade of such endangered species through export and import control measures, by means of the Export and Import Permits Act. Such control measures were introduced on July 3, 1975. On July 4, 1975 the Minister of Industry, Trade and Commerce issued general export and import permits to allow the Canadian Wildlife Service of the Department of the Environment as well as the provincial or territorial government authorities to issue individual Convention permits for the above mentioned species.

As of December 31, 1975, a total of 31 applications were received by the Department of the Environment, the provinces and territories for Convention export permits resulting in the issuance of 27 permits and the cancellation of 4 applications. A total of 16 applications were received by the Department of the Environment for Convention import permits resulting in the issuance of 14 permits, the withdrawal of 1 application and the cancellation of 1.

REPORT OF THE MINISTER OF INDUSTRY, TRADE AND COMMERCE

Respecting Operations Under The

EXPORT AND IMPORT PERMITS ACT

for the year 1976

This report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-17 of the 1970 Revised Statutes of Canada, as amended, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

SUMMARY

In the case of the Export Control List, two new items were added: a) 5664 - Specialty Steel Products; and b) 5674 - Cesium Crude Ore. Item 1011 was modified. One general export permit was cancelled and two were amended.

In the case of the Import Control List, the following 21 new items were added: 5 - coffee; 29 - cotton terry towels; 32 - outerwear garments; 32.1 - outerwear garments partially manufactured; 33 - sweaters, cardigans and pullovers (subsequently revoked and replaced by Item 50); 34 - hosiery; 35 - double knit fabrics; 36 - warp knit fabrics; 37 - pants; 38 - suits and coats; 39 - blouses and ladies' shirts; 40 - sleepwear; 41 - raincoats; 42 - sportswear; 43 - foundation garments; 44 - swimwear; 45 - underwear; 46 - top coats and outer-jackets; 47 - men's suits and coats; 48 - leather coats; 49 - men's and boys' shirts; 50 - sweaters, pullovers and cardigans.

The following 8 items were amended: 15 - men's and boys' shirts; 22 - broadwoven polyester filament fabrics; 24 - 100% acrylic worsted spun yarns; 25 - worsted fabrics; 28 - men's structured suits; 30 - endangered species; 31 - work gloves; 32.1 - outerwear.

The following 4 items were revoked: 15 - shirts (replaced by Item 49); 23 - double knit and warp knit fabrics (replaced by Items 35 and 36); 28 - men's structured suits (replaced by Item 47); 33 - sweaters, cardigans and pullovers (replaced by Item 50).

Five general import permits were revoked; seven were amended and eight new general import permits were issued.

The details of these changes to the Control Lists and General Permits are described below.

1. EXPORT CONTROLS

a) Export Control List

Section 3 of the Act provides for the establishment of an Export Control List as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

(a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made.

available to any destination wherein their use might be detrimental to the security of Canada;

(a.1) to ensure that any action taken to promote the further processing in Canada of a natural resource that is produced in Canada is not rendered ineffective by reason of the unrestricted exportation of that natural resource;

(a.2) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus supply and depressed prices and that is not a produce of agriculture;

(b) to implement an intergovernmental arrangement or commitment; or

(c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

Order-in-Council P.C. 1976-2336 of 21 September 1976 amended provisions of Item 1011 to reflect adequately the intent of the Convention on International Trade in Endangered species of Wild Fauna and Flora and, at the same time, to make the legislation more practical for those whose task it is to implement. A Ministerial Order cancelled General Export Permit Ex. 15 and amended certain provisions of General Export Permit No. Ex. 14, effective 21 September 1976.

Order-in-Council P.C. 1976-2335 of 21 September 1976 added Item 5674 covering Cesium in all forms under the authority of Section 3 (a) of the Act, i.e., to ensure that such an article will not be made available to any destination wherein its use might be detrimental to the security of Canada.

A Ministerial Order amended the provisions of General Export Permit No. Ex. 13, effective 17 October 1976, which relates to Item 1021 covering beef and veal carcasses, or cuts, bone in or boneless, fresh, chilled or frozen.

Order-in-Council P.C. 1976-3033 of 9 December 1976 amended the List by adding Item 5664 covering specialty steel products subject to U.S. import quotas, in order that export permits may be issued in a manner which facilitates the equitable distribution of export opportunities among Canadian suppliers. This action was taken under the authority of Section 3(b) of the Act; i.e. to implement an intergovernmental arrangement between Canada and the United States of America.

b) Area Control List

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established by Order-in-Council P.C. 1970-1999 of November 17, 1970, remained in force during the year with no modification.

c) Issuance of Permits

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

An export permit is required before an item included in the Export Control List may be exported from Canada to any destination with the exception, in most cases, of the United States. However, 15 items in the List require permits before they may be exported to any destination including the United

States, i.e.: 1001 - pancreas glands of cattle and calves; 1003 - purebred cattle; 1011 - endangered species (appendix I or II); 2001 - logs of wood (of all species); 2002 - pulpwood (of all species); 5665 - scrap iron and steel; 5666 - Canadian silver coins (1968 or earlier); 5667 - Canadian one cent bronze coins; 8001 - source (fertile) and fissionable materials; 8005 - deuterium; 8039 - tritium; 8050 - radio-active materials; 8136 - nuclear reactors; 10010 - fibrinogen; 10011 - serum albumin. Furthermore, two items require permits before they may be exported to the United States only, i.e. 1021 - beef and veal carcasses; 5664 - specialty steel products.

All goods originating in the United States that are to be re-exported from Canada require an export permit except any such goods that have been further processed or manufactured outside the United States, by combining them with other goods or otherwise so as to result in a substantial change in value, form and use of the goods or in the production of new goods.

All goods originating outside Canada that are to be re-exported from Canada require an export permit to any destination with the exception, in most cases, of the United States, when they are named in the Export Control List. Any such goods that are in transit in bond through Canada accompanied by a billing or other documentation which clearly indicates the ultimate destination are exempted from the requirement to have an export permit.

Section 7 of the Act provides that:

"7. The Minister may issue to any resident of Canada applying therefor a permit to export goods included in an Export Control List or to a country included in an Area Control List, in such quantity and of such quality, by such persons, to such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits,

procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order-in-Council P.C. 1954-788 of May 27, 1954, remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

The Regulations respecting trans-shipment, established by Order-in-Council P.C. 1955-17, of January 4, 1955, continued in force. The purpose of these Regulations is to enable Canada to co-operate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of applications for export permits processed during the year 1976 relating to both the Export Control List and the Area Control List:

| | |
|---|------|
| Export permits issued..... | 8672 |
| Applications refused..... | 53 |
| Applications withdrawn..... | 170 |
| Export permits cancelled..... | 101 |
| Applications pending as of December 31, 1976..... | 35 |

2. IMPORT CONTROLS

a) Import Control List

Section 5 of the Act provides for the establishment of an Import Control List as follows:

"5. The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely,

(a) 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;

(a.1) 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;

(b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, the Agricultural Products Board Act or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article;

or

(c) to implement an intergovernmental arrangement or commitment; and where any goods are included in the list for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment if it has not previously been laid before Parliament, shall be laid before Parliament not later than fifteen days after the Order of the

Governor in Council including those goods in the list is published in the Canada Gazette pursuant to the Statutory Instruments Act or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

(2) where at any time it appears to the satisfaction of the Governor in Council on a report of the Minister made pursuant to

- (a) an inquiry made by the Textile and Clothing Board with respect to the importation of any textile and clothing goods within the meaning of the Textile and Clothing Board Act; or
- (b) an inquiry made under Section 16A of the Anti-dumping Act by the Anti-dumping Tribunal in respect of any goods other than textile and clothing goods within the meaning of the Textile and Clothing Board Act.

that goods of any kind are being imported or are likely to be imported into Canada at such prices, in such quantities and under such conditions as to cause or threaten serious injury to Canadian producers of like or directly competitive goods, any goods of the same kind may by order of the Governor in Council, be included on the Import Control List in order to limit the importation of such goods to the extent and for the period that, in the opinion of the Governor in Council, is necessary to prevent or remedy the injury."

The Import Control List made by Order-in-Council P.C. 1970-1376, of July 31, 1970, as amended, remained in force during the year.

The Import Control List was amended to implement certain intergovernmental arrangements or commitments, or to comply with the provisions of the Farm Product Marketing Agencies Act and the Textile and Clothing Board Act.

Order-in-Council P.C. 1976-907 of 15 April 1976 amended certain provisions of Item 24 to cover 100 per cent acrylic worsted spun yarns in hanks and skeins for machine knitting having an export price determined in accordance with the Anti-dumping Act of less than \$1.30 in Canadian currency per pound. Consequently General Import Permit No. 12 was amended by a Ministerial Order on the same date to reflect changes made to the Item, effective 20 April 1976.

Order-in-Council P.C. 1976-908 of April 15, 1976 amended certain provisions of Item 15 to include shirts, men's and boys', dress, work and sport, made from woven or knitted fabric, with tailored collar, front opening and long or short sleeves and added Item 32 covering outerwear garments commonly referred to as (a) snowsuits, snowmobile suits, ski suits and ski pants and (b) jackets and vests including parkas and ski jackets that have an outershell manufactured substantially from woven fabrics and that are lined and designed to protect the wearer against cold or inclement weather. A consequential Ministerial Order dated 15 April 1976 issued General Import Permit No. 21 to cover Item 32 effective 20 April 1976.

Order-in-Council P.C. 1976-909 of 15 April 1976 modified Item 28 to read "Men's structured suits and jackets of woven or knitted fabrics".

Order-in-Council P.C. 1976-1168 of 18 May 1976 amended Item 22 to include Taiwan.

Order-in-Council P.C. 1976-1452 of 15 June 1976 modified Item 31 to read "work gloves composed wholly or in part of textile fabric or leather whether or not impregnated or coated with plastic". A consequential

Ministerial Order dated 15 June 1976 amended General Import Permit No. 20 covering Item 31, effective 1 July, 1976.

Order-in-Council P.C. 1976-2067 of 5 August 1976 amended the List by adding (a) Item 33 - sweaters, cardigans and pullovers made wholly or substantially of man-made fibres, wool or man-made fibres and wool originating from the Republic of Korea, Taiwan and Hong Kong, excluding all such garments commonly referred to as T-shirts and sweatshirts and (b) Item 34 - hosiery for men and boys, women and girls, infants and children, originating from the Republic of Korea, Taiwan, Singapore and Poland. A Ministerial Order dated 9 August 1976 issued General Import Permits Nos. 22 and 23 in relation to Items 33 and 34 effective 9 August 1976.

Order-in-Council P.C. 1976-2334 of 21 September 1976 amended certain provisions of Item 30 covering all specimens of endangered wild fauna and flora or derivatives thereof included in Appendix I or II or set out in each Part of Appendix III in respect of the country or point of origin referred to in that Part. A Ministerial Order was issued cancelling General Import Permit No. 18 relating to endangered species and, at the same time amending General Import Permit No. 17, effective same date.

Order-in-Council P.C. 1976-2412 of 28 September 1976 added Item 5 - coffee in any form, including parchment, green, wasted, ground, decaffeinated, liquid and soluble, to fulfill the requirements of the International Coffee Organization. A consequential Ministerial Order issued General Import Permit No. 3 covering this Item, effective 1 October 1976.

Order-in-Council P.C. 1976-2516 of 12 October 1976 revoked Item 23 and replaced it by adding Item 35, double knit fabrics, and Item 36 warp knit

fabrics. It also amended certain provisions of Item 25 to cover worsted fabric containing 17 per cent or more by weight of wool from all sources except the United Kingdom, France, West Germany, Netherlands, Switzerland, Italy, United States and Japan. A consequential Ministerial Order issued General Import Permits Nos. 35 and 36 to cover new Items 35 and 36, effective 12 October 1976.

A Ministerial Order dated 12 October 1976 cancelled General Import Permit No. 11, and amended certain provisions of General Import Permit No. 13, relating to Item 25 as described above.

A Ministerial Order dated 13 October 1976 changed the provisions of General Import Permit No. 9, by allowing the importation into Canada of beef and veal, in fresh and frozen form except offals for the personal use of the importer and his household not exceeding twenty pounds (8.83 kg) in net weight for each importation, effective 18 October 1976.

Order-in-Council P.C. 1976-2624 of 22 October 1976 added Item 32.1 covering outerwear garments described in Item 32 that are partially manufactured.

Order-in-Council P.C. 1976-2957 of 25 November 1976 revoked Items 15, 28 and 33 and added thereto the following items:

- 37 - Pants, including jeans, slacks, shorts, overalls and coveralls.
- 38 - Unstructured or leisure suits, including unstructured sports coats and blazers.
- 39 - Blouses and ladies' shirts, including T-shirts and sweatshirts.
- 40 - Pyjamas and sleepwear.
- 41 - Raincoats.
- 42 - Sportswear including dresses and co-ordinates.
- 43 - Foundation garments.
- 44 - Swimwear.

- 45 - Underwear.
- 46 - Top coats, overcoats and outerjackets, including duffle coats, suburban coats and pant coats.
- 47 - Men's fine suits and jackets, including sportcoats and blazers.
- 48 - Leather coats.
- 49 - Men's and boys' shirts, including T-shirts and sweatshirts.
- 50 - Sweaters, pullovers and cardigans.

A Ministerial Order cancelled General Import Permits Nos. 5, 16, 22 and issued General Import Permit No. 24 to cover the goods described in Items 37 to 50, effective 30 November 1976. A consequential Ministerial Order amended the provisions of General Import Permit No. 24, effective 8 December 1976. A further Ministerial Order amended certain provisions of General Import Permit No. 24 effective 17 December 1976.

Order-in-Council P.C. 1976-3324 of 30 December 1976 added Item 29 covering cotton terry towels originating in the People's Republic of China. A consequential Ministerial Order of the same date issued General Import Permit No. 19 covering this item, effective 1 January 1977.

b) Issuance of Permits

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

An import permit is required before any goods included in the Import Control List may be imported into Canada from any country.

Section 8 of the Act provides:

"8. The Minister may issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations".

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order-in-Council P.C. 1954-788, May 27, 1954, remained in force during the year.

Section 8 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

The following is a statistical summary of applications for import permits processed during the year 1976:

| | |
|---|--------|
| Import permits issued..... | 24,577 |
| Applications refused..... | 1,071 |
| Applications withdrawn..... | 1,658 |
| Import Permits cancelled..... | 3,466 |
| Applications pending as of December 31, 1976..... | 753 |

3. CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate the importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate

within the time specified therein and containing such other information as the regulations required."

Order-in-Council P.C. 1954-790 of May 27, 1954 established Import Certificate Regulations that provide for the issuance of import certificates where there are required by the country of export before it will allow goods to be shipped to Canada.

It also provides for the issuance of Delivery-Verification Certificates of the delivery in Canada of goods imported into Canada to comply with the requirements. The purpose of the Regulations is to prevent the diversion in transit or the unauthorized trans-shipment of such goods.

The following is a statistical summary of certificates processed during the year 1976.

Import Certificates issued398
Delivery-Verification Certificates issued.....116

4. OFFENCES

Section 19 of the Act provides that:

"19. (1) Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable

(a) on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment; or

(b) on conviction upon indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment.

(2) A prosecution under paragraph (a) of subsection (1) may be instituted at any time within three years from the time when the subject-matter of the complaint arose."

Eight (8) suspected violations of the Export and Import Permits Act were investigated or are still under investigation. Two charges were laid during 1976 and two convictions were obtained.

5. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, which came into force on July 1, 1975, is an international agreement to regulate trading over 800 designated endangered species of animals and plants including their respective parts and derivatives.

The Department of Industry, Trade and Commerce was designated by Cabinet as the Competent Authority to perform those functions related to the regulation of trade of such endangered species through export and import control measures, by means of the Export and Import Permits Act. Such control measures were introduced on July 3, 1975. On July 4, 1975, the Minister of Industry, Trade and Commerce issued general export and import permits to allow the Canadian Wildlife Service of the Department of the Environment as well as the provincial or territorial government authorities to issue individual Convention permits for the above mentioned species. The following is a résumé of the export and import permits as well as other documents issued under the authority of General Export Permit No. Ex 14 and General Import Permit No. 17.

a) Export Permits

During the period January 1, 1976, to December 31, 1976, the following export permits were processed in accordance with General Export Permit No. Ex. 14:

An export permit is required for all specimens included in Appendices I, II and III of the Export Control List.

| | |
|-----------------------------|-----|
| Applications received..... | 139 |
| Applications completed..... | 134 |
| Applications refused..... | - |
| Applications withdrawn..... | 1 |
| Applications cancelled..... | 5 |

b) Import Permits

The following import permits were processed in accordance with General Import Permit No. 17. A permit is required for Appendix 1 (Import Control List) specimens. All applications were handled by Canadian Wildlife Service.

| | |
|-----------------------------|----|
| Applications received..... | 43 |
| Applications completed..... | 30 |
| Applications refused..... | 5 |
| Applications withdrawn..... | 7 |
| Applications cancelled..... | 1 |

c) Transit Permits

Six (6) permit applications for live animals were received and completed by the Canadian Wildlife Service.

d) Certificates

In accordance with General Import Permit No. 18 of July 4, 1975, and General Export Permit No. Ex. 15 of July 4, 1975, a total of 38 Import/Export Certificates were issued to scientists and scientific institutions for the non-commercial loan, donation or exchange of herbarium specimens, other preserved, dried or embedded museum specimens and live plant material. All certificates issued expired on December 31, 1976.

REPORT OF THE MINISTER OF INDUSTRY, TRADE AND COMMERCE

Respecting Operations Under The

EXPORT AND IMPORT PERMITS ACT

for the year 1977

TABLED IN HOUSE 16 APRIL 1980

This report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-17 of the 1970 Revised Statutes of Canada, as amended, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

SUMMARY

Item 1011 and items 3072 to 10011 in Groups 3 to 10 on the Export Control List were amended. Four general export permits were also amended as follows:

General Export Permit No. Ex.2 - Schedule (amended twice)
General Export Permit No. Ex.8
General Export Permit No. Ex.9 (amended twice)
General Export Permit No. Ex.13 (amended twice)

The following seven new items were added to the Import Control List: 51 - sheets; 52 - pillowcases; 53 - women's and girls' casual or dress boots; 54 - women's and girls' casual or dress shoes; 55 - women's and girls' casual or dress sandals; 56 - women's and girls' casual or dress wooden footwear (items 53 - 56 were subsequently revoked); and 57 - covering all types of footwear.

The following seven items were amended: 17 - turkeys, turkey parts and products; 22 - Broadwoven filament polyester fabrics; 26 - Broadwoven filament nylon fabrics; 29 - cotton terry towels (amended twice); 30 - endangered species; 34 - hosiery; and 47 - men's and boys' fine suits and jackets.

Two new permits were issued, one was amended twice, and one was revoked.

The details of these changes to the Control Lists and General Permits are described below.

1. EXPORT CONTROLS

a) Export Control List

Section 3 of the Act provides for the establishment of an Export Control List as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

(a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;

(a.1) to ensure that any action taken to promote the further processing in Canada of a natural resource that is produced in Canada is not rendered ineffective by reason of the unrestricted exportation of that natural resource;

(a.2) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus supply and depressed prices and that is not a produce of agriculture;

- (b) *to implement an intergovernmental arrangement or commitment; or*
- (c) *to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."*

A Ministerial Order, dated 26 January 1977, amended General Export Permit No. Ex. 13 covering goods described in Item 1021 on the Export Control List. On 13 June 1977 another Ministerial Order amended the provisions of this permit.

Order-in-Council P.C. 1977-1187 of 28 April 1977 amended the provisions of Item 1011 of the Export Control List to comply with Canada's international obligations to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, effective 1 May 1977.

A Ministerial Order, dated 7 June 1977, amended General Export Permit No. Ex. 8 by adding the following: 'Belted Galloway, British White Cattle, Devon, Dester, Kerry, Longhorn, Luing and Sussex'.

A Ministerial Order, dated 13 June 1977, amended General Export Permit No. Ex. 9 covering Item 5665 on the Export Control List. On 10 August 1977 another Ministerial Order further amended the permit to include "Rhodesia".

A Ministerial Order, dated 20 June 1977, amended the Schedule to General Export Permit No. Ex. 2. Another Ministerial Order, dated 22 November 1977, amended the schedule further by revoking sub item 1(15).

Order-in-Council P.C. 1977-3171 of 10 November 1977 amended the earlier Export Control List which was established by Order-in-Council P.C. 1973-1105 of 8 May 1973 by revoking items in Groups 3 to 10 of Schedule A, covering strategic products and substituting therefor new items in these groups.

b) Area Control List

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established by Order-in-Council P.C. 1970-1999 of November 17, 1970 remained in force during the year with no modification.

c) Issuance of Permits

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

An export permit is required before an item included in the Export Control List may be exported from Canada to any destination with the exception, in most cases, of the United States. However, 15 items in the List require permits before they may be exported to any destination including the United States, i.e.: 1001 - pancreas glands of cattle and calves; 1003 - purebred cattle; 1011 - endangered species (appendix I or II); 2001 - logs of wood (of all species); 2002 - pulpwood (of all species); 5665 - scrap iron and steel; 5666 - Canadian silver coins (1968 or earlier); 5667 - Canadian one cent bronze coins; 8001 - source (fertile) and fissionable materials; 8005 - deuterium; 8039 - tritium; 8050 - radio-active materials; 8136 - nuclear reactors; 10010 - fibrinogen; 10011 - serum albumin. Furthermore, two items require permits before they may be exported to the United States only, i.e. 1021 - beef and veal carcasses; 5664 - specialty steel products.

All goods originating in the United States that are to be re-exported from Canada require an export permit except any such goods that have been further processed or manufactured outside the United States,

by combining them with other goods or otherwise so as to result in substantial change in value, form and use of the goods or in the production of new goods.

Section 7 of the Act provides that:

"7. The Minister may issue to any resident of Canada applying therefor a permit to export goods included in an Export Control List or to a country included in an Area Control List, in such quantity and of such quality, by such persons, to such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order-in-Council P.C. 1954-788 of May 27, 1954, remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

The Regulations respecting trans-shipment, established by Order-in-Council P.C. 1955-17, of January 4, 1955, continued in force. The purpose of these Regulations is to enable Canada to co-operate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of applications for export permits processed during the year 1977 relating to both the Export Control List and the Area Control List:

| | |
|--|-------|
| Export permits issued | 9,393 |
| Applications refused | 24 |
| Applications withdrawn | 54 |
| Export permits cancelled | 24 |
| Applications pending as of December 31, 1977 | 95 |

2. IMPORT CONTROLS

a) Import Control List

Section 5 of the Act provides for the establishment of an Import Control List as follows:

"5. The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely:

(a) 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;

(a.1) 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 the Act;

(b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, the Agricultural Products Board Act or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article;

or

(c) to implement an intergovernmental arrangement or commitment; and where any goods are included in the list for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment if it has not previously been laid before Parliament, shall be laid before Parliament not later than fifteen days after the Order of the Governor in Council including those goods in the list is published in the Canada Gazette pursuant to the Statutory Instruments Act or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

(2) where at any time it appears to the satisfaction of the Governor in Council on a report of the Minister made pursuant to

(a) an inquiry made by the Textile and Clothing Board with respect to the importation of any textile and clothing goods within the meaning of the Textile and Clothing Board Act; or

(b) an inquiry made under Section 16A of the Anti-dumping Act by the Anti-dumping Tribunal in respect of any goods

other than textile and clothing goods within the meaning of the Textile and Clothing Board Act that goods of any kind are being imported or are likely to be imported into Canada at such prices, in such quantities and under such conditions as to cause or threaten serious injury to Canadian producers of like or directly competitive goods, any goods of the same kind may by order of the Governor in Council, be included on the Import Control List in order to limit the importation of such goods to the extent and for the period that, in the opinion of the Governor in Council, is necessary to prevent or remedy the injury."

The Import Control List was amended to implement certain intergovernmental arrangements or commitments, or to comply with the provisions of the Farm Product Marketing Agencies Act and the Textile and Clothing Board Act.

A Ministerial Order, dated 26 January 1977, amended General Import Permit No. 9 covering Item 20 of the Import Control List. Another Ministerial Order, dated 13 June 1977, further amended this permit.

Order-in-Council P.C. 1977-137 of 27 January 1977 amended Item 47 of the Import Control List to include Boys Fine Suits, effective 1 February 1977.

Order-in-Council P.C. 1977-544 of 3 March 1977 amended the following items on the Import Control List: (a) 22 - adding thereto Spain, Singapore and Philippines, and (b) 26 - adding thereto People's Republic of China and Hong Kong, effective 15 March 1977.

Order-in-Council P.C. 1977-826 of 24 March 1977 amended the definition of Item 17 on the Import Control List to read "Turkeys, turkey parts and products manufactured wholly thereof", and also added the following two items thereto:

51 - Sheets, made wholly or in part of cotton or of man-made fibres, whether imported separately or in combination with other goods, originating in Hong Kong, India, People's Republic of China, Poland or Taiwan;

52 - Pillowcases, made wholly or in part of cotton or of man-made fibres, whether imported separately or in combination with other goods, originating in People's Republic of China, Poland, Romania or Taiwan;

effective 1 April 1977.

Two Ministerial Orders dated 25 March 1977 issued new General Import Permits Nos. 51 and 52 covering the new items 51 and 52.

Order-in-Council P.C. 1977-1185 of 28 April 1977 amended Item 29 on the Import Control List by adding thereto Poland, effective 1 May 1977. Order-in-Council P.C. 1977-3612 of 22 December 1977 further amended this item to cover cotton terry towels and washcloths originating from Brazil, People's Republic of China, Czechoslovakia, El Salvador, Hong Kong, Republic of Korea, Pakistan, Poland or Taiwan, effective 29 December 1977.

Order-in-Council P.C. 1977-1186 of 28 April 1977 amended the provisions of Item 30 on the Import Control List to comply with Canada's international obligations to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, effective 1 May 1977.

Order-in-Council P.C. 1977-2347 of 10 August 1977 amended the Import Control List by adding thereto the following new items affecting certain types of footwear:

- 53 - Women's and girls' casual or dress boots, other than canvas or rubber boots, whether fully or partially manufactured, that come within the import commodity classification of class 791-51, 791-53, 791-55 and 791-57 as established by Canadian International Trade Classification Commodity Index published by the Ministers of Industry, Trade and Commerce and National Revenue on April 1, 1972.
- 54 - Women's and girls' casual or dress shoes, other than canvas or rubber shoes, whether fully or partially manufactured, that come within the import commodity classification of class 791-51, 791-53, 791-55 and 791-57 as established by Canadian International Trade Classification Commodity Index published by the Ministers of Industry, Trade and Commerce and National Revenue on April 1, 1972.
- 55 - Women's and girls' casual or dress sandals, other than canvas or rubber sandals, whether fully or partially manufactured, that come within the import commodity classification of class 792-51, 792-53, 792-55 and 792-57 as established by Canadian International Trade Classification Commodity Index published by the Ministers of Industry, Trade and Commerce and National Revenue on April 1, 1972.
- 56 - Women's and girls' casual or dress wooden footwear, whether fully or partially manufactured, that come within the import commodity classification of class

798-96 as established by Canadian International Trade Classification Commodity Index published by the Ministers of Industry, Trade and Commerce and National Revenue on April 1, 1972;

effective 1 September 1977. A Ministerial Order dated 10 August 1977 issued new General Import Permit No. 53 covering these items.

Order-in-Council P.C. 1977-2357 of 25 August 1977 amended Item 34 on the Import Control List to cover hosiery originating from India.

Order-in-Council P.C. 1977-3337 of 29 November 1977 amended the Import Control List by revoking the new items 53, 54, 55 and 56 and added a new item 57 covering all types of footwear: Men's and boys', women's and girls', children's and infants' footwear other than rubber, canvas or waterproof plastic footwear and other than downhill ski boots whether fully or partially manufactured, effective 1 December 1977. A Ministerial Order, dated 1 December 1977, issued new General Import Permit No. 57 to cover this item; consequently a Ministerial Order of the same date revoked General Import Permit No. 53.

b) Issuance of Permits

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

An import permit is required before any goods included in the Import Control List may be imported into Canada from any country.

Section 8 of the Act provides:

"8. The Minister may issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order-in-Council P.C. 1954-788, May 27, 1954, remained in force during the year.

Section 8 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

The following is a statistical summary of applications for import permits processed during the year 1977:

| | |
|--------------------------------|--------|
| Import permits issued | 34,591 |
| Applications refused | 2,013 |
| Applications withdrawn | 2,169 |
| Import permits cancelled | 3,919 |

3. IMPORT CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate the importation of goods into Canada and compliance with the laws of the

country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations required."

Order-in-Council P.C. 1954-790 of May 27, 1954 established Import Certificate Regulations that provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada.

It also provides for the issuance of Delivery-Verification Certificates of the delivery in Canada of goods imported into Canada to comply with the requirements. The purpose of the Regulations is to prevent the diversion in transit or the unauthorized trans-shipment of such goods.

The following is a statistical summary of certificates processed during the year 1977:

| | |
|---|-----|
| Import Certificates issued | 393 |
| Delivery-Verification Certificates issued | 92 |

4. OFFENCES

Section 19 of the Act provides that:

"19. (1) Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable

(a) on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding

*twelve months or to both fine and imprisonment; or
(b) on conviction upon indictment to a fine not exceeding
twenty-five thousand dollars or to imprisonment for a
term not exceeding five years or to both fine and
imprisonment.*

*(2) A prosecution under paragraph (a) of subsection
(1) may be instituted at any time within three years from
the time when the subject-matter of the complaint arose."*

One hundred and fifty-four (154) suspected violations of the Export and Import Permits Act were investigated or are still under investigation; twelve (12) charges were laid; eight (8) convictions were obtained; and four (4) court cases pending as of 30 December 1977.

5. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED
SPECIES OF WILD FAUNA AND FLORA

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, which came into force on July 1, 1975, is an international agreement to regulate trading over 800 designated endangered species of animals and plants including their respective parts and derivatives.

The Department of Industry, Trade and Commerce was designated by Cabinet as the Competent Authority to perform those functions related to the regulation of trade of such endangered species through export and import control measures, by means of the Export and Import Permits Act. Such control measures were introduced on July 3, 1975. On July 4, 1975, the Minister of Industry, Trade and Commerce issued general export and import permits to allow the Canadian Wildlife Service of the Department of the Environment as well as the provincial or territorial government authorities to issue individual Convention permits for the above-mentioned

species. The following is a resumé of the export and import permits as well as other documents issued under the authority of General Export Permit No. Ex 14 and General Import Permit No. 17.

a) Export Permits

During the period January 1, 1977 to December 31, 1977 the following export permits were processed in accordance with General Export Permit No. Ex. 14:

An export permit is required for all specimens included in Appendices I, II and III of the Export Control List.

| | |
|---|-----|
| Applications received | 944 |
| Applications completed | 936 |
| Applications withdrawn or cancelled | 8 |

b) Import Permits

The following import permits were processed in accordance with General Import Permit No. 17. A permit is required for Appendix 1 (Import Control List) specimens. All applications were handled by Canadian Wildlife Service.

| | |
|------------------------------|----|
| Applications received | 35 |
| Applications completed | 28 |
| Applications refused | 7 |

c) Transit Permits

Sixteen (16) permit applications for live animals were received and completed by the Canadian Wildlife Service. The majority of these permits were issued on travelling circuses.

d) Scientific Certificates

In accordance with General Import Permit No. 17 of 21 September 1976, and General Export Permit No. Ex. 14 of 21 September 1976, a total of 38 Import/Export Certificates were issued to scientists and scientific institutions for the non-commercial loan, donation or exchange of herbarium specimens, other preserved, dried or embedded museum specimens and live plant material. All certificates issued expired on 31 December 1977.

RAPPORT DU MINISTRE DE L'INDUSTRIE ET DU COMMERCE

sur les activités découlant de la

LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION

pour l'année 1977

Le présent rapport est présenté en conformité avec l'article 26 de la Loi sur les licences d'exportation et d'importation (ci-après appelée la Loi), chapitre E-17 des Statuts révisés du Canada 1970, dans sa forme modifiée, qui prévoit ce qui suit:

"26. Aussitôt que possible après le 31 décembre de chaque année, le Ministre doit dresser et présenter au Parlement un rapport sur les opérations découlant de la présente Loi pour l'année en question."

RÉSUMÉ

On a modifié l'article 1011 et les articles 3072 à 10011 (Groupes 3 à 10) de la Liste de marchandises d'exportation contrôlée. En outre, quatre licences générales d'exportation ont subi des modifications:

Licence générale d'exportation n^o Ex. 2 - Annexe (modifiée à deux reprises)

Licence générale d'exportation n^o Ex. 8

Licence générale d'exportation n^o Ex. 9 (modifiée à deux reprises)

Licence générale d'exportation n^o Ex. 13 (modifiée à deux reprises)

Sept nouveaux articles ont été ajoutés à la Liste de marchandises d'importation contrôlée: 51 - draps; 52 - taies d'oreillers; 53 - bottes tout aller ou habillées pour dames et fillettes; 54 - souliers tout aller ou habillés pour dames et fillettes; 55 - sandales tout aller ou habillées pour dames et fillettes; 56 - chaussures de bois tout aller ou habillées pour dames et fillettes (les articles 53 - 56 ont par la suite été révoqués); et 57 - chaussures de tout genre.

Sept articles ont été modifiés: 17 - dindons, parties de dindon et dérivés; 22 - tissu de polyester filamenteux tissé large; 26 - tissu de filaments de polyester à trame large; 29 - serviettes de coton-éponge (modifiée à deux reprises); 30 - espèces menacées d'extinction; 34 - chaussettes; et 47 - habits et vestons de qualité pour hommes et garçons.

Deux nouvelles licences ont été délivrées, une a été modifiée deux fois et une autre a été révoquée.

Les détails des modifications apportées aux listes de marchandises d'exportation et d'importation contrôlées et aux licences générales sont donnés ci-dessous.

1. CONTRÔLE DES EXPORTATIONS

a) Liste de marchandises d'exportation contrôlée

L'article 3 de la Loi prévoit l'établissement d'une liste de marchandises d'exportation contrôlée comme suit:

"3. Le gouverneur en conseil peut établir une liste de marchandises, appelée "Liste de marchandises d'exportation contrôlée", comprenant tout article dont, à son avis, il est nécessaire de contrôler l'exportation pour l'une quelconque des fins suivantes, savoir:

(a) assurer que des armes, des munitions, ou du matériel ou des armements de guerre, des approvisionnements navals, des approvisionnements de l'armée ou de l'Air, ou des articles jugés susceptibles d'être transformés en l'un des susdits ou de pouvoir servir à leur production, ou ayant autrement une nature ou valeur stratégique, ne seront pas rendus disponibles à une destination où leur emploi pourrait être préjudiciable à la sécurité du Canada;

(a.1) s'assurer que toute mesure prise pour favoriser le traitement supplémentaire au Canada d'une ressource naturelle qui y est produite ne devienne pas inopérante du fait de l'exportation sans restriction de cette ressource naturelle;

(a.2) limiter les exportations de matières premières ou transformées d'origine canadienne, ou en conserver le contrôle lorsqu'il y a surproduction et chute des cours et qu'il ne s'agit pas d'un produit agricole;

(b) mettre en oeuvre un arrangement ou un engagement inter-gouvernemental; ou

(c) assurer un approvisionnement et une distribution de cet article au Canada qui suffisent aux besoins de la défense ou autres."

Un décret ministériel, en date du 26 janvier 1977, a modifié la licence générale d'exportation n^o Ex. 13, visant les biens décrits à l'article 1021 de la Liste de marchandises d'exportation contrôlée. Le 13 juin 1977, un autre décret ministériel a modifié les dispositions de cette licence.

Le décret en conseil C.P. 1977-1187, en date du 28 avril 1977, a modifié les dispositions de l'article 1011 de la Liste de marchandises d'exportation contrôlée, de manière à les rendre conformes aux obligations internationales du Canada en vertu de la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction, entrée en vigueur le 1^{er} mai 1977.

Un décret ministériel, en date du 7 juin 1977, a modifié la licence générale d'exportation n^o Ex. 8, en y ajoutant ce qui suit: "Belted Galloway, British White Cattle, Devon, Dester, Kerry, Longhorn, Luïng et Sussex".

Un décret ministériel, en date du 13 juin 1977, a modifié la licence générale d'exportation n^o Ex. 9, visant les biens décrits à l'article 5665 de la Liste de marchandises d'exportation contrôlée. Le 10 août 1977, un autre décret ministériel a modifié de nouveau les dispositions de cette licence, de manière à y inclure la Rhodésie.

Un décret ministériel, en date du 20 juin 1977, a modifié l'annexe à la licence générale d'exportation n^o Ex. 2. Un autre décret ministériel, en date du 22 novembre 1977, a modifié de nouveau l'annexe en révoquant le sous-article 1(15).

Le décret en conseil C.P. 1977-3171, en date du 10 novembre 1977, a modifié l'ancienne liste de marchandises d'exportation contrôlée qui avait été établie par le décret en conseil C.P. 1973-1105, en date du 8 mai 1973, en y révoquant les articles des Groupes 3 à 10 de l'annexe A, visant les biens stratégiques, et en y substituant de nouveaux articles dans ces Groupes.

b) Liste de pays visés par contrôle

L'article 4 de la Loi prévoit l'établissement d'une liste de pays visés par contrôle comme suit:

"4. Le gouverneur en conseil peut établir une liste de pays, appelée "liste de pays visés par contrôle", comprenant tout pays vers lequel il estime nécessaire de contrôler l'exportation de marchandises".

La liste de pays visés par contrôle établie par le décret du C.P. 1970-1999 du 17 novembre 1970 est demeurée en vigueur toute l'année sans avoir été modifiée.

c) Délivrance de permis

Aux termes de l'article 13 de la Loi:

"13. Nul ne doit exporter ou tenter d'exporter des marchandises comprises dans une liste de marchandises

d'exportation contrôlée, ni des marchandises vers un pays dont le nom parait sur une liste de pays visés par contrôle, si ce n'est sous l'autorité et en conformité d'une licence d'exportation délivrée selon la présente loi".

Aucun produit figurant sur la Liste de marchandises d'exportation contrôlée ne peut être exporté sans l'obtention d'une licence, sauf, dans la plupart des cas, vers les États-Unis. Cependant, il faut une licence d'exportation pour expédier à l'étranger, y compris aux États-Unis, 15 articles énumérés dans la Liste: 1001 - glandes pancréatiques de bovins et de veaux; 1003 - bovins de race; 1011 - espèces menacées d'extinction (appendice I ou II); 2001 - billes de bois (de toutes essences); 2002 - bois à pâte (de toutes essences); 5665 - déchets de fer et d'acier; 5666 - pièces de monnaie canadienne en argent (datées de 1968 ou d'une année antérieure); 5667 - pièces de monnaie canadienne de bronze, d'un cent; 8001 - matières de base (fertiles) et matières fissiles; 8005 - deutérium; 8039 - tritium; 8050 - matières radioactives; 8136 - réacteurs nucléaires; 10010 - fibrinogène; 10011 - sérum-albumine. De plus, il faut avoir une licence pour exporter les deux articles suivants aux États-Unis seulement: 1021 - carcasses de boeuf et de veau; 5664 - aciers spéciaux.

La réexportation de tous les produits provenant des États-Unis exige une licence, sauf dans le cas des marchandises qui ont fait l'objet de traitement ou de fabrication complémentaire hors des États-Unis, en étant associés à d'autres marchandises ou en d'autres cas, de façon à en modifier sensiblement la valeur, la forme et l'usage ou à produire de nouvelles marchandises.

L'article 7 de la Loi prévoit que:

"7. Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'exporter des marchandises

comprises dans une liste de marchandises d'exportation contrôlée ou à un pays nommé dans une liste de pays visés par contrôle, en la quantité et de la qualité, par les personnes, aux endroits ou personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements que doivent fournir et les engagements que doivent prendre ceux qui demandent des licences ainsi que la procédure à suivre pour demander ou pour délivrer des licences et les conditions requises pour satisfaire aux fins et dispositions de la Loi. Le règlement établi en vertu de cet article par le décret C.P. 1954-788 du 27 mai 1954 est demeuré en vigueur toute l'année.

L'article 6 du Règlement sur les licences d'exportation prévoit la délivrance de licences générales autorisant l'exportation de certains produits mentionnés vers toutes les destinations ou vers des destinations précises.

Le Règlement sur le transbordement, établi aux termes du décret C.P. 1955-17 du 4 janvier 1955 est resté en vigueur. L'objet de ce règlement est de permettre au Canada de collaborer au maintien d'un régime convenu entre divers pays, en vue d'empêcher le détournement en cours de route de produits de nature stratégique.

Le résumé statistique suivant porte sur les demandes de licences d'exportation traitées en 1977 et relatives à la Liste de marchandises d'exportation contrôlée et à la Liste de pays visés par contrôle:

| | |
|--|-------|
| Licences d'exportation délivrées | 9,393 |
| Demandes rejetées | 24 |

| | |
|---|----|
| Demandes retirées..... | 54 |
| Licences d'exportation annulées | 24 |
| Demandes en suspens au 31 décembre 1977 | 95 |

2. CONTRÔLE DES IMPORTATIONS

a) Liste de marchandises d'importation contrôlée

L'article 5 de la Loi prévoit l'établissement d'une Liste de marchandises d'importation contrôlée comme suit:

"5. Le gouverneur en conseil peut établir une liste de marchandises, appelée liste de marchandises d'importation contrôlée, comprenant tout article dont, à son avis, il est nécessaire de contrôler l'importation pour l'une quelconque des fins suivantes, savoir:

(a) assurer, selon les besoins du Canada, le meilleur approvisionnement et la meilleure distribution possible d'un article rare sur les marchés mondiaux ou soumis à des régies gouvernementales dans les pays d'origine ou à une répartition par arrangement intergouvernemental;

(a.1) appuyer une mesure prise en vertu de la Loi sur les offices de commercialisation des produits de ferme, en limitant l'importation sous quelque forme d'un article semblable à un article produit ou commercialisé au Canada dont les quantités sont fixées ou déterminées en vertu de cette loi;

(b) mettre à exécution toute mesure prise selon la Loi sur la stabilisation des prix agricoles, la Loi sur le soutien des prix des produits de la pêche, la Loi sur la vente coopérative des produits agricoles, la Loi sur l'Office des produits agricoles ou la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article; ou

(c) mettre en oeuvre un arrangement ou un engagement intergouvernemental; et lorsque des marchandises sont incluses dans la liste en vue d'assurer l'approvisionnement ou la distribution de marchandises sujettes à répartition par arrangement intergouvernemental ou pour donner suite à un arrangement ou engagement intergouvernemental, un exposé de l'effet ou un sommaire de l'arrangement ou engagement, s'il n'a pas été antérieurement présenté au Parlement, doit l'être au plus tard quinze jours après que l'arrêté du gouverneur en conseil faisant entrer ces marchandises dans la liste est publié dans la Gazette du Canada en application de la Loi sur les textes réglementaires ou, si le Parlement ne siège pas à ce moment-là, l'un des quinze premiers jours où il siège par la suite.

(2) lorsque à un moment quelconque le gouverneur en conseil est convaincu, sur rapport du Ministre établi en application

(a) d'une enquête effectuée par la Commission du textile et du vêtement relativement à l'importation d'articles de textile et d'habillement tels qu'ils sont définis dans la Loi sur la Commission du textile et du vêtement, ou

(b) d'une enquête effectuée en vertu de l'article 16A de la Loi anti-dumping par le Tribunal anti-dumping relativement à des marchandises autres que les articles de textile et d'habillement définis par la Loi sur la Commission du textile et du vêtement,

que des marchandises de tout genre sont importées ou seraient vraisemblablement importées au Canada à des prix, en quantités et dans des conditions portant ou menaçant de porter un préjudice sérieux aux producteurs canadiens de marchandises semblables ou directement concurrentes, toutes

marchandises du même genre peuvent, par décret du gouverneur en conseil, être incluses dans la liste de marchandises d'importation contrôlée afin de limiter l'importation de ces marchandises dans la mesure et pour la période nécessaire, de l'avis du gouverneur en conseil, pour empêcher ce préjudice ou y remédier".

La Liste de marchandises d'importation contrôlée a été modifiée en application de certaines dispositions ou de certains engagements intergouvernementaux afin d'être conforme aux mesures prises en vertu de la Loi sur les offices de commercialisation des produits de ferme et de la Loi sur la Commission du textile et du vêtement.

Un décret ministériel, en date du 26 janvier 1977, a modifié la licence générale d'importation n^o 9, visant l'article 20 de la Liste de marchandises d'importation contrôlée. Un autre décret ministériel, en date du 13 juin 1977, a modifié de nouveau cette licence.

Le décret en conseil C.P. 1977-137, en date du 27 janvier 1977, a modifié l'article 47 de la Liste de marchandises d'importation contrôlée, de manière à y inclure les "complets de qualité pour garçons", à compter du 1^{er} février 1977.

Le décret en conseil C.P. 1977-544, en date du 3 mars 1977, a modifié les articles ci-après de la Liste de marchandises d'importation contrôlée: a) 22 - en y ajoutant l'Espagne, Singapour et les Philippines; et b) 26 - en y ajoutant la République populaire de Chine et Hong-Kong, à compter du 15 mars 1977.

Le décret en conseil C.P. 1977-826, en date du 24 mars 1977, a modifié la définition de l'article 17 de la Liste de marchandises

d'importation contrôlée, de manière qu'elle se lise comme suit: "dindons, parties de dindons et dérivés"; le décret y ajoutait aussi les articles ci-après:

51 - Draps, fabriqués en totalité ou en partie de coton ou de fibres synthétiques, qu'ils soient importés séparément ou en compagnie d'autres biens, en provenance de Hong-Kong, de l'Inde, de la République populaire de Chine, de la Pologne ou de Taïwan;

52 - Taies d'oreillers, fabriquées en totalité ou en partie de coton ou de fibres synthétiques, qu'elles soient importées séparément ou en compagnie d'autres biens, en provenance de la République populaire de Chine, de la Pologne, de la Roumanie ou de Taïwan;

à compter du 1^{er} avril 1977.

Deux décrets ministériels, en date du 25 mars 1977, établissaient les nouvelles licences générales d'importation n^o 51 et 52, visant les nouveaux articles 51 et 52.

Le décret en conseil C.P. 1977-1185, en date du 28 avril 1977, a modifié l'article 29 de la Liste de marchandises d'importation contrôlée en y ajoutant la Pologne, à compter du 1^{er} mai 1977. Le décret en conseil C.P. 1977-3612, en date du 22 décembre 1977, a modifié de nouveau cet article de manière à l'étendre aux serviettes et débarbouillettes de coton-éponge en provenance du Brésil, de la République populaire de Chine, de la Tchécoslovaquie, d'El Salvador, de Hong-Kong, de la République de Corée, du Pakistan, de la Pologne ou de Taïwan, à compter du 29 décembre 1977.

Le décret en conseil C.P. 1977-1186, en date du 28 avril 1977, a modifié les dispositions de l'article 30 de la Liste de marchandises d'importation contrôlée, de manière à les rendre conformes aux obligations

internationales du Canada en vertu de la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction, entrée en vigueur le 1^{er} mai 1977.

Le décret en conseil C.P. 1977-2347, en date du 10 août 1977, a modifié la Liste de marchandises d'importation contrôlée en y ajoutant les nouveaux articles ci-après touchant certains genres de chaussures:

- 53 - Les bottes de ville ou tout-aller pour femmes et filles, autres que celles en toile ou en caoutchouc, qu'elles soient fabriquées entièrement ou en partie, suivant la description des catégories d'importation de marchandises 791-51, 791-53, 791-55 et 791-57 établie par la Classification canadienne pour le commerce international - index numérique, publiée par les ministres de l'Industrie et du Commerce et du Revenu national le 1^{er} avril 1972.
- 54 - Les souliers de ville ou tout-aller pour femmes et filles, autres que ceux en toile ou en caoutchouc, qu'ils soient fabriqués entièrement ou en partie, suivant la description des catégories d'importation de marchandises 791-51, 791-53, 791-55 et 791-57 établie par la Classification canadienne pour le commerce international - index numérique, publiée par les ministres de l'Industrie et du Commerce et du Revenu national le 1^{er} avril 1972.
- 55 - Les sandales de ville ou tout-aller pour femmes et filles, autres que celles en toile ou en caoutchouc, qu'elles soient fabriquées entièrement ou en partie, suivant la description des catégories d'importation de marchandises 792-51, 792-53, 792-55 et 792-57 établie par la Classification canadienne pour le commerce international - index numérique, publiée par les ministres de l'Industrie et du Commerce et du Revenu national le 1^{er} avril 1972.
- 56 - Les chaussures de ville ou tout-aller, en bois, pour femmes et filles, qu'elles soient fabriquées entièrement ou en

partie, suivant la description de la catégorie d'importation de marchandises 798-96 établie par la Classification canadienne pour le commerce international - index numérique, publiée par les ministres de l'Industrie et du Commerce et du Revenu national le 1^{er} avril 1972;

à compter du 1^{er} septembre 1977. Un décret ministériel, en date du 10 août 1977, a établi une nouvelle licence générale d'importation n^o 53, visant ces articles.

Le décret en conseil C.P. 1977-2357, en date du 25 août 1977, a modifié l'article 34 de la Liste de marchandises d'importation contrôlée de manière à viser les bas en provenance de l'Inde.

Le décret en conseil C.P. 1977-3337, en date du 29 novembre 1977, a modifié la Liste de marchandises d'importation contrôlée, de manière à abroger les nouveaux articles 53, 54, 55 et 56 et à y ajouter un nouvel article 57 visant tous les genres de chaussures: chaussures pour hommes et garçons, dames et fillettes, enfants et bébés, autres que les chaussures en caoutchouc, toile ou plastique imperméable et autres que les bottes de ski alpin, entièrement ou partiellement fabriqués, à compter du 1^{er} décembre 1977. Un décret ministériel, en date du 1^{er} décembre 1977, a établi la nouvelle licence générale d'importation n^o 57 visant ce nouvel article; en conséquence, un décret ministériel portant la même date a révoqué la licence générale d'importation n^o 53.

b) Délivrance de licences

L'article 14 de la Loi stipule que:

"14. Nul ne doit importer ou tenter d'importer des marchandises mentionnées sur une liste de marchandises d'importation contrôlée, si ce n'est sous l'autorité et en conformité d'une licence d'importation délivrée selon la présente loi".

Il faut détenir une licence d'importation avant qu'un bien compris dans la Liste de marchandises d'importation contrôlée ne puisse être importé au Canada de quelque pays que ce soit.

L'article 8 de la Loi prévoit que:

"8. Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'importer des marchandises comprises dans une liste de marchandises d'importation contrôlée, en la quantité et de la qualité, par les personnes, des endroits ou des personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements que doivent fournir et les engagements que doivent prendre ceux qui demandent des licences ainsi que la procédure à suivre pour demander et pour délivrer des licences et les conditions requises pour satisfaire aux fins et dispositions de la Loi. Le règlement établi en vertu de cet article par le décret C.P. 1954-788 du 27 mai 1954 est demeuré en vigueur toute l'année.

L'article 8 du Règlement sur les licences d'importation prévoit la délivrance de licences générales autorisant l'importation de certains produits jusqu'à certaines limites et à certaines conditions.

Le résumé statistique suivant est un résumé des demandes de licences d'importation étudiées au cours de 1977:

| | |
|--|--------|
| Licences d'importation délivrées | 34,591 |
| Demandes rejetées | 2,013 |
| Demandes retirées | 2,169 |
| Licences d'importation annulées | 3,919 |

3. CERTIFICATS D'IMPORTATION

L'article 9 de la Loi stipule que:

"9. Le Ministre peut, afin de faciliter l'importation de marchandises au Canada et l'observation des lois du pays d'exportation, délivrer, à tout résident du Canada qui en fait la demande, un certificat d'importation énonçant que l'auteur de la demande s'est engagé à importer les marchandises décrites au certificat dans le délai y spécifié et renfermant les autres renseignements qu'exigent les règlements".

Le décret C.P. 1954-790 du 27 mai 1954 a établi les règlements concernant les certificats d'importation qui prévoient la délivrance de certificats d'importation lorsque le pays d'exportation l'exige, avant de permettre l'exportation de marchandises au Canada.

Ce décret prévoit également la délivrance de certificats de livraison-vérification pour la livraison au Canada de marchandises importées qui respectent les conditions énoncées. Le but de ces règlements est d'empêcher le détournement en cours de route ou le transbordement non autorisé de ces marchandises.

Le résumé statistique suivant porte sur les certificats d'importation étudiés au cours de 1977:

| | |
|--|-----|
| Certificats d'importation délivrés | 393 |
| Certificats de livraison-vérification délivrés | 92 |

4. CONTRAVENTIONS

L'article 19 de la Loi stipule que:

"19. (1) Quiconque viole l'une des dispositions de la présente loi ou des règlements est coupable d'une

infraction et passible

(a) sur déclaration sommaire de culpabilité, d'une amende d'au plus cinq mille dollars ou d'un emprisonnement d'au plus douze mois ou à la fois de l'amende et de l'emprisonnement; ou

(b) après déclaration de culpabilité sur acte d'accusation, d'une amende d'au plus vingt-cinq mille dollars ou d'un emprisonnement d'au plus cinq ans, ou à la fois de l'amende et de l'emprisonnement.

(2) Des poursuites en vertu de l'alinéa a) du paragraphe (1) peuvent être intentées en tout temps dans les trois ans du moment où le sujet de la plainte a pris naissance".

Des enquêtes ont été menées sur cent cinquante-quatre (154) présumées contraventions à la Loi sur les licences d'exportation et d'importation et certaines sont encore en cours; douze (12) accusations ont été portées; huit (8) condamnations ont été obtenues; et quatre (4) causes étaient en instance au 30 décembre 1977.

5. CONVENTION SUR LE COMMERCE INTERNATIONAL DES ESPÈCES DE FAUNE ET DE FLORE SAUVAGES MENACÉES D'EXTINCTION

La convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction entrée en vigueur le 1^{er} juillet 1975 est un accord international conclu pour surveiller le commerce de plus de 800 espèces de faune et de flore désignées comme étant menacées d'extinction, y compris leurs parties et leurs dérivés.

Le Ministère de l'Industrie et du Commerce a été désigné par le Cabinet comme étant l'autorité compétente pour exercer les fonctions propres à la réglementation du commerce des espèces menacées d'extinction par les mesures de contrôle des exportations et des importations et au moyen de la

Loi sur les licences d'exportation et d'importation. Ces mesures de contrôle ont été introduites le 3 juillet 1975. Le 4 juillet de la même année, le ministre de l'Industrie et du Commerce a délivré des licences générales d'exportation et d'importation qui permettaient à la Direction générale de la faune du ministère de l'Environnement et aux autorités des gouvernements provinciaux et territoriaux de délivrer des licences individuelles (selon la Convention) pour les espèces mentionnées ci-dessus. Voici un résumé des licences d'exportation et d'importation ainsi que des autres documents délivrés conformément à la licence générale d'exportation n° Ex. 14 et à la licence générale d'importation n° 17.

a) Licences d'exportation

Du 1^{er} janvier 1977 au 31 décembre 1977, les licences d'exportation suivantes ont été étudiées conformément à la licence générale d'exportation n° Ex. 14:

Il est nécessaire de détenir une licence d'exportation pour tous les spécimens inclus dans les appendices I, II et III de la Liste de marchandises d'exportation contrôlée.

| | |
|------------------------------------|-----|
| Demands reçues..... | 944 |
| Demands acceptées | 936 |
| Demands retirées ou annulées | 8 |

b) Licences d'importation

Les licences d'importation suivantes ont été étudiées conformément à la licence générale d'importation n° 17. Il faut détenir une licence pour les spécimens de l'appendice I (Liste de marchandises d'importation contrôlée). C'est le Service canadien de la faune qui s'est occupé de toutes les demandes.

| | |
|-------------------------|----|
| Demands reçues | 35 |
| Demands acceptées | 28 |
| Demands refusées | 7 |

c) Licences de transit

Seize (16) demandes de licences de transit pour animaux vivants ont été reçues et acceptées par le Service canadien de la faune. La plupart de ces licences ont été délivrées à des cirques ambulants.

d) Certificats scientifiques

En conformité de la licence générale d'importation n^o 17, en date du 21 septembre 1976, et de la licence générale d'exportation n^o Ex. 14, en date du 21 septembre 1976, un total de 38 certificats d'importation/exportation ont été délivrés à des scientifiques et à des établissements scientifiques à des fins de prêt non commercial, de don ou d'échange de spécimens de plantes, d'autres spécimens de musée conservés, séchés ou encastés et de plantes vivantes. Tous les certificats délivrés sont devenus périmés le 31 décembre 1977.

REPORT OF THE MINISTER OF INDUSTRY, TRADE AND COMMERCE

Respecting Operations Under The

EXPORT AND IMPORT PERMITS ACT

for the year 1978

TABLED IN HOUSE 14 APRIL 1980

This report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-17 of the 1970 Revised Statutes of Canada, as amended, which provides:

"26. As soon as practicable after the 31 st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

SUMMARY

The Export Control List was amended three times during the year by adding two new items - 1004: Whale factory ships, whale catchers ships and gears, apparatus or appliances; 5664: Specialty Steel Products and by amending Appendices I, II and III covering endangered species. A new General Export Permit No. Ex. 4 was issued.

The following three new items were added to the Import Control List: 12 - Sugar in all recognizable commercial forms; 58 - Handbags; 59 - Whale products or by-products.

The following items were amended on the Import Control List: 22 : Broadwoven fabrics; 24 : All types of machine and hand knitting yarns; 37 - 50 : to include partially manufactured clothing.

Appendices I, II and III to the Import Control List covering endangered species were amended. Also the following three new General Import Permits Nos. 5, 8 and 59 were issued.

New Import Permit Regulations were issued during the year.

The details of these changes are described below.

1. EXPORT CONTROLS

a) Export Control List

Section 3 of the Act provides for the establishment of an Export Control List as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

(a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;

(a.1) to ensure that any action taken to promote the further processing in Canada of a natural resource that is produced in Canada is not rendered ineffective by reason of the unrestricted exportation of that natural resource;

(a.2) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus supply and depressed prices and that is not a produce of agriculture;

(b) to implement an intergovernmental arrangement or commitment; or

(c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

Order-in-Council P.C. 1978-27 of 12 January 1978 added Item 5664 Specialty Steel Products to the Export Control List, effective 16 January 1978. 3(b)

Order-in-Council P.C. 1978-2645 of 23 August 1978 added Item 1004 Whale factory ships, whale catchers ships and gears, apparatus or appliances used in the conduct of whaling to the Export Control List. This addition was the result: 3(b)

- (1) of a Resolution adopted by the International Whaling Commission requesting its member countries to prevent the export of these products to any nation that is not a member of the Commission, and
- (2) that Canada as a member of the Commission is obliged to comply with the requirements of this Resolution adopted under an International Agreement.

A Ministerial Order issued General Export Permit No. EX 4 covering this item effective 28 August 1978.

Order-in-Council P.C. 1978-3327 of 2 November 1978 revoked Appendices I, II and III to the List and substituted new appendices therefor covering endangered species, effective 3 November 1978.

b) Area Control List

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area control List, including therein any country the export of any goods to which he deems it necessary to control."

The Area Control List established by Order-in-Council P.C. 1970-1999 of November 17, 1970 remained in force during the year with no modification.

c) Issuance of Permits

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

An export permit is required before an item included in the Export Control List may be exported from Canada to any destination with the exception, in most cases, of the United States. However, 15 items in the List require permits before they may be exported to any destination including the United States, i.e.: 1001 - pancreas glands of cattle and calves; 1003 - purebred cattle; 1011 - endangered species (appendix I or II); 2001 - logs of wood (of all species); 2002 - pulpwood (of all species); 5665 - scrap iron and steel; 5666 - Canadian silver coins (1968 or earlier); 5667 - Canadian one cent bronze coins; 8001 - source (fertile) and fissionable materials; 8005 - deuterium; 8039 - tritium; 8050 - radio-active materials; 8136 - nuclear reactors; 10010 - fibrinogen; 10011 - serum albumin. Furthermore, two items require permits before they may be exported to the United States only, i.e. 1021 - beef and veal carcasses; 5664 - specialty steel products.

All goods originating in the United States that are to be re-exported from Canada require an export permit except any such goods that have been further processed or manufactured outside the United States,

by combining them with other goods or otherwise so as to result in substantial change in value, form and use of the goods or in the production of new goods.

All goods originating outside Canada that are to be re-exported from Canada require an export permit to any destination with the exception, in most cases, of the United States, when they are named in the Export Control List. Any such goods that are in transit in bond through Canada accompanied by a billing or other documentation which clearly indicates the ultimate destination are exempted from the requirement to have an export permit.

Section 7 of the Act provides that:

"7. The Minister may issue to any resident of Canada applying therefor a permit to export goods included in an Export Control List or to a country included in an Area Control List, in such quantity and of such quality, by such persons, to such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order-in-Council P.C. 1954-788 of May 27, 1954, remained in force during the year.

Section 6 of the Export Permit Regulations provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

The Regulations respecting trans-shipment, established by Order-in-Council P.C. 1955-17, of January 4, 1955, continued in force. The purpose of these Regulations is to enable Canada to co-operate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of applications for export permits processed during the year 1978 relating to both the Export Control List and the Area Control List:

| | |
|--|-------|
| Export permits issued | 8,431 |
| Applications refused | 78 |
| Applications withdrawn | 134 |
| Export permits cancelled | 220 |
| Applications pending as of December 31, 1978 | 25 |

2. IMPORT CONTROLS

a) Import Control List

Section 5 of the Act provides for the establishment of an Import Control List as follows:

"5. The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely:

(a) 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;

(a.1) 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 the Act;

(b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, the Agricultural Products Board Act or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article; or

(c) to implement an intergovernmental arrangement or commitment; and where any goods are included in the list for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment if it has not previously been laid before Parliament, shall be laid before Parliament not later than fifteen days after the Order of the Governor in Council including those goods in the list is published in the Canada Gazette pursuant to the Statutory Instruments Act or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

(2) where at any time it appears to the satisfaction of the Governor in Council on a report of the Minister made pursuant to

(a) an inquiry made by the Textile and Clothing Board with respect to the importation of any textile and clothing goods within the meaning of the Textile and Clothing Board Act; or

(b) *an inquiry made under Section 16A of the Anti-dumping Act by the Anti-dumping Tribunal in respect of any goods other than textile and clothing goods within the meaning of the Textile and Clothing Board Act that goods of any kind are being imported or are likely to be imported into Canada at such prices, in such quantities and under such conditions as to cause or threaten serious injury to Canadian producers of like or directly competitive goods, any goods of the same kind may by order of the Governor in Council, be included on the Import Control List in order to limit the importation of such goods to the extent and for the period that, in the opinion of the Governor in Council, is necessary to prevent or remedy the injury."*

The Import Control List was amended to implement certain inter-governmental arrangements or commitments, or to comply with the provisions of the Farm Product Marketing Agencies Act and the Textile and Clothing Board Act.

Order-in-Council P.C. 1978-316 of 2 February 1978 amended the Import Control List by revoking item 24 and substituting a new item therefor:

"24 - All types of machine knitting and hand knitting acrylic yarns containing 50 percent or more by weight of acrylic fibre, except those yarns spun on the cotton system."

effective 6 February 1978.

Order-in-Council P.C. 1978-317 of 2 February 1978 amended the Import Control List by revoking clothing items 37 - 50 and substituting new items therefor to include partially manufactured goods also, effective 6 February 1978.

Order-in-Council P.C. 1978-639 of 2 March 1978 amended the Import Control List by adding thereto item 58 - Handbags, effective 3 March 1978. A Ministerial Order dated 3 March 1978 issued General Import Permit No. 58 to cover this item. A subsequent Ministerial Order dated 23 March 1978 amended the provisions of this General Import Permit.

Order-in-Council P.C. 1978-1016 of 6 April 1978 revoked item 22 on the Import Control List and substituted a new item to read as follows:

"22 - Broadwoven filament polyester fabrics.",
effective 11 April 1978.

Order-in-Council P.C. 1978-1117 of 13 April 1978 amended the Import Control List by adding item 12 - Sugar in any of its recognized commercial forms, effective 17 April 1978. A Ministerial Order dated 11 April 1978 issued General Import Permit No. 5 covering this item.

A Ministerial Order dated 21 April 1978 revoked General Import Permit No. 19 and issued a new import permit therefor, effective 24 April 1978.

Order-in-Council P.C. 1978-2646 of 23 August 1978 amended the Import Control List by adding item 59 - Whale products, parts or by-products effective 28 August 1978. A Ministerial Order dated 23 August 1978 issued General Import Permit No. 59 covering this item.

Order-in-Council P.C. 1978-3328 of 2 November 1978 amended Appendices I, II and III of the Import Control List dealing with endangered species, effective 3 November 1978.

b) Issuance of Permits

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

An import permit is required before any goods included in the Import Control List may be imported into Canada from any country.

Section 8 of the Act provides:

"8. The Minister may issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section by Order-in-Council P.C. 1954-788, May 27, 1954, were revoked by Order-in-Council P.C. 1978-3738 of 14 December 1978 and new Import Permit Regulations substituted therefor, effective 18 December 1978. The purpose of the change was to bring the regulations up to date and to implement a more efficient system of issuing import permits under the Act.

Section 5 of the Import Permit Regulations provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

The following is a statistical summary of applications for import permits processed during the year 1978.

| | |
|--|--------|
| Import permits issued | 56,608 |
| Applications refused | 646 |
| Applications withdrawn | 330 |
| Import permits cancelled | 1,989 |
| Applications pending as of December 31, 1978 | 25 |

3. CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate the importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations required."

Order-in-Council P.C. 1954-790 of May 27, 1954 established Import Certificate Regulations that provide for the issuance of import certificates where they are required by the country of export before it will allow goods to be shipped to Canada.

It also provides for the issuance of Delivery-Verification Certificates of the delivery in Canada of goods imported into Canada to comply with the requirements. The purpose of the Regulations is to prevent the diversion in transit or the unauthorized trans-shipment of such goods.

The following is a statistical summary of certificates processed during the year 1978:

Import Certificates issued 442
Delivery-Verification Certificates issued 117

4. OFFENCES

Section 19 of the Act provides that:

"19. (1) Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable

(a) on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment; or

(b) on conviction upon indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment.

(2) A prosecution under paragraph (a) of subsection (1) may be instituted at any time within three years from the time when the subject-matter of the complaint arose."

One hundred and fifty-one (151) suspected violations of the Export and Import Permits Act were investigated or are still under investigation; twenty-seven (27) charges were laid; twenty-one (21) convictions were obtained; and five (5) court cases are pending as of 30 December 1978.

5. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, which came into force on July 1, 1975, is an international agreement to regulate trading over 800 designated endangered species of animals and plants including their respective parts and derivatives.

The Department of Industry, Trade and Commerce was designated by Cabinet as the Competent Authority to perform those functions related to the regulation of trade of such endangered species through export and import control measures, by means of the Export and Import Permits Act. Such control measures were introduced on July 3, 1975. On July 4, 1975, the Minister of Industry, Trade and Commerce issued general export and import permits to allow the Canadian Wildlife Service of the Department of the Environment as well as the provincial or territorial government authorities to issue individual Convention permits for the above-mentioned species. The following is a resumé of the export and import permits as well as other documents issued under the authority of General Export Permit No. Ex. 14 and General Import Permit No. 17.

a) Export Permits

During the period January 1, 1978 to December 31, 1978 the following export permits were processed in accordance with General Export Permit No. Ex. 14:

An export permit is required for all specimens included in Appendices I, II and III.

| | |
|---|----|
| Applications received | 28 |
| Applications completed | 28 |
| Applications withdrawn or cancelled | 3 |

b) Import Permits

The following import permits were processed in accordance with General Import Permit No. 17. A permit is required for Appendix 1 specimens. All applications were handled by Canadian Wildlife Service.

| | |
|---|----|
| Applications received | 44 |
| Applications completed | 36 |
| Applications withdrawn or cancelled | 4 |
| Applications refused | 8 |

c) Transit Permits

Fifty-six (56) permit applications for live animals were received and completed by the Canadian Wildlife Service. The majority of these permits were issued on travelling circuses.

d) Scientific Certificates

In accordance with General Import Permit No. 17 of 21 September 1976, and General Export Permit No. Ex. 14 of 21 September 1976, a total of 30 Import/Export Certificates were issued to scientists and scientific institutions for the non-commercial loan, donation or exchange of herbarium specimens, other preserved, dried or embedded museum specimens and live plant material. All certificates issued expired on 31 December 1978.

RAPPORT DU MINISTRE DE L'INDUSTRIE ET DU COMMERCE
sur les activités découlant de la
LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION
pour l'année 1978

Le présent rapport est présenté en conformité avec l'article 26 de la Loi sur les licences d'exportation et d'importation (ci-après appelée la Loi), chapitre E-17 des Statuts révisés du Canada 1970, dans sa forme modifiée, qui prévoit ce qui suit:

"26. Aussitôt que possible après le 31 décembre de chaque année, le Ministre doit dresser et présenter au Parlement un rapport sur les opérations découlant de la présente Loi pour l'année en question."

RÉSUMÉ

La Liste de marchandises d'exportation contrôlée a été modifiée à trois reprises, au cours de l'année, de manière à y ajouter deux nouveaux articles, soit 1004 - usines flottantes, navires baleiniers et engins, les appareils ou instruments et 5664 - aciers spéciaux, et à modifier les annexes I, II et III visant les espèces menacées d'extinction. Une nouvelle licence générale d'exportation n^o Ex. 4 a été délivrée.

Les trois nouveaux articles ci-après ont été ajoutés à la Liste de marchandises d'importation contrôlée: 12 - sucre sous toutes ses formes commerciales reconnues, 58 - sacs à main et 59 - produits de la baleine et dérivés.

Dans la Liste de marchandises d'importation contrôlée, les articles suivants ont été modifiés: 22 - tissus à trame larges, 24 - tous les genres de laine à tricoter à la machine et à la main et 37-50 - de manière à y inclure les vêtements partiellement fabriqués.

Les annexes I, II et III de la Liste de marchandises d'importation contrôlée, visant les espèces menacées d'extinction, ont été modifiées. En outre, trois nouvelles licences générales d'importation, nos 5, 8 et 59 ont été délivrées.

Un nouveau Règlement sur les licences d'importation a été promulgué au cours de l'année.

Les détails de ces modifications sont donnés ci-dessous.

1. CONTRÔLE DES EXPORTATIONS

a) Liste de marchandises d'exportation contrôlée

L'article 3 de la Loi prévoit l'établissement d'une liste de marchandises d'exportation contrôlée comme suit:

"3. Le gouverneur en conseil peut établir une liste de marchandises, appelée "Liste de marchandises d'exportation contrôlée", comprenant tout article dont, à son avis, il est nécessaire de contrôler l'exportation pour l'une quelconque des fins suivantes, savoir:

(a) assurer que des armes, des munitions, ou du matériel ou des armements de guerre, des approvisionnements navals, des approvisionnements de l'armée ou de l'Air, ou des articles jugés susceptibles d'être transformés en l'un des susdits ou de pouvoir servir à leur production, ou ayant autrement une nature ou valeur stratégique, ne seront pas rendus disponibles à une destination où leur emploi pourrait être préjudiciable à la sécurité du Canada;

(a.1) s'assurer que toute mesure prise pour favoriser le traitement supplémentaire au Canada d'une ressource naturelle qui y est produite ne devienne pas inopérante du fait de l'exportation sans restriction de cette ressource naturelle;

- (a.2) limiter les exportations de matières premières ou transformées d'origine canadienne, ou en conserver le contrôle lorsqu'il y a surproduction et chute des cours et qu'il ne s'agit pas d'un produit agricole;
- (b) mettre en oeuvre un arrangement ou un engagement intergouvernemental; ou
- (c) assurer un approvisionnement et une distribution de cet article au Canada qui suffisent aux besoins de la défense ou autres."

Le décret en conseil C.P. 1978-27 du 12 janvier 1978, a ajouté l'article 5664 - aciers spéciaux à la Liste de marchandises d'exportation contrôlée, à compter du 16 janvier 1978.

Le décret en conseil C.P. 1978-2645 du 23 août 1978, a ajouté l'article 1004 - usines flottantes, navires baleiniers et engins, les appareils ou instruments destinés à la chasse à la baleine, à la Liste de marchandises d'exportation contrôlée. Cette modification était le résultat de deux facteurs:

- (1) une résolution adoptée par la Commission internationale de chasse à la baleine, demandant à ses pays membres d'empêcher l'exportation de ces biens vers tout pays qui n'est pas membre de la Commission; et
- (2) la nécessité pour le Canada, en sa qualité de membre de la Commission, de se conformer aux exigences de cette résolution résultant d'une convention internationale.

Un décret ministériel a délivré la Licence générale d'exportation n^o Ex. 4, reliée à l'article 1004, à compter du 28 août 1978.

Le décret en conseil C.P. 1978-3327 du 2 novembre 1978, a abrogé les annexes I, II et III de la Liste de marchandises d'exportation contrôlée et leur a substitué de nouvelles annexes visant les espèces menacées d'extinction, à compter du 3 novembre 1978.

b) Liste de pays visés par contrôle

L'article 4 de la Loi prévoit l'établissement d'une liste de pays visés par contrôle comme suit:

"4. Le gouverneur en conseil peut établir une liste de pays, appelée "liste de pays visés par contrôle", comprenant tout pays vers lequel il estime nécessaire de contrôler l'exportation de marchandises".

La liste de pays visés par contrôle établie par le décret en conseil C.P. 1970-1999 du 17 novembre 1970 est demeurée en vigueur toute l'année sans avoir été modifiée.

c) Délivrance de permis

Aux termes de l'article 13 de la Loi:

"13. Nul ne doit exporter ou tenter d'exporter des marchandises comprises dans une liste de marchandises d'exportation contrôlée, ni des marchandises vers un pays dont le nom parait sur une liste de pays visés par contrôle, si ce n'est sous l'autorité et en conformité d'une licence d'exportation délivrée selon la présente loi".

Aucun produit figurant sur la Liste de marchandises d'exportation contrôlée ne peut être exporté sans l'obtention d'une licence, sauf, dans la

plupart des cas, vers les États-Unis. Cependant, il faut une licence d'exportation pour expédier à l'étranger, y compris aux États-Unis, 15 articles énumérés dans la Liste: 1001 - glandes pancréatiques de bovins et de veaux; 1003 - bovins de race; 1011 - espèces menacées d'extinction (appendice I ou II); 2001 - billes de bois (de toutes essences); 2002 - bois à pâte (de toutes essences); 5665 - déchets de fer et d'acier; 5666 - pièces de monnaie canadienne en argent (datées de 1968 ou d'une année antérieure); 5667 - pièces de monnaie canadienne de bronze, d'un cent; 8001 - matières de base (fertiles) et matières fissiles; 8005 - deutérium; 8039 - tritium; 8050 - matières radioactives; 8136 - réacteurs nucléaires; 10010 - fibrinogène; 10011 - sérum-albumine. De plus, il faut avoir une licence pour exporter les deux articles suivants aux États-Unis seulement: 1021 - carcasses de boeuf et de veau; 5664 - aciers spéciaux.

La réexportation de tous les produits provenant des États-Unis exige une licence, sauf dans le cas des marchandises qui ont fait l'objet de traitement ou de fabrication complémentaire hors des États-Unis, en étant associés à d'autres marchandises ou en d'autres cas, de façon à en modifier sensiblement la valeur, la forme et l'usage ou à produire de nouvelles marchandises.

La réexportation de tous les produits d'origine étrangère exige une licence, quelle que soit la destination des marchandises, à l'exception dans la plupart des cas, des États-Unis, lorsque ces marchandises font partie de la Liste de marchandises d'exportation contrôlée. Les marchandises en transit douanier au Canada qui sont accompagnées d'une facture ou d'autres documents indiquant avec précision leur destination finale sont exemptées de la licence d'exportation.

L'article 7 de la Loi prévoit que:

"7. Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'exporter des marchandises comprises dans une liste de marchandises d'exportation contrôlée ou à un pays nommé dans une liste de pays visés par contrôle, en la quantité et de la qualité, par les personnes, aux endroits ou personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements que doivent fournir et les engagements que doivent prendre ceux qui demandent des licences ainsi que la procédure à suivre pour demander ou pour délivrer des licences et les conditions requises pour satisfaire aux fins de dispositions de la Loi. Le règlement établi en vertu de cet article par le décret en conseil C.P. 1954-788 du 27 mai 1954 est demeuré en vigueur toute l'année.

L'article 6 du Règlement sur les licences d'exportation prévoit la délivrance de licences générales autorisant l'exportation de certains produits mentionnés vers toutes les destinations ou vers des destinations précises.

Le Règlement sur le transbordement, établi aux termes du décret en conseil C.P. 1955-17 du 4 janvier 1955 est resté en vigueur. L'objet de ce règlement est de permettre au Canada de collaborer au maintien d'un régime convenu entre divers pays, en vue d'empêcher le détournement en cours de route de produits de nature stratégique.

Le résumé statistique suivant porte sur les demandes de licences d'exportation traitées au cours de l'année en rapport avec la Liste de marchandises d'exportation contrôlée et la liste de pays visés par contrôle:

| | |
|---|-------|
| Licences d'exportation délivrées | 8,431 |
| Demandes rejetées..... | 78 |
| Demandes retirées..... | 134 |
| Licences d'exportation annulées..... | 220 |
| Demandes en suspens au 31 décembre 1978 | 25 |

2. CONTRÔLE DES IMPORTATIONS

a) Liste de marchandises d'importation contrôlée

L'article 5 de la Loi prévoit l'établissement d'une Liste de marchandises d'importation contrôlée comme suit:

"5. Le gouverneur en conseil peut établir une liste de marchandises, appelée liste de marchandises d'importation contrôlée, comprenant tout article dont, à son avis, il est nécessaire de contrôler l'importation pour l'une quelconque des fins suivantes, savoir:

(a) assurer, selon les besoins du Canada, le meilleur approvisionnement et la meilleure distribution possible d'un article rare sur les marchés mondiaux ou soumis à des régies gouvernementales dans les pays d'origine ou à une répartition par arrangement intergouvernemental;

(a.1) appuyer une mesure prise en vertu de la Loi sur les offices de commercialisation des produits de ferme, en limitant l'importation sous quelque forme d'un article semblable à un article produit ou commercialisé au Canada dont les quantités sont fixées ou déterminées en vertu de cette loi;

(b) mettre à exécution toute mesure prise selon la Loi sur la stabilisation des prix agricoles, la Loi sur le soutien des prix des produits de la pêche, la Loi sur la vente

coopérative des produits agricoles, la Loi sur l'Office des produits agricoles ou la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article; ou

(c) mettre en oeuvre un arrangement ou un engagement intergouvernemental; et lorsque des marchandises sont incluses dans la liste en vue d'assurer l'approvisionnement ou la distribution de marchandises sujettes à répartition par arrangement intergouvernemental ou pour donner suite à un arrangement ou engagement intergouvernemental, un exposé de l'effet ou un sommaire de l'arrangement ou engagement, s'il n'a pas été antérieurement présenté au Parlement, doit l'être au plus tard quinze jours après que l'arrêté du gouverneur en conseil faisant entrer ces marchandises dans la liste est publié dans la Gazette du Canada en application de la Loi sur les textes réglementaires ou, si le Parlement ne siège pas à ce moment-là, l'un des quinze premiers jours où il siège par la suite.

(2) lorsque à un moment quelconque le gouverneur en conseil est convaincu, sur rapport du Ministre établi en application (a) d'une enquête effectuée par la Commission du textile et du vêtement relativement à l'importation d'articles de textile et d'habillement tels qu'ils sont définis dans la Loi sur la Commission du textile et du vêtement, ou

(b) d'une enquête effectuée en vertu de l'article 16A de la Loi anti-dumping par le Tribunal anti-dumping relativement à des marchandises autres que les articles de textile et d'habillement définis par la Loi sur la Commission du textile et du vêtement,

que des marchandises de tout genre sont importées ou seront vraisemblablement importées au Canada à des prix, en

quantités et dans des conditions portant ou menaçant de porter un préjudice sérieux aux producteurs canadiens de marchandises semblables ou directement concurrentes, toutes marchandises du même genre peuvent, par décret du gouverneur en conseil, être incluses dans la liste de marchandises d'importation contrôlée afin de limiter l'importation de ces marchandises dans la mesure et pour la période nécessaire, de l'avis du gouverneur en conseil, pour empêcher ce préjudice ou y remédier".

La Liste de marchandises d'importation contrôlée a été modifiée en application de certaines dispositions ou de certains engagements intergouvernementaux ou en conformité aux mesures prises en vertu de la Loi sur les offices de commercialisation des produits de ferme et de la Loi sur la Commission du textile et du vêtement.

Le décret en conseil C.P. 1978-316 du 2 février 1978, a modifié la Liste de marchandises d'importation contrôlée en abrogeant l'article 24 et en y ajoutant le nouvel article ci-après:

"24. Tout genre de filés acryliques pour tricot à la machine et à la main contenant 50 pour cent ou plus en poids de fibres acryliques, excepté les filés fabriqués selon le système coton."

Cette modification prenait effet le 6 février 1978.

Le décret en conseil C.P. 1978-317 du 2 février 1978, a modifié la Liste de marchandises d'importation contrôlée en abrogeant les articles 37-50 et en leur substituant de nouveaux articles, de manière à y inclure les marchandises partiellement fabriqués. Cette modification prenait effet le 6 février 1978.

Le décret en conseil C.P. 1978-639 du 2 mars 1978, a modifié la Liste de marchandises d'importation contrôlée en y ajoutant l'article 58 - sacs à main et ce à compter du 3 mars 1978. Un décret ministériel, en date du 3 mars 1978, a délivré la Licence générale d'importation n^o 58 visant l'article 58. Un autre décret ministériel, en date du 23 mars 1978, a modifié les dispositions de cette licence générale d'importation.

Le décret en conseil C.P. 1978-1016 du 6 avril 1978, a abrogé l'article 22 de la Liste de marchandises d'importation contrôlée en y substituant un nouvel article qui se lit comme suit:

"22 - Tissus de filaments de polyester à trame large."

Cette modification prenait effet le 11 avril 1978.

Le décret en conseil C.P. 1978-1117 du 13 avril 1978, a modifié la Liste de marchandises d'importation contrôlée en y ajoutant l'article 12 - sucre sous toutes ses formes commerciales reconnues à compter du 17 avril 1978. Un décret ministériel, en date du 11 avril 1978, a délivré la Licence générale d'importation n^o 5, visant cet article.

Un décret ministériel, en date du 21 avril 1978, a abrogé la Licence générale d'importation n^o 19 et délivré une autre licence d'importation en remplacement, à compter du 24 avril 1978.

Le décret en conseil C.P. 1978-2646 du 23 août 1978, a modifié la Liste de marchandises d'importation contrôlée en y ajoutant l'article 59 - produits, parties ou sous produits de baleine, à compter du 28 août 1978. Un décret ministériel, en date du 23 août 1978, a délivré la Licence générale d'importation n^o 59, visant cet article.

Le décret en conseil C.P. 1978-3328 du 2 novembre 1978, a modifié les annexes I, II et III de la Liste de marchandises d'importation contrôlée, visant les espèces menacées d'extinction, à compter du 3 novembre 1978.

b) Délivrance de licences

L'article 14 de la Loi stipule que:

"14. Nul ne doit importer ou tenter d'importer des marchandises mentionnées sur une liste de marchandises d'importation contrôlée, si ce n'est sous l'autorité et en conformité d'une licence d'importation délivrée selon la présente loi".

Il faut détenir une licence d'importation avant que des marchandises inscrites à la Liste de marchandises d'importation contrôlée ne puissent être importées au Canada, de quelque pays que ce soit.

L'article 8 de la Loi prévoit que:

"8. Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'importer des marchandises comprises dans une liste de marchandises d'importation contrôlée, en la quantité et de la qualité, par les personnes, des endroits ou des personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements que doivent fournir et les engagements que doivent prendre ceux qui demandent des licences ainsi que la procédure à suivre pour demander et pour délivrer des licences et les conditions requises pour satisfaire aux fins et dispositions de la Loi. Le règlement établi en vertu de cet article par le décret en conseil C.P. 1954-788 du 27 mai 1954 a été

abrogé par le décret en conseil C.P. 1978-3738 du 14 décembre 1978, et un nouveau Règlement sur les licences d'importation, en vigueur à compter du 18 décembre 1978, y a été substitué. Le changement avait pour objet de mettre à jour le Règlement et de mettre en oeuvre un système plus efficace de délivrance de licences d'importation en vertu de la Loi.

L'article 5 du Règlement sur les licences d'importation prévoit la délivrance de licences générales autorisant l'importation de certains produits sujet à certaines limites et dans certaines conditions.

Le résumé statistique suivant est un résumé des demandes de licences d'importation traitées au cours de 1978:

| | |
|---|--------|
| Licences d'importation délivrées | 56,608 |
| Demandes rejetées | 646 |
| Demandes retirées | 330 |
| Licences d'importation annulées | 1,989 |
| Demandes en suspens au 31 décembre 1978 | 25 |

3. CERTIFICATS D'IMPORTATION

L'article 9 de la Loi stipule que:

"9. Le Ministre peut, afin de faciliter l'importation de marchandises au Canada et l'observation des lois du pays d'exportation, délivrer, à tout résident du Canada qui en fait la demande, un certificat d'importation énonçant que l'auteur de la demande s'est engagé à importer les marchandises décrites au certificat dans le délai y spécifié et renfermant les autres renseignements qu'exigent les règlements".

Le décret C.P. 1954-790 du 27 mai 1954 a établi les règlements concernant les certificats d'importation qui prévoient la délivrance de certificats d'importation lorsque le pays d'exportation l'exige, avant de permettre l'exportation de marchandises au Canada.

Ce décret prévoit également la délivrance de certificats de livraison-vérification pour la livraison au Canada de marchandises importées qui respectent les conditions énoncées. Le but de ces règlements est d'empêcher le détournement en cours de route ou le transbordement non autorisé de ces marchandises.

Le résumé statistique suivant porte sur les certificats d'importation étudiés au cours de 1978:

| | |
|--|-----|
| Certificats d'importation délivrés | 442 |
| Certificats de livraison-vérification délivrés ... | 117 |

4. CONTRAVENTIONS

L'article 19 de la Loi stipule que:

"19. (1) Quiconque viole l'une des dispositions de la présente loi ou des règlements est coupable d'une infraction et passible (a) sur déclaration sommaire de culpabilité, d'une amende d'au plus cinq mille dollars ou d'un emprisonnement d'au plus douze mois ou à la fois de l'amende et de l'emprisonnement; ou (b) après déclaration de culpabilité sur acte d'accusation, d'une amende d'au plus vingt-cinq mille dollars ou d'un emprisonnement d'au plus cinq ans, ou à la fois de l'amende et de l'emprisonnement.

(2) Des poursuites en vertu de l'alinéa a) du paragraphe (1) peuvent être intentées en tout temps dans les trois ans du moment où le sujet de la plainte a pris naissance".

Des enquêtes ont été menées sur cent cinquante et une (151) présumées contraventions à la Loi sur les licences d'exportation et d'importation et certaines sont encore en cours; vingt-sept (27) accusations ont été portées; vingt et une (21) condamnations ont été obtenues et cinq (5) causes étaient en instance au 30 décembre 1978.

5. CONVENTION SUR LE COMMERCE INTERNATIONAL DES ESPÈCES DE FAUNE ET DE FLORE SAUVAGES MENACÉES D'EXTINCTION

La Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction entrée en vigueur le 1^{er} juillet 1975 est un accord international conclu pour surveiller le commerce de plus de 800 espèces de faune et de flore désignées comme étant menacées d'extinction, y compris leurs parties et leurs dérivés.

Le Ministère de l'Industrie et du Commerce a été désigné par le Cabinet comme étant l'autorité compétente pour exercer les fonctions propres à la réglementation du commerce des espèces menacées d'extinction par les mesures de contrôle d'exportation et d'importation prévues à la Loi sur les licences d'exportation et d'importation. Ces mesures de contrôle ont été introduites le 3 juillet 1975. Le 4 juillet de la même année, le ministre de l'Industrie et du Commerce a délivré des licences générales d'exportation et d'importation qui permettaient à la Direction générale de la faune du ministère de l'Environnement et aux autorités des gouvernements provinciaux et territoriaux de délivrer des licences individuelles (selon la Convention) pour les espèces mentionnés ci-dessus. Voici un résumé des licences d'exportation et d'importation ainsi que des autres documents délivrés conformément à la licence générale d'exportation n^o Ex. 14 et à la licence générale d'importation n^o 17.

a) Licences d'exportation

Du 1^{er} janvier 1978 au 31 décembre 1978, les licences d'exportation suivantes ont été étudiées conformément à la licence générale d'exportation n^o Ex. 14:

Il est nécessaire de détenir une licence d'exportation pour tous les spécimens inclus dans les appendices I, II et III.

| | |
|------------------------------------|----|
| Demands reçues | 28 |
| Demands acceptées | 28 |
| Demands retirées ou annulées | 3 |

b) Licences d'importation

Les licences d'importation suivantes ont été étudiées conformément à la licence générale d'importation n^o 17. Il faut détenir une licence pour les spécimens de l'appendice I. C'est le Service canadien de la faune qui s'est occupé de toutes les demandes.

| | |
|------------------------------------|----|
| Demands reçues | 44 |
| Demands acceptées | 36 |
| Demands retirées ou annulées | 4 |
| Demands refusées | 8 |

c) Licences de transit

Cinquante-six (56) demandes de licences de transit pour animaux vivants ont été reçues et acceptées par le Service canadien de la faune. La plupart de ces licences ont été délivrées à des cirques ambulants.

d) Certificats scientifiques

En conformité de la Licence générale d'importation n^o 17 du 21 septembre 1976, et de la Licence générale d'exportation n^o Ex. 14 du 21 septembre 1976, un total de 30 certificats d'importation/exportation ont été délivrés à des scientifiques et à des établissements scientifiques à des fins de prêt non commercial, de don ou d'échange de spécimens de plantes, d'autres spécimens de musée conservés, séchés ou encastés et de plantes vivantes. Tous les certificats délivrés sont devenus périmés le 31 décembre 1978.

REPORT OF THE MINISTER OF INDUSTRY, TRADE AND COMMERCE

Respecting Operations Under The

EXPORT AND IMPORT PERMITS ACT

for the year 1979

TABLED IN HOUSE 1 DEC. '80

This report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-17 of the 1970 Revised Statutes of Canada, as amended, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

SUMMARY

The Export Control List (C.R.C., c. 601) was amended twice during the year by revoking items 1003 - purebred cattle and 10010 - fibrinogen. General Export Permit No. Ex. 8 (C.R.C., c. 608) relevant to item 1003 was revoked at the same time.

The Area Control List (C.R.C., c. 600) was amended by removing Rhodesia.

The Import Control List (C.R.C., c. 604) was amended four times during the year by:

- a) the addition of eight new items: 15, 19, 60 - 65;
- b) revoking item 12 - Goods of Rhodesian Origin;
- c) revoking 26 items: 22, 24, 25 - 27, 29, 31, 32, 34, 37 to 52 and 58 and substituting new items therefor.

The details of these changes are described below.

1. EXPORT CONTROLS

a) Export Control List

Section 3 of the Act provides for the establishment of an Export Control List as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;

(a.1) to ensure that any action taken to promote the further processing in Canada of a natural resource that is produced in Canada is not rendered ineffective by reason of the unrestricted exportation of that natural resource;

(a.2) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus supply and depressed prices and that is not a produce of agriculture;

(b) to implement an intergovernmental arrangement or commitment; or

(c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs."

Order-in-Council P.C. 1979-664 of 8 March 1979 revoked Item 1003: purebred cattle, effective 13 March 1979, as the export of such cattle is now obsolete. A consequential Ministerial Order dated 13 March 1979 revoked General Export Permit No. Ex. 8 relevant to this item.

Order-in-Council P.C. 1979-2222 of 24 August 1979 removed Item 10010: Fibrinogen from the Export Control List, effective 27 August 1979. This item was revoked as there are now sufficient quantities of Fibrinogen in Canada to ensure adequate supplies at all times.

b) Area Control List

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

Order-in-Council P.C. 1979-3511 of 19 December 1979 amended the Area Control List by removing Rhodesia, effective 28 December 1979. This amendment resulted from a United Nations Security Council Cease-Fire Resolution signed by all parties interested in the evolution of the situation in Rhodesia.

c) Issuance of Permits

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

An export permit is required before an item included in the Export Control List may be exported from Canada to any destination with the exception, in most cases, of the United States. However, 13 items in the List require permits before they may be exported to any destination including the United States, i.e.: 1001 - pancreas glands of cattle and calves; 1011 - endangered species (appendix I or II); 2001 - logs of wood (of all species); 2002 - pulpwood (of all species); 5665 - scrap iron and steel; 5666 - Canadian silver coins (1968 or earlier); 5667 - Canadian one cent bronze coins; 8001 - source (fertile) and fissionable materials; 8005 - deuterium; 8039 - tritium; 8050 - radio-active materials; 8136 - nuclear reactors; 10011 - serum albumin; further, two items require permits before they may be exported to the United States only, i.e. 1021 - beef and veal carcasses; 5664 - specialty steel products.

All goods originating in the United States that are to be re-exported from Canada require an export permit except any such goods that have been further processed or manufactured outside the United States, by combining them with other goods or otherwise so as to result in substantial change in value, form and use of the goods or in the production of new goods.

All goods originating outside Canada that are to be re-exported from Canada require an export permit to any destination with the exception, in most cases, of the United States, when they are named in the Export Control List. Any such goods that are in transit in bond through Canada accompanied by a billing or other documentation which clearly indicates the ultimate destination are exempted from the requirement to have an export permit.

Section 7 of the Act provides that:

"7. The Minister may issue to any resident of Canada applying therefor a permit to export goods included in an Export Control List or to a country included in an Area Control List, in such quantity and of such quality, by such persons, to such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section remained in force during the year.

Section 6 of the Export Permit Regulations (C.R.C., c. 602) provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

The Regulations respecting trans-shipment (C.R.C., c. 606) continued in force. The purpose of these Regulations is to enable Canada to co-operate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of applications for export permits processed during the year 1979 relating to both the Export Control List and the Area Control List:

| | |
|--|-------|
| Export permits issued..... | 9,559 |
| Applications refused..... | 40 |
| Applications withdrawn | 259 |
| Export permits cancelled..... | 41 |
| Applications pending as of December 31, 1979 ... | 62 |

2. IMPORT CONTROLS

a) Import Control List

Section 5 of the Act provides for the establishment of an Import Control List as follows:

"5. The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely:

(a) 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;

(a.1) 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 the Act;

(b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, the Agricultural Products Board Act or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article; or

(c) to implement an intergovernmental arrangement or commitment; and where any goods are included in the list for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment if it has not previously been laid before Parliament, shall be laid before Parliament not later than fifteen days after the Order of the Governor in Council including those goods in the list is published in the Canada Gazette pursuant to the Statutory Instruments Act or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

(2) where at any time it appears to the satisfaction of the Governor in Council on a report of the Minister made pursuant to

(a) an inquiry made by the Textile and Clothing Board with respect to the importation of any textile and clothing goods within the meaning of the Textile and Clothing Board Act; or

(b) an inquiry made under Section 16A of the Anti-dumping Act by the Anti-dumping Tribunal in respect of any goods other than textile and clothing goods within the meaning of the Textile and Clothing Board Act that goods of any kind are being imported or are likely to be imported into Canada at such prices, in such quantities and under such conditions as to cause or threaten serious injury to Canadian producers of like or directly competitive goods, any goods of the same kind may by order of the Governor in Council, be included on the Import Control List in order to limit the importation of such goods to the extent and for the period that, in the opinion of the Governor in Council, is necessary to prevent or remedy the injury."

The Import Control List was amended to implement certain inter-governmental arrangements concerning textiles and clothing and in support of the provisions of the Farm Products Marketing Agencies Act.

Order-in-Council P.C. 1979-13 of 5 January 1979 added to the Import Control List Item 19 - chickens and chicken capons, live or eviscerated, parts and products manufactured wholly thereof, effective on 15 January. The reason for this addition was that Cabinet, on May 11, 1978, decided that chickens be placed on the List ten days after the date of the proclamation of the Chicken Marketing Agency created officially by the Governor General in Council on December 29, 1978, in order to support the action taken under the Farm Products Marketing Agency Act.

A Ministerial Order, dated 5 January 1979, issued General Import Permit No. 2 covering this item.

Order-in-Council P.C. 1979-760 of 15 March 1979 added the following new items to the Import Control List:

- 15: Yarn wholly of cotton fibre, either combed or carded, that is in a state ready for further processing, originating in Hong Kong.
- 60: Rayon, nylon or mixed fibre yarns that contain
- (a) any type of rayon yarn, originating in the Republic of Korea or Taiwan;
 - (b) any type of nylon yarn, originating in the Republic of Korea or Taiwan;
 - (c) any type of mixed or blended fibre yarn, originating in Taiwan; or
 - (d) any type of polyester-cotton yarn, originating in Hong Kong or Taiwan.
- 61: Broadwoven cotton fabrics that are
- (a) duck and allied fabrics, drills, twills or warp sateen, originating in Hong Kong;
 - (b) sheeting, unbleached, bleached or coloured, originating in Hong Kong or the Republic of Korea;
 - (c) print cloth, unbleached, bleached or coloured, originating in Hong Kong;
 - (d) print cloth and sheeting, unbleached, originating in Taiwan;
 - (e) flannel napped fabric, unbleached, bleached or coloured, originating in Hong Kong, Poland or Taiwan;
 - (f) denim, originating in Hong Kong, the People's Republic of China, Poland or the Republic of Korea;
 - (g) corduroy, unbleached or bleached, originating in Hong Kong, the People's Republic of China, Poland, the Republic of Korea or Taiwan;
 - (h) corduroy, coloured, originating in Hong Kong, People's Republic of China, Poland or the Republic of Korea;
 - (i) terry cloth, unbleached, bleached or coloured, originating in Hong Kong or in the Republic of Korea;
 - (j) terry cloth, coloured, originating in Poland;

- (k) pile fabrics, unbleached, bleached or coloured, originating in Hong Kong, Poland or the Republic of Korea; or
- (l) cotton fabrics, other than cotton fabrics referred to in paragraphs (a) to (c), (e) to (h), (j) and (k), originating in Hong Kong or Poland.

62: Fabrics that are

- (a) broadwoven rayon fabrics, originating in Poland, the Republic of Korea or Taiwan;
- (b) broadwoven pile fabrics of manmade mixed fibres, originating in Poland;
- (c) broadwoven fabrics of mixed fibres, other than broadwoven pile fabrics referred to in paragraph (b), originating in Poland; or
- (d) broadwoven rayon-polyester fabrics, originating in the Republic of Korea or Taiwan.

63: Coated fabrics that are

- (a) vinyl coated cotton fabric, originating in Taiwan;
- (b) vinyl coated fabrics, originating in the Republic of Korea;
- (c) polyurethane coated fabrics, originating in the Republic of Korea or Taiwan; or
- (d) broadcoated fabrics, originating in Taiwan.

64: Household textiles that are

- (a) blankets, originating in Poland;
- (b) blankets of cotton, originating in the People's Republic of China;
- (c) bedding, originating in Taiwan;
- (d) tablecloths, originating in Poland; or
- (e) bedspreads, originating in Poland or the Republic of Korea.

65: (1) All types of cordage, rope or twine, originating in Taiwan.

- (2) All types of cordage, rope or twine, other than manila rope, baler or binder twine, originating in the Republic of Korea.

and revoked items 22, 25 to 27 and 29 and substituted the following therefor:

22: Polyester fabrics that are

- (a) broadwoven filament polyester fabrics;
- (b) broadwoven polyester-cotton fabrics, where the polyester-cotton component represents 50 per cent or more by weight, originating in the Republic of Korea or Taiwan;

- (c) broadwoven polyester-cotton fabrics, where the polyester fibres represent 50 per cent or more by weight, originating in Hong Kong; or
 - (d) broadwoven polyester fabrics not included in paragraphs (a) or (b) originating in the Republic of Korea.
- 25: Woollen fabrics that are
- (a) worsted fabric containing 17 per cent or more by weight of wool from all sources except France, Italy, Japan, Netherlands, Switzerland, United Kingdom, United States or West Germany.
 - (b) woollen fabrics, 9 ounces (252 g) or less per square yard, originating in the Republic of Korea or Taiwan; or
 - (c) all wool and wool blends, not included in paragraph (a) or (b) originating in the Republic of Korea.
- 26: Nylon fabrics that are
- (a) broadwoven fabrics of filament nylon, originating in Hong Kong, the People's Republic of China, Poland, the Republic of Korea or Taiwan; or
 - (b) broadwoven fabrics of nylon, other than broadwoven fabrics of filament nylon, originating in Hong Kong, Poland, the Republic of Korea or Taiwan.
- 27: Polyester yarn that is
- (a) textured filament yarn;
 - (b) yarn made from 100 per cent polyester fibres or filament, originating in Hong Kong; or
 - (c) any type of polyester yarn, other than textured filament yarn, originating in the Republic of Korea or Taiwan.
- 29: (1) Cotton terry towels and washcloths that contain 50 per cent or more by weight of cotton, originating in Brazil, the People's Republic of China, Czechoslovakia, El Salvador, Hong Kong, India, Pakistan, Poland, the Republic of Korea or Taiwan.
- (2) Cotton towels, other than cotton terry towels, originating in Hong Kong, Poland, the Republic of Korea or Taiwan.
- (3) Cotton terry bathmats and bathmat sets, originating in the Republic of Korea.
- (4) Towels, other than towels referred to in subitems (1) and (2), originating in Poland.

(5) Cotton washcloths, bathsets and bathmats, originating in the Republic of Korea.

Order-in-Council P.C. 1979-1356 of 2 May 1979 revoked items 24, 31, 32, 34, 37 - 52 and 58 and substituted the following therefor:

- 24: All types of machine knitting and hand knitting acrylic yarns containing 50 per cent or more by weight of acrylic fibre, except those yarns spun on the cotton system.
- 31: Work gloves, whether fully or partially manufactured and whether or not impregnated or coated, composed
- (a) wholly of textile fabric that is composed wholly or mainly by weight of
 - (i) cotton,
 - (ii) man-made fibre, or
 - (iii) blends of cotton and man-made fibre; and
 - (b) mainly of textile fabric described in paragraph (a) and partly of leather.
- 31.1 Work gloves, whether fully or partially manufactured, composed wholly or mainly of leather.
- 32: Outerwear garments commonly referred to as
- (a) snowsuits, snowmobile suits, ski suits and ski pants, and
 - (b) jackets and vests, including parkas and ski jackets,
- that have an outer shell manufactured substantially from woven fabrics and that are lined and designed to protect the wearer against cold or inclement weather.
- 34: Hosiery for men and boys, women and girls, infants and children originating from the Republic of Korea, Taiwan, Singapore, Poland and India.
- 37: Pants, including jeans, slacks, shorts, overalls and coveralls whether fully or partially manufactured.
- 38: Unstructured or leisure suits, including unstructured sports coats and blazers whether fully or partially manufactured.
- 39: Blouses and ladies' shirts, including T-shirts and sweat shirts whether fully or partially manufactured.
- 40: Pyjamas and sleepwear whether fully or partially manufactured.

- 41: Raincoats whether fully or partially manufactured.
- 42: Sportswear, including dresses and co-ordinates whether fully or partially manufactured.
- 43: Foundation garments whether fully or partially manufactured.
- 44: Swimwear whether fully or partially manufactured.
- 45: Underwear whether fully or partially manufactured.
- 46: Top coats, overcoats and outerjackets, including duffle coats, suburban coats and pant coats whether fully or partially manufactured.
- 47: Men's and boys' fine suits and jackets, including sports coats and blazers whether fully or partially manufactured.
- 48: Leather coats whether fully or partially manufactured.
- 49: Men's and boys' shirts, including T-shirts and sweat shirts whether fully or partially manufactured.
- 50: Sweaters, pullovers and cardigans whether fully or partially manufactured.
- 51: Sheets, made wholly or in part of cotton or of man-made fibres, whether imported separately or in combination with other goods, originating in Hong Kong, India, People's Republic of China, Poland or Taiwan.
- 52: Pillowcases, made wholly or in part of cotton or of man-made fibres, whether imported separately or in combination with other goods, originating in People's Republic of China, Poland, Romania or Taiwan.
- 58: Handbags, made of fabrics, whether uncoated, coated or bonded, containing natural or man-made fibres or blends of these fibres, with a body area, excluding handles, between 40 and 190 square inches (258 cm² and 1226 cm²), in the manufacture of which leather and plastic materials may be used as trim and finish but not as a major component of the shell.

Intergovernmental arrangements have been concluded between Canada and various countries to restrain the exportation by these countries of certain clothing and textile products to Canada. The Import Control List was amended as indicated above, in order to implement these intergovernmental arrangements by controlling the importation of the products included in the arrangements and furthermore to ensure that similar goods are not imported into Canada from other sources in a manner that might be inequitable to any country that is a party to these arrangements.

Order-in-Council P.C. 1979-3510 of 19 December 1979, revoked Item 12 - Goods of Rhodesian Origin. The removal of the control was the result of the signatures by all parties involved in the conflict of a cease-fire which took effect on 28 December 1979.

b) Issuance of Permits

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

An import permit is required before any goods included in the Import Control List may be imported into Canada from any country.

Section 8 of the Act provides:

"8. The Minister may issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. New Regulations established under this Section by Order-in-Council P.C. 1978-3738 of 14 December 1978 remained in force during the year.

Section 5 of the Import Permit Regulations (C.R.C., c. 605) provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

The following is a statistical summary of applications for import permits processed during the year 1979.

| | |
|--|---------|
| Import permits issued..... | 122,792 |
| Applications refused..... | 1,442 |
| Import permits cancelled | 7,312 |
| Applications pending as of December 31, 1979 | 14 |

3. CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may, in order to facilitate the importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations required."

Import Certificate Regulations (C.R.C., c. 603) provide for the issuance of import certificates which are required by the country of export before it will allow goods to be shipped to Canada. They also provide for the issuance of Delivery-Verification Certificates of the delivery in Canada of goods imported into Canada to comply with the requirements. The purpose of the Regulations is to prevent the diversion in transit or the unauthorized trans-shipment of such goods.

The following is a statistical summary of certificates processed during the year 1979:

Import Certificates issued 440
Delivery-Verification Certificates issued 123

4. OFFENCES

Section 19 of the Act provides that:

"19. (1) Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable

(a) on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment; or

(b) on conviction upon indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment.

(2) A prosecution under paragraph (a) of subsection (1) may be instituted at any time within three years from the time when the subject-matter of the complaint arose."

One hundred and forty (140) suspected violations of the Export and Import Permits Act were investigated or are still under investigation; sixteen (16) charges were laid; twenty (20) convictions were obtained; and fifty (50) court cases are pending as of 31 December 1979.

5. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, which came into force on July 1, 1975, is an international agreement to regulate trading in 800 designated endangered species of animals and plants including their respective parts and derivatives.

The Department of Industry, Trade and Commerce was designated by Cabinet as the Competent Authority to perform those functions related to the regulation of trade of such endangered species through export and import control measures, by means of the Export and Import Permits Act. Such control measures were introduced on July 3, 1975. On July 4, 1975, the Minister of Industry, Trade and Commerce issued general export and import permits to allow the Canadian Wildlife Service of the Department of the Environment as well as the provincial or territorial government authorities to issue individual Convention permits for the above-mentioned species. The following is a resumé of the export and import permits as well as other documents issued under the authority of General Export Permit No. Ex. 14 and General Import Permit No. 17.

a) Export Permits

During the period January 1, 1979 to December 31, 1979, the following export permits were processed in accordance with General Export Permit No. Ex. 14:

An export permit is required for all specimens included in Appendices I, II and III.

Applications received 55
Applications completed 54
Applications withdrawn or cancelled 5

b) Import Permits

The following import permits were processed in accordance with General Import Permit No. 17. A permit is required for Appendix I specimens. All applications were handled by Canadian Wildlife Service.

Applications received 40
Applications completed 36
Applications withdrawn or cancelled 8
Applications refused 4

c) Transit Permits

Seventy-four (74) permit applications for live animals were received and completed by the Canadian Wildlife Service. The majority of these permits were issued on travelling circuses.

d) Scientific Certificates

In accordance with General Import Permit No. 17 of 21 September 1976, and General Export Permit No. Ex. 14 of 21 September 1976, a total of 30 Import / Export Certificates were issued to scientists and scientific institutions for the non-commercial loan, donation or exchange of herbarium specimens, other preserved, dried or embedded museum specimens and live plant material. All certificates issued expired on 31 December 1979.

REPORT OF THE MINISTER OF INDUSTRY, TRADE AND COMMERCE
respecting operations under the
EXPORT AND IMPORT PERMITS ACT
for the year 1980

This Report is submitted pursuant to Section 26 of the Export and Import Permits Act (herinafter referred to as the Act), Chapter E-17 of the 1970 Revised Statutes of Canada, as amended, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

SUMMARY

The Export Control List (C.R.C., c. 601) was amended twice during the year by revoking item 5666 - Canadian silver coins and amending Appendices I, II and III to item 1011 - Endangered Species.

The following six General Export Permits were amended:

- No. Ex. 2 a) Subitem 1(10);
 b) Sections 2 and 3; and
Nos. Ex. 5, 6, 7, 9 and 14.

The Area Control List (C.R.C., c. 600) was amended by adding "Iran".

The Import Control List (C.R.C., c. 604) was amended eight times during the year by:

- a) revoking five items: 4, 16.1, 24.1, 47 (twice) and 49 and substituting new items therefor;
- b) revoking item 14;
- c) revoking Appendices I, II and III to Item 30 and substituting new Appendices therefor.

Two general import permits Nos. 24 and 59, were revoked and new permits substituted therefor; and one general import permit no. 6, was cancelled.

The details of these changes are described below.

1. EXPORT CONTROLS

a) Export Control List

Section 3 of the Act provides for the establishment of an Export Control List as follows:

"3. The Governor in Council may establish a list of goods, to be called an Export Control List, including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;

(a.1) to ensure that any action taken to promote the further processing in Canada of a natural resource that is produced in Canada is not rendered ineffective by reason of the unrestricted exportation of that natural resource;

(a.2) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus supply and depressed prices and that is not a produce of agriculture;

(b) to implement an intergovernmental arrangement or commitment; or

(c) to ensure that there is an adequate supply and distribution of such article in Canada for defence on other needs."

Order in Council P.C. 1980-358 of 1 February 1980 revoked item 5666-Canadian Silver Coins, effective 4 February 1980, as there is no longer any likelihood that a shortage of silver coins might threaten supply in Canada.

A Ministerial Order dated 5 February 1980 revoked subitem 1(10) of the Schedule to General Export Permit No. Ex. 2 and substituted the following therefor:

- 1 (10) Grain, fodders and feeds, except wheat, oats and barley controlled by the Canadian Wheat Board, corn, rye, mixed feeds for livestock or poultry purposes and by-products of brewing or distilling as follows: brewers grains; distillers grains; distillers solubles.

Order in Council P.C. 1980-1072 of 24 April 1980 amended Appendices I, II and III to Item 1011: Endangered Species, effective same date. Certain species listed on the Appendices were changed in accordance with the latest modifications approved by the second General Meeting of the Parties to the Convention on International Trade in Endangered Species, held in Costa Rica in March 1979.

Ministerial Order dated 22 May 1980 revoked Sections 2 and 3 of General Export Permit No. Ex. 2 and substituted the following therefor:

2. (1) Subject to subsection (2), any person may, under the authority of this General Export Permit, export from Canada to any country except Iran any goods listed in the schedule.
(2) Subsection (1) does not apply to the export from Canada to any country named in the Area Control List or to Cuba of goods originating outside Canada that are included in Group 9 of the Export Control List.

The same Ministerial Order amended General Export Permits Nos. Ex. 5, 6, 7, 9 and 14 by substituting the words "except Iran" for "except Rhodesia".

b) Area Control List

Section 4 of the Act provides for the establishment of an Area Control List, as follows:

"4. The Governor in Council may establish a list of countries, to be called an Area Control List, including therein any country the export of any goods to which he deems it necessary to control."

Order in Council P.C. 1980-1397 of 22 May 1980 amended the Area Control List by adding "Iran", effective immediately. This Amendment served to place sanctions on trade with Iran in response to the taking of hostages at the Embassy in Teheran. This response paralleled action taken by the EEC and the USA.

c) Issuance of Permits

Section 13 of the Act provides:

"13. No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

An export permit is required before an item included in the Export Control List may be exported from Canada to any destination with the exception, in most cases, of the United States. However, 12 items in the List require permits before they may be exported to any destination including the United States, i.e.: 1001 - pancreas glands of cattle and calves; 1011 - endangered species (appendix I or II); 2001 - logs of wood (of all species); 2002 - pulpwood (of all species); 5665 - scrap iron and steel; 5667 - Canadian one cent bronze coins; 8001 - source (fertile) and fissionable materials; 8005 - deuterium; 8039 - tritium; 8050 - radio-active materials; 8136 - nuclear reactors; 10011 - serum

albumin; further, two items require permits before they may be exported to the United States only, i.e. 1021 - beef and veal carcasses; 5664 - specialty steel products.

All goods originating in the United States that are to be re-exported from Canada require an export permit except any such goods that have been further processed or manufactured outside the United States, by combining them with other goods or otherwise so as to result in substantial change in value, form and use of the goods or in the production of new goods.

All goods originating outside Canada that are identified in the Export Control List require an export permit to be re-exported from Canada to any destination with the exception, in most cases, of the United States. Any such goods that are in transit in bond on a through journey and accompanied by a billing or other documentation which clearly indicates the ultimate destination are exempted from the requirement to have an export permit.

Section 7 of the Act provides that:

"7. The Minister may issue to any resident of Canada applying therefor a permit to export goods included in an Export Control List or to a country included in an Area Control List, in such quantity and of such quality, by such persons, to such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. Regulations established under this Section remained in force during the year.

Section 6 of the Export Permit Regulations (C.R.C., c. 602) provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

The Regulations respecting trans-shipment (C.R.C., c. 608) continued in force. The purpose of these Regulations is to enable Canada to co-operate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of applications for export permits processed during the year 1980 relating to both the Export Control List and the Area Control List:

| | |
|---|-------|
| Export permits issued..... | 6,861 |
| Applications refused..... | 40 |
| Applications withdrawn..... | 89 |
| Export permits cancelled..... | 16 |
| Applications pending as of December 31, 1980..... | 42 |

2. IMPORT CONTROLS

a) Import Control List

Section 5 of the Act provides for the establishment of an Import Control List as follows:

"5. The Governor in Council may establish a list of goods, to be called an Import Control List, including therein any article the import of which he deems it necessary to control for any of the following purposes, namely:

(a) 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;

(a.1) 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 the Act;

(b) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, the Agricultural Products Board Act or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article; or

(c) to implement an intergovernmental arrangement or commitment; and where any goods are included in the list for the purpose of ensuring supply or distribution of goods subject to allocation by intergovernmental arrangement or for the purpose of implementing an intergovernmental arrangement or commitment, a statement of the effect or a summary of the arrangement or commitment if it has not previously been laid before Parliament, shall be laid before Parliament not later than fifteen days after the Order of the Governor in Council including these goods in the list is published in the Canada Gazette pursuant to the Statutory Instruments Act or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

(2) where at any time it appears to the satisfaction of the Governor in Council on a report of the Minister made pursuant to

(a) an inquiry made by the Textile and Clothing Board with respect to the importation of any textile and clothing goods within the meaning of the Textile and Clothing Board Act; or

(b) an inquiry made under Section 16A of the Anti-dumping Act by the Anti-dumping Tribunal in respect of any goods other than textile and clothing goods within the meaning of the Textile and Clothing Board Act that goods of any kind are being imported or are likely to be imported into Canada at such

prices, in such quantities and under such conditions as to cause or threaten serious injury to Canadian producers of like or directly competitive goods, any goods of the same kind may by order of the Governor in Council, be included on the Import Control List in order to limit the importation of such goods to the extent and for the period that, in the opinion of the Governor in Council, is necessary to prevent or remedy the injury."

The Import Control List was amended:

- 1) to support an action taken under the Agricultural Stabilization Act in connection with Cheese;
- 2) to implement certain intergovernmental arrangements concerning Whales, Endangered Species, Acrylic Yarn and Cocoa;
- 3) as a result of an Inquiry made under Section 16A of the Anti-dumping Act by the Anti-dumping Tribunal concerning Footwear.

Order in Council P.C. 1980-796 of 27 March 1980 amended Item 4 to read: "Cheese of all types other than imitation cheese", effective same date.

Order in Council P.C. 1980-1073 of 24 April 1980 amended Appendices I, II and III to item 30 Endangered Species, by changing certain species listed on the Appendices in accordance with the latest modifications approved by the Second General Meeting of the Parties to the Convention on International Trade in Endangered Species held in Costa Rica in March 1979, effective same date.

Order in Council P.C. 1980-1223 of 8 May 1980 revoked Item 14 Cocoa beans and cocoa products, effective same date. A Ministerial Order of 30 April 1980 cancelled General Import Permit No. 6 covering this item. This item was revoked because negotiations for a new agreement to replace the International Cocoa Agreement (ICCA) were unsuccessful and as a result the ICCA expired at midnight 31 March 1980 without extension or replacement.

A Ministerial Order of 9 June 1980 cancelled General Import Permit No. 24 and issued a new one therefor. This amendment increased the permit exemption for imports of commercial samples and personal use clothing, and allowed permit-free imports of small commercial shipments of clothing (i.e. not more than \$500 - regardless of the number of units, or not more than 12 units - regardless of the value for duty). The earlier limit on permit-free imports of commercial samples and personal use clothing was \$250 while commercial shipments were not included in this exemption.

Order in Council P.C. 1980-2107 of 31 July 1980 revoked item 47 and substituted a new item therefor, effective December 1, 1980.

Item 47: Men's and Boys', women's and girls', children's and infants' footwear, whether fully or partially manufactured, other than rubber or water proofing, plastic footwear and downhill ski boots.

This amendment extended the global quota on the importation of footwear for another year in order to provide adequate time to enable the Anti-dumping Tribunal to conduct an inquiry into whether special measures of protection would be required beyond the expiry of the current import controls. The global quota was extended from December 1, 1980 to November 30, 1981. On 19 August 1980, Order in Council P.C. 1980-2176 amended the item further by adding "canvas footwear" to the exceptions.

Order in Council P.C. 1980-2108 of 31 July 1980 revoked item 49 and substituted a new item therefor, effective same date.

Item 49: (1) Whale products, parts or by-products
(2) Whaling cannons, harpoon guns, shoulder guns, bomb lances and associated apparatus and applicances used in the conduct of whaling.

The addition of subsection (2) established import control on certain whaling apparatus. A Ministerial Order of the same date issued a new General Import Permit No. 59 covering this item.

Order in Council P.C. 1980-2284 of 27 August 1980 item 24.1 and substituted a new item therefor, effective same date.

Item 24.1: All types of machine knitting and hand knitting acrylic yarns containing 50% or more by weight of acrylic fibres, except those yarns composed entirely of fibres not exceeding 6.35 cm in length.

This amendment changed the definition of acrylic yarns resulting from Bilateral Agreements which were concluded with various sources of supply of that type of yarn.

Order in Council P.C. 1980-2602 of 1 October 1980 revoked item 16.1 and substituted a new item therefor, effective same date.

Item 16.1: Chicken and chicken capons, live or eviscerated, chicken parts, whether breaded or battered and chicken products manufactured wholly thereof, whether breaded or battered.

The amendment modified the definition of chicken and chicken products to increase the effectiveness of the control.

b) Issuance of Permits

Section 14 of the Act provides:

"14. No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

An import permit is required before any goods included in the Import Control List may be imported into Canada from any country.

"8. The Minister may issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act. The Regulations established under this Section by Order in Council P.C. 1978-3738 of 14 December 1978 remained in force during the year.

Section 5 of the Import Permit Regulations (C.R.C., c. 605) provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

The following is a statistical summary of applications for import permits processed during the year 1980.

| | |
|-------------------------------|---------|
| Import permits issued..... | 111,847 |
| Applications refused..... | 1,055 |
| Import Permits cancelled..... | 4,698 |

3. CERTIFICATES

Section 9 of the Act provides:

"9. The Minister may , in order to facilitate the importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the

certificate within the time specified therein and containing such other information as the regulations required."

Import Certificate Regulations (C.R.C., c. 603) provide for the issuance of import certificates which are required by the country of export before it will allow goods to be shipped to Canada. They also provide for the issuance of Delivery-Verification Certificates of the delivery in Canada of goods imported into Canada to comply with the requirements. The purpose of the Regulations is to prevent the diversion in transit or the unauthorized trans-shipment of such goods.

The following is a statistical summary of certificates processed during the year 1980:

| | |
|--|-----|
| Import Certificates issued..... | 602 |
| Delivery-Verification Certificates issued..... | 182 |

4. CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, which came into force on July 1, 1975, is an international agreement to regulate trading in 800 designated endangered species of animals and plants including their respective parts and derivatives.

The Department of Industry, Trade and Commerce was designated by Cabinet as the Competent Authority to perform those functions related to the regulation of trade of such endangered species through export and import control measures, by means of the Export and Import Permits Act. Such control measures were introduced on July 3, 1975. On July 4, 1975, the Minister of Industry, Trade and Commerce issued general export and import permits to allow the Canadian Wildlife Service of the Department of the Environment as well as the provincial or territorial government authorities to issue individual Convention permits for the

above-mentioned species. The following is a resumé of the export and import permits as well as other documents issued under the authority of General Export Permit No. Ex. 14 and General Import permit No. 17.

a) Export Permits

During the period January 1, 1980 to December 31, 1980, the following export permits were processed in accordance with General Export Permit No. Ex. 14. An export permit is required for all specimens included in Appendices I, II and III.

| | |
|--|----|
| Applications received..... | 96 |
| Applications completed..... | 95 |
| Applications withdrawn or cancelled..... | 0 |

b) Import Permits

The following import permits were processed in accordance with General Import Permit No. 17. A permit is required for Appendix I specimens. All applications were handled by Canadian Wildlife Service.

| | |
|--|----|
| Applications received..... | 47 |
| Applications completed..... | 36 |
| Applications withdrawn or cancelled..... | 1 |
| Applications refused..... | 11 |

c) Transit Permits

Forty-six (46) permit applications for live animals were received and completed by the Canadian Wildlife Service. The majority of these permits were issued on travelling circuses.

d) Scientific Certificates

In accordance with General Import Permit No. 17 of 21 September 1976, and General Export Permit No. Ex. 14 of the same date, a total of 36 Import/Export Certificates were issued to scientists and scientific institutions for the non-commercial loan, donation or exchange of herbarium specimens, other preserved, dried or embedded museum specimens and live plant material. All certificates issued expired on 31 December 1980.

RAPPORT DU MINISTRE DE L'INDUSTRIE ET DU COMMERCE
sur les activités découlant de la
LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION
pour l'année 1980

Le présent rapport est présenté conformément à l'article 26 de la Loi sur les licences d'exportation et d'importation (ci-après appelée la Loi), chapitre E-17 des Status révisés du Canada 1970, dans sa forme modifiée, qui prévoit ce qui suit:

"26. Aussitôt que possible après le 31 décembre de chaque année, le Ministre doit dresser et présenter au Parlement un rapport sur les opérations découlant de la présente Loi pour l'année en question."

RÉSUMÉ

La Liste de marchandises d'exportation contrôlée (C.R.C., c. 601) a été modifiée à deux reprises, au cours de l'année, par l'abrogation de l'article 5666 - Pièces de monnaie canadienne en argent, et par la modification des appendices, I, II et III de l'article IOII - Espèces menacées d'extinction.

Les six licences générales d'exportation suivantes ont été modifiées:
no. Ex. 2 a) paragraphe 1 (10);
 b) articles 2 et 3; et
nos Ex 5, 6, 7, 9 et 14

La Liste de pays visés par contrôle (C.R.C. c. 600) a été modifiée par l'addition de "l'Iran".

La Liste des marchandises d'importation contrôlée (C.R.C. c. 604) a été modifiée à huit reprises pendant l'année en:

a) abrogeant cinq articles: 4, 16.1, 24.1, 47 (deux fois) et 49 et en leur substituant de nouveaux articles;

- b) abrogeant l'article 14;
- c) abrogeant les Appendices, I, II, et III de l'article 30 et en leur substituant de nouveaux appendices.

Deux licences générales d'importation (nos 24 et 59) ont été abrogées et deux nouvelles licences leur ont été substituées, tandis qu'une licence générale d'importation (no. 6) a été annulée.

Les détails de ces modifications sont donnés ci-dessous.

1. CONTROLE DES EXPORTATIONS

a) Liste de marchandises d'exportation contrôlée

L'article 3 de la Loi prévoit l'établissement d'une Liste de marchandises d'exportation contrôlée comme suit:

"3. Le gouverneur en conseil peut établir une Liste de marchandises, appelée "Liste de marchandises d'exportation contrôlée", comprenant tout article dont, à son avis, il est nécessaire de contrôler l'exportation pour l'une quelconque des fins suivantes, savoir:

a) assurer que des armes, des munitions ou du matériel ou des armements de guerre, des approvisionnements navals, des approvisionnements de l'armée ou de l'Air, ou des articles jugés susceptibles d'être transformés en l'un des susdits ou de pouvoir servir à leur production, ou ayant autrement une nature ou valeur stratégique, ne seront pas rendus disponibles à une destination où leur emploi pourrait être préjudiciable à la sécurité du Canada;

(a.1) s'assurer que toute mesure prise pour favoriser le traitement supplémentaire au Canada d'une ressource naturelle qui y est produite ne devienne pas inopérante du fait de l'exportation sans restriction de cette ressource naturelle;

(a.2) limiter les exportations de matières premières ou transformées d'origine canadienne, ou en conserver le contrôle lorsqu'il y a surproduction et chute des cours et qu'il ne s'agit pas d'un produit agricole,

(b) mettre en oeuvre un arrangement ou un engagement intergouvernemental; ou

(c) assurer un approvisionnement et une distribution de cet article au Canada qui suffisent aux besoins de la défense ou autres."

Le décret du conseil C.P. 1980-358 du 1er février 1980 a abrogé l'article 5666 - Pièces de monnaie canadienne en argent, à compter du 4 février 1980, car il n'y avait plus aucune chance qu'une pénurie de pièces de monnaie en argent se développe au Canada.

Un décret ministériel, en date du 5 février 1980, a abrogé le paragraphe 1(10) de l'Annexe de la Licence générale d'exportation no. Ex 2 et lui a substitué ce qui suit:

1(10) Céréales, fourrage et aliments pour bétail, à l'exclusion du blé, de l'avoine et de l'orge réglementés par la Commission canadienne du blé, ainsi que du maïs, du seigle, des aliments mélangés pour bétail et volailles et des sous-produits de brasserie ou de distillerie suivants: grains de brasserie, grains de distillerie, solubles de distillerie.

Le décret du Conseil C.P. 1980-1072 du 24 avril 1980 a modifié les Appendices I, II et III de l'article 1011: Espèces menacées d'extinction. La mesure a été mise en vigueur à la même date. Certaines des espèces mentionnées dans les appendices conformément aux dernières modifications approuvées lors de la deuxième assemblée annuelle des parties à la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction.

Le décret ministériel, en date du 22 mai, a abrogé les articles 2 et 3 de la Licence générale d'exportation no. Ex 2 et leur a substitué ce qui suit:

2. (1) Il est permis, en vertu de la présente licence, d'exporter, sauf vers l'Iran, les marchandises énumérées à l'annexe.

(2) Le paragraphe (1) ne s'applique pas à l'exportation vers Cuba et les pays énumérés dans la Liste de pays visés par contrôle, des marchandises provenant de l'extérieur du Canada qui font partie du groupe 9 de la Liste de marchandises d'exportation contrôlée.

Le même décret ministériel a modifié les licences générales d'exportation nos Ex 5, 6, 7, 9 et 14 en substituant les mots "sauf vers l'Iran" à "sauf vers la Rhodésie".

b) Liste de pays visés par contrôle

L'article 4 de la Loi prévoit l'établissement d'une liste de pays visés par contrôle comme il suit:

"4. Le gouverneur en conseil peut établir une Liste de pays appelée "Liste de pays visés par contrôle" comprenant tout pays vers lequel il estime nécessaire de contrôler l'exportation de marchandises".

Le décret du conseil C.P. 1980-1397 du 22 mai 1980 a modifié la Liste de pays visés par le contrôle en y ajoutant "Iran"; la modification, qui entrerait en vigueur immédiatement, visait à imposer des sanctions au commerce avec l'Iran par suite de la prise d'otages à l'Ambassade des États-Unis à Téhéran. Cette mesure allait dans le même sens que celles qu'avaient prises la CEE et les États-Unis.

c) Délivrance de permis

Aux termes de l'article 13 de la Loi:

"13. Nul ne doit exporter ou tenter d'exporter des marchandises comprises dans une Liste de marchandises d'exportation contrôlée, ni des marchandises vers un pays dont le nom paraît sur une Liste de pays visés par contrôle, si ce n'est sous l'autorité et en conformité d'une licence d'exportation délivrée selon la présente loi".

Aucun produit figurant sur la Liste de marchandises d'exportation contrôlée ne peut être exporté du Canada sans l'obtention d'une licence, sauf, dans la plupart des cas, vers les Etats-Unis. Cependant, il faut une licence d'exportation pour expédier à l'étranger, y compris aux Etats-Unis, 13 articles énumérés dans la Liste: 1001 - glandes pancréatiques de bovins et de veaux; 1011 - espèces menacées d'extinction (appendice I ou II); 2001 - billes de bois (de toutes essences); 2002 - bois à pâte (de toutes essences); 5665 - déchets de fer et d'acier; 5667 - pièces de monnaie canadienne de bronze, d'un cent; 8001 - matières de base (fertiles) et matières fissiles; 8005 - deutérium; 8039 - tritium; 8050 - matières radioactives; 8136 - réacteurs nucléaires; 10011 - sérumalbumine. De plus, il faut avoir une licence pour exporter les deux articles suivants aux Etats-Unis seulement: 1021 - carcasses de boeuf et de veau; 5664 - aciers spéciaux.

La réexportation de tous les produits provenant des Etats-Unis nécessite une licence, sauf dans le cas des marchandises qui ont fait l'objet de transformation ou de fabrication complémentaire hors de Etats-Unis, en étant combinés à d'autres produits ou autrement, de façon à en modifier sensiblement la valeur, la forme et l'usage ou à produire de nouvelles marchandises.

La réexportation de tous les produits d'origine étrangère nécessite une licence, quelle que soit la destination des marchandises, à l'exception dans la plupart des cas, des Etats-Unis, lorsque ces marchandises font partie de la Liste de marchandises d'exportation contrôlée. Les marchandises en transit douanier au Canada, qui sont accompagnées d'une facture ou d'autres documents indiquant avec précision leur destination finale, sont exemptées de la licence d'exportation.

L'article 7 de la Loi prévoit que:

"7. Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'exporter des marchandises comprises dans une Liste de marchandises d'exportation contrôlée ou à un pays nommé dans une Liste de pays visés par contrôle, en la quantité et de la qualité, par les personnes, aux endroits ou personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements que doivent fournir, et les engagements que doivent prendre les demandeurs de licences, ainsi que la procédure à suivre pour demander ou pour délivrer des licences, et les conditions requises pour satisfaire aux fins et aux dispositions de la Loi. Le règlement établi en vertu de cet article est demeuré en vigueur toute l'année.

L'article 6 du Règlement sur les licences d'exportation (C.R.C., c. 602) prévoit la délivrance de licences générales, autorisant l'exportation de certains produits mentionnés vers toutes les destinations ou vers des destinations précises.

Le Règlement sur le transbordement (C.R.C., c. 606) est resté en vigueur. L'objet de ce règlement est de permettre au Canada de collaborer au maintien d'un régime convenu entre divers pays, en vue d'empêcher le détournement en cours de route de produits de nature stratégique.

Le résumé statistique suivant porte sur les demandes de licences d'exportation traitées au cours de l'année 1979, en rapport avec la Liste de marchandises d'exportation contrôlée et la Liste de pays visés par contrôle:

| | |
|---|-------|
| Licences d'exportation délivrées | 6,861 |
| Demandes rejetées | 40 |
| Demandes retirées | 89 |
| Licences d'exportation annulées | 16 |
| Demandes en suspens au 31 décembre 1980 | 42 |

2. CONTROLE DES IMPORTATIONS

a) Liste de marchandises d'importation contrôlée

L'article 5 de la Loi prévoit l'établissement d'une Liste de marchandises d'importation contrôlée comme suit:

"5. Le gouverneur en conseil peut établir une Liste de marchandises, appelée Liste de marchandises d'importation contrôlée, comprenant tout article dont, à son avis, il est nécessaire de contrôler l'importation pour l'une quelconque des fins suivantes, savoir:

(a) assurer, selon les besoins du Canada, le meilleur approvisionnement et la meilleure distribution possible d'un article rare sur les marchés mondiaux ou soumis à des règles gouvernementales dans les pays d'origine ou à une répartition par arrangement intergouvernemental;

(a.1) appuyer une mesure prise en vertu de la Loi sur les offices de commercialisation des produits de ferme en limitant l'importation sous quelque forme d'un article semblable à un article produit ou commercialisé au Canada dont les quantités sont fixées ou déterminées en vertu de cette loi;

(b) mettre à exécution toute mesure prise selon la Loi sur la stabilisation des prix agricoles, la Loi sur le soutien des prix des produits de la pêche, la Loi sur la vente coopérative des produits agricoles, la Loi sur l'Office des produits agricoles ou la Loi sur la

Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article; ou

(c) mettre en oeuvre un arrangement ou un engagement intergouvernemental; et lorsque des marchandises sont incluses dans la Liste en vue d'assurer l'approvisionnement ou la distribution de marchandises sujettes à répartition par arrangement intergouvernemental ou pour donner suite à un arrangement ou engagement intergouvernemental, un exposé de l'effet ou un sommaire de l'arrangement ou engagement, s'il n'a pas été antérieurement présenté au Parlement, doit l'être au plus tard quinze jours après que l'arrêté du gouverneur en conseil faisant entrer ces marchandises dans la Liste est publié dans la Gazette du Canada en application de la Loi sur les textes réglementaires ou, si le Parlement ne siège pas à ce moment-là, l'un des quinze premiers jours où il siège par la suite.

(2) lorsque à un moment quelconque le gouverneur en conseil est convaincu, sur rapport du Ministre établi en application.

(a) d'une enquête effectuée par la Commission du textile et du vêtement relativement à l'importation d'articles de textile et d'habillement tels qu'ils sont définis dans la Loi sur la Commission du textile et du vêtement, ou

(b) d'une enquête effectuée en vertu de l'article 16A de la Loi anti-dumping par le Tribunal anti-dumping relativement à des marchandises autres que les articles de textile et d'habillement définis par la Loi sur la Commission du textile et du vêtement, que des marchandises de tout genre sont importées ou seront vraisemblablement importées au Canada à des prix, en quantités et dans des conditions portant ou menaçant de porter un préjudice sérieux aux producteurs canadiens de marchandises semblables ou directement concurrentes, toutes marchandises du même genre peuvent, par décret du gouverneur en conseil, être incluses dans la Liste de marchandises d'importation contrôlée afin de limiter l'importation de ces marchandises dans la mesure et pour la période nécessaire, de l'avis du gouverneur en conseil, pour empêcher ce préjudice ou y remédier."

La Liste de marchandises d'importation contrôlée a été modifiée:

- 1) pour appuyer une mesure prise aux termes de la Loi sur la stabilisation des prix agricoles au sujet du fromage;
- 2) pour mettre en oeuvre certains arrangements intergouvernementaux concernant les baleines, les espèces menacées d'extinction, les filés acryliques et le cacao;
- 3) à la suite d'une enquête faite en vertu de l'article 16A de la Loi Antidumping par le tribunal antidumping au sujet des chaussures.

Le décret du conseil C.P. 1980-796 du 27 mars 1980 a modifié l'article 4 comme suit: "4. Fromages de tous genres à l'exclusion des imitations."; il est entré en vigueur immédiatement.

Le décret du conseil C.P. 1980-1073 du 24 avril 1980 a modifié les appendices I, II et III de l'article 30 des espèces menacées d'extinction, en changeant certaines espèces mentionnées dans les appendices conformément aux dernières modifications approuvées par la deuxième assemblée annuelle des parties à la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction, qui a eu lieu à Costa Rica en mars 1979. Les modifications sont entrées en vigueur immédiatement.

Le décret du conseil C.P. 1980-1223 du 8 mai 1980 a abrogé l'article 14 Fèves de cacao et produits de cacao, à compter de la date. Un décret ministériel du 30 avril 1980 a annulé la Licence générale d'importation no. 6 visant cet article. Cet article a été abrogé parce que les négociations en vue de l'adoption d'une nouvelle entente pour remplacer l'Accord international sur le cacao (AIC) ont échoué. En conséquence cet accord a expiré à minuit, le 31 mars 1980, sans que les pays s'entendent sur son prolongement ou son remplacement.

Un décret ministériel en date du 9 juin 1980, a annulé la Licence générale d'importation no. 24 et en a émise une autre pour la remplacer. Cette nouvelle licence accroissait l'exemption de licence pour les

importations d'échantillons commerciaux et de vêtements personnels et autorisait l'importation sans licence de petits envois commerciaux de vêtements (c'est-à-dire pas plus de \$500 sans égard au nombre d'unités, ou pas plus de 12 unités sans égard à la valeur en douane.) Auparavant, la limite imposée aux importations sans licence d'échantillons commerciaux et de vêtements personnels était de \$250, tandis que les envois commerciaux ne bénéficiaient pas d'exemption.

Le décret du conseil C.P. 1980-2107 du 31 juillet 1980 abrogeait l'article 47 et lui substituait un nouvel article, qui entrerait en vigueur le 1er décembre 1980.

Article 47: "Les chaussures pour hommes et garçons, femmes et filles, enfants et bébés, fabriquées entièrement ou en partie, à l'exception des chaussures en caoutchouc ou en plastique à l'épreuve de l'eau et des bottes de ski alpin."

Cette modification a prolongé d'une autre année le contingent global d'importation de chaussures afin de laisser assez de temps au Tribunal Antidumping pour mener une enquête sur la nécessité de mesures de protection spéciales au-delà de la date d'expiration des présentes restrictions sur les importations. Le contingent global a été prolongé du 1er décembre 1980 au 30 novembre 1981. Le décret du conseil C.P. 1980-2176 a modifié de nouveau l'article en ajoutant "les chaussures en toile" aux exceptions.

Le décret du conseil C.P. 1980-2108 du 31 juillet 1980 a abrogé l'article 49 et y a substitué un nouvel article, entrant en vigueur à la même date.

Article 49: (1) Tout produit, partie ou sous-produit de baleine

(2) Canons, fusils à harpon, fusils en bandoulière, lance-bombes et appareillages et instruments connexes servant à la chasse à la baleine."

L'addition du paragraphe (2) établissait un contrôle à l'importation de certains appareils de la chasse à la baleine. Un décret ministériel rendu le même jour établissait une nouvelle Licence générale d'importation no. 59 visant cet article.

Le décret du conseil C.P. 1980-2284 du 27 août 1980 abrogeait l'article 24.1 et lui substituait un nouvel article qui entrerait en vigueur à la même date.

Article 24.1: "Tout genre de filés acryliques pour tricot à la machine et à la main contenant, en poids, 50 pour cent ou plus de fibres acryliques, à l'exception des filés fabriqués entièrement de fibres dont la longueur ne dépasse pas 6.35 cm."

Cette modification changeait la définition des filés acryliques à la suite d'accords bilatéraux passés avec divers pays fournisseurs de ce genre de filés.

Le décret du conseil C.P. 1980-2602 du 1er octobre 1980 abrogeait l'article 16.1 et lui substituait un nouvel article qui entrerait en vigueur la même date.

Article 16.1.: "Poulets et chapons, vivants ou éviscérés, les parties de poulet, les produits qui en sont entièrement dérivés, qu'ils soient ou non enrobés de chapelure ou de pâte."

La modification changeait la définition du poulet et des produits du poulet afin d'accroître l'efficacité de la mesure de contrôle.

b) Délivrance de licences

L'article 14 de la Loi stipule que:

"14. Nul ne doit importer ou tenter d'importer des marchandises mentionnées sur une Liste de marchandises d'importation contrôlée, si ne n'est sous l'autorité et en conformité d'une licence d'importation délivrée selon la présente Loi."

Il faut détenir une licence d'importation avant de pouvoir importer du Canada des marchandises inscrites à la Liste de marchandises d'importation contrôlée, de quelque pays que ce soit.

L'article 8 de la Loi prévoit que:

"8. Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'importer des marchandises comprises dans une Liste de marchandises d'importation contrôlée, en la quantité et de la qualité, par les personnes, des endroits ou des personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements que doivent fournir et les engagements que doivent prendre ceux qui demandent les licences ainsi que la procédure à suivre pour demander et pour délivrer des licences et les conditions requises pour satisfaire aux fins et dispositions de la Loi. Les nouveaux règlements établis en vertu de cet article, par le décret du conseil C.P. 1978-3738 du 14 décembre 1978 sont demeurés en vigueur au cours de l'année.

L'article 5 du Règlement sur les licences d'importation (C.R.C., c. 605) prévoit la délivrance de licences générales autorisant l'importation de certains produits sous réserve de certaines limites et certaines conditions.

Voici un résumé statistique des demandes de licences d'importation traitées au cours de 1979:

| | |
|---------------------------------------|---------|
| Licences d'importation délivrées..... | 111,847 |
| Demandes rejetées..... | 1,055 |
| Licences d'importation annulées..... | 4,698 |

3. CERTIFICATS D'IMPORTATION

L'article 9 de la Loi stipule que:

"9. Le Ministre peut, afin de faciliter l'importation de marchandises au Canada et l'observation des lois du pays d'exportation, délivrer, à tout résident du Canada qui en fait la demande, un certificat d'importation énonçant que l'auteur de la demande s'est engagé à importer les marchandises décrites au certificat dans le délai y spécifié et renfermant les autres renseignements qu'exigent les règlements".

Les règlements relatifs aux certificats d'importation (C.R.C., c. 603) prévoient la délivrance de certificats d'importation lorsque le pays d'exportation l'exige, avant de permettre l'exportation de marchandises au Canada. Ils prévoient également la délivrance de certificats de livraison-vérification, pour la livraison au Canada de marchandises importées qui respectent les conditions énoncées. Le but de ces règlements est d'empêcher le détournement en cours de route ou le transbordement non autorisé de ces marchandises.

Voici le résumé statistique des certificats d'importation traités au cours de 1979:

| | |
|---|-----|
| Certificats d'importation délivrés..... | 602 |
| Certificats de livraison-vérification délivrés..... | 182 |

4. CONVENTION SUR LE COMMERCE INTERNATIONAL DES ESPECES DE FAUNE ET DE FLORE SAUVAGES MENACÉES D'EXTINCTION

La Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction, entrée en vigueur le 1er juillet 1975, est un accord international conclu pour surveiller le commerce de plus de 800 espèces de faune et de flore désignées comme étant menacées d'extinction, y compris leurs parties et leurs dérivés.

Le ministère de l'Industrie et du Commerce a été désigné par le Cabinet, comme l'autorité compétente pour exercer les fonctions propres à la réglementation du commerce des espèces menacées d'extinction, par les mesures de contrôle d'exportation et d'importation. Ces mesures de contrôle ont été adoptées le 3 juillet 1975. Le 4 juillet de la même année, le ministre de l'Industrie et du Commerce a délivré des licences générale d'exportation et d'importation, qui permettaient à la Direction générale de la faune du ministère de l'Environnement, et aux autorités des gouvernements provinciaux et territoriaux, de délivrer des licences individuelles (selon la Convention) pour les espèces mentionnées ci-dessus. Voici un résumé des licences d'exportation et d'importation ainsi que des autres documents délivrés conformément à la licence générale d'exportation no Ex. 14 et à la licence générale d'importation no 17.

a) Licences d'exportation

Du 1er janvier 1980 au 31 décembre 1980, les licences d'exportation suivantes ont été traitées conformément à la Licence générale d'exportation no Ex 14. Il est nécessaire de détenir une licence

d'exportation pour tous les spécimens inclus dans les appendices I, II et III.

| | |
|-----------------------------------|----|
| Demands reçues..... | 96 |
| Demands acceptées..... | 95 |
| Demands retirées ou annulées..... | 0 |

b) Licences d'importation

Les licences d'importation suivantes ont été traitées conformément à la Licence générale d'importation no 17. Il faut détenir une licence pour les spécimens de l'appendice I. C'est le Service canadien de la faune qui s'est occupé de toutes les demandes.

| | |
|-----------------------------------|----|
| Demands reçues..... | 47 |
| Demands acceptées..... | 36 |
| Demands retirées ou annulées..... | 1 |
| Demands refusées..... | 11 |

Licences de transit

Quarante-six (46) demandes de licences de transit pour animaux vivants ont été reçues et acceptées par le Service canadien de la faune. La plupart de ces licences ont été délivrées à des cirques ambulants.

d) Certificats scientifiques

En conformité de la Licence générale d'importation no 17 du 21 septembre 1976, et de la Licence générale d'exportation no Ex. 14 du 21 septembre 1976, un total de 36 certificats d'importation/exportation ont été délivrés à des scientifiques et à des établissements scientifiques à des fins de prêt non commercial, de don ou d'échange de spécimens de plantes, d'autres spécimens de musée conservés, séchés ou encastrés et de plantes vivantes. Tous les certificats délivrés sont devenus périmés le 31 décembre 1980.

REPORT OF THE MINISTER OF INDUSTRY, TRADE AND COMMERCE
respecting operations under the
EXPORT AND IMPORT PERMITS ACT
for the year 1981

TABLED 22/09/83

This Report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-17 of the 1970 Revised Statutes of Canada, as amended, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

INTRODUCTION

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.

In terms of its organization, the Act provides that the Governor-in-Council may establish a series of 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 ^{Industry,} Trade and Commerce the authority to grant or deny requests for these permits and thus confers on him broad powers to control the flow of the goods contained on these lists. The operations carried out under the Act can be grouped under the following headings:

1. Import Controls
 - (a) Agricultural Products
 - (b) Textiles and Clothing
 - (c) Footwear
 - (d) Endangered Species

2. Export Controls

3. Violations

1. Import Controls

Section 5 of the Act provides that the Governor-in-Council may establish a list of goods, called the Import Control List (ICL) (C.R.C., c.604), whose importation he deems it necessary to control for any of the following purposes:

- to ensure adequate supply and distribution of an article that is scarce on world markets or is subject to control in the country of export;
- to implement any action taken under the Farm Products Marketing Agencies Act;

- to implement any action taken under a number of named acts; e.g., the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Canadian Dairy Commission Act, to support the price of the article;
- to implement an intergovernmental arrangement or commitment;
- to limit, pursuant to an enquiry by the Textile and Clothing Board or the Anti-dumping Tribunal, the importation of goods causing or threatening to cause serious injury to domestic producers.

a) Agriculture

The following agricultural products are contained on the ICL and subject to control for the following reasons:

- i) to restrict for the purpose of supporting any action under the Farm Products Marketing Act, the importation in any form of a like article to one produced in Canada, the quantities of which are fixed or determined under that Act:
 - Turkey, turkey parts and products manufactured wholly thereof;
 - Eggs and egg products;
 - Chicken and chicken capons, live or eviscerated, chicken parts whether breaded or battered;

ii) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article:

- Animal feeds containing more than 50% non-fat milk solids (Canadian Dairy Commission Act);
- Butter (Canadian Dairy Commission Act);
- Butter fat in any form either alone or in combination with other substances (Agricultural Stabilization Act);
- Cheese of all types other than imitation cheese (Agricultural Stabilization Act);
- Dry buttermilk (Canadian Dairy Commission Act);
- Dry casein and caseinates (Agricultural Stabilization Act);
- Dry skimmed milk (Agricultural Stabilization Act);
- Dry whole milk (Canadian Dairy Commission Act);
- Dry whey (Canadian Dairy Commission Act);
- Evaporated and condensed milk (Canadian Dairy Commission Act);
- Beef and veal in fresh, chilled and frozen form except offal (Agricultural Stabilization Act); and

iii) to implement an intergovernmental arrangement or commitment:

- Coffee in any form (International Coffee Agreement);
- Sugar, in any of its recognized commercial forms, derived from sugar cane or sugar beet ... (International Sugar Agreement).

As regards agricultural products, the following amendments and/or additions were made to the ICL during 1981:

Animal Feeds:

Animal feeds were originally placed on the Import Control List on 31 July 1970 by Order in Council No. P.C. 1970-1376. Effective 10 December 1981, by Order in Council P.C. 1981-3490, this item was amended by extending the percentage of non-fat milk solids from 40% to 50%. The item now reads "animal feeds containing more than 50% of non-fat milk solids".

Beef and Veal:

Beef and veal were placed on the ICL on 15 August 1974 by Order in Council No. P.C. 1974-1829 under the provisions of Section 5(1)(b) of the Act. On 9 February 1981, a Ministerial Order revoked General Import Permit No. 9

relevant to this item and substituted a new one to comply with the policy announced by the Ministers of Industry, Trade & Commerce and Agriculture, whereby imports of "fresh, chilled and frozen beef and veal" would no longer be subject to quantitative restrictions effective 1 January 1981. On 18 December 1981, Royal Assent was given to the Meat Import Act which in future will govern the establishment of import controls on beef and veal.

Chicken

Chicken was placed on the ICL on 15 January 1979 under Order in Council No. P.C. 1979-13 to support action taken under the Farm Product Marketing Agencies Act. The global import quota for 1981 was 23,587 kg (52,000,000 lbs.) expressed as eviscerated weight. Subsequent to 1981, the quota level will be set at 6.3% of the previous year's domestic production. While the quota is finite, provision is made to issue import permits for chicken supplementary to the quota to meet overall Canadian market needs.

Sugar

Sugar was placed on the ICL on 17 April 1978 under Order in Council No. P.C. 1978-1117 to give effect to Canada's obligations as a member of the International Sugar Organization. The controls are used to provide statistical data on the movement of the commodity and to ensure that the

sugar is purchased from member countries and that shipments are accompanied by certificates of contribution to the International Sugar Organization. In addition the controls are used to limit the importation of sugar from non-member countries to the agreed quota. In 1981, non-member quota for sugar was established at 122 tonnes for the period April 21, 1981 to the end of the year.

Turkey

Turkey was placed on the ICL by Order in Council No. P.C. 1974- 1086 of 8 May 1974 under the provisions of Section 5(a.1) of the Act. A Ministerial Order, dated 4 February 1981 cancelled General Import Permit No. 7, C.R.C., c.635. and issued a new General Import Permit No. 7 - Import of Turkeys and Turkey Products Permit effective 10 February 1981.

b) Textiles and Clothing

Textiles and clothing products have been placed on the Import Control List under section 5(c) of the Act pursuant to inquiries by the Textile and Clothing Board where there has been a determination that imports were causing or threatening to cause serious injury to domestic suppliers of like goods. In 1978 and 1979 Canada negotiated, within the framework of the Multifibre Arrangement (MFA), seventeen bilateral Export

restraint arrangements with major suppliers of low cost clothing and textiles. These arrangements, with one exception, were due to expire at the end of 1981.

On October 31, 1979 the Textile and Clothing Board announced its intention to conduct a review of the situation in Canada regarding the textile and clothing goods subject to special measures of protection. In June 1980 the Board reported to the Minister of Industry, Trade and Commerce, who subsequently released the report. The Textile and Clothing Board found that in the absence of special measures of protection imports of low-cost textile and clothing products would increase in a rapid and disorderly fashion, causing damage to Canadian production and employment which would be difficult to repair. Accordingly the Board recommended that special measures of protection continue to be afforded to those industry sectors currently enjoying protection from low-cost imports and made a series of recommendations aimed at strengthening the measures already in place.

On June 19, 1981, following an extensive review of the industry and bearing in mind the recommendations of the Textile and Clothing Board, the Government announced its policy for the textile and clothing sectors. The policy aims to secure a viable and competitive textile and clothing industry for Canada and to revitalize the economies of those communities most vulnerable to foreign competition in these sectors. To assist in the achievement of these objectives

and to provide stability during the adjustment period, the Government announced its intention to open negotiations aimed at continuing restraint arrangements with a number of countries supplying low-cost textiles and clothing to the Canadian market.

Consultations were initiated with the 17 supplying countries with a view to negotiating bilateral export restraint arrangements on textiles and clothing. By December, 1981, thirteen bilateral arrangements had been initialled ad referendum with the remaining discussions continuing on into 1982. The arrangements negotiated were for five years duration, ending December 31, 1986 and provided basically the same product coverage. For certain suppliers, however, the coverage was broadened to take account of rapidly increasing shipments in certain areas.

The other major issue in the textile sector was the expiry on December 31, 1981 of the Arrangement regarding International Trade in Textiles, generally known as the Multifibre Arrangement (MFA). First negotiated in 1973 as a successor to the Longterm Cotton Agreement, the MFA provides the multilateral framework for the negotiation of bilateral restraint arrangements on textiles and clothing. Following difficult and lengthy debate, the Textile Committee of the GATT adopted on December 22, 1981 a Protocol and agreed conclusions extending the validity of the MFA to July 31, 1986. Canadian officials participated fully in these negotiations to ensure that the resulting MFA would be responsive to the problems facing Canada's textile industry.

A number of administrative changes were undertaken this year to provide consistency between old procedures and the new bilateral arrangements.

On January 9, 1981 Item 21 of the ICL - Nylon fabrics, was revoked and a new item substituted by Order in Council No. P.C. 1981-23, under the provisions of Section 5(c) of the Act. This amendment was a result of the bilateral agreement concluded with Romania which covered, among other products, the importation into Canada of nylon fabrics.

c) Footwear

Following an enquiry by the Anti-dumping Tribunal under Section 16.1 of the Anti-dumping Act, that found that imports of footwear were causing or threatening to cause injury to Canadian producers of like goods, the Government announced on December 1, 1977, the imposition of a global quota on imports of footwear from all sources. The coverage of this global quota excluded rubber and canvas footwear, downhill ski boots, as well as plastic and waterproof footwear. In June, 1980, the Government announced the extension of the existing quota to November 30, 1981 to enable the Anti-dumping Tribunal to carry out an enquiry into the need for continued special measures of protection.

The Anti-dumping Tribunal concluded its enquiry and the Government released its report in February, 1981. Pursuant

to this report and bearing in mind its findings, the Government, on November 24, 1981, announced the imposition of a three-year global quota on imports of non-leather footwear. The quota was established at 35.6 million pairs and provided for an increase of 3% per annum. The quota will terminate on November 30, 1984.

Order in Council No. P.C. 1981-3362, of 26 November 1981, amended the ICL, revoking Item 47 and substituted a new item effective 1 December 1981, as follows:

- "47. Footwear whether fully or partially manufactured other than
- (a) leather, rubber or waterproof plastic footwear,
 - (b) beach-type sandals,
 - (c) downhill ski boots,
 - (d) cowboy boots the value for duty of which exceeds \$50 per pair,
 - (e) golf shoes,
 - (f) English riding boots,
 - (g) orthopaedic footwear,
 - (h) climbing and hiking boots the value for duty of which exceeds \$40 per pair,
 - (i) moto-cross racing boots,
 - (j) bowling shoes,
 - (k) Highland dancing pump jig shoes, and
 - (l) ice and roller skate boots".

d) Endangered Species

On January 2, 1974, Canada signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Canada ratified this Convention becoming a party to the International Agreement on April 10, 1975.

The third meeting of the Parties to the Convention was held in India February 25 - March 8, 1981 at which time certain modifications were made to the list of species and appendices of the Convention. On October 29, Canada, as a party to this Convention, amended the Import and Export Control Lists under Sections 3(b) and 5(c) in order to comply with its international obligations. Appendices I, II and III of the ECL (C.R.C., c.601) were revoked by Order in Council No. P.C. 1981-3040 and new Appendices substituted effective 30 October 1981. Order in Council No. P.C. 1981-3041, dated 29 October 1981 amended the ICL (C.R.C., c.604), replacing Appendices I, II and III with new Appendices effective 30 October 1981.

Raccoon Dogs

Pursuant to an inter-governmental arrangement with the U.S.A., "raccoon dogs" were added to the ICL and their importation prohibited effective October 26, 1981 by Order in Council No. P.C. 1981-2936 of 22 October 1981. This action was taken to

protect the environment as this species is not native to Canada and if released could supplant indigenous species, carry vermin and damage farm crops.

Issuance of Import Permits

Section 14 of the Export and Import Permits Act stipulates that:

"No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 8 authorizes the Minister to:

"... issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

Section 5 of the Import Permit Regulations (C.R.C., c.605) provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

The following is a statistical summary of applications for import permits processed during 1981.

| | |
|-----------------------------|---------|
| Import permits issued..... | 120,620 |
| Applications refused..... | 831 |
| Applications cancelled..... | 5,678 |

All applications for permits required for Appendix I specimens on the ICL were handled by the Canadian Wildlife Service. The following permits were processed in accordance with general import permit No. 17 of September 21, 1976:

| | |
|-----------------------------|----|
| Applications approved..... | 52 |
| Applications refused..... | 19 |
| Applications withdrawn..... | 3 |

Twenty-four (24) permit applications for live species and nine (9) permit applications for parts or derivatives were received and approved by the Canadian Wildlife Service during 1981. The majority of these permits were issued to travelling circuses.

Issuance of Certificates

Section 9 of the Act provides that:

"The Minister may, in order to facilitate the importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Import Certificate Regulations (C.R.C., c.603) provide for the issuance of import certificates which are required by the country of export before it will allow goods to be shipped to Canada. They also provide for the issuance of Delivery-Verification Certificates for goods imported into Canada to comply with the requirements. The purpose of these regulations is to prevent the diversion in transit or the unauthorized trans-shipment of such goods.

The following is a statistical summary of certificates processed during 1981.

Import Certificates issued.....714
Delivery-Verification Certificates issued...222

Scientific Certificates

The Canadian Wildlife Service, in accordance with General Import Permit No. 17 of September 21, 1976, and General Export Permit No. Ex. 14 of September 21, 1976, issued a total of 40 Import/Export Certificates to scientists and scientific institutions for the non-commercial loan, donation or exchange of herbarium specimens, other preserved, dried or embedded museum specimens and live plant material. All certificates issued expired on December 31, 1981.

2. Export Controls

Section 3 of the Act provides that the Governor-in-Council may establish a list of goods, the Export Control List (ECL) (C.R.C., c.601), which he deems it necessary to control for any of the following purposes:

- (a) for national security reasons;
- (b) to promote further processing of natural resources;
- (c) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus and depressed prices that is not a produce of agriculture;
- (d) to implement an intergovernmental arrangement or commitment; or
- (e) to ensure adequate supply and distribution.

Groups 1 and 2 of the List cover agriculture and forest products.

On May 15, 1981 Item 1021, beef and veal, was removed from the ECL by Order in Council No. P.C. 1981-1253 as the intergovernmental arrangement with the U.S.A. was no longer operative, thus removing the authority for these products to remain on the List. The Export of Beef and Veal Carcass Permit, C.R.C. c.607, was cancelled by Ministerial Order, effective 27 May 1981.

A Ministerial Order, dated 9 November 1981, amended General Export Permit, C.R.C., c.610 effective 25 November 1981, as follows:

"Subitem 1(10): Grain, fodders and feeds, except wheat, oats and barley controlled by the Canadian Wheat Board, mixed feeds for livestock or poultry purposes and by-products of brewing or distilling as follows: brewers grains; distillers grains; distillers solubles.

Subitem 1(20): Seeds, vegetable, forage and grass, oilseeds and oilseed cake and meal"

Groups 3 to 8 of the ECL generally contain those items which are deemed to be strategic in nature and are controlled for national security reasons.

Order in Council No. P.C. 1981-662, dated 12 March 1981, revoked Item 5664 - specialty steel products effective 12 March 1981, as it appeared unlikely that the USA would reintroduce the specialty steel quota program which expired in February 1980.

Silver Coins (Item 5666) was originally put on the ECL by Order in Council No. P.C. 1973-860 of 5 April 1973. On 1 February 1980 this item was removed from the List.

Subsequently a Ministerial Order, dated 14 May 1981 cancelled the Export of Silver Coins Permit, C.R.C., c.615, effective 27 May 1981.

Groups 9 and 10 of the ECL provide for safeguards against Canada being used as a pass-through to circumvent the legislation of other countries governing the export of controlled items.

Order in Council, No. P.C. 1981-3361, dated 26 November 1981, amended the ECL, by revoking Item 10002 - goods to be exported without declaring the ultimate destination of the goods, effective 27 November 1981. This was done to eliminate confusion concerning the necessity to specify the ultimate destination in export permit applications as provided in section 4(2) of the Regulations Respecting Export Permits.

Area Control List

Section 4 of the Act provides that the Governor-in-Council may establish a list of countries, to be called the Area Control List (ACL) (C.R.C., c.600), to which the export of goods should be controlled. Countries have been placed on the List on the basis of national security concerns. All shipments of goods to these destinations, regardless of their nature, require a permit.

Order in Council No. P.C. 1981-560, dated 3 March 1981, amended the ACL by revoking the word "Iran" effective the same date. Its removal from the List lifted any unusual constraints on the export of goods and technology to that country.

Order in Council No. P.C. 1981-1793, dated 2 July 1981, revoked the ACL, and established a new ACL effective 3 July 1981. This action was taken to remove the People's Republic of China, in recognition of improved bilateral relations; and to update the List to reflect the correct names of the states contained therein.

Issuance of Export Permits

Section 13 of the Act provides that:

"No person shall export or attempt to export any goods included in an Export Control List or any

goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

An export permit is required before an item included in the ECL may be exported from Canada to any destination with the exception, in most cases, of the United States. However, 12 items in the List require permits before they may be exported to any destination including the United States, i.e.: 1001 - pancreas glands of cattle and calves; 1011 - endangered species (Appendix I or II); 2001 - logs of wood (of all species); 2002 - pulpwood (of all species); 5665 - scrap iron and steel; 5667 - Canadian one cent bronze coins; 8001 - source (fertile) and fissionable materials; 8005 - deuterium; 8039 - tritium; 8050 - radio-active materials; 8136 - nuclear reactors; 10011 - serum albumin.

All goods originating in the United States that are to be re-exported from Canada require an export permit except any such goods that have been further processed or manufactured outside the United States, by combining them with other goods or otherwise so as to result in substantial change in value, form and use of the goods or in the production of new goods (unless as noted below, the goods to be exported are listed elsewhere in the ECL).

All goods originating outside Canada that are identified in the ECL require an export permit to be re-exported from Canada to any destination with the exception, in most cases,

of the United States. Any such goods that are in transit in bond on a through journey and accompanied by a billing or other documentation which clearly indicates the ultimate destination are exempted from the requirements to have an export permit.

Section 7 of the Act provides that:

"The Minister may issue to any resident of Canada applying therefor a permit to export goods included in an Export Control List or to a country included in an Area Control List, in such quantity and of such quality, by such persons, to such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

Section 6 of the Export Permit Regulations (C.R.C., c.602) provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

The Regulations respecting trans-shipment (C.R.C., c.606) enables Canada to co-operate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of applications for export permits processed during 1981 relating to both the Export Control List and the Area Control List:

| | |
|--|-------|
| Export permits issued..... | 5,998 |
| Applications refused..... | 25 |
| Applications withdrawn..... | 101 |
| Export permits cancelled..... | 4 |
| Applications pending as of December 31, 1981.. | 101 |

In addition, applications for permits required for specimens included in Appendices I, II and III of the ECL were handled by the Canadian Wildlife Service. The following permits were processed in accordance with General Export Permit No. Ex 14 of September 21, 1976:

| | |
|-----------------------------|-----|
| Applications approved..... | 260 |
| Applications refused..... | 3 |
| Applications withdrawn..... | 8 |

3. Violations

Section 19 of the Act provides that:

(1) Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable

(a) on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment; or

(b) on conviction upon indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment.

(2) A prosecution under paragraph (a) of sub-section (1) may be instituted at any time within three years from the time when the subject matter of the complaint arose.

Section 24 of the Act delegates responsibility for the enforcement of the Act to all officers as defined in the Customs Act. One hundred and ninety suspected violations

were investigated or are still under investigation; 40 charges were laid resulting in eight (8) convictions and fines totalling \$12,020.00. Five (5) charges were dropped. As of December 31, 1981, 17 court cases were pending.

RAPPORT DU MINISTRE DE L'INDUSTRIE ET DU COMMERCE
sur les activités découlant de la
LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION
pour l'année 1981

Le présent rapport est présenté conformément à l'article 26 de la Loi sur les licences d'exportation et d'importation (ci-après appelée la Loi), chapitre E-17 des Statuts révisés du Canada 1970, dans sa forme modifiée, qui prévoit ce qui suit:

"26. Aussitôt que possible après le 31 décembre de chaque année, le Ministre doit dresser et présenter au Parlement un rapport sur les opérations découlant de la présente Loi pour l'année en question."

INTRODUCTION

Le pouvoir de contrôler l'importation et l'exportation de produits et de technologies découle de la Loi. Cette loi trouve son origine dans la Loi sur les mesures de guerre; elle a été adoptée par le Parlement en 1947 puis a subi ultérieurement un certain nombre de modifications.

Pour ce qui est de l'organisation, la Loi prévoit que le gouverneur en conseil peut établir des listes appelées Liste de marchandises d'importation contrôlée, Liste de marchandises d'exportation contrôlée et Liste de pays visés par contrôle. La loi fixe des critères qui régissent l'insertion de marchandises ou de pays dans les différentes listes et prévoit que le gouverneur en conseil peut abroger, modifier, changer ou rétablir tout point de la liste. Le contrôle sur l'écoulement des marchandises figurant sur ces

- assurer le meilleur approvisionnement et la meilleure distribution possible d'un article rare sur les marchés mondiaux ou soumis à des règles dans son pays d'origine;
- appuyer une mesure prise en vertu de la Loi sur les offices de commercialisation des produits de ferme;
- mettre à exécution toute mesure prise en vertu de la Loi sur la stabilisation des prix agricoles, la Loi sur le soutien des prix des produits de la pêche ou la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article; ou
- mettre en oeuvre un arrangement ou un engagement intergouvernemental;
- limiter, à la suite d'une enquête effectuée par la Commission du textile et du vêtement ou le Tribunal anti-dumping, l'importation de marchandises portant ou menaçant de porter un préjudice sérieux aux producteurs canadiens.

a) Agriculture

La Liste de marchandises d'importation contrôlée contient les produits agricoles suivants, soumis au contrôle pour l'une des fins suivantes:

- i) restreindre, pour appuyer une mesure prise aux termes de la Loi sur la commercialisation des produits de ferme, l'importation, sous quelque forme que ce soit, d'un article semblable à un autre produit au Canada, en quantité fixée ou déterminée en vertu de ladite loi:

- Dindons, morceaux de dindons et produits qui en sont entièrement dérivés;
- Oeufs et produits des oeufs;
- Poulets et chapons, vivants ou éviscérés, parties de poulet, qu'elles soient ou non enrobées de chapelure ou de pâte;

ii) appuyer toute mesure prise aux termes de la Loi sur la stabilisation des prix agricoles, la Loi sur le soutien des produits de la pêche, la Loi sur la vente coopérative des produits agricoles ou la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article:

- Provendes contenant plus de 50 p. 100 de matière sèches dégraissées du lait (Loi sur la Commission canadienne du lait);
- Beurre (Loi sur la Commission canadienne du lait);
- Matière grasse du lait sous toute formes, seule ou en combinaison avec d'autres substances (Loi sur la stabilisation des prix agricoles):
- Fromages de tous genres à l'exclusion des imitations (Loi sur la stabilisation des prix agricoles);
- Lait de beurre ou babeurre en poudre (Loi sur la Commission canadienne du lait);
- Caséine ou caséinates en poudre (Loi sur la stabilisation des prix agricoles);

- Lait écrémé en poudre (Loi sur la stabilisation des prix agricoles);
 - Poudre de lait entier (Loi sur la Commission canadienne du lait);
 - Petit-lait en poudre (Loi sur la Commission canadienne du lait);
 - Lait évaporé et lait concentré (Loi sur la Commission canadienne du lait);
 - Boeuf et veau frais, réfrigérés et congelés sauf les abats (Loi sur la stabilisation des prix agricoles);
- et

iii) mettre en oeuvre un arrangement ou un engagement intergouvernemental;

- Café sous toutes ses formes (Accord international sur le café);
- Sucre sous toutes ses formes commerciales reconnues, dérivé de la canne à sucre ou de la betterave... (Accord international sur les sucre);

En ce qui concerne les produits agricoles, la Liste de marchandises d'importation contrôlée a subi les modifications ou additions suivantes au cours de 1981:

Provendes

Les provendes furent à l'origine placées sur la Liste de marchandises d'importation contrôlée le 31 juillet 1979 en

vertu du décret du conseil C.P. 1970-1376. A compter du 10 décembre 1981, par décret du conseil C.P. 1981-3490, cet article a été modifié de façon à faire passer le pourcentage de matières sèches dégraissées du lait de 40 à 50 %. On lit maintenant "provendes contenant plus de 50 % de matières sèches dégraissées du lait".

Boeuf et veau:

Le boeuf et le veau ont été placés sur la LIC le 15 août 1974 par décret du conseil C.P. 1974-1829, aux termes de l'alinéa 5(1)(b) de la Loi. Le 9 février 1981, un décret ministériel a abrogé la Licence générale d'importation no 9 ayant trait à cet article pour lui substituer un nouveau décret conforme à la politique énoncée par le ministre de l'Industrie et du Commerce et par le ministre de l'Agriculture en vertu duquel l'importation de "boeuf et veau frais réfrigérés et congelés" ne serait plus soumise à des restrictions quantitatives, à compter du 1er janvier 1981. Le 18 décembre 1981, la Sanction royale a été accordée à la Loi sur l'importation de la viande, qui devra désormais régir l'établissement des contrôles d'importation du boeuf et du veau.

Poulet

Le poulet a été placé sur la LIC le 15 janvier 1979 par décret du conseil C.P. 1979-13 pour appuyer une mesure prise aux termes de la Loi sur les agences de commercialisation des

produits de ferme. Le contingent global pour 1981 était de 23 587 kg (52 millions de livres), en poids éviscéré. Après 1981, le contingentement a été fixé à 6,3 p. 100 de la production canadienne de l'année précédente. Le contingent étant fixé, la Loi prévoit la délivrance de licences d'importation d'un supplément de poulets permettant de satisfaire à l'ensemble des besoins du marché canadien.

Sucre

Le sucre a été placé sur la Liste de marchandises d'importation contrôlée par décret du conseil C.P. 1978-1117 afin de permettre au Canada de respecter ses engagements en tant que membre de l'Organisation internationale sur le sucre. Ces contrôles permettent de fournir des données statistiques sur la distribution des marchandises et d'assurer que le sucre est bien acheté à des pays membres et que les livraisons sont accompagnées de certificats de membre de l'Organisation internationale sur le sucre. De plus, on s'en sert pour limiter l'importation de sucre de pays non membres en fonction du contingent convenu. En 1981, on a fixé le contingent de sucre provenant de pays non membres à 122 tonnes pour la période allant du 21 avril 1981 à la fin de l'année.

Dindons

Le dindons a été placé sur la liste de marchandises d'importation contrôlée par décret du conseil C.P. 1974-1086 du 8 mai 1974, aux termes de l'alinéa 5(a.1) de la Loi. Un décret ministériel en date du 4 février 1981 a annulé la Licence générale d'importation no 7, C.R.C., c.635 et lui a substitué une nouvelle Licence générale d'importation no 7 - importation des dindons et produits des dindons, en vigueur à compter du 10 février 1981.

b) Articles de textile et d'habillement

Les articles de textile et d'habillement ont été placés sur la Liste de marchandises d'importation contrôlés en vertu du paragraphe 5(c) de la Loi, au terme d'enquêtes effectuées par la Commission du textile et du vêtement selon lesquelles leurs importations portaient ou menaçaient de porter un préjudice sérieux aux fournisseurs canadiens de marchandises du même genre. En 1978 et en 1979 le Canada a pris dans le cadre de l'Accord multifibres (AMF), dix-sept arrangements bilatéraux de restriction des exportations d'articles de textiles et d'habillement peu coûteux avec d'importants fournisseurs. Ces arrangements, à l'exception de l'un d'entre eux, devaient expirer à la fin de 1981.

Le 31 octobre 1979, la Commission du textile et du vêtement a annoncé son intention d'effectuer un examen de la situation canadienne au regard des produits du textile et du vêtement soumis à des mesures spéciales de protection. En juin 1981, la Commission a remis un rapport au ministre de l'Industrie et du Commerce, qui en a plus tard autorisé la diffusion. La Commission du textile et du vêtement a trouvé qu'en l'absence de mesures spéciales de protection, l'importation de produits du textile et du vêtement peu coûteux allait s'accroître de façon rapide et désordonnée, causant ainsi à la production et à l'emploi au Canada des dommages auxquels il serait difficile de remédier. En conséquence, la Commission recommandait que des mesures spéciales de protection continuent d'être accordées aux représentants des secteurs privés qui en jouissent déjà pour ce qui est des importations de produits peu coûteux et a formulé une série de recommandations visant à renforcer les mesures déjà en vigueur.

Le 19 juin 1981, après avoir effectué une étude poussée du secteur industriel et gardant à l'esprit les recommandations de la Commission du textile et du vêtement, le gouvernement a annoncé sa politique concernant les secteurs du textile et de l'habillement. Cette politique tend à maintenir l'industrie du textile et du vêtement viable et compétitive au Canada et à donner un nouvel essor aux secteurs les plus vulnérables à la concurrence étrangère.

Afin d'aider à la réalisation de ces objectifs et d'assurer une certaine stabilité pendant la période d'adaptation, le gouvernement a annoncé son intention d'entamer des négociations visant à poursuivre les arrangements en matière de restriction des exportations avec un certain nombre de pays qui approvisionnent le marché canadien en articles de textile et d'habillement peu coûteux.

Des consultations ont été entamées avec les 17 pays fournisseurs dans l'intention de négocier des arrangements bilatéraux de restriction des exportations d'articles de textile et d'habillement. En décembre 1981, 13 arrangements bilatéraux avaient été paraphés "ad référendum" et le reste des discussions devait se poursuivre en 1982. Les arrangements conclus pour une période de 5 ans expirant le 31 décembre 1986, couvraient tous essentiellement le même champ d'application. Pour certains fournisseurs, cependant, la portée a été élargie afin de tenir compte d'un accroissement rapide des livraisons dans certains secteurs.

La question essentielle intéressant le secteur du textile était l'expiration, le 31 décembre 1981, de l'Arrangement concernant le Commerce international des textiles, connu généralement sous le nom d'Accord multifibres (AMF). Négocié d'abord en 1973, comme une suite de l'Entente à long terme sur le coton, cet accord offre un cadre multilatéral aux négociations d'arrangement bilatéraux de restriction des exportations d'articles de textile et d'habillement.

A la suite de débats longs et difficiles, le comté du textile du GATT a adopté le 22 décembre 1981 un protocole et s'est entendu pour prolonger la validité de l'AMF jusqu'au 31 juillet 1986. Les fonctionnaires canadiens ont participé activement à ces négociations afin de s'assurer que l'AMF en question répondrait bien aux problèmes rencontrés par l'industrie du textile canadienne.

Au cours de cette année, un certain nombre de nouvelles mesures administratives ont été adoptée dans le but d'assurer une cohérence entre les anciennes procédures et les nouveaux arrangements bilatéraux.

Le 9 janvier 1981, l'article 21 de la LIC, Tissus de nylon, a été abrogé et remplacé par le décret du conseil C.P. 1981-21 en vertu des dispositions du paragraphe 5(c) de la Loi. Cette modification faisait suite à l'entente bilatérale conclue avec la Roumanie régissant, entre autres, l'importation de tissus de nylon au Canada.

c) Chaussures

A la suite d'une enquête effectuée par le Tribunal Anti-dumping aux termes du paragraphe 16.1 de la Loi anti-dumping, selon lequel les importations de chaussures portent ou menacent de porter un préjudice sérieux aux producteurs canadiens de marchandises semblables, le gouvernement a annoncé le 1er décembre 1977, l'imposition

d'un contingent global d'importation de chaussures de toute provenance. Ce contingent global excluait les chaussures en caoutchouc ou en toile, les bottes de ski alpin ainsi que les chaussures en plastique et à l'épreuve de l'eau. En juin 1980, le gouvernement a annoncé que le contingent global était prolongé jusqu'au 30 novembre 1981 afin de permettre au Tribunal Anti-dumping de mener à bien une enquête sur la nécessité de poursuivre les mesures de protection spéciales au-delà de la date d'expiration.

Le Tribunal Anti-dumping a terminé son enquête et le gouvernement a publié son rapport en février 1981. Ce compte tenu des conclusions de ce rapport, le gouvernement a annoncé, le 24 novembre 1981, l'imposition d'un contingent global de trois ans sur les importations de chaussures autres qu'en cuir. Le contingent a été fixé à 35,6 millions de paires et on a prévu un accroissement de 3 p. 100 par an. Ce contingent expirera le 30 novembre 1984.

Par décret du conseil C.P. 1981-3362 en date du 26 novembre 1981, l'article 47 de la Liste de marchandises d'importation contrôlée est abrogé et remplacé, à compter du 1er décembre 1981, par ce qui suit:

"47. Les chaussures fabriquées entièrement ou en partie à l'exception des suivantes

- a) Chaussures en cuir, en caoutchouc ou en plastique à l'épreuve de l'eau,

- b) sandales de plage,
- c) Bottes de ski alpin,
- d) bottes western d'une valeur imposable supérieure à 50 \$ la paire,
- e) chaussures de golf,
- f) bottes d'équitation anglaise,
- g) chaussures orthopédiques
- h) bottes d'alpinisme et d'excursion d'une valeur imposable supérieure à 40 \$ la paire,
- i) bottes de moto-cross,
- j) chaussures de quilles,
- k) chaussures de danse écossaise ou de gigue écossaise, et
- l) bottes pour patins à glace ou à roulettes.

c) Espèces menacées d'extinction

Le 2 janvier 1974, le Canada a signé la Convention sur le commerce international des espèces de faune et de flore sauvage menacées d'extinction. En ratifiant cette convention, le Canada devenait partie à la Convention internationale du 10 avril 1975.

A la troisième assemblée des parties de la Convention, qui s'est tenue aux Indes du 25 février au 8 mars 1981, certaines modifications ont été apportées à la liste des espèces ainsi qu'aux appendices. Le 29 octobre, le Canada en tant que partie à la Convention, a modifié les Liste de marchandises

d'importation et d'exportation contrôlées aux termes des paragraphes 3(b) et 5(c) afin de remplir ses obligations internationales. Les appendices I, II et III de la Liste de marchandises d'exportation contrôlée (C.R.C., c.601) ont été abrogés par décret du Conseil C.P. 1981-3040 et on leur a substitué de nouveaux appendices en vigueur à compter du 30 octobre 1981. Le décret du Conseil C.P. 1981-3041, en date du 29 octobre 1981, a modifié la Liste de marchandises d'importation contrôlée (C.R.C., c.604), et a remplacé les appendices I, II et III par de nouveaux appendices en vigueur à compter du 30 octobre 1981.

Chiens viverrins

Aux termes d'une entente intergouvernementale avec les Etats-Unis, les "chiens viverrins" ont été ajoutés à la Liste d'importations contrôlée et leur importation interdite à compter du 26 octobre 1981 par décret du Conseil C.P. 1981-2936 en date du 22 octobre 1981. Cette mesure avait pour but de protéger l'environnement, étant donné que cet espèce n'est pas originaire du Canada et pourrait, en liberté, menacer des espèces indigènes, transmettre des parasites et endommager les cultures.

Délivrance de licences d'importation

L'article 14 de la Loi sur les licences d'importation et d'exportation stipule que:

"Nul ne doit importer ou tenter d'importer des marchandises mentionnées sur une Liste de marchandises d'importation contrôlée, si ce n'est sous l'autorité et en conformité d'une licence d'importation délivrée selon la présente Loi".

L'article 8 de la Loi prévoit que:

"... le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'importer des marchandises comprises dans une Liste d'importations contrôlée, en la quantité et de la qualité, par les personnes, des endroits ou des personnes sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements que doivent fournir ceux qui demandent les licences, les engagements à prendre ainsi que la procédure à suivre pour demander et délivrer les licences, et les conditions requises pour satisfaire aux fins des dispositions de la Loi.

L'article 5 du Règlement sur les licences d'importation (C.R.C., c.605) prévoit la délivrance de licences générales autorisant l'importation de certains produits sous réserve de certaines limites et de certaines conditions.

Voici un résumé statistique de demandes de licences d'importation traitées au cours de 1981.

| | |
|----------------------------------|---------|
| Licences d'importation délivrées | 120 620 |
| Demandes rejetées | 831 |
| Licences annulées | 5 678 |

Toutes les demandes de licences requises pour les espèces figurant à l'appendice I de la LIC, ont été traitées par le Service canadien de la faune. Les licences d'importation suivantes ont été traitées conformément à la Licence générale d'importation no 17 du 21 septembre 1976:

| | |
|--------------------|----|
| Demandes acceptées | 52 |
| Demandes refusées | 19 |
| Demandes retirées | 3 |

Vingt-quatre (24) demandes de licences pour animaux vivants et neuf (9) demandes de licences pour parties d'animaux ou produits dérivés ont été reçues et autorisées par le Service canadien de la faune en 1981. La plupart de ces licences ont été délivrées à des cirques ambulants.

Délivrance de certificats

L'article 9 de la Loi stipule que:

"Le Ministre peut, afin de faciliter l'importation de marchandises au Canada et l'observation des lois du pays d'exportation, délivrer, à tout résident du Canada qui en fait la demande, un certificat d'importaion énonçant que l'auteur de la demande s'est engagé à importer les marchandises décrites au certificat dans le délai y spécifié et renfermant les autres renseignements qu'exigent les règlements".

Les règlements relatifs aux certificats d'importation (C.R.C., c.603) prévoient la délivrance de certificats d'importation lorsque le pays d'exportation l'exige, avant de permettre l'exportation de marchandises au Canada. Ils prévoient également la délivrance de certificats de livraison-vérification, pour la livraison au Canada de marchandises importées qui respectent les conditions énoncées. Le but de ces règlements est d'empêcher le détournement en route d'un transbordement non autorisé de ces marchandises.

Voici le résumé statistique des certificats d'importation traités au cours de 1981.

| | |
|--|-----|
| Certificats d'importation délivrés | 714 |
| Certificats de livraison-vérification délivrés | 222 |

Certificats scientifiques

En conformité de la Licence générale d'importation no 17 du 21 septembre 1976 et de la Licence générale d'exportation no Ex. 14 du 21 septembre 1976, le Service Canadien de la faune a délivré un total de 36 certificats d'importation-exportation à des scientifiques et à des établissements scientifiques à des fins de prêt non commercial, de dons ou d'échanges de spécimens de plantes, d'autres spécimens de musée conservés, séchés ou encastés et de plantes vivantes. Tous les certificats délivrés sont devenus périmés le 31 décembre 1981.

2. Contrôle des exportations

L'article 3 de la Loi prévoit que le gouverneur en conseil peut établir une liste de marchandises appelée "Liste de marchandises d'exportation contrôlée" (LEC) (C.R.C., c.601), comprenant tout article dont, à son avis, il est nécessaire de contrôler l'exportation pour l'une quelconque des fins suivante, à savoir:

- a) pour des raisons de sécurité nationale;
- b) pour favoriser le traitement supplémentaire des ressources naturelles;
- c) pour limiter les exportations de matières premières ou transformées d'origine canadienne, ou en conserver le contrôle lorsqu'il y a surproduction et

chute des cours et qu'il ne s'agit pas d'un produit agricole;

- d) pour mettre en oeuvre un engagement ou un arrangement intergouvernemental; ou
- e) pour assurer un approvisionnement et une distribution appropriés.

Les groupes 1 et 2 de la Liste couvrent les produits agricoles et forestiers.

Le 15 mai 1981, le décret du Conseil C.P. 1981-1253 a abrogé l'article 1021, boeuf et veau, puisque l'arrangement intergouvernemental avec les Etats-Unis n'était plus en vigueur, rendant ainsi caduc le pouvoir de garder ces produits sur la liste. La licence d'exportation des carcasses de boeuf et de veau C.C.R., c.607 a été annulée par décret ministériel, à compter du 27 mai 1981.

Un décret ministériel, en date du 9 novembre 1981, a abrogé la Licence générale d'exportation, C.R.C. c.610, à compter du 25 novembre 1981, et lui a substitué ce qui suit:

"Sous-article 1(10): céréales, fourrage et aliments pour bétail, à l'exclusion du blé, de l'avoine et de l'orge réglementés par la Commission canadienne du blé, des aliments mélangés pour bétail et volailles et des sous-produits de brasserie ou de distillerie suivants: grains de brasserie, grains de distillerie, solubles de distillerie.

Sous-article 1(20): graines, légumes, fourrage et herbes, oléagineux, gâteaux et repas faits à partir d'oléagineux".

Les groupes 3 à 8 figurant sur la Licence générale d'exportation contiennent les articles réputés de nature stratégique et contrôlés pour des raisons de sécurité nationale.

Le décret du Conseil C.P. 1981-662, du 12 mars 1981, a abrogé l'article 5664 - Produits spéciaux de l'acier à compter du 12 mars 1981 puisqu'il semblait peu probable que les Etats-Unis réintroduisent le programme de contingentement de produits spéciaux de l'acier qui devait expirer en février 1980.

L'article 5666 - Pièces de monnaie canadiennes en argent a été mis, à l'origine, sur la liste des produits d'exportation contrôlée par décret du Conseil C.P. 1973-860 du 5 avril 1973. Le 1er février 1980, cet article a été rayé de la liste. Un décret ministériel ultérieur, en date du 14 mai 1981, a abrogé le paragraphe C.R.C., C. 615 de la Licence d'exportation des pièces de monnaie canadiennes en argent, à compter du 27 mai 1981.

Les groupes 9 et 10 de la LEC visaient à empêcher qu'on se serve du Canada pour contrevenir aux lois d'autres pays régissant l'exportation d'articles contrôlés.

Le décret du Conseil C.P. 1981-3361, du 26 novembre 1981, a modifié la LEC en abrogeant l'article 10002, Marchandises à exporter sans en déclarer la destination finale, à compter du 27 novembre 1981. Ceci a été fait afin d'éliminer toute confusion possible concernant la nécessité de préciser la destination finale sur les demandes de licences d'exportation, comme l'exige le paragraphe 4(2) du Règlement sur les licences d'exportation.

Liste de pays visés par contrôle

L'article 4 de la Loi prévoit que le gouverneur en conseil peut établir une liste de pays appelée "Liste de pays visés par contrôle" (C.R.C., c.600) comprenant tout pays vers lequel il estime nécessaire de contrôler l'exportation de marchandises. Les pays placés sur la liste l'ont été pour des raisons de sécurité nationale. Tous les envois de marchandises à ces destinations requièrent une licence, quelle que soit la nature des marchandises en question.

Le décret du Conseil C.P. 1981-560, en date du 3 mars 1981, a modifié la Liste de pays visés par contrôle, par la radiation du mot "Iran", à compter de cette même date. Cette mesure mettait fin à toute restriction inhabituelle de l'exportation de marchandises et de techniques vers ce pays.

Le décret du Conseil C.P. 1981-1793 du 2 juillet 1981 a abrogé la Liste de pays visés par contrôle et en a établi une nouvelle à compter du 3 juillet 1981, ceci afin de supprimer les restrictions au commerce avec la République populaire de Chine, eu égard à l'amélioration des relations bilatérales et afin de mettre à jour les noms des Etats figurant sur cette liste.

Délivrance de permis d'exportation

Aux termes de l'article 13 de la Loi:

"Nul ne doit exporter ou tenter d'exporter des marchandises comprises dans une Liste de marchandises d'exportation contrôlée, ni des marchandises vers un pays dont le nom paraît sur une Liste de pays visés par contrôle, si ce n'est sous l'autorité et en conformité d'une licence d'exportation délivrée selon la présente loi".

Aucun produit figurant sur la Liste de marchandises d'exportation contrôlée ne peut être exporté du Canada sans l'obtention d'une licence, sauf, dans la plupart des cas, vers les Etats-Unis. Cependant, il faut une licence d'exportation pour expédier à l'étranger, y compris aux Etats-Unis, 12 articles énumérés sur la liste: 1011 - glandes pancréatiques de bovins et de veaux; 1011 - espèces menacées d'extinction (appendice I ou II); 2001 - billes de

bois (de toutes essences); 2002 - bois à pâte (de toute essence); 5665 - déchets de fer et d'acier; 5667 - pièces de monnaie canadienne de bronze d'un cent; 8001 - matières de base (fertiles) et matières fissiles; 8005 - deutérium; 8039 - tritium; 8050 - matières radioactives; 8136 - réacteurs nucléaires; 10011 - serumalbumine.

La réexportation de tous les produits provenant des Etats-Unis nécessite une licence, sauf dans le cas des marchandises qui ont fait l'objet de transformation ou de fabrication complémentaire hors des Etats-Unis, en étant combinés à d'autres produits ou autrement, de façon à en modifier sensiblement la valeur, la forme et l'usage ou à produire de nouvelles marchandises. (A moins, comme on le voit plus loin, que les marchandises à exporter ne figurent ailleurs sur la Liste de marchandises d'exportation contrôlée).

La réexportation de tous les produits d'origine étrangère nécessite une licence, quelle que soit la destination des marchandises, à l'exception, dans la plupart des cas, des Etats-Unis, lorsque ces marchandises font partie de la Liste de marchandises d'exportation contrôlée. Les marchandises en transit douanier au Canada, qui sont accompagnées d'un connaissement ou d'autres documents indiquant avec précision leur destination finale, sont exemptées de la licence d'exportation.

L'article 7 de la Loi prévoit que:

"Le ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'exporter des marchandises comprises dans une Liste de marchandises d'exportation contrôlée ou à un pays nommé dans une Liste de pays visés par contrôle, en la quantité et de la qualité, par les personnes, aux endroits ou personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlement prescrivant les renseignements que doivent fournir, et les engagements que doivent prendre les demandeurs de licences, ainsi que la procédure à suivre pour demander ou pour délivrer des licences, et les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

L'article 6 du Règlement sur les licences d'exportation (C.R.C., c.602) prévoit la délivrance de licences générales, autorisant l'exportation de certains produits mentionnés vers toutes les destinations ou vers des destinations précises.

Le Règlement sur le transbordement (C.R.C., c.606) est resté en vigueur. L'objet de ce règlement est de permettre au Canada de collaborer au maintien d'un régime convenu entre divers pays, en vue d'empêcher le détournement en cours de route de produits de nature stratégique.

Le résumé statistique suivant porte sur les demandes de licences d'exportation traitées au cours de l'année 1981, en rapport avec la Liste de marchandises d'exportation contrôlée et la Liste de pays visés par contrôles:

| | |
|---|-------|
| Licences d'exportation délivrées | 5,998 |
| Demandes rejetées | 25 |
| Demandes retirées | 101 |
| Licences d'exportation annulées | 4 |
| Demandes en suspens au 31 décembre 1981 | 101 |

De plus, les demandes de licences requises pour des spécimens inclus dans les appendices I, II et III ont été traitées par le Service canadien de la faune. Les licences d'exportation suivantes ont été traitées conformément à la Licence générale d'exportation no Ex 14 en date du 21 septembre 1976:

| | |
|---------------------|-----|
| Demandes autorisées | 260 |
| Demandes refusées | 3 |
| Demandes retirées | 8 |

3. Infractions

L'article 19 de la Loi prévoit que:

- (1) Quiconque viole l'une des dispositions de la présente loi ou des règlements est coupable d'une infraction et passible

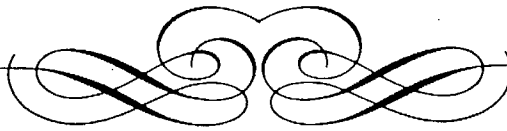
- a) sur déclaration sommaire de culpabilité, d'une amende d'au plus cinq mille dollars ou d'un emprisonnement d'au plus douze mois ou à la fois de l'amende et de l'emprisonnement; ou

- b) après déclaration de culpabilité sur acte d'accusation, d'une amende d'au plus vingt-cinq mille dollars ou d'un emprisonnement d'au plus cinq ans ou à la fois de l'amende et de l'emprisonnement.

- (2) Des poursuites en vertu de l'alinéa (1)a peuvent être intentées en tout temps dans les trois ans du moment où le sujet de la plainte a pris naissance.

L'article 24 de la Loi délègue la responsabilité de l'application de ladite loi à tous les préposés tels que les définit la Loi sur les douanes. Cent quatre-vingt-dix infractions présumées ont fait l'objet d'enquêtes terminées ou encore en cours; on a porté quarante accusations entraînant huit (8) condamnations ainsi que des amendes totalisant 12 020 \$. Cinq (5) accusations ont été abandonnées. Au 31 décembre 1981, 17 causes étaient encore en suspens.

PART III
REPORTS OF THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS
respecting operations under the
EXPORT AND IMPORT PERMITS ACT
for the years 1982 - 1989



PARTIE III
RAPPORTS DU SECRÉTAIRE D'ÉTAT AUX AFFAIRES EXTÉRIEURES
sur les activités découlant de la
LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION
pour les années 1982 - 1989

REPORT OF THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS
respecting operations under the
EXPORT AND IMPORT PERMITS ACT
for the year 1982

TABLED 2/1/85

SESSIONAL PAPER No. 331-1/137

This Report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-17 of the 1970 Revised Statutes of Canada, as amended, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

INTRODUCTION

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.

In terms of its organization, the Act provides that the Governor in Council may establish a series of 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 Secretary of State for External Affairs the authority to grant or deny requests for these permits and thus confers on him broad powers to control the flow of the goods contained on these lists. The operations carried out under the Act can be grouped under the following headings:

1. Import Controls
 - (a) Agricultural Products
 - (b) Textiles and Clothing
 - (c) Footwear
 - (d) Endangered Species

2. Export Controls

3. Violations

1. Import Controls

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

- to ensure adequate supply and distribution of an article that is scarce on world markets or is subject to control in the country of export;
- to implement any action taken under the Farm Products Marketing Agencies Act;
- to support any action taken under the Meat Import Act;
- to implement any action taken under a number of named acts; e.g., the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Canadian Dairy Commission Act, to support the price of the article;
- to implement an intergovernmental arrangement or commitment;
- to limit, pursuant to an enquiry by the Textile and Clothing Board or the Anti-dumping Tribunal, the importation of goods causing or threatening to cause serious injury to domestic producers.

(a) Agriculture

The following agricultural products were contained on the ICL in 1982 and subject to control for the following reasons:

i) to restrict for the purpose of supporting any action under the Farm Products Marketing Act, the importation in any form of a like article to one produced in Canada, the quantities of which are fixed or determined under that Act:

- Turkey, turkey parts and products manufactured wholly thereof;
- Eggs and egg products;
- Chicken and chicken capons, live or eviscerated, chicken parts whether breaded or battered;

ii) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article:

- Animal feeds containing more than 50% non-fat milk solids (Canadian Dairy Commission Act);
- Butter (Canadian Dairy Commission Act);
- Butter fat in any form either alone or in combination with other substances (Agricultural Stabilization Act);
- Cheese of all types other than imitation cheese (Agricultural Stabilization Act);
- Dry buttermilk (Canadian Dairy Commission Act);
- Dry casein and caseinates (Agricultural Stabilization Act);
- Dry skimmed milk (Agricultural Stabilization Act);

- Dry whole milk (Canadian Dairy Commission Act);
- Evaporated and condensed milk (Canadian Dairy Commission Act);
- Beef and veal in fresh, chilled and frozen form except offal (Agricultural Stabilization Act); and

iii) to implement an intergovernmental arrangement or commitment:

- Coffee in any form (International Coffee Agreement);
- Sugar, in any of its recognized commercial forms, derived from sugar cane or sugar beet ... (International Sugar Agreement);
- Endangered Species (Convention on International Trade in Endangered Species);
- Raccoon Dogs (Bilateral Arrangement with the U.S.A.).

As regards agricultural products, the following amendments and/or additions were made to the ICL during 1982:

Eggs

Eggs were placed on the Import Control List on May 9, 1974, under the authority of Section 5(a.1) of the Act. The global shell egg import quota for 1982 was 204,615 boxes of 15 dozen, representing 0.675% of the previous year's domestic production. The quotas for egg powder, and liquid or frozen eggs, were 22,392 kgs and 1,140,970 kgs respectively.

Chicken

Chicken was placed on the Import Control List on January 15, 1979 under Order in Council P.C. 1979-13 to support action taken under the Farm Products Marketing Agencies Act. The global import quota for 1982 was 25,082,664 kgs expressed as eviscerated weight.

The quota level is set at 6.3% of the previous year's domestic production. While the quota is finite, provision is made to issue import permits for chicken supplementary to the quota to meet overall Canadian market needs.

Turkey

Turkey was placed on the Import Control List by Order in Council P.C. 1974-1086 of May 8, 1974 under the provisions of Section 5(a.1) of the Act. The global import quota for 1982 was 1,905,107 kgs eviscerated equivalent. The quota is set annually at the equivalent of 2% of domestic production. While the quota is finite provision is made for the issuance of import permits for turkey supplementary to the quota to meet overall Canadian market needs.

Beef and Veal:

On October 1, 1982, the rationale for placing beef and veal on the ICL, i.e., Section 5.1(b), was changed to Section 5.1(c) "to implement an intergovernmental arrangement or commitment" by Order in Council P.C. 1982-3080 to take into account the agreement between Canada and the United States limiting the beef and veal trade between the two countries for the remainder of 1982. Import permits were required for imports of beef and veal from all sources for monitoring purposes. General Import Permit No. 9 was changed by Ministerial Order SOR/82-907 of October 1, 1982 to permit the entry of small quantities of beef and veal for personal use (up to 9 kgs).

Item 20 (Beef and Veal) was removed from the ICL effective January 1, 1983 by Order in Council P.C. 1982-4013 of December 23, 1982, and G.I.P. No. 9 was revoked by Ministerial Order SI/83-41 of February 23, 1983.

Coffee

Coffee was placed on the ICL on October 1, 1976 to give effect to Canada's obligations as a member of the International Coffee Agreement. The controls are used to ensure that shipments are accompanied by the required certificates of the International Coffee Organization (ICO) (these are used to provide statistical data on the movement of the commodity), and to ensure that imports of coffee from countries not members of the ICO do not exceed the import quota which is assigned to Canada by the ICO for non-member coffee. For the coffee year starting October 1, 1981 to September 30, 1982, the non-member quota was 108,300 kgs of green coffee. The quota remained the same for the 1982-83 coffee year.

Sugar

Sugar was placed on the ICL on April 17, 1978 to give effect to Canada's obligations as a member of the International Sugar Organization (ISO). The controls are used to ensure that shipments of sugar imported into Canada are accompanied by the required Certificates of Contribution of the ISO (these are used to provide statistical data on the movement of the commodity, as well as to ensure that all imports of sugar have been subjected to payment of contribution to the ISO's Sugar Stock Financing Fund). The import quota for non-member sugar assigned to Canada by the ISO amounted to 122 tonnes for the calendar year 1982.

(b) Textiles and Clothing

On August 19, 1980 the Government released a report of the Textile and Clothing Board (TCB), following the Board's inquiry into the situation of the textile and clothing industries in Canada. A main theme of this Report

related to the need to create an environment more conducive to generating the capital investment necessary for further development of a competitive textile and clothing industry. The TCB, therefore, recommended the continuation of special measures of protection for the textile and clothing industry beyond December 31, 1981; the date on which most of the existing bilateral restraint arrangements were due to expire.

On June 19, 1981, following an extensive review of the industry and bearing in mind the recommendations of the Textile and Clothing Board, the Government announced its policy for the textile and clothing sectors for the post-1981 period. The approach adopted by Canada is based on the complementary elements of industrial adjustment and development and trade policy. It seeks to establish viable and competitive Canadian textile and clothing firms as well as to revitalize the economies of those communities most vulnerable to foreign competition in these sectors. To achieve these objectives, the new sectoral policy includes measures such as the allocation of more than \$250 million over five years for a new adjustment program, the formation of the Canadian Industrial Renewal Board to manage the adjustment program, and the negotiation of restraint arrangements with exporting countries to limit imports of textiles and clothing during the five-year adjustment period.

The new policy continues the adjustment direction set by the Textile Policy of 1970. While the Government does not favour special measures of protection on a permanent basis, it recognizes that the Canadian textile and clothing industries will require some degree of protection during the adjustment period to permit the industry to restructure toward more viable lines of production. Officials, therefore, were instructed to pursue negotiations with

17 exporting countries based on the framework established by the 1979 bilateral arrangements, with a view to concluding restraint arrangements for the period 1982-1986. The Government also renewed its commitment to take prompt action where there is evidence of new sources of market disruption with respect to any low-cost textile and clothing imports.

In 1982, five-year bilateral restraint arrangements were negotiated with Hong Kong, India, Czechoslovakia, Pakistan Singapore, Hungary and Uruguay, bringing to 17 the total number of long-term textile and clothing arrangements concluded with low-cost suppliers. All arrangements were negotiated under Article 4 of the GATT Arrangement Regarding International Trade in Textiles (MFA) for MFA member countries. The MFA provides the international legal framework for the negotiation of bilateral textile restraint arrangements. On July 12, 1982 Canada formally ratified the Protocol extending the MFA to July 31, 1986. In terms of the domestic legal framework for administration of bilateral restraint arrangements, textile and clothing items are placed on the ICL under the authority of Section 5(c) of the Act.

In October 1982, the Government invoked the consultation clauses in its bilateral restraint arrangements with Hong Kong, Korea, China and the Taiwan Textile Federation because imports of a number of clothing products had increased significantly in 1982, with serious implications for the domestic clothing industry. Canada sought to negotiate lower restraint levels for selected clothing products for 1983. The consultations were scheduled to take place in December 1982 and in January and February 1983.

A Ministerial Order, dated May 28, 1982, amended all general import permits for textiles, clothing, work gloves and handbags by adding the words "except Argentina" immediately after the words "import into Canada from any country", effective June 23, 1982.

Order in Council P.C. 1982-379, effective February 11, 1982, amended the ICL in the following manner:

1. Items 11.1, 13, 13.1, 15, 16, 16.1 and 17 were renumbered as items 12, 14, 15, 17, 18, 19 and 20, respectively.
2. Item 18 was renumbered as item 22.
3. Items 19, 20, 21 and 22 were renumbered as items 24, 25, 26 and 27, respectively.
4. Items 23 and 24 were renumbered as items 29 and 30.
5. Item 24.1 was revoked.
6. Items 25, 25.1 and 26 were renumbered as items 31, 31.1 and 32, respectively.
7. Item 27 was renumbered as item 32.1
8. Items 28 to 46 were renumbered as items 34 to 52, respectively.
9. Item 47 was renumbered as item 57.
10. Items 49 to 55 were renumbered as items 59 to 65, respectively.

Order in Council P.C. 1982-380 dated February 22, 1982, amended the ICL, effective February 12, 1982, in the following manner:

1. Item 14 was revoked.
2. Item 22 was revoked and replaced with the following:
"22. Polyester fabrics that are
 - (a) broadwoven filament polyester fabrics;
 - (b) broadwoven polyester-cotton fabrics where the polyester fibres represent 50 percent or more by weight, originating in Hong Kong, Republic of Korea or Taiwan; or
 - (c) broadwoven polyester fabrics not included in paragraph (a) or (b) originating in the Republic of Korea or Taiwan."

3. Items 24 to 27 were revoked and replaced with the following:

- "24. All types of machine knitting and hand knitting acrylic yarns containing 50 percent or more by weight of acrylic fibres, except those yarns composed entirely of fibres not exceeding 6.35 cm in length.
25. Woollen fabrics that are
- (a) worsted fabric containing 17 percent or more by weight of wool from all sources except France, Italy, Japan, Netherlands, Switzerland, United Kingdom, United States or West Germany;
 - (b) woollen fabrics, 252 g. or less per square yard, originating in Taiwan; or
 - (c) all wool or wool blends, not included in paragraph (a) or (b) originating in the Republic of Korea.
26. Nylon broadwoven fabrics, originating in Hong Kong, Poland, Romania, the Republic of Korea or Taiwan.
27. Polyester yarn that is
- (a) textured filament yarn, originating in the Republic of Korea or Taiwan;
 - (b) yarn made from 100 percent polyester fibres or filament, originating in Hong Kong; or
 - (c) any type of polyester yarn, other than textured filament yarn, originating in the Republic of Korea or Taiwan."

4. Item 29 was revoked and replaced with the following:

- "29. (1) Cotton terry towels, washcloths and sets of cotton terry towels and washcloths that contain 50 percent or more by weight of cotton, originating in the People's Republic of China, Czechoslovakia, Hong Kong, India, Pakistan, Poland, the Republic of Korea or Taiwan.
- (2) Cotton towels, other than cotton terry towels, originating in Hong Kong, Poland, the Republic of Korea or Taiwan.

- (3) Towels, other than towels referred to in subitems (1) and (2), originating in Poland, the Republic of Korea or Taiwan."
5. Items 31 to 32.1 were revoked and replaced with the following:
- "31. Work gloves, wholly or mainly of textile fabric whether impregnated or coated or not, or leather, whether fully or partially manufactured.
 - 32. Winter outerwear garments commonly referred to as
 - (a) snowsuits, snowmobile suits, ski-suits, ski-pants and snowpants, and
 - (b) jackets and vests including parkas, ski-jackets, and similar jacket-type garments that have an outer shell manufactured substantially from woven fabrics and that are lined and designed to protect the wearer against the cold, whether fully or partially manufactured."
6. Item 34 was revoked and replaced with the following:
"34. Hosiery."
7. Items 35 and 36 were revoked.
8. Item 37 was revoked and replaced with the following:
"37. Pants, slacks, jeans, overalls, coveralls and outershorts, whether fully or partially manufactured."
9. Item 38 was revoked.
10. Items 39 to 47 were revoked and replaced with the following:
- "39. Blouses and shirts, including shirts with other than tailored collars, t-shirts and sweatshirts, whether fully or partially manufactured.
 - 40. Sleepwear and bathrobes, whether fully or partially manufactured.
 - 41. Rainwear, whether fully or partially manufactured.
 - 42. Sportswear, including dresses, skirts, coordinates or matching sets, whether fully or partially manufactured.

43. Foundation garments, whether fully or partially manufactured.
 44. Swimwear, whether fully or partially manufactured.
 45. Underwear, whether fully or partially manufactured.
 46. Jackets, overcoats, topcoats, professional coats and shopcoats, whether fully or partially manufactured.
 47. Fine suits, sportscoats and blazers for men and boys, whether fully or partially manufactured."
11. Item 48 was revoked.
12. Items 49 to 52 were revoked and replaced with the following:
- "49. Shirts with tailored collars for men and boys, whether fully or partially manufactured.
 50. Sweaters, pullovers and cardigans, whether fully or partially manufactured.
 51. Bedsheets woven, made wholly or mainly by weight of cotton, man-made fibres or blends thereof, originating in the Republic of Korea, Taiwan, Poland, the People's Republic of China or Hong Kong.
 52. (1) Pillowcases, woven, made wholly or mainly by weight of cotton, originating in Poland, the Republic of Korea, Taiwan, Hong Kong or the People's Republic of China.
(2) Pillowcases, woven, made wholly or mainly by weight of man-made fibres or blends thereof, originating in the Republic of Korea, Taiwan, Hong Kong, or the People's Republic of China."
13. Item 58 was revoked and replaced with the following:
- "58. Handbags, made of fabrics, whether uncoated, coated or bonded containing natural or man-made fibres or blends of these fibres, with a body area, excluding handles, between 258 cm² and 1226 cm², in the

manufacture of which leather and plastic materials may be used as trim and finish but not a major component of the shell."

14. Items 60 to 65 were revoked and replaced with the following:

- "60. Rayon, nylon or mixed fibre yarns that contain
- (a) any type of rayon yarn, originating in the Republic of Korea;
 - (b) any type of nylon yarn, originating in the Republic of Korea or Taiwan;
 - (c) any type of polyester-cotton yarn, originating in Hong Kong or Taiwan; or
 - (d) any type of mixed or blended fibre yarn, originating in Taiwan.
61. Broadwoven cotton fabrics that are
- (a) duck and allied fabrics, drills, twills, or warp sateen, originating in Hong Kong;
 - (b) sheeting, unbleached, bleached or coloured, originating in Hong Kong or the Republic of Korea;
 - (c) print cloth, unbleached, bleached or coloured, originating in Hong Kong;
 - (d) print cloth and sheeting, unbleached, originating in Taiwan;
 - (e) flannel napped fabric, unbleached, bleached or coloured originating in Hong Kong, Poland or Taiwan;
 - (f) denim, originating in Hong Kong, the People's Republic of China, Poland or the Republic of Korea;
 - (g) corduroy, unbleached or bleached, originating in Hong Kong, the People's Republic of China, Poland, the Republic of Korea or Taiwan;
 - (h) corduroy, coloured, originating in Hong Kong, the People's Republic of China, Poland or the Republic of Korea;

- (i) terry cloth, unbleached, bleached or coloured, originating in the Republic of Korea;
 - (j) terry cloth, coloured, originating in Poland;
 - (k) pile fabrics, unbleached, bleached or coloured, originating in Hong Kong, Poland or the Republic of Korea; or
 - (l) cotton fabrics, other than cotton fabrics referred to in paragraphs (a) to (c), (e) to (h), (j) and (k), originating in Hong Kong or Poland.
62. Fabrics that are
- (a) broadwoven rayon fabrics, originating in Poland or the Republic of Korea;
 - (b) broadwoven fabrics of mixed fibres, originating in Poland;
 - (c) broadwoven rayon-polyester fabrics, originating in the Republic of Korea;
 - (d) fabrics of rayon blends, originating in Poland or the Republic of Korea; or
 - (e) broadwoven fabrics, other than referred to in paragraphs (a) to (d), originating in Poland or the Republic of Korea.
63. Fabrics that are vinyl and polyurethane coated, originating in the Republic of Korea or Taiwan.
64. Household textiles that are
- (a) blankets of cotton, originating in the People's Republic of China;
 - (b) blankets of man-made fibres or blends thereof, originating in Poland;
 - (c) tablecloths, originating in Poland; or
 - (d) bedspreads, originating in Poland.
65. (l) All types of cordage, rope or twine, originating in Taiwan.

- (2) All types of cordage, rope or twine, other than manila rope, baler or binder twine, originating in the Republic of Korea."

The amendments were made to incorporate changes reflected in bilateral restraint arrangements for textile and clothing items.

A Ministerial Order dated February 4, 1982 cancelled General Import Permits Nos. 4, 10, 12, 13, 14, 15, 20, 21, 24, 35, 36, 51, 52 and 58 for textiles, clothing, work gloves and handbags, effective February 11, 1982 and replaced them with General Import Permits Nos. 4, 10, 11 and 12.

Under the authority of General Import Permit No. 4, importers may import into Canada from any source textile items as specified in items 15, 22, 24, 25, 26, 27, 29, 34, 51, 52, 60, 61, 62, 63, 64 and 65 of the ICL provided each shipment satisfies the following conditions:

- i) the goods are imported by a resident of Canada for his personal use or as gifts and have a value for duty as determined under the Customs Act of not more than \$500.00 for each importation; or
- ii) the imported goods are bona fide commercial samples not for sale in Canada and have a value for duty as determined under the Customs Act of not more than \$500.00 for each importation.

Under the authority of General Import Permit No. 10, importers may import into Canada from any source clothing items as specified in items 32, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49 and 50 of the ICL provided each shipment satisfies the following conditions:

- i) the value for duty, as determined under the Customs Act, is not more than \$500.00 for each importation; or
- ii) the importation of the goods has a value for duty, as determined under the Customs Act, of more than \$500.00 for each importation and the number of units of the goods to be imported does not exceed twelve.

Under the authority of General Import Permit No. 11, importers may import into Canada from any source work gloves as specified in item 31 of the ICL provided each shipment satisfies the following conditions:

- i) the goods are imported by a resident of Canada for his personal use or as gifts and the importation does not exceed twelve pairs; or
- ii) the imported goods are bona fide commercial samples not for sale in Canada and each importation does not exceed 144 pairs.

Under the authority of General Import Permit No. 12, importers may import into Canada from any source handbags as specified in item 58 of the ICL provided each shipment satisfies the following conditions:

- i) the goods are imported by a resident of Canada for his personal use or as gifts and have a value for duty, as determined under the Customs Act, of not more than \$500.00 for each importation; or
- ii) the imported goods are bona fide commercial samples not for sale in Canada and have a value for duty, as determined under the Customs Act, of not more than \$500.00 for each importation.

Order in Council P.C. 1982-2008 dated July 8, 1982, revoked item 66 of the ICL to remove the import control on goods of Argentine origin effective July 9, 1982.

Order in Council P.C. 1982-2473 dated August 18, 1982, revoked item 31 of the French version of the ICL, effective August 19, 1982, and replaced it with the following:

"31. Gants de travail, entièrement ou partiellement finis, faits en entier ou en grande partie de textiles, pouvant ou non être imprégnés ou enduits, ou faits de cuir".

The amendment was made to clarify the French version with regard to the control of work gloves made of textile fabric not impregnated or coated.

(a) Footwear

Following an enquiry by the Anti-dumping Tribunal under Section 16.1 of the Anti-dumping Act, that found that imports of footwear were causing or threatening to cause injury to Canadian producers of like goods, the Government announced, effective December 1, 1977, the imposition of a quota on imports of footwear from all sources. The coverage of this global quota excluded rubber and canvas footwear, downhill ski boots, as well as plastic and waterproof footwear. In June 1980, the Government announced the extension of the quota to November 30, 1981 to enable the Anti-dumping Tribunal to carry out an enquiry into the need for continued special measures of protection.

Pursuant to the 1981 report of the Tribunal, the Government, on November 24, 1981, announced the extension for three-years of the global quota on imports of non-leather footwear, along with the addition of canvas footwear effective December 1, 1981. Leather footwear, which had been covered by previous footwear quota, was at this time excluded from quota coverage.

On July 9, 1982, the government announced that, effective that date, imports of leather footwear were once again under control, pursuant to the 1981 report of the Anti-dumping Tribunal.

The import quotas on leather and non-leather footwear are in place until November 30, 1984. The restraint levels for leather footwear were set at 3.4 million pairs for July 9, 1982 to November 30, 1982, 11.4 million pairs for December 1, 1982 to November 30, 1983 and 11.7 million pairs for December 1, 1983 to November 30, 1984. For non-leather footwear the revised restraint levels are 34.1 million pairs for December 1, 1981 to November 30, 1982, 35.1 million pairs for December 1, 1982 to November 30, 1983 and 36.2 million pairs for December 1, 1982 to November 30, 1984.

Order in Council P.C. 1982-2081, dated July 9, 1982, added Item 67 (leather footwear) to the ICL. The Order in Council also revoked the previous Item 57 of the ICL and substituted the new description of the non-leather footwear item to reflect the revised restraint levels and the fact that several specialized categories that had been exempt from ICL coverage were brought under surveillance.

(d) Endangered Species

On January 2, 1974, Canada signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Canada ratified this Convention becoming a party to the International Agreement on April 10, 1975.

Effective October 14, 1982, Canada withdrew its reservations on 13 species of fauna so that imports to and exports from this country of those species or their parts or derivatives are covered by the Convention. Canada amended the Import and Export Control Lists under Sections 3(b) and 5(c) of the Act in order to effect the changes.

Appendices I, II and III of the ECL (C.R.C., c.601) were revoked by Order in Council P.C. 1982-3139 and new Appendices were substituted. Order in Council P.C. 1982-3140, also dated October 14, 1982, amended the ICL replacing Appendices I, II and III with new Appendices.

Issuance of Import Permits

Section 14 of the Act stipulates that:

"No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 8 authorizes the Minister to:

"... issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

Section 5 of the Import Permit Regulations (C.R.C., c.605) provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

The following is a statistical summary of applications for import permits processed during 1982.

| | |
|-----------------------------|---------|
| Import permits issued..... | 120,569 |
| Applications refused..... | 2,199 |
| Applications cancelled..... | 4,463 |

All applications for permits required for Appendix I specimens on the ICL were handled by the Canadian Wildlife Service. The following permits were processed in accordance with General Import Permit No. 17 of September 21, 1976:

| | |
|-----------------------------|----|
| Applications approved..... | 52 |
| Applications refused..... | 19 |
| Applications withdrawn..... | 3 |

Twenty-two (22) permit applications for live species and twenty-one (one withdrawn) permit applications for parts or derivatives were received and approved by the Canadian Wildlife Service during 1982. The majority of these permits were issued to travelling circuses.

Issuance of Certificates

Section 9 of the Act provides that:

"The Minister may, in order to facilitate the importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Import Certificate Regulations (C.R.C., c.603) provide for the issuance of import certificates which are required by the country of export before it will allow goods to be shipped to Canada. They also provide for the issuance of Delivery-Verification Certificates for goods imported into Canada to comply with the requirements. The purpose of these regulations is to prevent the diversion in transit or the unauthorized trans-shipment of such goods.

The following is a statistical summary of certificates processed during 1982.

Import Certificates issued.....898
Delivery-Verification Certificates issued.....353

2. Export Controls

Section 3 of the Act provides that the Governor in Council may establish a list of goods, to be called an Export Control List (ECL), including therein any article the export of which he deems it necessary to control for any of the following purposes, namely,

- (a) for national security reasons;
- (b) to promote further processing of natural resources;
- (c) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus and depressed prices that is not a produce of agriculture;
- (d) to implement an intergovernmental arrangement or commitment; or
- (e) to ensure adequate supply and distribution.

Groups 1 and 2 of the List cover agriculture and forest products.

On October 1, 1982 Item 1021, beef and veal, was added to the ECL by Order in Council P.C. 1982-3079 in order to implement an intergovernmental arrangement with the United States of America. A Ministerial Order, SOR/82-906, created the Export of Beef and Veal Permit (General Export Permit No. EX.13) which authorized the exportation of beef and veal for personal use by the exporter and his household up to a limit of 9 kgs.

General Export Permit, C.R.C., c.610, (General Export Permit No. EX.2) provides standing authorization for certain exports of civilian commercial goods identified in the Schedule to the Permit, which are not considered to require control on an individual basis. A Ministerial Order, SOR/82-128 dated June 28, 1982, amended the General Export Permit effective July 14, 1982 to change the short title of the Permit and to clarify the purpose of the permit.

Issuance of Export Permits

Section 13 of the Act provides that:

"No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

An export permit is required before an item included in the ECL may be exported from Canada to any destination with the exception, in most cases, of the United States. However, twelve items in the List require permits before they may be exported to any destination including the United States, i.e.: 1001 - pancreas glands of cattle and calves; 1011 - endangered species (Appendix I or II); 2001 - logs of wood (of all species); 2002 - pulpwood (of all species); 5665 -

scrap iron and steel; 5667 - Canadian one cent bronze coins; 8001 - source (fertile) and fissionable materials; 8005 - deuterium; 8039 - tritium; 8050 - radio-active materials; 8136 - nuclear reactors; 10011 - serum albumin.

All goods originating in the United States that are to be re-exported from Canada require an export permit except any such goods that have been further processed or manufactured outside the United States, by combining them with other goods or otherwise so as to result in substantial change in value, form and use of the goods or in the production of new goods, unless the goods to be exported are listed in another Group in this List.

All goods originating outside Canada that are identified in the ECL require an export permit to be re-exported from Canada to any destination with the exception, in most cases, of the United States. Any such goods that are in transit in bond on a through journey and accompanied by a billing or other documentation which clearly indicates the ultimate destination are exempted from the requirements to have an export permit.

Section 7 of the Act provides that:

"The Minister may issue to any resident of Canada applying therefor a permit to export goods included in an Export Control List or to a country included in an Area Control List, in such quantity and of such quality, by such persons, to such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under section 12 of the Act for regulations prescribing the information and undertakings to

be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

Section 6 of the Export Permit Regulations (C.R.C., c.602) provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

The Regulations Respecting Trans-shipment (C.R.C., c.606) enable Canada to co-operate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of applications for export permits processed during 1982 relating to both the Export Control List and the Area Control List:

| | |
|--|-------|
| Export permits issued..... | 5,168 |
| Applications refused..... | 25 |
| Applications withdrawn..... | 139 |
| Export permits cancelled..... | 9 |
| Applications pending as of December 31, 1982.. | 107 |

In addition, applications for permits required for specimens included in Appendices I, II and III of the ECL were handled by the Canadian Wildlife Service. The following permits were processed in accordance with General Export Permit No. Ex.14 of September 21, 1976:

| | |
|-----------------------------|-----|
| Applications approved..... | 269 |
| Applications refused..... | 1 |
| Applications withdrawn..... | 2 |

3. Violations

Section 19 of the Act provides that:

(1) Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable

(a) on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment; or

(b) on conviction upon indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment.

(2) A prosecution under paragraph (a) of sub-section (1) may be instituted at any time within three years from the time when the subject matter of the complaint arose.

Section 24 of the Act delegates responsibility for the enforcement of the Act to all officers as defined in the Customs Act. One hundred and forty-five suspected violations were investigated or are still under investigation; 40 charges were laid resulting in thirty-five (35) convictions and fines totalling \$44,534.29. Three (3) charges were dropped. As of December 31, 1982, 11 court cases were pending.

RAPPORT DU SECRÉTAIRE D'ÉTAT AUX AFFAIRES EXTÉRIEURES
sur les activités découlant de la
LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION
pour l'année 1982

Le présent rapport est présenté conformément à l'article 26 de la Loi sur les licences d'exportation et d'importation (appelée ci-après la Loi), chapitre E-17 des Statuts révisés du Canada 1970, dans sa forme modifiée, qui prévoit ce qui suit:

"26. Aussitôt que possible après le 31 décembre de chaque année, le Ministre doit dresser et présenter au Parlement un rapport sur les opérations découlant de la présente loi pour l'année en question."

INTRODUCTION

Le pouvoir de contrôler l'importation et l'exportation de produits et de technologie découle de la Loi. Cette loi trouve son origine dans la Loi sur les mesures de guerre. Adoptée par le Parlement en 1947, elle a depuis subi un certain nombre de modifications.

Pour ce qui est de l'organisation, la Loi prévoit que le gouverneur en conseil peut établir des listes appelées liste de marchandises d'importation contrôlée, liste de marchandises d'exportation contrôlée et liste de pays visés par contrôle. La Loi fixe des critères qui régissent l'inclusion de marchandises ou de pays dans les différentes listes et prévoit que le gouverneur en conseil peut révoquer, modifier, changer ou rétablir tout élément figurant sur ces listes. Le contrôle de l'écoulement et de la destination des marchandises figurant sur ces listes est effectué au moyen de la délivrance de licences d'importation ou d'exportation.

La Loi confère au secrétaire d'État aux Affaires extérieures l'autorité de donner suite aux demandes de licence ou de les rejeter; il se voit donc attribuer de vastes pouvoirs pour contrôler l'écoulement des marchandises figurant sur les listes. Les opérations découlant de l'application de la Loi peuvent être groupées sous les rubriques suivantes:

1. Contrôle des importations
 - a) Produits agricoles
 - b) Articles de textile et d'habillement
 - c) Chaussures
 - d) Espèces menacées d'extinction
2. Contrôle des exportations
3. Infractions

1. Contrôle des importations

L'article 5 de la Loi prévoit que le gouverneur en conseil peut établir une liste de marchandises, appelée "liste de marchandises d'importation contrôlée" (L.I.C.), comprenant tout article dont, à son avis, il est nécessaire de contrôler l'importation pour l'une quelconque des fins suivantes, à savoir:

- assurer le meilleur approvisionnement et la meilleure distribution possible d'un article rare sur les marchés mondiaux ou soumis à des règles dans son pays d'origine;
- appuyer une mesure prise en vertu de la Loi sur les offices de commercialisation des produits de ferme;
- appuyer une mesure prise en vertu de la Loi sur l'importation de la viande;

- mettre à exécution toute mesure prise en vertu de la Loi sur la stabilisation des prix agricoles, de la Loi sur le soutien des prix des produits de la pêche ou de la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article;
- mettre en oeuvre un arrangement ou un engagement intergouvernemental;
- limiter, à la suite d'une enquête effectuée par la Commission du textile et du vêtement ou par le Tribunal antidumping, l'importation de marchandises portant ou menaçant de porter un préjudice sérieux aux producteurs canadiens.

a) Agriculture

En 1982, la liste de marchandises d'importation contrôlée renfermait les produits agricoles suivants, soumis au contrôle pour l'une des fins suivantes:

- i) restreindre, pour appuyer une mesure prise aux termes de la loi sur la commercialisation des produits de ferme, l'importation, sous quelque forme que ce soit, d'un article semblable à un autre produit au Canada, en quantité fixée ou déterminée en vertu de ladite loi:
 - dindons, morceaux de dindons et produits qui en sont entièrement dérivés;
 - oeufs et produits des oeufs;
 - poulets et chapons, vivants ou éviscérés, parties de poulet, qu'elles soient ou non enrobées de chapelure ou de pâte;

ii) appuyer toute mesure prise aux termes de la Loi sur la stabilisation des prix agricoles, de la Loi sur le soutien des prix des produits de la pêche, de la Loi sur la vente coopérative des produits agricoles ou de la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article:

- provendes contenant plus de 50% de solides non gras du lait (Loi sur la Commission canadienne du lait);
 - beurre (Loi sur la Commission canadienne du lait);
 - matière grasse du lait sous toutes formes, seule ou en combinaison avec d'autres substances (Loi sur la stabilisation des prix agricoles);
 - fromages de tous genres à l'exclusion des imitations (Loi sur la stabilisation des prix agricoles);
 - lait de beurre ou babeurre en poudre (Loi sur la Commission canadienne du lait);
 - caséine ou caséinates en poudre (Loi sur la stabilisation des prix agricoles);
 - lait écrémé en poudre (Loi sur la stabilisation des prix agricoles);
 - poudre de lait entier (Loi sur la Commission canadienne du lait);
 - boeuf et veau frais, réfrigérés et congelés sauf les abats (Loi sur la stabilisation des prix agricoles);
- et

iii) mettre en oeuvre un arrangement ou un engagement intergouvernemental:

- café sous toutes ses formes (Accord international sur le café);
- sucre sous toutes ses formes commerciales reconnues, dérivé de la canne à sucre ou de la betterave... (Accord international sur le sucre);

- espèces menacées d'extinction (Convention sur le commerce international des espèces menacées d'extinction);
- chiens viverrins (Arrangement bilatéral avec les États-Unis).

En ce qui concerne les produits agricoles, la liste de marchandises d'importation contrôlée a subi les modifications ou additions suivantes au cours de 1982.

Oeufs

Les oeufs ont été placés sur la liste de marchandises d'importation contrôlée le 9 mai 1974, en vertu de l'alinéa 5. a.1) de la Loi. En 1982, le contingent global d'oeufs en coquille était de 204 615 boîtes de 15 douzaines, ce qui représente 0,675% de la production canadienne de l'année précédente. Les contingents d'oeufs en poudre et d'oeufs liquides ou congelés étaient respectivement de 22 392 kg et de 1 140 kg.

Poulet

Le poulet a été placé sur la liste de marchandises d'importation contrôlée le 15 janvier 1979 par décret du conseil (C.P. 1979-13) pour appuyer une mesure prise aux termes de la Loi sur les offices de commercialisation des produits de ferme. Le contingent global pour 1982 était de 25 082 664 kg, en poids éviscéré.

Le contingent est fixé à 6,3% de la production canadienne de l'année précédente. Néanmoins, certaines dispositions autorisent la délivrance de licences afin d'importer des quantités additionnelles de poulet permettant de satisfaire à l'ensemble des besoins du marché canadien.

Dindons

Les dindons ont été placés sur la liste de marchandises d'importation contrôlée par le décret du conseil (C.P. 1974-1086) du 8 mai 1974, aux termes de l'alinéa 5. a.1) de la Loi. Le contingent global pour 1982 était de 1 905 107 kg, en poids éviscéré. Le contingent établi chaque année correspond à 2% de la production nationale. Néanmoins, certaines dispositions autorisent la délivrance de licences afin d'importer des quantités additionnelles de dindons permettant de satisfaire à l'ensemble des besoins du marché canadien.

Boeuf et veau

Le 1^{er} octobre 1982, les raisons invoquées pour placer le boeuf et le veau sur la liste de marchandises d'importation contrôlée, soit les dispositions de l'alinéa 5.1 b), ont changé, et ce sont maintenant les dispositions de l'alinéa 5.1 c) qui sont invoquées - "mettre en oeuvre un arrangement ou un engagement intergouvernemental" - à la suite d'un décret en conseil (C.P. 1982-3080) rendu afin qu'il soit tenu compte de l'accord intervenu entre le Canada et les États-Unis, qui limite le commerce du boeuf et du veau entre les deux pays jusqu'à la fin de 1982. L'importation de boeuf et de veau de quelque provenance que ce soit était assujettie à l'obtention d'une licence, à des fins de contrôle.

Le 1^{er} octobre 1982, la Licence générale d'importation n°9 a été modifiée par décret ministériel (DORS/82-907) afin de permettre l'entrée de petites quantités de boeuf et de veau pour consommation personnelle (jusqu'à 9 kg).

Par suite d'un décret du conseil (C.P. 1982-4013) daté du 23 décembre 1982, l'article 20 (boeuf et veau) a été retiré de la liste de marchandises d'importation contrôlée à compter du 1^{er} janvier 1983; la liste de marchandises d'importation contrôlée n° 9 a été annulée par le décret ministériel (TR/83-41), en date du 23 février 1983.

Café

Le café a été placé sur la liste de marchandises d'importation contrôlée le 1^{er} octobre 1976, en raison des obligations contractées par le Canada dans le cadre de l'Accord international sur le café. Les contrôles en place visent à s'assurer que les envois sont accompagnés des certificats requis par l'Organisation internationale du café (O.I.C.). Ceux-ci servent à fournir des statistiques sur l'écoulement de cette denrée, et à garantir que les importations de café en provenance des pays ne faisant pas partie de l'O.I.C. ne dépassent pas le contingent attribué au Canada par l'O.I.C. pour le café des pays non membres. Pour l'année caféière allant du 1^{er} octobre 1981 au 30 septembre 1982, le contingent de café vert en provenance des pays non membres était fixé à 108 300 kg. Ce contingent a été maintenu pour l'année caféière 1982-1983.

Sucre

Le sucre a été placé sur la liste de marchandises d'importation contrôlée le 17 avril 1978, en raison des obligations contractées par le Canada en tant que membre de l'Organisation internationale du sucre (O.I.S.). Les contrôles visent à s'assurer que le sucre importé au Canada est accompagné des certificats de contribution requis par l'O.I.S. Ceux-ci servent à fournir des statistiques sur l'écoulement de cette denrée et à s'assurer que toutes les

importations de sucre ont été assujetties au versement d'une contribution au Fonds de financement des stocks de sucre de l'O.I.S. Le contingent attribué au Canada par l'O.I.S. pour le sucre en provenance des pays non membres s'élevait à 122 tonnes pour l'année civile 1982.

b) Articles de textile et d'habillement

Le 19 août 1980, le gouvernement a rendu public un rapport de la Commission du textile et du vêtement (C.T.V.), qui faisait suite à une enquête sur la situation de l'industrie du textile et du vêtement au Canada. Un des grands thèmes du rapport était la nécessité de créer un climat plus favorable aux investissements, afin de développer davantage l'industrie du textile et du vêtement et de la rendre concurrentielle. Par conséquent, la Commission recommandait que des mesures spéciales de protection continuent d'être accordées à l'industrie au-delà du 31 décembre 1981, date à laquelle la plupart des restrictions bilatérales en vigueur devaient arriver à expiration.

Le 19 juin 1981, après avoir effectué une étude poussée du secteur industriel et gardant à l'esprit les recommandations de la Commission du textile et du vêtement, le gouvernement a annoncé la politique qu'il entendait adopter pour la période qui allait suivre. L'approche adoptée par le Canada se fonde sur les aspects complémentaires de la restructuration et du développement industriels d'une part, et de la politique commerciale, d'autre part. Elle vise à établir la viabilité et la compétitivité de l'industrie du textile et du vêtement, de même qu'à revitaliser l'économie des communautés les plus vulnérables à la concurrence étrangère dans ce secteur. A cette fin, la nouvelle politique sectorielle comprend des mesures tels l'octroi de plus de 250 millions de dollars

à un nouveau programme de restructuration sur une période de cinq ans, la création de l'Office canadien pour un renouveau industriel, chargé de gérer le programme de restructuration, et la négociation avec les pays exportateurs d'arrangements visant à restreindre les importations de textiles et de vêtements pendant la période de redressement de cinq ans.

Cette nouvelle politique poursuit le processus d'adaptation entrepris en vertu de la politique de 1970 concernant le textile. Si le gouvernement n'est pas en faveur de mesures permanentes de protection, il reconnaît cependant que l'industrie canadienne aura besoin d'une certaine protection au cours de la période de redressement, pour pouvoir s'orienter vers une gamme de produits plus rentables. Les fonctionnaires ont donc reçu instruction de poursuivre les négociations entreprises avec dix-sept pays exportateurs, en s'appuyant sur le cadre défini par les arrangements bilatéraux de 1979, afin de conclure des arrangements comportant des restrictions pour la période allant de 1982 à 1986. En outre, le gouvernement s'est de nouveau engagé à agir rapidement lorsqu'il est établi que de nouveaux fournisseurs perturbent le marché avec des importations de textiles et de vêtements bon marché.

En 1982, des arrangements bilatéraux d'une durée de cinq ans ont été conclus avec Hong Kong, l'Inde, la Tchécoslovaquie, le Pakistan, Singapour, la Hongrie et l'Uruguay, ce qui portait à dix-sept le nombre d'arrangements à long terme signés avec des exportateurs à faible prix de revient. Pour ce qui est des pays participant à l'Arrangement concernant le commerce international des textiles (l'Arrangement multifibres - A.M.F.) du GATT, tous ces arrangements ont été négociés conformément à l'article 4. Cet arrangement offre un cadre juridique international pour la négociation d'arrangements bilatéraux restreignant les

échanges de produits textiles. Le 12 juillet 1982, le Canada a ratifié officiellement le Protocole prorogeant l'A.M.F. jusqu'au 31 juillet 1986. Pour ce qui est du cadre juridique national dans lequel s'effectue l'administration de ces arrangements bilatéraux, mentionnons que les articles de textile et d'habillement sont placés sur la liste de marchandises d'importation contrôlée en vertu de l'alinéa 5. c) de la Loi.

Le 12 octobre 1982, le gouvernement a invoqué les clauses de consultation contenues dans les arrangements bilatéraux conclus avec Hong Kong, la Corée, la Chine, et la Fédération taïwanaise du textile, parce que les importations d'un certain nombre d'articles d'habillement avaient augmenté de façon considérable en 1982, et que cette augmentation comportait des incidences sérieuses pour l'industrie canadienne du vêtement. Le Canada a donc cherché, par voie de négociation, à abaisser les contingents d'importation attribués pour certains articles d'habillement en 1983. Les consultations devaient avoir lieu en décembre 1982 ainsi qu'en janvier et février 1983.

Par décret ministériel en date du 28 mai 1982, toutes les licences générales d'importation de textiles, de vêtements, de gants de travail et de sacs à main ont été modifiées, à compter du 23 juin 1983, en y ajoutant les mots "sauf l'Argentine" après les mots "d'importer au Canada d'un autre pays" ou "importer au Canada de tout pays".

Par décret du conseil C.P. 1982-379, la liste de marchandises d'importation contrôlée a été modifiée de la façon suivante à compter du 11 février 1982:

1. Les articles 11.1, 13, 13.1, 15, 16, 16.1 et 17 ont été renumérotés respectivement articles 12, 14, 15, 17, 18, 19 et 20.

2. L'article 18 a été renuméroté article 22.
3. Les articles 19, 20, 21 et 22 ont été renumérotés respectivement articles 24, 25, 26 et 27.
4. Les articles 23 et 24 ont été renumérotés respectivement articles 29 et 30.
5. L'article 24.1 a été abrogé.
6. Les articles 25, 25.1 et 26 ont été renumérotés respectivement articles 31, 31.1 et 32.
7. L'article 27 a été renuméroté article 32.1.
8. Les articles 28 à 46 ont été renumérotés respectivement articles 34 à 52.
9. L'article 47 a été renuméroté article 57.
10. Les articles 49 à 55 ont été renumérotés respectivement articles 59 à 65.

Par décret du conseil C.P. 1982-380, en date du 22 février 1982, la liste de marchandises d'importation contrôlée a été modifiée de la façon suivante à compter du 12 février 1982:

1. L'article 14 a été abrogé.
2. L'article 22 a été abrogé et remplacé par ce qui suit:
"22. Tissus de polyester suivants:
 - a) tissus de filaments de polyester à trame large;
 - b) tissus de polyester et de coton à trame large, composés à 50 pour cent ou plus en poids de fibres de polyester, en provenance de Hong Kong, de la République de Corée ou de Taïwan; ou
 - c) tissus de polyester à trame large non compris aux alinéas a) ou b), en provenance de la République de Corée ou de Taïwan."

3. Les articles 24 à 27 ont été abrogés et remplacés par ce qui suit:

- "24. Tout genre de filés acryliques pour tricot à la machine et à la main contenant en poids 50 pour cent ou plus de fibres acryliques, à l'exception des filés fabriqués entièrement de fibres dont la longueur ne dépasse pas 6,35 cm.
25. Tissus de laine suivants:
- a) tissus de laine peignée contenant en poids au moins 17 pour cent de laine, provenant d'un pays autre que la France, l'Italie, le Japon, les Pays-Bas, la Suisse, le Royaume-Uni, les États-Unis ou l'Allemagne de l'Ouest;
 - b) tissus de laine, dont le poids est de 252 g ou moins la verge carrée, en provenance de Taïwan; ou
 - c) la laine et les mélanges de laine non compris aux alinéas a) ou b), en provenance de la République de Corée.
26. Tissus de nylon à trame large, en provenance de Hong Kong, de la Pologne, de la Roumanie, de la République de Corée ou de Taïwan.
27. Tissus de polyester suivants:
- a) filés texturés à filaments, en provenance de la République de Corée ou de Taïwan;
 - b) filés fabriqués de fibres de filaments de polyester à 100 pour cent, en provenance de Hong Kong; ou
 - c) tous les genres de filés de polyester, autres que les filés texturés à filaments, en provenance de la République de Corée ou de Taïwan."

4. L'article 29 a été abrogé et remplacé par ce qui suit:

"29. (1) Serviettes, débarbouillettes de coton-éponge et ensembles de serviettes et de débarbouillettes de coton-éponge contenant en poids 50 pour cent ou plus de coton, en provenance de la République populaire de Chine, de la Tchécoslovaquie, de Hong Kong, de l'Inde, du Pakistan, de la Pologne, de la République de Corée ou de Taïwan.

(2) Serviettes de coton, autre que des serviettes de coton-éponge, en provenance de Hong Kong, de la Pologne, de la République de Corée ou de Taïwan.

(3) Serviettes, autres que celle visées aux paragraphes (1) et (2), en provenance de la Pologne, de la République de Corée ou de Taïwan.

5. Les articles 31 à 32.1 ont été abrogés et remplacés par ce qui suit:

"31. Gants de travail, entièrement ou partiellement finis, faits en entier ou en grande partie de textiles imprégnés ou enduits, ou de cuir.

32. Vêtements de dessus d'hiver entièrement ou partiellement fabriqués, doublés et munis d'une enveloppe extérieure fabriquée principalement de tissés, conçus pour protéger le porteur contre le froid et les intempéries, et communément appelés

a) costumes pour la neige, costumes pour motoneige, costumes de ski, pantalons de ski et pantalons pour la neige; et

b) coupe-vent et vestons, y compris les parkas, les vestons de ski et autres vêtements du genre coupe-vent."

6. L'article 34 a été abrogé et remplacé par ce qui suit:

"34. Bas."

7. Les articles 35 et 36 ont été abrogés.
8. L'article 37 a été abrogé et remplacé par ce qui suit:
"37. Pantalons, pantalons d'intérieur, jeans, salopettes, combinaisons de travail et shorts d'extérieur, fabriqués en entier ou en partie."
9. L'article 38 a été abrogé.
10. Les articles 39 à 47 ont été abrogés et remplacés par ce qui suit:
"39. Blouses et chemises, y compris les chemises avec col autre qu'un col tailleur, les tee-shirts et blousons d'entraînement, fabriqués en entier ou en partie.
40. Vêtements de nuit et de bain, fabriqués en entier ou en partie.
41. Vêtements de sport, y compris les robes, jupes, ensembles ou coordonnés, fabriqués en entier ou en partie.
42. Vêtements de sport, y compris les robes, jupes, ensembles ou coordonnés, fabriqués en entier ou en partie.
43. Vêtements de soutien, fabriqués en entier ou en partie.
44. Costumes de bain, fabriqués en entier ou en partie.
45. Sous-vêtements, fabriqués en entier ou en partie.
46. Vestes, pardessus, paletots et tabliers-blouses longs ou courts, fabriqués en entier ou en partie.
47. Habits de qualité, vestons sport et blazers pour hommes et garçons, fabriqués en entier ou en partie."
11. L'article 48 a été abrogé.
12. Les articles 49 à 52 ont été abrogés et remplacés par ce qui suit:
"49. Chemises avec col tailleur pour hommes et garçons, fabriquées en entier ou en partie.
50. Chandails, pullovers et cardigans, fabriqués en entier ou en partie."

51. Draps tissés, faits entièrement ou principalement, en poids, de coton, de fibres synthétiques ou d'un mélange de fibres synthétiques, provenant de la République de Corée, de Taïwan, de la Pologne, de la République populaire de Chine ou de Hong Kong.
52. (1) Taies d'oreillers tissées, faites entièrement ou principalement en poids, de coton, provenant de la Pologne, de la République de Corée, de Taïwan, de Hong Kong ou de la République populaire de Chine.
- (2) Taies d'oreillers tissées, faites entièrement ou principalement en poids, de fibres synthétiques ou d'un mélange de ces fibres, provenant de la République de Corée, de Taïwan, de Hong Kong ou de la République populaire de Chine."
13. L'article 58 a été abrogé et remplacé par ce qui suit:
- "58. Sacs à main faits de tissus non enduits, enduits ou laminés, contenant des fibres naturelle ou synthétiques ou un mélange de ces fibres, et dont la surface de profil, à l'exception des poignées, est de 258 cm² à 1 226 cm², dans la fabrication desquels le cuir et des matières plastiques peuvent être employés comme ornements ou finition mais non comme composante principale du sac."
14. Les articles 60 à 65 ont été abrogés et remplacés par ce qui suit:
- "60. Filés de rayonne, de nylon et de fibres mixtes, contenant
- a) tout genre de filés de rayonne, en provenance de la République de Corée;
 - b) tout genre de filés de nylon, en provenance de la République de Corée ou de Taïwan;
 - c) tout genre de filés de polyester et de coton, en provenance de Hong Kong ou de Taïwan; ou
 - d) tout genre de filés de fibres mixtes ou mélangées, en provenance de Taïwan.

61. Tissus de coton à trame large suivants:
- a) toiles lourdes et autres, tissus de coutil, sergé ou satin en chaîne, en provenance de Hong Kong;
 - b) tissus pour literie, écrus, blanchis ou colorés, en provenance de Hong Kong ou de la République de Corée;
 - c) tissus imprimés, écrus, blanchis ou colorés, en provenance de Hong Kong;
 - d) tissus imprimés et tissus pour literie écrus, en provenance de Taïwan;
 - e) flanelle peluchée, écrue, blanchie ou colorée, en provenance de Hong Kong, de la Pologne ou de Taïwan;
 - f) croisés de coton, en provenance de Hong Kong, de la République populaire de Chine, de la Pologne et de la République de Corée;
 - g) velours côtelés, écrus ou blanchis, en provenance de Hong Kong, de la République populaire de Chine, de la Pologne ou de la République de Corée ou de Taïwan;
 - h) velours côtelés colorés, en provenance de Hong Kong, de la République populaire de Chine, de la Pologne ou de la République de Corée;
 - i) coton-éponge, écru, blanchi ou coloré, en provenance de la République de Corée;
 - j) coton-éponge coloré, en provenance de la Pologne;
 - k) tissus à poils écrus, blanchis ou colorés, en provenance de Hong Kong, de la Pologne ou de la République de Corée; ou
 - l) tissus de coton non visés aux alinéas a) à c), e) à h), j) et k) en provenance de Hong Kong ou de la Pologne.

62. Tissus suivants:
- a) tissus de rayonne à trame large, en provenance de la Pologne ou de la République de Corée;
 - b) tissus de fibres mixtes à trame large, provenant de la Pologne;
 - c) tissus de rayonne et de polyester à trame large, provenant de la République de Corée;
 - d) tissus faits d'un mélange de rayonne, provenant de la Pologne ou de la République de Corée; ou
 - e) tissus à trame large non visés aux alinéas a) à d), provenant de la Pologne ou de la République de Corée.
63. Tissus enduits de vinyle ou de polyuréthane, provenant de la République de Corée ou de Taïwan.
64. Textiles de maison suivants:
- a) couvertures de coton, en provenance de la République populaire de Chine;
 - b) couvertures de fibres synthétiques ou d'un mélange de ces fibres, provenant de la Pologne;
 - c) nappes provenant de la Pologne; ou
 - d) dessus-de-lits, en provenance de la Pologne.
65. (1) Tous genres de cordage, cordes et ficelles, en provenance de Taïwan.
- (2) Tous genres de cordage, cordes et ficelles, sauf la corde de chanvre de Manille, la ficelle d'emballage ou d'engergage, en provenance de la République de Corée."

Ces modifications ont été apportées afin d'inclure les changements intervenus dans les ententes bilatérales visant à limiter l'importation de certains textiles et vêtements.

Par un décret ministériel en date du 4 février 1982, les Licences générales d'importation n^{os} 4, 10, 12, 13, 14, 15, 20, 21, 24, 25, 35, 36, 51, 52 et 58 concernant les textiles, les vêtements, les gants de travail et les sacs

à main ont été remplacées, à compter du 11 février 1982, par les Licences générales d'importation n^{os} 4, 10, 11 et 12.

En vertu de la Licence générale d'importation n^o 4, il est permis d'importer au Canada des produits textiles visés aux articles 15, 22, 24, 25, 26, 27, 29, 34, 51, 52, 60, 61, 62, 63, 64 et 65 de la liste de marchandises d'importation contrôlée,

- i) si ces marchandises sont importées par un résident du Canada pour son usage personnel ou à titre de cadeau et que la valeur imposable de chaque importation, établie selon la Loi sur les douanes, ne dépasse pas \$500; ou
- ii) s'il s'agit d'échantillons commerciaux authentiques qui ne sont pas destinés à être vendus au Canada et que la valeur imposable de chaque importation, établie selon la Loi sur les douanes, ne dépasse pas \$500.

En vertu de la Licence générale d'importation n^o 10, il est permis d'importer au Canada les articles d'habillement visés aux articles 32, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49 et 50 de la liste de marchandises d'importation contrôlée, à condition

- i) que la valeur imposable de chaque importation, établie selon la Loi sur les douanes, ne dépasse pas \$500; ou
- ii) dans les cas où la valeur imposable des marchandises à importer, établie selon la Loi sur les douanes, dépasse \$500, que le nombre d'unités de marchandises n'excède pas 12 par importation.

En vertu de la Licence générale d'importation n^o 11, il est permis d'importer au Canada les gants de travail visés à l'article 31 de la liste de marchandises d'importation contrôlée.

- i) si ces gants sont importés par un résident du Canada pour son usage personnel ou à titre de cadeau et que le nombre de paires par importation ne dépasse pas 12; ou
- ii) s'il s'agit d'échantillons commerciaux authentiques qui ne sont pas destinés à être vendus au Canada et que le nombre de paires par importation ne dépasse pas 144.

En vertu de la Licence générale d'importation n° 12, il est permis d'importer au Canada les sacs à main visés à l'article 58 de la liste de marchandises d'importation contrôlée,

- i) si ces marchandises sont importées par un résident du Canada pour son usage personnel ou à titre de cadeau et que la valeur imposable de chaque importation, établie selon la Loi sur les douanes, ne dépasse pas \$500; ou
- ii) s'il s'agit d'échantillons commerciaux authentiques qui ne sont pas destinés à être vendus au Canada et que la valeur imposable de chaque importation, établie selon la Loi sur les douanes, ne dépasse pas \$500.

Par décret du conseil C.P. 1982-2008, en date du 8 juillet 1982, l'article 66 de la liste de marchandises d'importation contrôlée a été abrogé afin de supprimer, à compter du 9 juillet 1982, le contrôle des importations de marchandises en provenance de l'Argentine.

Par décret du conseil C.P. 1982-2473, en date du 18 août 1982, l'article de la version française de la liste de marchandises d'importation contrôlée a été abrogé et remplacé, à compter du 19 août 1982, par texte qui suit:

- "31. Gants de travail, entièrement ou partiellement finis, faits en entier ou en grande partie de textiles, pouvant ou non être imprégnés ou enduits, ou faits de cuir".

Cette modification visait à clarifier la version française en ce qui concerne le contrôle des gants de travail faits de textiles non imprégnés ou enduits.

a) Chaussures

A la suite d'une enquête effectuée par le Tribunal antidumping aux termes du paragraphe 16.1 de la Loi antidumping, qui a déterminé que les importations de chaussures portaient ou menaçaient de porter un préjudice sérieux aux producteurs canadiens de marchandises similaires, le gouvernement a annoncé l'imposition, à compter du 1^{er} décembre 1977, d'un contingent d'importation pour les chaussures de toute provenance. Ce contingent global ne s'appliquait pas aux chaussures en caoutchouc ou en toile, aux bottes de ski alpin ainsi qu'aux chaussures en plastique et à l'épreuve de l'eau. En juin 1980, le gouvernement a annoncé que le contingent global était prolongé jusqu'au 30 novembre 1981, afin de permettre au Tribunal antidumping de mener à bien une enquête sur la nécessité de poursuivre les mesures de protection spéciales au-delà de la date d'expiration.

Après que le Tribunal eut déposé son rapport, en 1981, le gouvernement a annoncé, le 24 novembre 1981, la prolongation pour une période de trois ans du contingentement global des importations de chaussures autres qu'en cuir, de même que le contingentement des chaussures en toile, à compter du 1^{er} décembre 1981. Cependant, les chaussures en cuir, protégées par des contingents auparavant, étaient exclues cette fois.

Le 9 juillet 1982, le gouvernement a annoncé qu'à compter de cette date les importations de chaussures en cuir seraient contrôlées de nouveau, par suite du rapport déposé par le Tribunal antidumping en 1981.

Les contingents d'importation de chaussures en cuir et autres qu'en cuir sont en place jusqu'au 30 novembre 1984. Les contingents de chaussures en cuir ont été fixés à 3,4 millions de paires pour la période allant du 9 juillet 1982 au 30 novembre 1982, à 11,4 millions de paires pour la période allant du 1^{er} décembre 1982 au 30 novembre 1983 et à 11,7 millions de paires pour la période allant du 1^{er} décembre 1983 au 30 novembre 1984. Les nouveaux contingents de chaussures autres qu'en cuir sont de 34,1 millions de paires pour la période allant du 1^{er} décembre 1981 au 30 novembre 1982, de 35,1 millions de paires pour la période allant du 1^{er} décembre 1982 au 30 novembre 1983 et de 36,2 millions de paires pour la période allant du 1^{er} décembre 1982 au 30 novembre 1984.

Par décret du conseil C.P. 1982-2081, en date du 9 juillet 1982, l'article 67 (chaussures en cuir) a été ajouté à la liste de marchandises d'importation contrôlée. En outre, ce décret abrogeait l'article 57 de la liste de marchandises d'importation contrôlée pour donner une nouvelle description de l'article, chaussures autres qu'en cuir afin de refléter les nouveaux contingents et le fait que plusieurs catégories spécialisées qui avaient été exclues de la liste de marchandises d'importation contrôlée faisaient maintenant l'objet d'une surveillance.

d) Espèces menacées d'extinction

Le 2 janvier 1974, le Canada a signé la Convention sur le commerce international des espèces de faune et de flore sauvage menacées d'extinction. En la ratifiant le 10 avril 1975, le Canada devenait partie à cette convention.

A compter du 14 octobre 1982, le Canada a retiré les réserves qu'il maintenait à l'endroit de treize espèces fauniques, de façon à ce que l'importation au Canada ou l'exportation vers d'autres pays de ces espèces, de morceaux ou de produits qui en sont dérivés, soient visées par la Convention. Afin d'effectuer ce changement, le Canada a modifié les listes de marchandises d'importation et d'exportation contrôlées, en vertu des alinéas 3. b) et 5. c) de la Loi.

Les annexes I, II et III de la liste de marchandises d'exportation contrôlée (C.R.C., c.601) ont été abrogées par le décret du conseil C.P. 1982-3139 et remplacées par de nouvelles annexes. Les annexes I, II et III de la liste de marchandises d'importation contrôlée ont aussi été abrogées par un décret du conseil (C.P. 1982-3140), également en date du 14 octobre 1982, et remplacées par de nouvelles annexes.

Délivrance de licences d'importation

L'article 14 de la Loi stipule que:

"Nul ne doit importer ou tenter d'importer des marchandises mentionnées sur une liste de marchandises d'importation contrôlée, si ce n'est sous l'autorité et en conformité d'une licence d'importation délivrée selon la présente loi."

L'article 8 de la Loi prévoit que:

"Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'importer des marchandises comprises dans une liste de marchandises d'importation contrôlée, en la quantité et de la qualité, par les personnes, des endroits ou des personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements."

L'article 12 de la Loi autorise d'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent les licences, la procédure à suivre pour la demande et la délivrance de licences ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

L'article 5 du Règlement concernant les licences d'importation (C.R.C., c.605) prévoit la délivrance de licences générales autorisant l'importation de certains produits sous réserve de certaines limites et conditions.

Voici un résumé statistique des demandes de licence d'importation traitées au cours de 1982.

| | |
|--|---------|
| Licences d'importation délivrées | 120 569 |
| Demandes rejetées | 2 199 |
| Licences annulées..... | 4 463 |

Toutes les demandes de licence requises pour les espèces figurant à l'annexe I de la liste de marchandises d'importation contrôlée ont été traitées par le Services canadien de la faune. Les licences d'importation suivantes ont été traitées conformément à la Licence générale d'importation n° 17 du 21 septembre 1976:

| | |
|-------------------------|----|
| Demandes acceptées..... | 52 |
| Demandes refusées..... | 19 |
| Demandes retirées..... | 3 |

En 1982, vingt-deux demandes de licence pour animaux vivants et vingt et une (une retirée) demandes de licence pour parties d'animaux ou produits dérivés ont été reçues et acceptées par le Service canadien de la faune. La plupart de ces licences ont été délivrées à des cirques ambulants.

Délivrance de certificats

L'article 9 de la Loi stipule que:

"Le Ministre peut, afin de faciliter l'importation de marchandises au Canada et l'observation de lois du pays d'exportation, délivrer, à tout résident du Canada qui en fait la demande, un certificat d'importation énonçant que l'auteur de la demande s'est engagé à importer les marchandises décrites au certificat dans le délai y spécifié et renfermant les autres renseignements qu'exigent les règlements."

Les Règlements concernant les certificats d'importation (C.R.C., c. 603) prévoient la délivrance des certificats requis par le pays d'exportation avant que ce dernier n'autorise l'exportation de marchandises au Canada. Ils prévoient également la délivrance de certificats de vérification de livraison, de façon à ce que les marchandises satisfassent aux exigences. Le but de ces règlements est d'empêcher le détournement en cours de route ou le transbordement non autorisé des marchandises.

Voici le résumé statistique des certificats traités au cours de 1982.

Certificats d'importation délivrés898
Certificats de vérification de livraison délivrés ..353

2. Contrôle des exportations

L'article 3 de la Loi prévoit que le gouverneur en conseil peut établir une liste de marchandises, appelée "liste de marchandises d'exportation contrôlée (L.E.C.), comprenant

tout article dont, à son avis, il est nécessaire de contrôler l'exportation pour l'une quelconque des fins suivantes, à savoir:

- a) pour des raisons de sécurité nationale;
- b) pour favoriser le traitement supplémentaire des ressources naturelles;
- c) pour limiter les exportations de matières premières ou transformées d'origine canadienne, ou en conserver le contrôle lorsqu'il y a surproduction et chute des cours et qu'il ne s'agit pas d'un produit agricole;
- d) pour mettre en oeuvre un arrangement ou un engagement intergouvernemental; ou
- e) pour assurer une distribution et un approvisionnement suffisants.

Les groupes 1 et 2 de la liste visent les produits agricoles et forestiers.

Le 1^{er} octobre 1982, l'article 1021, boeuf et veau, a été ajouté à la liste de marchandises d'exportation contrôlée par le décret du conseil C.P. 1982-3079, afin de mettre en oeuvre l'arrangement conclu avec les États-Unis d'Amérique. Le décret ministériel DORS/82-906 a établi la Licence d'exportation de boeuf et de veau (Licence générale d'exportation n° Ex. 13) autorisant l'exportation d'un maximum de 9 kg de boeuf et de veau à l'usage personnel de l'exportateur et de sa maisonnée.

La Licence générale d'exportation, C.R.C., c. 610, (Licence générale d'exportation n° Ex. 2) autorise l'exportation de certaines marchandises civiles énumérées à l'annexe de la licence, qui sont réputées ne pas nécessiter de contrôle sur

base individuelle. Le décret ministériel DORS/82-128, en date du 28 juin 1982, a modifié la Licence générale d'exportation à compter du 14 juillet 1982, de façon à changer le titre abrégé et à clarifier l'objet de la licence.

Délivrance de licences d'exportation

Aux termes de l'article 13 de la Loi:

"Nul ne doit exporter ou tenter d'exporter des marchandises comprises dans une liste de marchandises d'exportation contrôlée, ni des marchandises vers un pays dont le nom paraît sur une liste de pays visés par contrôle, si ce n'est sous l'autorité et en conformité d'une licence d'exportation délivrée selon la présente loi."

Une licence d'exportation est nécessaire pour qu'un article figurant sur la liste de marchandises d'exportation contrôlée puisse être exporté vers quelque destination que ce soit, à l'exception, dans la plupart des cas, des États-Unis. Cependant, il faut une licence d'exportation pour expédier à l'étranger, y compris aux États-Unis, douze articles énumérés sur la liste: 1001 - glandes pancréatiques de bovins et de veaux; 1011 - espèces menacées d'extinction (annexes I ou II); 2001 - billes de bois (de toutes essences); 2002 - bois à pâte (de toutes essences); 5665 - déchets de fer et d'acier; 5667 - pièces de monnaie canadienne d'un cent en bronze; 8001 - matières de base (fertiles) et matières fissibles; 8005 - deutérium; 8039 - tritium; 8050 - matières radioactives; 8136 - réacteurs nucléaires; 10011 - sérum-albumine.

La réexportation de tous les produits provenant des États-Unis nécessite une licence, sauf dans le cas des marchandises qui ont fait l'objet de transformation ou de fabrication complémentaire hors des États-Unis, en étant combinées à d'autres produits ou autrement, de façon à en modifier sensiblement la valeur, la forme et l'usage ou à produire de nouvelles marchandises, à moins que les marchandises à exporter ne soient énumérées dans un autre groupe sur la liste de marchandises d'exportation contrôlée.

La réexportation de tous les produits d'origine étrangère nécessite une licence, quelle que soit la destination des marchandises, à l'exception, dans la plupart des cas, des États-Unis, lorsque ces marchandises font partie de la liste de marchandises d'exportation contrôlée. Les marchandises en transit douanier au Canada, qui sont accompagnées d'un connaissement ou d'autres documents indiquant avec précision leur destination finale, sont exemptées de la licence d'exportation.

L'article 7 de la Loi prévoit que:

"Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'exporter des marchandises comprises dans une liste de marchandises d'exportation contrôlée ou à un pays nommé dans une liste de pays visés par contrôle, en la quantité et de la qualité, par les personnes, aux endroits ou personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent les licences, la procédure à suivre

pour la demande et la délivrance des licences, ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

L'article 6 du Règlement sur les licences d'exportation (C.R.C., c.602) prévoit la délivrance de licences générales autorisant l'exportation de certains produits désignés vers toutes les destinations ou vers des destinations précises.

Les Règlements visant le transbordement (C.R.C., c.606) permettent au Canada de collaborer au maintien d'un régime convenu entre divers pays, en vue d'empêcher le détournement en cours de route de produits de nature stratégique.

Le résumé statistique suivant porte sur les demandes de licence d'exportation traitées au cours de l'année 1982, relativement à la liste de marchandises d'exportation contrôlée et à la liste de pays visés par contrôle:

| | |
|---|-------|
| Licences d'exportation délivrées | 5 168 |
| Demandes rejetées | 25 |
| Demandes retirées | 139 |
| Licences d'exportation annulées | 9 |
| Demandes en suspens au 31 décembre 1982 | 107 |

En outre, les demandes de licence requises pour des espèces incluses aux annexes I, II et III de la liste de marchandises d'exportation contrôlée ont été traitées par le Service canadien de la faune. Les licences d'exportation suivantes ont été traitées conformément à la Licence générale d'exportation n° Ex. 14, en date du 21 septembre 1976:

| | |
|---------------------------|-----|
| Demandes autorisées | 269 |
| Demandes refusées | 1 |
| Demandes retirées | 2 |

3. Infractions

L'article 19 de la Loi prévoit que:

- "(1) Quiconque viole l'une des dispositions de la présente loi ou des règlements est coupable d'une infraction et passible
- a) sur déclaration sommaire de culpabilité, d'une amende d'au plus cinq mille dollars ou d'un emprisonnement d'au plus douze mois ou à la fois de l'amende et de l'emprisonnement; ou
 - b) après déclaration de culpabilité sur acte d'accusation, d'une amende d'au plus vingt-cinq mille dollars ou d'un emprisonnement d'au plus cinq ans, ou à la fois de l'amende et de l'emprisonnement.
- (2) Des poursuites en vertu de l'alinéa a) du paragraphe (1) peuvent être intentées en tout temps dans les trois ans du moment où le sujet de la plainte a pris naissance."

L'article 24 de la Loi délègue la responsabilité de l'application de ladite loi à tous les préposés tels que les définit la Loi sur les douanes. Cent quarante-cinq infractions présumées ont fait l'objet d'enquêtes qui sont terminées ou en cours; quarante accusations ont été portées, entraînant trente-cinq condamnations et des amendes totalisant 44 534,29 \$. Trois accusations ont été retirées. Au 31 décembre 1982, onze causes étaient pendantes.

REPORT OF THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS
respecting operations under the
EXPORT AND IMPORT PERMITS ACT
for the year 1983

TABLED 11/10/85
SESSIONAL PAPER No. 331-1/137A

This Report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-17 of the 1970 Revised Statutes of Canada, as amended, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

INTRODUCTION

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.

In terms of its organization, the Act provides that the Governor in Council may establish a series of 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 Secretary of State for External Affairs the authority to grant or deny requests for these permits and thus confers on him broad powers to control the flow of the goods contained on these lists. The operations carried out under the Act can be grouped under the following headings:

1. Import Controls
 - (a) Agricultural Products
 - (b) Textiles and Clothing
 - (c) Footwear
 - (d) Endangered Species

2. Export Controls

3. Violations

1. Import Controls

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

- to ensure adequate supply and distribution of an article that is scarce on world markets or is subject to control in the country of export;
- to implement any action taken under the Farm Products Marketing Agencies Act;
- to support any action taken under the Meat Import Act;
- to implement any action taken under a number of named acts; e.g., the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Canadian Dairy Commission Act, to support the price of the article;
- to implement an intergovernmental arrangement or commitment;
- to limit, pursuant to an enquiry by the Textile and Clothing Board or the Anti-dumping Tribunal, the importation of goods causing or threatening to cause serious injury to domestic producers.

(a) Agriculture

The following agricultural products were contained on the ICL in 1983 and subject to control for the following reasons:

i) to restrict for the purpose of supporting any action under the Farm Products Marketing Act, the importation in any form of a like article to one produced in Canada, the quantities of which are fixed or determined under that Act:

- Turkey, turkey parts and products manufactured wholly thereof;
- Eggs and egg products;
- Chicken and chicken capons, live or eviscerated, chicken parts whether breaded or battered;

ii) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article:

- Animal feeds containing more than 50% non-fat milk solids (Canadian Dairy Commission Act);
- Butter (Canadian Dairy Commission Act);
- Butter fat in any form either alone or in combination with other substances (Agricultural Stabilization Act);
- Cheese of all types other than imitation cheese (Agricultural Stabilization Act);
- Dry buttermilk (Canadian Dairy Commission Act);
- Dry casein and caseinates (Agricultural Stabilization Act);
- Dry skimmed milk (Agricultural Stabilization Act);

- Dry whole milk (Canadian Dairy Commission Act);
- Evaporated and condensed milk (Canadian Dairy Commission Act);
- Beef and veal in fresh, chilled and frozen form except offal (Agricultural Stabilization Act); and

iii) to implement an intergovernmental arrangement or commitment:

- Coffee in any form (International Coffee Agreement);
- Sugar, in any of its recognized commercial forms, derived from sugar cane or sugar beet ... (International Sugar Agreement);
- Endangered Species (Convention on International Trade in Endangered Species);
- Raccoon Dogs (Bilateral Arrangement with the U.S.A.).

As regards agricultural products, the following amendments and/or additions were made to the ICL during 1983:

Eggs

Eggs were placed on the Import Control List on May 9, 1974, under the authority of Section 5(a.1) of the Act. The global shell egg import quota for 1983 was 207,094 boxes of 15 dozen, representing 0.675% of the previous year's domestic production. The quotas for egg powder, and liquid or frozen eggs, were 419,493 kg and 1,131,668 kg respectively.

Chicken

Chicken was placed on the Import Control List on January 15, 1979 under Order in Council P.C. 1979-13 to support action taken under the Farm Products Marketing Agencies Act. The global import quota for 1983 was 25,034,688 kg expressed as eviscerated weight.

The quota level is set at 6.3% of the previous year's domestic production. While the quota is finite, provision is made to issue import permits for chicken supplementary to the quota to meet overall Canadian market needs.

Turkey

Turkey was placed on the Import Control List by Order in Council P.C. 1974-1086 of May 8, 1974 under the provisions of Section 5(a.1) of the Act. The global import quota for 1983 was 1,868,820 kg eviscerated equivalent. The quota is set annually at the equivalent of 2% of domestic production. While the quota is finite, provision is made for the issuance of import permits for turkey supplementary to the quota to meet overall Canadian market needs.

Beef and Veal:

Item 20 (Beef and Veal) was removed from the ICL effective January 1, 1983 by Order in Council P.C. 1982-4013 of December 23, 1982, and G.I.P. No. 9 was revoked by Ministerial Order SI/83-41 of February 23, 1983.

Subsequently on August 22, 1983 Item 20 was reinstated by Order in Council P.C. 1983-2577 to implement an agreement concluded between Canada and the United States limiting the beef and veal trade between the two countries for the remainder of 1983. Import Permits were required for imports of beef and veal from all other sources for monitoring purposes.

Coffee

Coffee was placed on the ICL on October 1, 1976 to give effect to Canada's obligations as a member of the International Coffee Agreement. The controls are used to

ensure that shipments are accompanied by the required certificates of the International Coffee Organization (ICO) (these are used to provide statistical data on the movement of the commodity), and to ensure that imports of coffee from countries not members of the ICO do not exceed the import quota which is assigned to Canada by the ICO for non-member coffee. For the coffee year starting October 1, 1982 to September 30, 1983, the non-member quota was 108,300 kg of green coffee. The quota remained the same for the 1983-84 coffee year.

Sugar

Sugar was placed on the ICL on April 17, 1978 to give effect to Canada's obligations as a member of the International Sugar Organization (ISO). The controls are used to ensure that shipments of sugar imported into Canada are accompanied by the required Certificates of Contribution of the ISO (these are used to provide statistical data on the movement of the commodity, as well as to ensure that all imports of sugar have been subjected to payment of contribution to the ISO's Sugar Stock Financing Fund). The import quota for non-member sugar assigned to Canada by the ISO amounted to 90 tonnes for the calendar year 1983.

Cheese

Under the authority of Section 5(1) of the Export and Import Permits Act, "cheese of all types other than imitation cheese" was placed on the Import Control List for the implementation of an action taken under the Agricultural Stabilization Act to support the price of cheese of all types except imitations.

The annual global cheese import quota for the year 1983 amounted to 45,000,000 lbs or 20,411,866 kg which 60% of this quota was allocated to cheese importers from the ten (10) member-states of the EEC. The remaining 40% was allocated to cheese importers from non-EEC sources.

(b) Textiles and Clothing

On August 19, 1980 the Government released a report of the Textile and Clothing Board (TCB), following the Board's inquiry into the situation of the textile and clothing industries in Canada. A main theme of this Report related to the need to create an environment more conducive to generating the capital investment necessary for further development of a competitive textile and clothing industry. The TCB, therefore, recommended the continuation of special measures of protection for the textile and clothing industry beyond December 31, 1981; the date on which most of the existing bilateral restraint arrangements were due to expire.

On June 19, 1981, following an extensive review of the industry and bearing in mind the recommendations of the Textile and Clothing Board, the Government announced its policy for the textile and clothing sectors for the post-1981 period. The approach adopted by Canada is based on the complementary elements of industrial adjustment and development and trade policy. It seeks to establish viable and competitive Canadian textile and clothing firms as well as to revitalize the economies of those communities most vulnerable to foreign competition in these sectors. To achieve these objectives, the new sectoral policy includes measures such as the allocation of more than \$250 million over five years for a new adjustment program, the formation of the Canadian Industrial Renewal Board to manage the adjustment program, and the negotiation of restraint arrangements with exporting countries to limit imports of textiles and clothing during the five-year adjustment period.

The new policy continues the adjustment direction set by the Textile Policy of 1970. While the Government does not favour special measures of protection on a permanent

basis, it recognizes that the Canadian textile and clothing industries will require some degree of protection during the adjustment period to permit the industry to restructure toward more viable lines of production. Officials, therefore, were instructed to pursue negotiations with 17 exporting countries based on the framework established by the 1979 bilateral arrangements, with a view to concluding restraint arrangements for the period 1982-1986. The Government also renewed its commitment to take prompt action where there is evidence of new sources of market disruption with respect to any low-cost textile and clothing imports.

In 1983, four-year bilateral restraint arrangements were negotiated with Brazil and Sri Lanka bringing the total number of long-term textile and clothing restraint arrangements to 19. In addition, an interim arrangement to the end of 1983 was negotiated with Indonesia and new products were included in existing restraint arrangements with Hong Kong, Malaysia, the Philippines, Singapore, and Thailand. The Government also attempted, unsuccessfully, to negotiate "rollbacks" in clothing restraints, a more controlled flow of imports, and reduced flexibility provisions in existing arrangements with the four major clothing suppliers (i.e. Korea, Hong Kong, Taiwan, China). All arrangements were negotiated under the GATT Arrangement Regarding International Trade in Textiles (commonly known as the Multi-Fiber Agreement - MFA). The MFA provides the international legal framework for the negotiation of bilateral textile restraint arrangements. On July 12, 1982 Canada formally ratified the Protocol extending the MFA to July 31, 1986. In terms of the domestic legal framework for administration of bilateral restraint arrangements, textile and clothing items are placed on the ICL under the authority of Section 5(c) of the Act ("to implement an intergovernmental arrangement or commitment").

Order in Council P.C. 1983-762, effective March 21, 1983, amended items 29 and 64 of the Import Control List to read as follows:

- "29.(1) Cotton terry towels, washcloths and sets of cotton terry towels and washcloths that contain 50 per cent or more by weight of cotton, originating in People's Republic of China, Czechoslovakia, Hong Kong, India, Pakistan, Poland, the Republic of Korea or Taiwan.
- (2) Cotton towels, other than cotton terry towels, originating in Hong Kong, Poland, the Republic of Korea or Taiwan.
- (3) Towels, other than towels referred to in subitems (1) and (2), originating in Poland, the Republic of Korea or Taiwan.
- (4) Cotton terry bathmats originating in Poland.
64. Household textiles that are
- (a) blankets of cotton, originating in the People's Republic of China;
 - (b) blankets of man-made fibres or blends thereof, originating in Poland;
 - (c) tablecloths, originating in Poland;
 - (d) bedspreads, originating in Poland; or
 - (e) bedding, originating in Taiwan."

Order in Council P.C. 1983-763, effective March 21, 1983, revoked item numbers 24 and 25 of the Import Control List and replaced them with the following:

- "24. All types of acrylic yarns containing 50 per cent or more by weight of acrylic fibres."
- "25. Wool fabrics, woven, containing 17 per cent or more by weight of wool."

(c) Footwear

Following an enquiry by the Anti-dumping Tribunal under Section 16.1 of the Anti-dumping Act, it was found that imports of footwear were causing or threatening to cause injury to Canadian producers of like goods, the Government announced, effective December 1, 1977, the imposition of a quota on imports of footwear from all sources. The coverage of this global quota excluded rubber and canvas footwear and downhill ski boots, as well as plastic and waterproof footwear. In June 1980, the Government announced the extension of the quota to November 30, 1981 to enable the Anti-dumping Tribunal to carry out an enquiry into the need for continued special measures of protection.

Pursuant to the 1981 report of the Tribunal, the Government, on November 24, 1981, announced the extension for three years of the global quota on imports of non-leather footwear, along with the addition of canvas footwear effective December 1, 1981. Leather footwear, which had been covered by previous footwear quota, was at that time excluded from quota coverage.

On July 9, 1982, the government announced that, effective that date, imports of leather footwear were once again under control, pursuant to the 1981 report of the Anti-dumping Tribunal.

The import quotas on leather and non-leather footwear were in place until November 30, 1984. The restraint levels for leather footwear were set at 3.4 million pairs for July 9, 1982 to November 30, 1982, 11.4 million pairs for December 1, 1982 to November 30, 1983 and 11.7 million pairs for December 1, 1983 to November 30, 1984. For non-leather footwear the revised restraint levels were 34.1 million pairs

for December 1, 1981 to November 30, 1982, 35.1 million pairs for December 1, 1982 to November 30, 1983 and 36.2 million pairs for December 1, 1982 to November 30, 1984.

Order in Council P.C. 1982-2081, dated July 9, 1982, added Item 67 (leather footwear) to the ICL. The Order in Council also revoked the previous Item 57 of the ICL and substituted the new description of the non-leather footwear item to reflect the revised restraint levels and the fact that several specialized categories that had been exempt from ICL coverage were brought under surveillance.

During 1983, the footwear items on the Import Control List were maintained without any changes effected by Order in Council.

(d) Endangered Species

On January 2, 1974, Canada signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Canada ratified this Convention becoming a party to the International Agreement on April 10, 1975.

During 1983, the endangered species items on the Export Control List and Import Control List remained unchanged. The last prior changes to those items had been effected on October 14, 1982 by Orders in Council P.C. 1982-3139 and P.C. 1982-3140.

e) Ministerial Orders dated October 26, 1983 pursuant to the Export and Import Permits Act, amended the following General Import Permits Nos.:

Import of Dairy Products for Personal Use Permit
No 1, SI/83-180;
Import of Chickens Permit No. 2, SI/83-181;
Import of Samples and Parcels of Coffee Permit
No. 3, SI/83-182;

Import of Textiles Permit No. 4, SI/83-183;
Import of Sugar Permit No. 5, SI/83-184;
Import of Turkey and Turkey Products Permit No. 7,
SI/83-185;
Import of Eggs Permit No. 8, SI/83-186;
Import of Clothing Permit No. 10, SI/83-187;
Import of Work Gloves Permit No. 11, SI/83-188;
Import of Handbags Permit No. 12, SI/83-189; and
Import of Whale Products Permit No. 59, SI/83-190.

These amended orders were required to

- 1) re-establish the concordance between the present format utilized in the Consolidated Regulations of Canada (CRC) and the valid General Import Permits, and
- 2) remove all references to "Argentina".

Issuance of Import Permits

Section 14 of the Act stipulates that:

"No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 8 authorizes the Minister to:

"... issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

Section 5 of the Import Permit Regulations (C.R.C., c.605) provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

The following is a statistical summary of applications for import permits processed during 1983.

| | |
|-----------------------------|---------|
| Import permits issued..... | 185,000 |
| Applications refused..... | 1,897 |
| Applications cancelled..... | 682 |

All applications for permits required for Appendix I specimens on the ICL were handled by the Canadian Wildlife Service. The following permits were processed in accordance with General Import Permit No. 17 of September 21, 1976:

| | |
|-----------------------------|----|
| Applications approved..... | 55 |
| Applications refused..... | 15 |
| Applications withdrawn..... | 6 |

Forty-one (41) permit applications for live species and fourteen (14) permit applications for parts or derivatives were approved by the Canadian Wildlife Service during 1983. The majority of the import permits were live animals for zoos.

Issuance of Certificates

Section 9 of the Act provides that:

"The Minister may, in order to facilitate the importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Import Certificate Regulations (C.R.C., c.603) provide for the issuance of import certificates which are required by the country of export before it will allow goods to be shipped to Canada. They also provide for the issuance of Delivery-Verification Certificates for goods imported into Canada to comply with the requirements. The purpose of these regulations is to prevent the diversion in transit or the unauthorized trans-shipment of such goods.

The following is a statistical summary of certificates processed during 1983.

Import Certificates issued.....1,325
Delivery-Verification Certificates issued.....322

2. Export Controls

Section 3 of the Act provides that the Governor in Council may establish a list of goods, to be called an Export Control List (ECL), including therein any article the export of which he deems it necessary to control for any of the following purposes, namely,

- (a) for national security reasons;
- (b) to promote further processing of natural resources;
- (c) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus and depressed prices that is not a produce of agriculture;
- (d) to implement an intergovernmental arrangement or commitment; or
- (e) to ensure adequate supply and distribution.

Group 1 of the List covers animals and agriculture products. Effective January 1, 1983 Order in Council P.C. 1982-4012 amended the Export Control List by revoking Item 1021, beef and veal. Subsequently, on August 22, 1983 Item 1021 was reinstated by Order in Council P.C. 1983-2578 in order to implement an intergovernmental arrangement with the United States of America. A Ministerial Order, SOR/83-670, created the Export of Beef and Veal Permit (General Export Permit no. EX.13) which authorized the exportation of beef and veal for personal use by the exporter and his household up to a limit of 9 kg.

On September 26, 1983 Item 1031, sugars, syrups and molasses derived from sugar cane and sugar beets was added to the ECL by Order in Council P.C. 1983-2967 in order to implement an intergovernmental arrangement with the United States of America. A Ministerial Order, SOR/83-722, created the Export of Sugar Permit (General Export Permit No. EX.10) which authorized the exportation of sugar for personal use by the exporter and his household up to a limit of 5 kg.

Group 5 of the list covers metals, minerals, and their manufactured products. On October 20, 1983 Item 5664, specialty steel products was added to the ECL by Order in Council P.C. 1983-3303 in order to implement an intergovernmental arrangement with the United States of America.

Issuance of Export Permits

Section 13 of the Act provides that:

"No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

An export permit is required before an item included in the ECL may be exported from Canada to any destination with the exception, in most cases, of the United States. However, twelve items in the List require permits before they may be exported to any destination including the United States, i.e.: 1001 - pancreas glands of cattle and calves; 1011 - endangered species (Appendix I or II); 2001 - logs of wood (of all species); 2002 - pulpwood (of all species); 5665 - scrap iron and steel; 5667 - Canadian one cent bronze coins; 8001 - source (fertile) and fissionable materials; 8005 - deuterium; 8039 - tritium; 8050 - radio-active materials; 8136 - nuclear reactors; 10011 - serum albumin.

Three additional items on the list require permits before they may be exported to the United States, i.e.: 1021 - beef and veal; 1031 - sugars, syrups, and molasses, derived from sugar cane or sugar beets; 5664 - specialty steel products.

All goods originating in the United States that are to be re-exported from Canada require an export permit except any such goods that have been further processed or manufactured outside the United States, by combining them with other goods or otherwise so as to result in substantial change in value, form and use of the goods or in the production of new goods, unless the goods to be exported are listed in another Group in this List.

All goods originating outside Canada that are identified in the ECL require an export permit to be re-exported from Canada to any destination with the exception, in most cases, of the United States. Any such goods that are in transit in bond on a through journey and accompanied by a billing or other documentation which clearly indicates the ultimate destination are exempted from the requirements to have an export permit.

Section 7 of the Act provides that:

"The Minister may issue to any resident of Canada applying therefor a permit to export goods included in an Export Control List or to a country included in an Area Control List, in such quantity and of such quality, by such persons, to such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

Section 6 of the Export Permit Regulations (C.R.C., c.602) provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

The Regulations Respecting Trans-shipment (C.R.C., c.606) enable Canada to cooperate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of applications for export permits processed during 1983 relating to both the Export Control List and the Area Control List:

| | |
|--|-------|
| Export permits issued..... | 5,253 |
| Applications refused..... | 39 |
| Applications withdrawn..... | 160 |
| Export permits cancelled..... | 22 |
| Applications pending as of December 31, 1983.. | 113 |

In addition, applications for permits required for specimens included in Appendices I, II and III of the ECL were handled by the Canadian Wildlife Service. The following permits were processed in accordance with General Export Permit No. Ex. 14 of September 21, 1976:

| | |
|-----------------------------|-----|
| Applications approved..... | 313 |
| Applications refused..... | 2 |
| Applications withdrawn..... | 4 |

3. Violations

Section 19 of the Act provides that:

- (1) Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable
 - (a) on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment; or
 - (b) on conviction upon indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment.

(2) A prosecution under paragraph (a) of sub-section (1) may be instituted at any time within three years from the time when the subject matter of the complaint arose.

Section 24 of the Act delegates responsibility for the enforcement of the Act to all officers as defined in the Customs Act. There were one hundred and forty-two investigations of suspected export controls offences during 1983. It has not been possible to separate further statistics concerning export controls offences from other criminal proceedings during 1983. Such statistics, will, however, be available for years subsequent to 1984.

RAPPORT DU SECRÉTAIRE D'ÉTAT AUX AFFAIRES EXTÉRIEURES

sur les activités découlant de la

LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION

pour l'année 1983

Le présent rapport est présenté conformément à l'article 26 de la Loi sur les licences d'exportation et d'importation (appelée ci-après la Loi), chapitre E-17 des Statuts révisés du Canada 1970, dans sa forme modifiée, qui prévoit ce qui suit:

"26. Aussitôt que possible après le 31 décembre de chaque année, le Ministre doit dresser et présenter au Parlement un rapport sur les opérations découlant de la présente loi pour l'année en question."

INTRODUCTION

Le pouvoir de contrôler l'importation et l'exportation de produits et de technologie découle de la Loi. Cette loi trouve son origine dans la Loi sur les mesures de guerre. Adoptée par le Parlement en 1947, elle a depuis subi un certain nombre de modifications.

Pour ce qui est de l'organisation, la Loi prévoit que le gouverneur en conseil peut établir des listes appelées c'est-à-dire liste de marchandises d'importation contrôlée, liste de marchandises d'exportation contrôlée et liste de pays visés par contrôle. La Loi fixe des critères qui régissent l'inclusion de marchandises ou de pays dans les différentes listes et prévoit que le gouverneur en conseil peut révoquer, modifier, changer ou rétablir tout élément figurant sur ces listes. Le contrôle de l'écoulement et de la destination des marchandises figurant sur ces listes est effectué au moyen de la délivrance de licences d'importation ou d'exportation.

La Loi confère au secrétaire d'État aux Affaires extérieures l'autorité de donner suite aux demandes de licences ou de les rejeter; il se voit donc attribuer de vastes pouvoirs pour contrôler l'écoulement des marchandises figurant sur les

listes. Les opérations découlant de l'application de la Loi peuvent être groupées sous les rubriques suivantes:

1. Contrôle des importations
 - a) Produits agricoles
 - b) Articles de textile et d'habillement
 - c) Chaussures
 - d) Espèces menacées d'extinction
2. Contrôle des exportations
3. Infractions

1. Contrôle des importations

L'article 5 de la Loi prévoit que le gouverneur en conseil peut établir une liste de marchandises, appelée "liste de marchandises d'importation contrôlée" (L.I.C.), comprenant tout article dont, à son avis, il est nécessaire de contrôler l'importation pour l'une quelconque des fins suivantes, à savoir:

- assurer le meilleur approvisionnement et la meilleure distribution possible d'un article rare sur les marchés mondiaux ou soumis à des règles dans son pays d'origine;
- appliquer une mesure prise en vertu de la Loi sur les offices de commercialisation des produits de ferme;
- appuyer une mesure prise en vertu de la Loi sur l'importation de la viande;
- mettre à exécution toute mesure prise en vertu de la Loi sur la stabilisation des prix agricoles, de la Loi sur le soutien des prix des produits de la pêche ou de la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article;

- mettre en oeuvre un arrangement ou un engagement intergouvernemental;
- limiter, à la suite d'une enquête effectuée par la Commission du textile et du vêtement ou par le Tribunal antidumping, l'importation de marchandises portant ou menaçant de porter un préjudice sérieux aux producteurs canadiens.

a) Agriculture

En 1983, la liste de marchandises d'importation contrôlée renfermait les produits agricoles suivants, soumis au contrôle pour l'une des fins suivantes:

i) restreindre, pour appuyer une mesure prise aux termes de la Loi sur la commercialisation des produits de ferme, l'importation, sous quelque forme que ce soit, d'un article semblable à un autre produit au Canada, en quantité fixée ou déterminée en vertu de ladite Loi:

- dindons, morceaux de dindons et produits qui en sont entièrement dérivés;
- oeufs et produits des oeufs;
- poulets et chapons, vivants ou éviscérés, parties de poulet, qu'elles soient ou non enrobées de chapelure ou de pâte;

ii) appliquer toute mesure prise aux termes de la Loi sur la stabilisation des prix agricoles, de la Loi sur le soutien des prix des produits de la pêche, de la Loi sur la vente coopérative des produits agricoles ou de la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article:

- provendes contenant plus de 50% de solides non gras de lait (Loi sur la Commission canadienne du lait);
- beurre (Loi sur la Commission canadienne du lait);
- matière grasse du lait sous toutes formes, seule ou en combinaison avec d'autres substances (Loi sur la stabilisation des prix agricoles);
- fromages de tous genres à l'exclusion des imitations (Loi sur la stabilisation des prix agricoles);
- lait de beurre ou babeurre en poudre (Loi sur la Commission canadienne du lait);
- caséine ou caséinates en poudre (Loi sur la stabilisation des prix agricoles);
- lait écrémé en poudre (Loi sur la stabilisation des prix agricoles);
- poudre de lait entier (Loi sur la Commission canadienne du lait);
- lait évaporé et lait concentré (Loi sur la Commission canadienne du lait);
- boeuf et veau frais, réfrigéré et congelé sauf les abats (Loi sur la stabilisation des prix agricoles);
et

iii) mettre en oeuvre un arrangement ou un engagement intergouvernemental:

- café sous toutes ses formes (Accord international sur le café);

- sucre sous toutes ses formes commerciales reconnues, dérivé de la canne à sucre ou de la betterave... (Accord international sur le sucre);
- espèces menacées d'extinction (Convention sur le commerce international des espèces menacées d'extinction);
- chiens viverrins (Arrangement bilatéral avec les États-Unis).

En ce qui concerne les produits agricoles, la liste de marchandises d'importation contrôlée a subi les modifications ou additions suivantes au cours de 1983:

Oeufs

Les oeufs ont été placés sur la liste de marchandises d'importation contrôlée le 9 mai 1974, en vertu de l'alinéa 5(a.1) de la Loi. En 1983, le contingentement d'oeufs en coquille était de 207 094 boîtes de 15 douzaines, ce qui représente 0,675% de la production canadienne de l'année précédente. Les contingentements d'oeufs en poudre et d'oeufs liquides ou congelés étaient respectivement de 419 493 kg et de 1 131 668 kg.

Poulet

Le poulet a été placé sur la L.I.C. le 15 janvier 1979 par décret du conseil (C.P. 1979-13) pour appuyer une mesure prise aux termes de la Loi sur les offices de commercialisation des produits de ferme. Le contingentement pour 1983 était de 25 034 688 kg, en poids eviscéré.

Le contingentement est fixé à 6,3% de la production canadienne de l'année précédente. Néanmoins, certaines dispositions autorisent la délivrance de licences afin d'importer des quantités additionnelles de poulet permettant de satisfaire à l'ensemble des besoins du marché canadien.

Dindons

Les dindons ont été placés sur la liste de marchandises d'importation contrôlée par le décret du conseil (C.P. 1974-1086) du 8 mai 1974, aux termes de l'aliéna 5(a.1) de la Loi. Le contingentement pour 1983 était de 1 868 820 kg, en poids éviscéré. Le contingentement établi chaque année correspond à 2% de la production nationale. Néanmoins, certaines dispositions autorisent la délivrance de licences afin d'importer des quantités additionnelles de dindons permettant de satisfaire à l'ensemble des besoins du marché canadien.

Boeuf et veau

Par suite d'un décret du conseil (C.P. 1982-4013) daté du 23 décembre 1982, l'article 20 (boeuf et veau) a été retiré de la L.I.C. à compter du 1^{er} janvier 1983; la licence générale d'importation n°9 a été annulée par le décret ministériel (TR/83-41), en date du 23 février 1983.

Par suite d'un décret du conseil (C.P. 1983-2577) daté du 22 août 1983, le boeuf et le veau ont été placés sur la liste de marchandises d'importation contrôlée pour appliquer les dispositions d'un accord Canada-États-Unis limitant le commerce du boeuf et du veau entre les deux pays pour le reste de 1983. Des licences étaient requises pour les importations de boeuf et de veau de toutes autres provenances et ce, à des fins de contrôle.

Café

Le café a été placé sur la liste de marchandises d'importation contrôlée le 1^{er} octobre 1976, en raison des obligations contractées par le Canada dans le cadre de l'Accord international sur le café. Les contrôles en place visent à s'assurer que les envois sont accompagnés des certificats requis par l'Organisation internationale du café (O.I.C.). Ceux-ci servent à fournir des statistiques sur l'écoulement de cette denrée, et à garantir que les importations de café en provenance des pays ne faisant pas partie de l'O.I.C. ne dépassent pas le contingentement attribué au Canada par l'O.I.C. pour le café des pays non membres. Pour l'année caféière allant du 1^{er} octobre 1982 au 30 septembre 1983, le contingentement de café vert en provenance des pays non membres était fixé à 108 300 kg. Ce contingent a été maintenu pour l'année caféière 1983-1984.

Sucre

Le sucre a été placé sur la L.I.C. le 17 avril 1978, en raison des obligations contractées par le Canada en tant que membre de l'Organisation internationale du sucre (O.I.S.). Les contrôles visent à s'assurer que le sucre importé au Canada est accompagné des certificats de contribution requis par l'O.I.S. Ceux-ci servent à fournir des statistiques sur l'écoulement de cette denrée et à s'assurer que toutes les importations de sucre ont été assujetties au versement d'une contribution au Fonds de financement des stocks de sucre de l'O.I.S. Le contingent attribué au Canada par l'O.I.S. pour le sucre en provenance des pays non membres s'élevait à 90 tonnes pour l'année civile 1983.

Fromage

En vertu de l'article 5 1) de la Loi sur les licences d'exportation et d'importation, les "fromages de tous genres à l'exclusion des imitations" ont été placés sur la liste de marchandises d'importation contrôlée pour assurer la mise en application d'une mesure prise en vertu de la Loi sur la stabilisation des prix agricoles afin de soutenir le prix des fromages de tous genres à l'exclusion des imitations.

Le contingentement des importations de fromage pendant l'année 1983 représentait 45 000 000 livres ou 20 411 866 kg, dont 60% étaient alloués aux importations de fromage depuis les dix (10) États membres de la CEE. Les autres 40% étaient alloués aux importations de sources autres que la CEE.

b) Articles de textile et d'habillement

Le 19 août 1980, le gouvernement a rendu public un rapport de la Commission du textile et du vêtement (C.T.V.), qui faisait suite à une enquête sur la situation de l'industrie du textile et du vêtement au Canada. Un des grands thèmes du rapport était la nécessité de créer un climat plus favorable aux investissements, afin de développer davantage l'industrie du textile et du vêtement et de la rendre concurrentielle. Par conséquent, la Commission recommandait que des mesures spéciales de protection continuent d'être accordées à l'industrie au-delà du 31 décembre 1981, date à laquelle la plupart des restrictions bilatérales en vigueur devaient arriver à expiration.

Le 19 juin 1981, après avoir effectué une étude poussée du secteur industriel et gardant à l'esprit les recommandations de la Commission du textile et du vêtement, le gouvernement a annoncé la politique qu'il entendait adopter pour la période qui allait suivre. L'approche adoptée par le Canada se fonde sur les aspects complémentaires de la

restructuration et du développement industriels d'une part, et de la politique commerciale, d'autre part. Elle vise à établir la viabilité et la compétitivité de l'industrie du textile et du vêtement, de même qu'à revitaliser l'économie des communautés les plus vulnérables à la concurrence étrangère dans ce secteur. A cette fin, la nouvelle politique sectorielle comprend des mesures tels l'octroi de plus de 250 millions de dollars à un nouveau programme de restructuration sur une période de cinq ans, la création de l'Office canadien pour un renouveau industriel, chargé de gérer le programme de restructuration, et la négociation avec les pays exportateurs d'arrangements visant à restreindre les importations de textiles et de vêtements pendant la période de redressement de cinq ans.

Cette nouvelle politique poursuit le processus d'adaptation entrepris en vertu de la politique de 1970 concernant le textile. Si le gouvernement n'est pas en faveur de mesures permanentes de protection, il reconnaît cependant que l'industrie canadienne aura besoin d'une certaine protection au cours de la période de redressement, pour pouvoir s'orienter vers une gamme de produits plus rentables. Les fonctionnaires ont donc reçu instruction de poursuivre les négociations entreprises avec dix-sept pays exportateurs, en s'appuyant sur le cadre défini par les arrangements bilatéraux de 1979, afin de conclure des arrangements comportant des restrictions pour la période allant de 1982 à 1986. En outre, le gouvernement s'est de nouveau engagé à agir rapidement lorsqu'il est établi que de nouveaux fournisseurs perturbent le marché avec des importations de textiles et de vêtements bon marché.

En 1983, des arrangements bilatéraux de restriction d'une durée de 4 ans ont été négociés avec le Brésil et le Sri Lanka, ce qui portait à 19 le nombre d'arrangements à long terme signés avec des exportateurs de textiles et de vêtements.

De plus, un arrangement intérimaire valable jusqu'à la fin de 1983 a été négocié avec l'Indonésie, et de nouveaux produits ont été englobés dans les arrangements de limitation déjà conclus avec Hong Kong, la Malaisie, les Philippines, Singapour et la Thaïlande. Le gouvernement a également tenté, sans succès, de négocier une réduction des restrictions applicables aux vêtements, un meilleur contrôle du mouvement des importations et un resserrement des marges de flexibilité dans les arrangements déjà conclus avec les quatre grands fournisseurs de vêtements (à savoir la Corée, Hong Kong, Taïwan et la Chine). Pour ce qui est des pays participant à l'AMF, tous ces arrangements ont été négociés conformément à l'Arrangement du GATT concernant le commerce international des textiles (connu sous le nom d'arrangements multi-fibres - AMF). Cet arrangement offre un cadre juridique international pour la négociation d'arrangements bilatéraux restreignant les échanges de produits textiles.

Le 12 juillet 1982, le Canada a ratifié officiellement le Protocole prorogeant l'A.M.F. jusqu'au 31 juillet 1986. Pour ce qui est du cadre juridique national dans lequel s'effectue l'administration de ces arrangements bilatéraux, mentionnons que les articles de textile et d'habillement sont placés sur la L.I.C. en vertu de l'alinéa 5.c) de la Loi ("pour établir un accord ou un engagement intergouvernemental").

Par décret du conseil C.P. 1983-762, les articles 29 et 64 de la liste de marchandises d'importation contrôlée ont été modifiés de la façon suivante à compter du 21 mars 1983.:

- "29. (1) Serviettes, débarbouillettes de coton-éponge et ensembles de serviettes et de débarbouillettes de coton-éponge contenant en poids 50 pour cent ou plus de coton, en provenance de la

République populaire de Chine, de la Tchécoslovaquie, de Hong Kong, de l'Inde, du Pakistan, de la Pologne, de la République de Corée ou de Taïwan.

- (2) Serviettes de coton, autres que des serviettes de coton-éponge, en provenance de Hong Kong, de la Pologne, de la République de Corée ou de Taïwan.
- (3) Serviettes, autres que celles visées aux paragraphes (1) et (2), en provenance de la Pologne, de la République de Corée ou de Taïwan.
- (4) Descentes de bain en coton-éponge originant de Pologne.

64. Textiles de maisons suivants:

- a) couvertures de coton en provenance de la République populaire de Chine;
- b) couvertures de fibres synthétiques ou d'un mélange de ces fibres, provenant de la Pologne;
- c) nappes provenant de la Pologne;
- d) dessus-de-lits, en provenance de la Pologne; ou
- e) literie en provenance de Taïwan."

Par décret du conseil C.P. 1983-763, les articles 24 et 25 de la liste de marchandises d'importation contrôlée ont été abrogés et remplacés par les articles suivants à compter du 21 mars 1983:

"24. Tous genres de filés acryliques contenant en poids 50% ou plus de fibres acryliques."

"25. Tissus de laine peignée contenant en poids 17% ou plus de laine."

c) Chaussures

A la suite d'une enquête effectuée par le Tribunal antidumping aux termes du paragraphe 16.1 de la Loi antidumping, qui a déterminé que les importations de chaussures portaient ou menaçaient de porter un préjudice sérieux aux producteurs canadiens de marchandises similaires, le gouvernement a annoncé l'imposition, à compter du 1^{er} décembre 1977, d'un contingent d'importation pour les chaussures de toutes provenance. Ce contingentement ne s'appliquait pas aux chaussures en caoutchouc ou en toile et aux bottes de ski alpin ainsi qu'aux chaussures en plastique et à l'épreuve de l'eau. En juin 1980, le gouvernement a annoncé que le contingentement était prolongé jusqu'au 30 novembre 1981, afin de permettre au Tribunal antidumping de mener à bien une enquête sur la nécessité de poursuivre les mesures de protection spéciales au-delà de la date d'expiration.

Après que le Tribunal eut déposé son rapport, en 1981, le gouvernement a annoncé, le 24 novembre 1981, la prolongation pour une période de trois ans du contingentement des importations de chaussures autres qu'en cuir, de même que le contingentement de chaussures en toile, à compter du 1^{er} décembre 1981. Cependant, les chaussures en cuir, protégées par des contingents précédemment établis, ont été cette fois exclues.

Le 9 juillet 1982, le gouvernement a annoncé qu'à compter de cette date les importations de chaussures en cuir seraient contrôlées de nouveau, par suite du rapport déposé par le Tribunal antidumping en 1981.

Les contingents d'importation de chaussures en cuir et autres qu'en cuir étaient mis en place jusqu'au 30 novembre 1984. Le contingentement de chaussures en cuir a été fixé à 3,4 millions de paires pour la période allant du 9 juillet 1982, à 11,4 millions de paires pour la période allant du 1^{er} décembre 1982 au 30 novembre 1983 et à 11,7 millions de paires pour la période allant du 1^{er} décembre 1983 au 30 novembre 1984. Les nouveaux contingents de chaussures autres qu'en cuir étaient fixés à 34,1 millions de paires pour la période allant du 1^{er} décembre 1981 au 30 novembre 1982, de 35,1 millions de paires pour la période allant du 1^{er} décembre 1982 au 30 novembre 1983 et de 36,2 millions de paires pour la période du 1^{er} décembre 1982 au 30 novembre 1984.

Par décret du conseil C.P. 1982-2081, en date du 9 juillet 1982, l'article 67 (chaussures en cuir) a été ajouté à la liste de marchandises d'importation contrôlée. En outre, ce décret abrogeait l'article 57 de la L.I.C. pour donner une nouvelle description de l'article chaussures autres qu'en cuir, afin de refléter les nouveaux contingents et le fait que plusieurs catégories spécialisées qui avaient été exclues de la L.I.C. faisaient maintenant l'objet d'une surveillance.

En 1983, aucun décret du conseil n'est venu modifier les articles "chaussures" de la liste de marchandises d'importation contrôlée.

d) Espèces menacées d'extinction

Le 2 janvier 1974, le Canada a signé la Convention sur le commerce international des espèces de faune et de flore sauvage menacées d'extinction. En la ratifiant le 10 avril 1975, le Canada devenait partie à cette convention.

En 1983, les articles "espèces menacées d'extinction" paraissant sur les listes de marchandises d'exportation ou d'importation contrôlée n'ont pas été modifiés. Les derniers changements antérieurs à ces articles ont été apportés le 14 octobre 1982 par les décrets du conseil C.P. 1982-3139 et C.P. 1982-3140.

e) Des décrets ministériels datés du 26 octobre 1983 et émis conformément à la Loi sur les licences d'exportation et d'importation ont amendé les licences d'importation suivantes:

Importation de produits laitiers à des fins personnelles

- LGI n°1, TR/83-180;

Importation de poulets, LGI n°2, TR/83-181;

Importation d'échantillons et de sachets de café,

LGI n°3, TR/83-182;

Importation de textiles, LGI n°4, TR/83-183;

Importation de sucre, LGI n°5, TR/83-184;

Importation de dindons et de produits du dindon,

LGI n°7, TR/83-185;

Importation d'oeufs, LGI n°8, TR/83-186;

Importation de vêtements, LGI n°10, TR/83-187;

Importation de gants de travail, LGI n°11, TR/83-188;

Importation de sacs à main, LGI n°12, TR/83-189; et

Importation de produits de la baleine, LGI n°59,

TR/83-190.

Ces nouveaux décrets étaient requis pour:

- 1) rétablir la concordance entre le format présentement utilisé dans la Codification des règlements du Canada (CRC) et les licences générales d'importation valides qui sont publiées dans le Manuel de la Loi sur les licences d'exportation et d'importation; et
- 2) éliminer toute mention de "l'Argentine".

Délivrance de licences d'importation

L'article 14 de la Loi stipule que:

"Nul ne doit importer ou tenter d'importer des marchandises mentionnées sur une liste de marchandises d'importation contrôlée, si ce n'est sous l'autorité et en conformité d'une licence d'importation délivrée selon la présente loi".

L'article 8 de la Loi prévoit que:

"Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'importer des marchandises comprises dans une liste de marchandises d'importation contrôlée, en la quantité et de la qualité, par les personnes, des endroits ou des personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent les licences, la procédure à suivre pour la demande et la délivrance de licences ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

L'article 5 du Règlement concernant les licences d'importation (C.R.C., c.605) prévoit la délivrance de licences générales autorisant l'importation de certains produits sous réserve de certaines limites et conditions.

Voici un résumé statistique des demandes de licence d'importation traitées au cours de 1983.

| | |
|--|---------|
| Licences d'importation délivrées | 185 000 |
| Demandes rejetées | 1 897 |
| Licences annulées | 682 |

Toutes les demandes de licences requises pour les espèces figurant à l'annexe I de la L.I.C. ont été traitées par le Service canadien de la faune. Les licences d'importation suivantes ont été traitées conformément à la Licence générale d'importation n°17 du 21 septembre 1976:

| | |
|--------------------------|----|
| Demandes acceptées | 55 |
| Demandes refusées | 15 |
| Demandes retirées | 6 |

En 1983, 41 demandes de licence pour animaux vivants et 14 demandes de licence pour parties d'animaux ou produits dérivés ont été acceptées par le Service canadien de la faune. La plupart de ces licences concernaient des animaux vivants destinés à des jardins zoologiques.

Délivrance de certificats

L'article 9 de la Loi stipule que:

"Le Ministre peut, afin de faciliter l'importation de marchandises au Canada et l'observation des lois du pays d'exportation, délivrer, à tout résident du Canada qui en fait la demande, un certificat d'importation énonçant que l'auteur de la demande s'est engagé à importer les marchandises décrites au certificat dans le délai y spécifié et renfermant les autres renseignements qu'exigent les règlements".

Les Règlements concernant les certificats d'importation (C.R.C., c.603) prévoient la délivrance des certificats requis par le pays d'exportation avant que ce dernier n'autorise l'exportation de marchandises au Canada. Ils prévoient également la délivrance de certificats de vérification de livraison, de façon à ce que les marchandises satisfassent aux exigences. Le but de ces règlements est d'empêcher le détournement en cours de route ou le transbordement non autorisé des marchandises.

Voici le résumé statistique des certificats traités au cours de 1983.

Certificats d'importation délivrés1 325
Certificats de vérification de livraison délivrés....322

2. Contrôle des exportations

L'article 3 de la Loi prévoit que le gouverneur en conseil peut établir une liste de marchandises, appelée "liste de marchandises d'exportation contrôlée" (L.E.C.), comprenant

tout article dont, à son avis, il est nécessaire de contrôler l'exportation pour l'une quelconque des fins suivantes, à savoir:

- a) pour des raisons de sécurité nationale;
- b) pour favoriser le traitement supplémentaire des ressources naturelles;
- c) pour limiter les exportations des matières premières ou transformées d'origine canadienne, ou en conserver le contrôle lorsqu'il y a surproduction et chute des cours et qu'il ne s'agit pas d'un produit agricole;
- d) pour mettre en oeuvre un arrangement ou un engagement intergouvernemental; ou
- e) pour assurer une distribution et un approvisionnement suffisants.

Le groupe 1 de la liste couvre les animaux et les produits agricoles. Le décret du conseil C.P. 1982-4012 a modifié la liste en abrogeant l'article 1021 (boeuf et veau) à compter du 1^{er} janvier 1983. Le 22 août 1983, l'article 1021 a été rétabli par décret du conseil C.P. 1983-2578 afin d'appliquer un arrangement intergouvernemental avec les États-Unis d'Amérique. Le décret ministériel DORS/83-670 a créé la licence d'exportation de boeuf et de veau (licence générale d'importation n°EXT.13) qui autorisait l'exportation de viande de boeuf et de veau destinés à l'usage personnel de l'exportateur et de sa famille, jusqu'à concurrence de 9 kg.

Le 26 septembre 1983, l'article 1031 (sucres, sirops et mélasses provenant de cannes à sucre ou de betteraves) a été ajouté à la L.E.C. par décret du conseil C.P. 1983-2967 afin

d'appliquer un arrangement intergouvernemental avec les États-Unis d'Amérique. Le décret ministériel DORS/83-722 créait la licence d'exportation de sucre (licence générale d'exportation n°EXT.10) qui autorisait l'exportateur de sucre destiné à l'usage personnel de l'exportateur ou des personnes vivant sous son toit, jusqu'à concurrence de 5 kg.

Le groupe 5 de la liste couvre les métaux, les minéraux et leurs produits manufacturés. Le 20 octobre 1983, l'article 5664 (produits en acier) a été ajouté à la L.E.C. par décret du conseil C.P. 1983-3303 pour appliquer un arrangement intergouvernemental avec les États-Unis d'Amérique.

Délivrance de licences d'exportation

Aux termes de l'article 13 de la Loi:

"Nul ne doit exporter ou tenter d'exporter des marchandises comprises dans une liste de marchandises d'exportation contrôlée, ni des marchandises vers un pays dont le nom paraît sur une liste de pays visés par contrôle, si ce n'est sous l'autorité et en conformité d'une licence d'exportation délivrée selon la présente loi".

Une licence d'exportation est nécessaire pour qu'un article figurant sur la liste de marchandises d'exportation contrôlée puisse être exporté vers quelque destination que ce soit, à l'exception, dans la plupart des cas, des États-Unis. Cependant, il faut une licence d'exportation pour expédier à l'étranger, y compris aux États-Unis, douze articles énumérés sur la liste: 1001 - glandes pancréatiques de bovins et de veaux; 1011 - espèces menacées d'extinction (annexes I ou II); 2001 - billes de bois (de toutes essences); 2002 - bois

à pâte (de toutes essences); 5665 - déchets de fer et d'acier; 5667 - pièces de monnaie canadienne d'un cent en bronze; 8001 - matières de base (fertiles) et matières fissibles; 8005 - deutérium; 8039 - tritium; 8050 - matières radioactives; 8136 - réacteurs nucléaires; 10011 - sérum-albumine.

Des licences sont requises pour l'exportation aux États-Unis de trois autres articles, à savoir: 1021 - boeuf et veau; 1031 - sucres, sirops et mélasses provenant de cannes à sucre ou de betteraves; 5664 - produits en acier.

La réexportation de tous les produits provenant des États-Unis nécessite une licence, sauf dans le cas des marchandises qui ont fait l'objet de transformation ou de fabrication complémentaire hors des États-Unis, en étant combinées à d'autres produits ou autrement, de façon à en modifier sensiblement la valeur, la forme et l'usage ou à produire de nouvelles marchandises, à moins que les marchandises à exporter ne soient énumérées dans un autre groupe sur la liste de marchandises d'exportation contrôlée.

La réexportation de tous les produits d'origine étrangère nécessite une licence, quelle que soit la destination des marchandises, à l'exception, dans la plupart des cas, des États-Unis, lorsque ces marchandises font partie de la liste de marchandises d'exportation contrôlée. Les marchandises en transit douanier au Canada, qui sont accompagnés d'un connaissement ou d'autres documents indiquant avec précision leur destination finale, sont exemptées de la licence d'exportation.

L'article 7 de la Loi prévoit que:

"Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'exporter des marchandises comprises dans une

liste de marchandises d'exportation contrôlée ou à un pays nommé dans une liste de pays visés par contrôle, en la quantité et de la qualité, par les personnes, aux endroits ou personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent les licences, la procédure à suivre pour la demande et la délivrance des licences, ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

L'article 6 du Règlement sur les licences d'exportation (C.R.C., c.602) prévoit la délivrance de licences générales autorisant l'exportation de certains produits désignés vers toutes les destinations ou vers des destinations précises.

Les Règlements visant le transbordement (C.R.C., c.606) permettent au Canada de collaborer au maintien d'un régime convenu entre divers pays, en vue d'empêcher le détournement en cours de route de produits de nature stratégique.

Le résumé statistique suivant porte sur les demandes de licence d'exportation traitées au cours de l'année 1983, relativement à la liste de marchandises d'exportation contrôlée et à la liste de pays visés par contrôle:

| | |
|--|-------|
| Licences d'exportation délivrées | 5 253 |
| Demandes rejetées | 39 |
| Demandes retirées | 160 |
| Licences d'exportation annulées | 22 |
| Demandes en suspens au 31 décembre 1982 .. | 113 |

En outre, les demandes de licence requises pour des espèces incluses aux annexes I, II et III de la L.E.C. ont été traitées par le Service canadien de la faune. Les licences d'exportation suivantes ont été traitées conformément à la Licence générale d'exportation n°Ex. 14, en date du 21 septembre 1976:

| | |
|--------------------------|-----|
| Demands autorisées | 313 |
| Demands refusées | 2 |
| Demands retirées | 4 |

3. Infractions

L'article 19 de la Loi prévoit que:

"(1) Quiconque viole l'une des dispositions de la présente loi ou des règlements est coupable d'une infraction et passible

a) sur déclaration sommaire de culpabilité, d'une amende d'au plus cinq mille dollars ou d'un emprisonnement d'au plus douze mois ou à la fois de l'amende et de l'emprisonnement; ou

b) après déclaration de culpabilité sur acte d'accusation, d'une amende d'au plus vingt-cinq mille dollars ou d'un emprisonnement d'au plus cinq ans, ou à la fois de l'amende et de l'emprisonnement.

(2) Des poursuites en vertu de l'alinéa a) du paragraphe (1) peuvent être intentées en tout temps dans les trois ans du moment où le sujet de la plainte a pris naissance."

L'article 24 de la Loi délègue la responsabilité de l'application de ladite loi à tous les préposés tels que le définit la Loi sur les douanes. Cent quarante-deux infractions présumées ont fait l'objet d'enquêtes en 1983. Il n'a pas été possible de mieux séparer les infractions à l'exportation des autres infractions criminelles. Mais ces statistiques seront disponibles pour les années suivant 1984.

REPORT OF THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS

respecting operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1984

TABLED 25/6/86

SESSIONAL PAPER No. 331-1/137B

This Report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-17 of the 1970 Revised Statutes of Canada, as amended, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

INTRODUCTION

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.

In terms of its organization, the Act provides that the Governor in Council may establish a series of 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 Secretary of State for External Affairs the authority to grant or deny requests for these permits and thus confers on him broad powers to control the flow of the goods contained on these lists. The operations carried out under the Act can be grouped under the following headings:

1. Import Controls
 - (a) Agricultural Products
 - (b) Textiles and Clothing
 - (c) Footwear
 - (d) Endangered Species

2. Export Controls

3. Violations

1. Import Controls

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 he deems it necessary to control for any of the following purposes:

- to ensure adequate supply and distribution of an article that is scarce on world markets or is subject to control in the country of export;
- to implement any action taken under the Farm Products Marketing Agencies Act;
- to support any action taken under the Meat Import Act;
- to implement any action taken under a number of named Acts; e.g., the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Canadian Dairy Commission Act, to support the price of the article;
- to implement an intergovernmental arrangement or commitment;
- to limit, pursuant to an enquiry by the Textile and Clothing Board or the Canadian Import Tribunal (formerly the Anti-dumping Tribunal), the importation of goods causing or threatening to cause serious injury to domestic producers.

(a) Agriculture

The following agricultural products were contained on the ICL in 1984 and subject to control for the following reasons:

i) to restrict for the purpose of supporting any action under the Farm Products Marketing Act, the importation in any form of a like article to one produced in Canada, the quantities of which are fixed or determined under that Act:

- Turkey, turkey parts and products manufactured wholly thereof;
- Eggs and egg products;
- Chicken and chicken capons, live or eviscerated, chicken parts whether breaded or battered;

ii) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article:

- Animal feeds containing more than 50% non-fat milk solids (Canadian Dairy Commission Act);
- Butter (Canadian Dairy Commission Act);
- Butter fat in any form either alone or in combination with other substances (Agricultural Stabilization Act);
- Cheese of all types other than imitation cheese (Agricultural Stabilization Act);
- Dry buttermilk (Canadian Dairy Commission Act);
- Dry casein and caseinates (Agricultural Stabilization Act);
- Dry skimmed milk (Agricultural Stabilization Act);

- Dry whey (Canadian Dairy Commission Act);
- Dry whole milk (Canadian Dairy Commission Act);
- Evaporated and condensed milk (Canadian Dairy Commission Act); and

iii) to implement an intergovernmental arrangement or commitment:

- Coffee in any form (International Coffee Agreement);
- Sugar, in any of its recognized commercial forms, derived from sugar cane or sugar beet ... (International Sugar Agreement);
- Endangered Species (Convention on International Trade in Endangered Species);
- Raccoon Dogs (Bilateral Arrangement with the U.S.A.).

As regards agricultural products, the following amendments and/or additions were made to the ICL during 1984:

Eggs

Eggs were placed on the ICL on May 9, 1974, under the authority of Section 5(a.1) of the Act. The global shell egg import quota for 1984 was 212 355 boxes of 15 dozen, representing 0.675% of the previous year's domestic production. The quotas for egg powder, and liquid or frozen eggs, were 438 807 kg and 1 184 421 kg respectively.

Chicken

Chicken was placed on the ICL on January 15, 1979 under Order in Council P.C. 1979-13 to support action taken under the Farm Products Marketing Agencies Act. The global import quota for 1984 was 24 896 529 kg expressed as eviscerated weight.

The quota level is set at 6.3% of the previous year's domestic production. While the quota is finite, provision is made to issue import permits for chicken supplementary to the quota to meet overall Canadian market needs.

Turkey

Turkey was placed on the ICL by Order in Council P.C. 1974-1086 of May 8, 1974 under the provisions of Section 5(a.1) of the Act. The global import quota for 1984 was 1 932 320 kg eviscerated equivalent. The quota is set annually at the equivalent of 2% of domestic production. While the quota is finite, provision is made for the issuance of import permits for turkey supplementary to the quota to meet overall Canadian market needs.

Beef and Veal:

Item 20 (Beef and Veal) was removed from the ICL effective January 12, 1984 by Order in Council P.C. 1984-96 of January 11, 1984.

Subsequently on December 21, 1984 Item 20 was reinstated by Order in Council P.C. 1984-4148 to restrict, under the provisions of the Meat Import Act, beef and veal imported into Canada during 1985. Import quotas were set for individual countries: Australia 24 900 t (metric tonnes) EEC 2 700 t, New Zealand 28 800 t, Nicaragua 300 t and U.S.A. 9 800 t.

Coffee

Coffee was placed on the ICL on October 1, 1976 to give effect to Canada's obligations as a member of the International Coffee Agreement. The controls are used to ensure that shipments are accompanied by the required certificates of the International Coffee Organization (ICO) (these are used to

provide statistical data on the movement of the commodity), and to ensure that imports of coffee from countries not members of the ICO do not exceed the import quota which is assigned to Canada by the ICO for non-member coffee. For the coffee year starting October 1, 1983 to September 30, 1984, the non-member quota was 108 300 kg of green coffee.

Sugar

The International Sugar Agreement of 1977 expired on December 31, 1984. Sugar was placed on the ICL on April 17, 1978 to give effect to Canada's obligations as a member of the International Sugar Organization (ISO). The controls were used to ensure that shipments of sugar imported into Canada were accompanied by the required Certificates of Contribution of the ISO (these were used to provide statistical data on the movement of the commodity, as well as to ensure that all imports of sugar had been subjected to payment of contribution to the ISO's Sugar Stock Financing Fund). The import quota for non-member sugar assigned to Canada by the ISO amounted to 90 tonnes for the calendar year 1984.

Cheese

Under the authority of Section 5(1) of the Act, "Cheese of all types other than imitation cheese" was placed on the ICL for the implementation of an action taken under the Agricultural Stabilization Act to support the price of cheese of all types except imitations.

The annual global cheese import quota for the year 1984 amounted to 45 000 000 lbs or 20 411 866 kg which 60% of this quota was allocated to cheese importers from the ten (10) member-states of the EEC. The remaining 40% was allocated to cheese importers from non-EEC sources.

(b) Textiles and Clothing

Canadian trade policy for the textile and clothing sectors reflects Canada's participation in the Multi-Fibre Arrangement (MFA). The MFA is negotiated under the General Agreement on Tariffs and Trade (GATT) and provides the international legal framework for the negotiation of bilateral textile and clothing restraint arrangements. On July 12, 1982 Canada formally ratified the Protocol extending the MFA to July 31, 1986.

Consistent with the MFA and in order to allow for a period during which the domestic textile and clothing industry can adjust to international competition, special measures of protection are provided to these sectors through the negotiation of restraint arrangements to limit the exports of specified textile and clothing products from certain developing countries to Canada. Industry restructuring has also been assisted through a 5-year adjustment program administered through the Canadian Industrial Renewal Board (CIRB) with allocated funding of over \$400 million. Under this program, adjustment assistance is provided in order to modernize the industry so as to establish more viable and competitive Canadian textile and clothing firms, to retrain and provide support for workers affected by the adjustment process, and to revitalize the economies of those communities most vulnerable to foreign competition in these sectors.

With regard to special measures of border protection, a broad range of textile and clothing products have been maintained on the ICL for the purpose of implementing the intergovernmental arrangements or commitments negotiated in these sectors. In terms of the domestic legal framework for administration of bilateral restraint arrangements, textile and clothing items are placed on the ICL under the authority of Section 5(c) of the Act.

In 1984, new bilateral restraint arrangements were negotiated with Mauritius and Indonesia, bringing the total number of long-term textile and clothing restraint arrangements to 21, all of which expire on December 31, 1986. Additional products were also added to the existing restraint arrangements in place with Sri Lanka, Malaysia, China, Singapore and Thailand.

(c) Footwear

Following an enquiry by the Anti-dumping Tribunal under Section 16.1 of the Anti-dumping Act, (now repealed and its provisions incorporated in the Special Import Measures Act S.C. 1983-84 c. 25), it was found that imports of footwear were causing or threatening to cause injury to Canadian producers of like goods, the Government announced, effective December 1, 1977, the imposition of a quota on imports of footwear from all sources. The coverage of this global quota excluded rubber and canvas footwear and downhill ski boots, as well as plastic and waterproof footwear. In June 1980, the Government announced the extension of the quota to November 30, 1981 to enable the Anti-dumping Tribunal to carry out an enquiry into the need for continued special measures of protection.

Pursuant to the 1981 report of the Tribunal, the Government, on November 24, 1981, announced the extension for three years of the global quota on imports of non-leather footwear, along with the addition of canvas footwear effective December 1, 1981. Leather footwear, which had been covered by previous footwear quota, was at that time excluded from quota coverage.

On July 9, 1982, the government announced that, effective that date, imports of leather footwear were once again under control, pursuant to the 1981 report of the Anti-dumping Tribunal.

The import quotas on leather and non-leather footwear were in place until November 30, 1984. The restraint levels for leather footwear were set at 3.4 million pairs for July 9, 1982 to November 30, 1982, 11.4 million pairs for December 1, 1982 to November 30, 1983 and 11.7 million pairs for December 1, 1983 to November 30, 1984. For non-leather footwear the revised restraint levels were 34.1 million pairs for December 1, 1981 to November 30, 1982, 35.1 million pairs for December 1, 1982 to November 30, 1983 and 36.2 million pairs for December 1, 1982 to November 30, 1984.

Order in Council P.C. 1982-2081, dated July 9, 1982, added Item 67 (leather footwear) to the ICL. The Order in Council also revoked the previous Item 57 of the ICL and substituted the new description of the non-leather footwear item to reflect the revised restraint levels and the fact that several specialized categories that had been exempt from ICL coverage were brought under surveillance.

Order in Council P.C. 1984-3782, dated November 27, 1984, had the effect of extending the quotas on leather and non-leather footwear for twelve months to November 30, 1985. The restraint levels for the period December 1, 1984 to November 30, 1985 were 12.3 million pairs for leather footwear and 37.7 million pairs for non-leather footwear.

(d) Endangered Species

On January 2, 1974, Canada signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora (C.I.T.E.S.). Canada ratified this Convention becoming a party to the International Agreement on April 10, 1975.

Orders in Council P.C. 1984-1541 and P.C. 1984-1542, both dated May 10, 1984, had the effect of adding to the ICL and the ECL, several species which had been agreed by parties to

C.I.T.E.S. in 1983 and adding seven species of snakes, requested by India, to Appendix III so that trade with India in those seven species is covered by the Convention.

Issuance of Import Permits

Section 14 of the Act stipulates that:

"No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 8 authorizes the Minister to:

"... issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

Section 5 of the Import Permit Regulations (C.R.C., c.605) provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

The following is a statistical summary of applications for import permits processed during 1984.

| | |
|-----------------------------|---------|
| Import permits issued..... | 200,323 |
| Applications refused..... | 1,567 |
| Applications cancelled..... | 784 |

All applications for permits required for Appendix I specimens on the ICL were handled by the Canadian Wildlife Service. The following permits were processed in accordance with General Import Permit No. 17 of September 21, 1976:

| | |
|-----------------------------|----|
| Applications approved..... | 38 |
| Applications refused..... | 22 |
| Applications withdrawn..... | 1 |

Twenty-four (24) permit applications for live species and fourteen (14) permit applications for parts or derivatives were approved by the Canadian Wildlife Service during 1984. The majority of the import permits were for live animals for zoos.

Issuance of Certificates

Section 9 of the Act provides that:

"The Minister may, in order to facilitate the importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Import Certificate Regulations (C.R.C., c.603) provide for the issuance of import certificates which are required by the country of export before it will allow goods to be shipped to Canada. They also provide for the issuance of Delivery-Verification Certificates for goods imported into Canada to comply with the requirements. The purpose of these regulations is to prevent the diversion in transit or the unauthorized trans-shipment of such goods.

The following is a statistical summary of certificates processed during 1984.

| | |
|--|-------|
| Import Certificates issued..... | 1,747 |
| Delivery-Verification Certificates issued..... | 650 |

2. Export Controls

Section 3 of the Act provides that the Governor in Council may establish a list of goods, to be called an Export Control List (ECL), including therein any article the export of which he deems it necessary to control for any of the following purposes, namely,

- (a) for national security reasons;
- (b) to promote further processing of natural resources;
- (c) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus and depressed prices that is not a produce of agriculture;
- (d) to implement an intergovernmental arrangement or commitment; or
- (e) to ensure adequate supply and distribution.

Group 1 of the List covers animals and agricultural products. Effective January 11, 1984 Order in Council P.C. 1984-97 amended the ECL by revoking Item 1021, beef and veal.

Subsequently, on February 7, 1984 the Export of Beef and Veal Permit (General Export Permit no. EX.13) dated August 22, 1983 which authorized the exportation of beef and veal for personal use by the exporter and his household up to a limit of 9 kg was cancelled.

Effective February 6, 1984 Item 1041, eggs and egg products (all destinations, including the United States) was added to the ECL by Orders in Council P.C. 1984-340 and P.C. 1984-405 in order to ensure that there is an adequate supply and distribution of such article in Canada. Ministerial Orders, SOR/84-158 and SOR/84-159, created the General Permit Authorizing the Exportation of Eggs (General Export Permit EX.15-Eggs) which authorized the exportation of eggs for personal use by the exporter and his household up to a limit of two dozen and the General Permit Authorizing the Exportation of Egg Products (General Export Permit EX.16-Egg Products) which authorized the exportation of egg products in amounts not in excess of 25 000 kg for each exportation.

Subsequently, effective November 22, 1984 Order in Council P.C. 1984-3726 amended the ECL by revoking Item 1041, eggs and egg products (all destinations, including the United States).

On June 21, 1984 Item 6001, dimethyl methylphosphonate, methylphosphonyl difluoride, phosphorous oscychloride, potassium fluoride and thiodiglycol was added to the ECL by Order in Council P.C. 1984-2134 in order to implement an intergovernmental arrangement with the United States of America.

Issuance of Export Permits

Section 13 of the Act provides that:

"No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

An export permit is required before an item included in the ECL may be exported from Canada to any destination with the exception, in most cases, of the United States. However, twelve items in the List require permits before they may be exported to any destination including the United States, i.e.: 1001 - pancreas glands of cattle and calves; 1011 - endangered species (Appendix I or II); 2001 - logs of wood (of all species); 2002 - pulpwood (of all species); 5665 - scrap iron and steel; 5667 - Canadian one cent bronze coins; 8001 - source (fertile) and fissionable materials; 8005 - deuterium; 8039 - tritium; 8050 - radio-active materials; 8136 - nuclear reactors; 10011 - serum albumin.

Two additional items on the List require permits before they may be exported to the United States, i.e.: 1031 - sugars, syrups, and molasses, derived from sugar cane or sugar beets; 5664 - specialty steel products.

All goods originating in the United States that are to be re-exported from Canada require an export permit except any such goods that have been further processed or manufactured outside the United States, by combining them with other goods or otherwise so as to result in substantial change in value, form and use of the goods or in the production of new goods, unless the goods to be exported are listed in another Group in this List.

All goods originating outside Canada that are identified in the ECL require an export permit to be re-exported from Canada to any destination with the exception, in most cases, of the United States. Any such goods that are in transit in bond on a through journey and accompanied by a billing or other documentation which clearly indicates the ultimate destination are exempted from the requirements to have an export permit.

Section 7 of the Act provides that:

"The Minister may issue to any resident of Canada applying therefor a permit to export goods included in an Export Control List or to a country included in an Area Control List, in such quantity and of such quality, by such persons, to such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

Section 6 of the Export Permit Regulations (C.R.C., c.602) provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

The Regulations Respecting Trans-shipment (C.R.C., c.606) enable Canada to cooperate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of applications for export permits processed during 1984 relating to both the ECL and the ACL:

| | |
|-------------------------------|-------|
| Export permits issued..... | 7,426 |
| Applications refused..... | 15 |
| Applications withdrawn..... | 347 |
| Export permits cancelled..... | 26 |

In addition, applications for permits required for specimens included in Appendices I, II and III of the ECL were handled by the Canadian Wildlife Service. The following permits were issued in accordance with General Export Permit No. Ex. 14 of September 21, 1976:

| | |
|-----------------------------|-----|
| Applications approved..... | 306 |
| Applications refused..... | 3 |
| Applications withdrawn..... | 5 |

3. Violations

Section 19 of the Act provides that:

- (1) Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable
 - (a) on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment; or
 - (b) on conviction upon indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment.

- (2) A prosecution under paragraph (a) of sub-section (1) may be instituted at any time within three years from the time when the subject matter of the complaint arose.

Section 24 of the Act delegates responsibility for the enforcement of the Act to all officers as defined in the Customs Act. There were three hundred ninety-five investigations of suspected violations during 1984, 44 charges were laid resulting in 27 convictions and fines totalling \$111,000.00. Four charges were dropped due to plea bargaining, which resulted in the accused pleading guilty to 8 counts, 2 charges were withdrawn wherein 3 convictions were registered and a stay of proceedings was entered in one case. There were 12 cases where the investigations were terminated due to insufficient evidence. As of December 31, 1984, 18 court cases were pending.

RAPPORT DU SECRÉTAIRE D'ÉTAT AUX AFFAIRES EXTÉRIEURES

sur les activités découlant de la

LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION

pour l'année 1984

Le présent rapport est présenté conformément à l'article 26 de la Loi sur les licences d'exportation et d'importation (appelée ci-après la Loi), chapitre E-17 des Statuts révisés du Canada 1970, dans sa forme modifiée, qui prévoit ce qui suit:

"26. Aussitôt que possible après le 31 décembre de chaque année, le Ministre doit dresser et présenter au Parlement un rapport sur les opérations découlant de la présente loi pour l'année en question."

INTRODUCTION

Le pouvoir de contrôler l'importation et l'exportation de produits et de technologie découle de la Loi. Cette loi trouve son origine dans la Loi sur les mesures de guerre. Adoptée par le Parlement en 1947, elle a depuis subi un certain nombre de modifications.

Pour ce qui est de l'organisation, la Loi prévoit que le gouverneur en conseil peut établir des listes appelées liste de marchandises d'importation contrôlée, liste de marchandises d'exportation contrôlée et liste de pays visés par contrôle. La Loi fixe des critères qui régissent l'inclusion de marchandises ou de pays dans les différentes listes et prévoit que le gouverneur en conseil peut révoquer, modifier, changer ou rétablir tout élément figurant sur ces listes. Le contrôle de l'écoulement et de la destination des marchandises figurant sur ces listes est effectué au moyen de la délivrance de licences d'importation ou d'exportation.

La Loi confère au secrétaire d'État aux Affaires extérieures l'autorité de donner suite aux demandes de licences ou de les rejeter; il se voit donc attribuer de vastes pouvoirs pour contrôler l'écoulement des marchandises figurant sur les

listes. Les opérations découlant de l'application de la Loi peuvent être groupées sous les rubriques suivantes:

1. Contrôle des importations
 - a) Produits agricoles
 - b) Textiles et vêtements
 - c) Chaussures
 - d) Espèces menacées d'extinction
2. Contrôle des exportations
3. Infractions

1. Contrôle des importations

L'article 5 de la Loi prévoit que le gouverneur en conseil peut établir une liste de marchandises, appelée "liste de marchandises d'importation contrôlée" (L.I.C.), comprenant tout article dont, à son avis, il est nécessaire de contrôler l'importation pour l'une quelconque des fins suivantes, à savoir:

- assurer le meilleur approvisionnement et la meilleure distribution possible d'un article rare sur les marchés mondiaux ou soumis à des règles dans son pays d'origine;
- appliquer une mesure prise en vertu de la Loi sur les offices de commercialisation des produits de ferme;
- appuyer une mesure prise en vertu de la Loi sur l'importation de la viande;
- mettre à exécution toute mesure prise en vertu de la Loi sur la stabilisation des prix agricoles, de la Loi sur le soutien des prix des produits de la pêche ou de la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article;

- mettre en oeuvre un arrangement ou un engagement intergouvernemental;
- limiter, à la suite d'une enquête effectuée par la Commission du textile et du vêtement ou par le Tribunal canadien des importations (auparavant le Tribunal antidumping), l'importation de marchandises portant ou menaçant de porter un préjudice sérieux aux producteurs canadiens.

a) Agriculture

En 1984, la liste de marchandises d'importation contrôlée renfermait les produits agricoles suivants, soumis au contrôle pour l'une des fins suivantes:

- i) restreindre, pour appuyer une mesure prise aux termes de la Loi sur commercialisation de produits de ferme, l'importation, sous quelque forme que ce soit, d'un article semblable à un autre produit au Canada, en quantité fixée ou déterminée en vertu de ladite Loi:
 - dindons, morceaux de dindons et produits qui en sont entièrement dérivés;
 - oeufs et produits des oeufs;
 - poulets et chapons, vivants ou éviscérés, parties de poulet, qu'elles soient ou non enrobées de chapelure ou de pâte;

- ii) appliquer toute mesure prise aux termes de la Loi sur la stabilisation des prix agricoles, de la Loi sur le soutien des prix des produits de la pêche, de la Loi sur la vente coopérative des produits agricoles ou de la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article:

- provendes contenant plus de 50% de solides non gras de lait (Loi sur la Commission canadienne du lait);
 - beurre (Loi sur la Commission canadienne du lait);
 - matière grasse du lait sous toutes formes, seule ou en combinaison avec d'autres substances (Loi sur la stabilisation des prix agricoles);
 - fromages de tous genres à l'exclusion des imitations (Loi sur la stabilisation des prix agricoles);
 - lait de beurre ou babeurre en poudre (Loi sur la Commission canadienne du lait);
 - caséine ou caséinates en poudre (Loi sur la stabilisation des prix agricoles);
 - lait écrémé en poudre (Loi sur la stabilisation des prix agricoles);
 - petit-lait en poudre (Loi sur la Commission canadienne du lait);
 - poudre de lait entier (Loi sur la Commission canadienne du lait);
 - lait évaporé et lait concentré (Loi sur la Commission canadienne du lait);
 - boeuf et veau frais, réfrigéré et congelé sauf les abats (Loi sur la stabilisation des prix agricoles);
- et

iii) mettre en oeuvre un arrangement ou un engagement intergouvernemental:

- café sous toutes ses formes (Accord international sur le café);
- sucre sous toutes ses formes commerciales reconnues, dérivé de la canne à sucre ou de la betterave... (Accord international sur le sucre);

- espèces menacées d'extinction (Convention sur le commerce international des espèces menacées d'extinction;
- chiens viverrins (Arrangement bilatéral avec les États-Unis).

En ce qui concerne les produits agricoles, la liste de marchandises d'importation contrôlée a subi les modifications ou additions suivantes au cours de 1984:

Oeufs

Les oeufs ont été placés sur la liste de marchandises d'importation contrôlée le 9 mai 1974, en vertu de l'alinéa 5 a.1) de la Loi. En 1984, le contingent global d'oeufs en coquille était de 212 355 boîtes de 15 douzaines, ce qui représente 0,675% de la production canadienne de l'année précédente. Les contingents d'oeufs en poudre et d'oeufs liquides ou congelés étaient respectivement de 438 807 kg et de 1 184 421 kg.

Poulet

Le poulet a été placé sur la L.I.C. le 15 janvier 1979 par décret du conseil (C.P. 1979-13) pour appuyer une mesure prise aux termes de la Loi sur les offices de commercialisation des produits de ferme. Le contingent global pour 1984 était de 24 896 529 kg, en poids eviscéré.

Le contingentement est fixé à 6,3% de la production canadienne de l'année précédente. Néanmoins, certaines dispositions autorisent la délivrance de licences afin d'importer des quantités additionnelles de poulet permettant de satisfaire à l'ensemble des besoins du marché canadien.

Dindons

Les dindons ont été placés sur la liste de marchandises d'importation contrôlée par le décret du conseil (C.P. 1974-1086) du 8 mai 1974, aux termes de l'alinéa 5 a.1) de la Loi. Le contingentement global pour 1984 était de 1 932 320 kg, en poids éviscéré. Le contingentement établi chaque année correspond à 2% de la production nationale. Néanmoins, certaines dispositions autorisent la délivrance de licences afin d'importer des quantités additionnelles de dindons permettant de satisfaire à l'ensemble des besoins du marché canadien.

Boeuf et veau

Par suite d'un décret du conseil (C.P. 1984-96) daté du 11 janvier 1984, l'article 20 (boeuf et veau) a été retiré de la L.I.C. à compter du 12 janvier 1984.

Par suite d'un décret du conseil (C.P. 1984-4148) daté du 21 décembre 1984, l'article 20 a été rétabli sur la liste de marchandises d'importation contrôlée afin de restreindre, aux termes des dispositions de la Loi sur l'importation de la viande, les importations de boeuf et de veau au Canada en 1985. Des contingents d'importation ont été fixés pour divers pays: Australie, 24 900 t (tonnes métriques); CEE, 2 700 t; États-Unis, 9 800 t; Nicaragua, 300 t et Nouvelle-Zélande, 28 800 t.

Café

Le café a été placé sur la liste de marchandises d'importation contrôlée le 1^{er} octobre 1976, en raison des obligations contractées par le Canada dans le cadre de

L'Accord international sur le café. Les contrôles en place visent à s'assurer que les envois sont accompagnés des certificats requis par l'Organisation internationale du café (O.I.C.). Ceux-ci servent à fournir des statistiques sur l'écoulement de cette denrée, et à garantir que les importations de café en provenance des pays ne faisant pas partie de l'O.I.C. ne dépassent pas le contingent attribué au Canada par l'O.I.C. pour le café des pays non membres. Pour l'année caféière allant du 1^{er} octobre 1983 au 30 septembre 1984, le contingent de café vert en provenance des pays non membres était fixé à 108 300 kg.

Sucre

L'Accord international sur le sucre de 1977 a expiré le 31 décembre 1984. Le sucre a été placé sur la L.I.C. le 17 avril 1978, en raison des obligations contractées par le Canada en tant que membre de l'Organisation internationale du sucre (O.I.S.). Les contrôles visent à s'assurer que le sucre importé au Canada est accompagné des certificats de contribution requis par l'O.I.S. Ceux-ci servent à fournir des statistiques sur l'écoulement de cette denrée et à s'assurer que toutes les importations de sucre ont été assujetties au versement d'une contribution au Fonds de financement des stocks de sucre de l'O.I.S. Le contingent attribué au Canada par l'O.I.S. pour le sucre en provenance des pays non membres s'élevait à 90 tonnes pour l'année civile 1984.

Fromage

En vertu de l'article 5 1) de la Loi sur les licences d'exportation et d'importation, les "fromages de tous genres à l'exclusion des imitations" ont été placés sur la liste de

marchandises d'importation contrôlée pour assurer la mise en application d'une mesure prise en vertu de la Loi sur la stabilisation des prix agricoles et de la Loi sur la Commission canadienne du lait afin de soutenir le prix des fromages de tous genres à l'exclusion des imitations.

Le contingent global pour les importations de fromage pendant l'année 1984 représentait 45 000 000 livres ou 20 411 866 kg, dont 60% étaient alloués aux importations de fromage depuis les dix (10) États membres de la CEE. Les autres 40% étaient alloués aux importations de sources autres que la CEE.

b) Textile et vêtements

La politique commerciale du Canada pour les secteurs des textiles et du vêtement reflète son adhésion à l'Arrangement multifibres (AMF). Négocié en vertu de l'Accord général sur les tarifs douaniers et le commerce (GATT), l'AMF fournit le cadre juridique international pour la négociation d'arrangements bilatéraux de limitation dans ces secteurs. Le 12 juillet 1982, le Canada a officiellement ratifié le protocole qui prorogeait l'AMF jusqu'au 31 juillet 1986.

Conformément à l'AMF et pour assurer à l'industrie nationale des textiles et du vêtement une période d'adaptation à la concurrence internationale, des mesures spéciales de protection ont été établies au moyen d'arrangements qui restreignent l'exportation au Canada de textiles et de vêtement déterminés en provenance de certains pays en développement. La restructuration de l'industrie nationale a été facilitée par un programme quinquennal d'ajustement, représentant plus de 400 millions de dollars, administré par l'Office canadien pour un renouveau industriel

(OCRI). L'aide à l'adaptation que fournit ce programme permet de moderniser l'industrie de manière à établir des firmes canadiennes de textiles et de vêtement plus viables et compétitives, à assurer une nouvelle formation et un soutien aux travailleurs touchés par le processus d'ajustement et à revitaliser l'économie des collectivités locales les plus vulnérables à la concurrence étrangère dans ces secteurs.

En ce qui concerne les mesures spéciales de protection à la frontière, on a maintenu sur la L.I.C. une gamme étendue de textiles et de vêtement afin de mettre en oeuvre les arrangements ou engagements intergouvernementaux négociés dans ces secteurs. Du point de vue du cadre juridique national qui régit l'application des accords bilatéraux de limitation, les textiles et le vêtement sont placés sur la L.C.I. en vertu de l'article 5 c) de la Loi.

En 1984, de nouveaux accords bilatéraux de limitation ont été négociés avec l'île Maurice et l'Indonésie, ce qui porte à 21 le nombre des arrangements de limitation en matière de textiles et de vêtement, lesquels expirent tous les 31 décembre 1986. D'autres produits ont aussi été ajoutés aux arrangements en place avec Sri Lanka, la Malaisie, la Chine, Singapour et la Thaïlande.

c) Chaussures

A la suite d'une enquête effectuée par le Tribunal antidumping aux termes du paragraphe 16.1 de la Loi antidumping (maintenant abrogée et dont les dispositions ont été incorporées à la Loi sur les mesures spéciales d'importation, S.C. 1983-84 c.25), qui a déterminé que les importations de chaussures portaient ou menaçaient de porter un préjudice sérieux aux producteurs canadiens de marchandises similaires,

le gouvernement a annoncé l'imposition, à compter du 1^{er} décembre 1977, d'un contingentement global d'importation pour les chaussures de toutes provenance. Ce contingentement ne s'appliquait pas aux chaussures en caoutchouc ou en toile et aux bottes de ski alpin ainsi qu'aux chaussures en plastique et à l'épreuve de l'eau. En juin 1980, le gouvernement a annoncé que le contingentement était prolongé jusqu'au 30 novembre 1981, afin de permettre au Tribunal antidumping de mener à bien une enquête sur la nécessité de poursuivre les mesures de proroger les mesures de protection spéciales au-delà de la date d'expiration.

Après que le Tribunal eut déposé son rapport, en 1981, le gouvernement a annoncé, le 24 novembre 1981, la prolongation pour une période de trois ans du contingentement global des importations de chaussures autres qu'en cuir, de même que le contingentement de chaussures en toile, à compter du 1^{er} décembre 1981. Cependant, les chaussures en cuir, protégées par des contingents précédemment établis, étaient exclues cette fois-là.

Le 9 juillet 1982, le gouvernement a annoncé qu'à compter de cette date les importations de chaussures en cuir seraient contrôlées de nouveau, par suite du rapport déposé par le Tribunal antidumping en 1981.

Les contingents d'importation de chaussures en cuir et autres qu'en cuir sont en place jusqu'au 30 novembre 1984. Les contingents de chaussures en cuir ont été fixés à 3,4 millions de paires pour la période allant du 9 juillet 1982 au 30 novembre 1982 et à 11,4 millions de paires pour la période allant du 1^{er} décembre 1982 au 30 novembre 1983 et à 11,7 millions de paires pour la période allant du 1^{er} décembre 1983 au 30 novembre 1984. Les nouveaux

contingents de chaussures autres qu'en cuir étaient fixés à 34,1 millions de paires pour la période allant du 1^{er} décembre 1981 au 30 novembre 1982, à 35,1 millions de paires pour la période allant du 1^{er} décembre 1982 au 30 novembre 1983 et à 36,2 millions de paires pour la période allant du 1^{er} décembre 1983 au 30 novembre 1984.

Par décret du conseil C.P. 1982-2081, en date du 9 juillet 1982, l'article 67 (chaussures en cuir) a été ajouté à la liste de marchandises d'importation contrôlée. En outre, ce décret abrogeait l'article 57 de la L.I.C. pour donner une nouvelle description des chaussures autres qu'en cuir, afin de refléter les nouveaux contingents et le fait que plusieurs catégories spécialisées qui avaient été exclues de la L.I.C. faisaient maintenant l'objet d'une surveillance.

Le décret du conseil C.P. 1984-3782, en date du 27 novembre 1984, a eu pour effet de prolonger de douze mois, jusqu'au 30 novembre 1985, les contingents de chaussures en cuir et autres qu'en cuir. Le contingentement pour la période allant du 1^{er} décembre 1984 au 30 novembre 1985 était de 12,3 millions de paires pour les chaussures en cuir et de 37,7 millions de paires pour les chaussures autres qu'en cuir.

d) Espèces menacées d'extinction

Le 2 janvier 1974, le Canada a signé la Convention sur le commerce international des espèces de faune et de flore sauvage menacées d'extinction. En la ratifiant le 10 avril 1975, le Canada devenait partie à cette convention.

Les décrets C.P. 1986-1541 et C.P. 1984-1542, tous les deux en date du 10 mai 1984, ont eu pour effet d'ajouter à la

L.I.C. et à la L.E.C. plusieurs espèces dont les parties à la Convention avaient convenu en 1983 et d'ajouter à l'annexe III, à la demande de l'Inde, sept espèces de serpents, de sorte que la Convention s'applique maintenant au commerce de ces sept espèces avec l'Inde.

Délivrance de licences d'importation

L'article 14 de la Loi stipule que:

"Nul ne doit importer ou tenter d'importer des marchandises mentionnées sur une liste de marchandises d'importation contrôlée, si ce n'est sous l'autorité et en conformité d'une licence d'importation délivrée selon la présente loi".

L'article 8 de la Loi prévoit que:

"Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'importer des marchandises comprises dans une liste de marchandises d'importation contrôlée, en la quantité et de la qualité, par les personnes, des endroits ou des personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent les licences, la procédure à suivre pour la demande et la délivrance de licences ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

L'article 5 du Règlement concernant les licences d'importation (C.R.C., c.605) prévoit la délivrance de licences générales autorisant l'importation de certains produits sous réserve de certaines limites et conditions.

Voici un résumé statistique des demandes de licence d'importation traitées au cours de 1984.

| | |
|--|---------|
| Licences d'importation délivrées | 200 323 |
| Demandes rejetées | 1 567 |
| Licences annulées | 784 |

Toutes les demandes de licences requises pour les espèces figurant à l'annexe I de la L.I.C. ont été traitées par le Service canadien de la faune. Les licences d'importation suivantes ont été traitées conformément à la Licence générale d'importation n° 17 du 21 septembre 1976:

| | |
|--------------------------|----|
| Demandes acceptées | 38 |
| Demandes refusées | 22 |
| Demandes retirées | 7 |

En 1984, 24 demandes de licence pour animaux vivants et 14 demandes de licence pour parties d'animaux ou produits dérivés ont été acceptées par le Service canadien de la faune. La plupart de ces licences concernaient des animaux vivants destinés à des jardins zoologiques.

Délivrance de certificats

L'article 9 de la Loi stipule que:

"Le Ministre peut, afin de faciliter l'importation de marchandises au Canada et

l'observation des lois du pays d'exportation, délivrer, à tout résident du Canada qui en fait la demande, un certificat d'importation énonçant que l'auteur de la demande s'est engagé à importer les marchandises décrites au certificat dans le délai y spécifié et renfermant les autres renseignements qu'exigent les règlements".

Les Règlements concernant les certificats d'importation (C.R.C., c.603) prévoient la délivrance des certificats requis par le pays d'exportation avant que ce dernier n'autorise l'exportation de marchandises au Canada. Ils prévoient également la délivrance de certificats de vérification de livraison, de façon à ce que les marchandises satisfassent aux exigences. Le but de ces règlements est d'empêcher le détournement en cours de route ou le transbordement non autorisé des marchandises.

Voici le résumé statistique des certificats traités au cours de 1984.

Certificats d'importation délivrés1 747
Certificats de vérification de livraison délivrés....650

2. Contrôle des exportations

L'article 3 de la Loi prévoit que le gouverneur en conseil peut établir une liste de marchandises, appelée "liste de marchandises d'exportation contrôlée" (L.E.C.), comprenant tout article dont, à son avis, il est nécessaire de contrôler l'exportation pour l'une quelconque des fins suivantes, à savoir:

- a) pour des raisons de sécurité nationale;

- b) pour favoriser le traitement supplémentaire des ressources naturelles;
- c) pour limiter les exportations des matières premières ou transformées d'origine canadienne, ou en conserver le contrôle lorsqu'il y a surproduction et chute des cours et qu'il ne s'agit pas d'un produit agricole;
- d) pour mettre en oeuvre un arrangement ou un engagement intergouvernemental; ou
- e) pour assurer une distribution et un approvisionnement suffisants.

Le groupe 1 de la liste couvre les animaux et les produits agricoles. Le décret du conseil C.P. 1984-97 a modifié la liste en abrogeant l'article 1021 (boeuf et veau) à compter du 11 janvier 1984. Par la suite, la licence d'exportation de boeuf et de veau (licence générale d'importation n°EX.13), en date du 22 août 1983, qui autorisait l'exportation de viande de boeuf et de veau destinés à l'usage personnel de l'exportateur et de sa famille, jusqu'à concurrence de 9 kg a été annulée le 7 février 1984.

A compter du 6 février 1984, l'article 1041, oeufs et produits des oeufs (toutes destinations, y compris les Etats-Unis) a été ajouté à la L.E.C. par les décrets du conseil C.P. 1984-340 et C.P. 1984-405 afin qu'il y ait une offre et une distribution adéquates de ces produits au Canada. Les décrets ministériels DORS/84-158 et DORS/84-159 ont créé la licence générale autorisant l'exportation d'oeufs (licence générale d'exportation n°EX.15 - (oeufs) qui permettait l'exportation d'oeufs pour l'usage personnel de l'exportateur et de sa famille jusqu'à concurrence de deux douzaines, et la licence générale autorisant l'exportation de produits des oeufs (licence générale d'exportation EX.16 -

Produits des oeufs) qui autorisait l'exportation de produits des oeufs en quantités ne dépassant pas 25 000 kg pour chaque exportation.

Par la suite, le décret du conseil C.P. 1984-3726 a modifié la L.E.C. à compter du 22 novembre 1984 en abrogeant l'article 1041, oeufs et produits des oeufs (toutes destinations, y compris les Etats-Unis).

Le 21 juin 1984, le décret du conseil C.P. 1984-2134 ajoutait à la L.E.C. le méthylphosphonate, le difluorure de méthylphosphonyle, l'oxychlorure de phosphore, le fluorure de potassium et le thiodiglycol, afin de mettre en oeuvre un arrangement intergouvernemental avec les Etats-Unis d'Amérique.

Délivrance de licences d'exportation

Aux termes de l'article 13 de la Loi:

"Nul ne doit exporter ou tenter d'exporter des marchandises comprises dans une liste de marchandises d'exportation contrôlée, ni des marchandises vers un pays dont le nom paraît sur une liste de pays visés par contrôle, si ce n'est sous l'autorité et en conformité d'une licence d'exportation délivrée selon la présente loi".

Une licence d'exportation est nécessaire pour qu'un article figurant sur la liste de marchandises d'exportation contrôlée puisse être exporté vers quelque destination que ce soit, à l'exception, dans la plupart des cas, des États-Unis. Cependant, il faut une licence d'exportation pour expédier à l'étranger, y compris aux États-Unis, douze articles énumérés

sur la liste: 1001 - glandes pancréatiques de bovins et de veaux; 1011 - espèces menacées d'extinction (annexe I ou II); 2001 - billes de bois (de toutes essences); 2002 - bois à pâte (de toutes essences); 5665 - déchets de fer et d'acier; 5667 - pièces de monnaie canadienne d'un cent en bronze; 8001 - matières de base (fertiles) et matières fissibles; 8005 - deutérium; 8039 - tritium; 8050 - matières radioactives; 8136 - réacteurs nucléaires; 10011 - sérum-albumine.

Des licences sont requises pour l'exportation aux États-Unis de deux autres articles, à savoir: 1031 - sucres, sirops et mélasses provenant de cannes à sucre ou de betteraves; 5664 - produits en acier.

La réexportation de tous les produits provenant des États-Unis nécessite une licence, sauf dans le cas des marchandises qui ont fait l'objet de transformation ou de fabrication complémentaire hors des États-Unis, en étant combinées à d'autres produits ou autrement, de façon à en modifier sensiblement la valeur, la forme et l'usage ou à produire de nouvelles marchandises, à moins que les marchandises à exporter ne soient énumérées dans un autre groupe sur la liste de marchandises d'exportation contrôlée. La réexportation de tous les produits d'origine étrangère nécessite une licence, quelle que soit la destination des marchandises, à l'exception, dans la plupart des cas, des États-Unis, lorsque ces marchandises font partie de la liste de marchandises d'exportation contrôlée. Les marchandises en transit douanier au Canada, qui sont accompagnés d'un connaissement ou d'autres documents indiquant avec précision leur destination finale, sont exemptées de la licence d'exportation.

L'article 7 de la Loi prévoit que:

"Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'exporter des marchandises comprises dans une liste de marchandises d'exportation contrôlée ou à un pays nommé dans une liste de pays visés par contrôle, en la quantité et de la qualité, par les personnes, aux endroits ou personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent les licences, la procédure à suivre pour la demande et la délivrance des licences, ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

L'article 6 du Règlement sur les licences d'exportation (C.R.C., c.602) prévoit la délivrance de licences générales autorisant l'exportation de certains produits désignés vers toutes les destinations ou vers des destinations précises.

Les Règlements visant le transbordement (C.R.C., c.606) permettent au Canada de collaborer au maintien d'un régime convenu entre divers pays, en vue d'empêcher le détournement en cours de route de produits de nature stratégique.

Le résumé statistique suivant porte sur les demandes de licence d'exportation traitées au cours de l'année 1984, relativement à la liste de marchandises d'exportation contrôlée et à la liste de pays visés par contrôle:

| | |
|--|-------|
| Licences d'exportation délivrées | 7 426 |
| Demandes rejetées | 15 |
| Demandes retirées | 347 |
| Licences d'exportation annulées | 25 |

En outre, les demandes de licence requises pour des espèces incluses dans les annexes I, II et III de la L.E.C. ont été traitées par le Service canadien de la faune. Les licences d'exportation suivantes ont été traitées conformément à la Licence générale d'exportation n°EX. 14, en date du 21 septembre 1976:

| | |
|---------------------------|-----|
| Demandes autorisées | 306 |
| Demandes refusées | 3 |
| Demandes retirées | 5 |

3. Infractions

L'article 19 de la Loi prévoit que:

"(1) Quiconque viole l'une des dispositions de la présente loi ou des règlements est coupable d'une infraction et passible

a) sur déclaration sommaire de culpabilité, d'une amende d'au plus cinq mille dollars ou d'un emprisonnement d'au plus douze mois ou à la fois de l'amende et de l'emprisonnement; ou

b) après déclaration de culpabilité sur acte d'accusation, d'une amende d'au plus vingt-cinq mille dollars ou d'un emprisonnement d'au plus cinq ans, ou à la fois de l'amende et de l'emprisonnement.

- (2) Des poursuites en vertu de l'alinéa a) du paragraphe (1) peuvent être intentées en tout temps dans les trois ans du moment où le sujet de la plainte a pris naissance."

L'article 24 de la Loi délègue la responsabilité de l'application de ladite Loi à tous les préposés au sens de la Loi sur les douanes. Trois cents quatre-vingts-quinze (395) infractions présumées ont fait l'objet d'enquêtes en 1984. Il a été porté 44 accusations qui ont entraîné 27 condamnations et des amendes qui s'élevaient à un total de 111 000 \$. Quatre (4) inculpations ont été abandonnées, les inculpés ayant décidé de plaider coupable à l'égard de 8 chefs d'accusation; deux (2) accusations ont été retirées, trois (3) condamnations ont été enregistrées et il y a eu sursis aux poursuites dans un cas. Il y a eu douze (12) cas où les enquêtes ont pris fin faute de preuves suffisantes. Au 31 décembre 1984, 18 affaires étaient en instance.

REPORT OF THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS
respecting operations under the
EXPORT AND IMPORT PERMITS ACT
for the year 1985

TABLED 9/9/87
SESSIONAL PAPER NO. 332-1/137

This Report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-17 of the 1970 Revised Statutes of Canada, as amended, which provides:

"26. As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

INTRODUCTION

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.

In terms of its organization, the Act provides that the Governor in Council may establish a series of 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 Secretary of State for External Affairs the authority to grant or deny requests 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 Controls
 - (a) Agricultural Products
 - (b) Textiles and Clothing
 - (c) Footwear
 - (d) Endangered Species

2. Export Controls

3. Violations

1. Import Controls

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 he deems it necessary to control for any of the following purposes:

- to ensure adequate supply and distribution of an article that is scarce on world markets or is subject to control in the country of export;
- to implement any action taken under the Farm Products Marketing Agencies Act;
- to support any action taken under the Meat Import Act;
- to implement any action taken under a number of named Acts; e.g., the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Canadian Dairy Commission Act, to support the price of the article;
- to implement an intergovernmental arrangement or commitment;
- to limit, pursuant to an enquiry by the Textile and Clothing Board or the Canadian Import Tribunal, the importation of goods causing or threatening to cause serious injury to domestic producers.

(a) Agriculture

The following agricultural products were contained on the ICL in 1985 and subject to control for the following reasons:

i) to restrict for the purpose of supporting any action under the Farm Products Marketing Act, the importation in any form of a like article to one produced in Canada, the quantities of which are fixed or determined under that Act:

- Turkey, turkey parts and products manufactured wholly thereof;
- Eggs and egg products;
- Chicken and chicken capons, live or eviscerated, chicken parts whether breaded or battered;

ii) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article:

- Animal feeds containing more than 50% non-fat milk solids (Canadian Dairy Commission Act);
- Butter (Canadian Dairy Commission Act);
- Butter fat in any form either alone or in combination with other substances (Canadian Dairy Commission Act);
- Cheese of all types other than imitation cheese (Agricultural Stabilization Act) and (Canadian Dairy Commission Act);
- Dry buttermilk (Canadian Dairy Commission Act);
- Dry casein and caseinates (Canadian Dairy Commission Act);

- Dry skimmed milk (Canadian Dairy Commission Act);
- Dry whey (Canadian Dairy Commission Act);
- Dry whole milk (Canadian Dairy Commission Act);
- Evaporated and condensed milk (Canadian Dairy Commission Act);

iii) to support any action taken under the Meat Import Act:

- Beef and veal in fresh, chilled and frozen form except offal.

iv) to implement an intergovernmental arrangement or commitment:

- Coffee in any form (International Coffee Agreement);
- Sugar, in any of its recognized commercial forms, derived from sugar cane or sugar beet ... (International Sugar Agreement);
- Endangered Species (Convention on International Trade in Endangered Species);
- Raccoon Dogs (Bilateral Arrangement with the U.S.A.).

As regards agricultural products, the following amendments and/or additions were made to the ICL during 1985:

Eggs

Eggs were placed on the ICL on May 9, 1974, under the authority of Section 5(a.1) of the Act. The global shell egg import quota for 1985 was 3,037,722 dozen, representing 0.675% of the previous year's domestic production. The quotas for egg powder, and liquid or frozen eggs, were 418 474 kg and 1 129 539 kg respectively. While the basic quota is fixed, provision is made to issue import permits for eggs and egg products supplementary to the quota to meet overall Canadian market needs. During 1985 supplementary

permits were issued for 7 982 856 dz table eggs, 431 kg of egg powder and 513 468 kg of egg products, for market shortages. In addition, supplementary permits for 3 439 757 dz shell eggs were authorized for breaking and re-export.

Chicken

Chicken was placed on the ICL on January 15, 1979 under Order in Council P.C. 1979-13 to support action taken under the Farm Products Marketing Agencies Act. The global import quota for 1985 was 26 926 452 kg expressed as eviscerated weight. The quota level is set at 6.3% of the previous year's domestic production. While the basic quota is fixed, provision is made to issue import permits for chicken supplementary to the quota to meet overall Canadian market needs. During 1985 supplementary permits were issued for 2 219 485 kg of chicken for market shortage, 90 710 kg of chicken to compete with imported products containing chicken and 484 711 kg of chicken for re-export.

Turkey

Turkey was placed on the ICL by Order in Council P.C. 1974-1086 of May 8, 1974 under the provisions of Section 5(a.1) of the Act. The global import quota for 1985 was 2 005 846 kg eviscerated equivalent. The quota is set annually at 2% of the domestic production quota for that year. While the basic quota is fixed, provision is made for the issuance of import permits for turkey supplementary to the quota to meet overall Canadian market needs. During 1985 supplementary permits were issued for 2 263 867 kg of turkey for market shortages and for 1 588 kg of turkey for re-export.

Beef and Veal:

Item 20 (Beef and Veal) was placed on the ICL on December 21, 1984 by Order in Council P.C. 1984-4148 to restrict, under the provisions of the Meat Import Act, beef and veal imported into Canada during 1985. The total import quota was set at 66 500 t, with individual countries: Australia 24 900 t (metric tonnes) EEC 2 700 t, New Zealand 28 800 t, Nicaragua 300 t and U.S.A. 9 800 t. Following bilateral negotiations with the EEC the Community quota was subsequently increased to 10 668 t. During the year the Nicaraguan quota was also adjusted upwards to 1 783 t.

On May 24, 1985 high quality beef was excluded from import quotas by Order in Council P.C. 1985-613.

Coffee

Coffee was placed on the ICL on October 1, 1976 to give effect to Canada's obligations as a member of the International Coffee Agreement. The controls are used to ensure that shipments are accompanied by the required certificates of the International Coffee Organization (ICO) (these are used to provide statistical data on the movement of the commodity), and to ensure that imports of coffee from countries not members of the ICO do not exceed the import quota which is assigned to Canada by the ICO for non-member coffee. For the coffee year October 1, 1984 to September 30, 1985, the non-member quota was 108 300 kg of green coffee.

Sugar

The International Sugar Agreement of 1977 expired on December 31, 1984 and sugar was removed from the ICL on March 14, 1985 by Order in Council P.C. 1985-790.

Cheese

Under the authority of Section 5(1)(b) of the Act, "Cheese of all types other than imitation cheese" was placed on the ICL for the implementation of an action taken under the Agricultural Stabilization Act and the Canadian Dairy Commission Act to support the price or that has the effect of supporting the price of cheese of all types.

The annual global cheese import quota for the year 1985 amounted to 45 000 000 lbs or 20 411 866 kg of which 60% was allocated to cheese importers from the then ten (10) member-states of the EEC. The remaining 40% was allocated to cheese importers from non-EEC sources.

(b) Textiles and Clothing

Canadian trade policy for the textile and clothing sectors reflects Canada's participation in the Multi-Fibre Arrangement (MFA). The MFA is negotiated under the General Agreement on Tariffs and Trade (GATT) and provides the international legal framework for the negotiation of bilateral textile and clothing restraint arrangements. On July 12, 1982 Canada formally ratified the Protocol extending the MFA to July 31, 1986. International discussions on the future of the MFA beyond its July 31, 1986 expiry commenced during 1985 in the GATT Textiles Committee in Geneva.

Consistent with the MFA and in order to allow for a period during which the domestic textile and clothing industry can adjust to international competition, special measures of protection are provided to these sectors through the negotiation of restraint arrangements to limit the exports of specified textile and clothing products from certain developing countries to Canada. A broad range of textile and clothing products have been maintained on the ICL for the

purpose of implementing the intergovernmental arrangements or commitments negotiated in these sectors. In terms of the domestic legal framework for administration of bilateral restraint arrangements, textile and clothing items are placed on the ICL under the authority of Section 5(c) of the Act.

In 1985, a new bilateral restraint arrangement was negotiated with Bangladesh, bringing the total number of textile and clothing restraint arrangements to 22, all of which extend to December 31, 1986. Additional products were also added to the existing restraint arrangements in place with Brazil, Bulgaria, Indonesia, Malaysia, and Pakistan.

Order in Council P.C. 1985-3590, dated December 12, 1985, had the effect of deleting the reference to specific countries of origin in sub-item 29(1) of the Import Control List (cotton terry towels, washcloths and sets containing 50% or more by weight of cotton). This amendment, which extended the import permit requirement to imports of these products from all sources, was made in order to permit the implementation of additional bilateral restraint arrangements applicable to this item.

(c) Footwear

Following an enquiry by the Canadian Import Tribunal under Section 48 of the Special Import Measures Act, it was found that in the absence of special measures of protection imports of women's and girls' dress and casual footwear would likely cause injury to Canadian producers of like goods. The Government announced, effective December 1, 1985, a three-year extension of quotas on imports of women's and girls' dress and casual footwear from all sources. The quotas which had been in place on men's and boys' footwear, children's and infants' footwear, athletic/utility footwear and slippers were allowed to expire on November 30, 1985.

Order in Council P.C. 1985-3432, dated November 21, 1985, extended the quotas on women's and girls' dress and casual footwear for three years to November 30, 1988. The restraint levels for each of the three years are the level of imports of such goods between December 1, 1984 and November 30, 1985 plus 6% in the first year, plus another 8% in the second year, plus another 10% in the third year.

(d) Endangered Species

On January 2, 1974, Canada signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora (C.I.T.E.S.). Canada ratified this Convention becoming a party to the International Agreement on April 10, 1975.

No changes were made in 1985 to the list of species covered by the Convention.

Issuance of Import Permits

Section 14 of the Act stipulates that:

"No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 8 authorizes the Minister to:

"... issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be

followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

Section 5 of the Import Permit Regulations (C.R.C., c.605) provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

The following is a statistical summary of applications for import permits processed during 1985.

| | |
|-----------------------------|---------|
| Import permits issued..... | 231,395 |
| Applications refused..... | 1,239 |
| Applications cancelled..... | 9,413 |

All applications for permits required for specimens of endangered wild fauna or flora or derivatives appearing on the Import Control List were handled by the Canadian Wildlife Service. The following permits were processed in accordance with General Import Permit No. 17 of September 21, 1976:

| | |
|-----------------------------|----|
| Applications approved..... | 52 |
| Applications refused..... | 5 |
| Applications withdrawn..... | 4 |

Twenty-eight (28) permits were issued by the Canadian Wildlife Service for the importation of live specimens for zoos and for captive breeding purposes. Twenty-four (24) permits were issued for parts and derivatives.

Issuance of International Import Certificates

Section 9 of the Act provides that:

"The Minister may, in order to facilitate the importation of goods into Canada and compliance with the laws of the country of export, issue to any

resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

Import Certificate Regulations (C.R.C., c.603) provide for the issuance of import certificates which are required by the country of export before it will allow goods to be shipped to Canada. They also provide for the issuance of Delivery-Verification Certificates for goods imported into Canada to comply with the requirements. The purpose of these regulations is to prevent the diversion in transit or the unauthorized trans-shipments of certain of the more advanced electronic goods as well as other sensitive military and strategic goods which are controlled internationally through the Co-ordinating Committee for Strategic Trade Controls (COCOM).

As a member of COCOM, Canada has recognized the necessity of this international control mechanism whereby the primary responsibility for controlling the movement of strategic commodities is transferred to the importing countries, as acknowledged by their issue of Import Certificates, and hence becomes subject to their export control regulations. A Delivery-Verification Certificate is required in support of certain imports and allows the importer to present evidence that a shipment has been delivered in accordance with the terms of the export licence and import certificate previously obtained.

The following is a statistical summary of certificates processed during 1985.

| | |
|--|-------|
| Import Certificates issued..... | 2,127 |
| Delivery-Verification Certificates issued..... | 788 |

2. Export Controls

Section 3 of the Act provides that the Governor in Council may establish a list of goods, to be called an Export Control List (ECL), including therein any article the export of which he deems it necessary to control for any of the following purposes, namely,

- (a) for national security reasons;
- (b) to promote further processing of natural resources;
- (c) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus and depressed prices that is not a produce of agriculture;
- (d) to implement an intergovernmental arrangement or commitment; or
- (e) to ensure adequate supply and distribution.

The first of the above provisions relates to goods having a military or strategic nature or value which, if made available to certain destinations, might be used to the detriment of the security of Canada and its allies. For export control purposes, military and strategic goods have been broadly defined as follows:

- a) Military goods are systems or equipment specifically designed for military use. This includes offensive military equipment (system or device capable of enabling an attack to be delivered - e.g., combat aircraft, armed vehicle, arms and ammunition) as well as defensive military equipment (any other equipment when built to military specifications).
- b) Strategic goods are equipment of a commercial civilian nature that could have a military application, either directly (e.g., computers, telecommunication systems

and most civilian aircraft and associated equipment) or indirectly, as in the production of military equipment.

Issuance of Export Permits

An export permit is required before an item included in the ECL may be exported from Canada to any destination with the exception, in most cases, of the United States. However, twelve items in the List require permits before they may be exported to any destination including the United States, i.e.: 1001 - pancreas glands of cattle and calves; 1011 - endangered species (Appendix I or II); 2001 - logs of wood (of all species); 2002 - pulpwood (of all species); 5665 - scrap iron and steel; 5667 - Canadian one cent bronze coins; 8001 - source (fertile) and fissionable materials; 8005 - deuterium; 8039 - tritium; 8050 - radio-active materials; 8136 - nuclear reactors; 10011 - serum albumin.

Two additional items on the List require permits before they may be exported to the United States only, i.e.: 1031 - sugars, syrups, and molasses, derived from sugar cane or sugar beets; 5664 - specialty steel products.

All of these reflect the export controls necessary to realize the objectives set out in the Act and, additionally (in the case of the Group 8 Items), represent an important instrument for the implementation of the Atomic Energy Control Act provisions. Prior to issuing export permits for Group 8 materials and equipment, the concurrence of the Atomic Energy Control Board must be obtained.

All goods originating in the United States that are to be re-exported from Canada require an export permit except any such goods that have been further processed or manufactured outside the United States, by combining them with other goods

or otherwise, so as to result in substantial change in value, form and use of the goods or in the production of new goods, unless the goods to be exported are listed in another Group in the ECL.

Area Control List

Section 13 of the Export and Import Permits Act provides that:

"No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

The Area Control List (ACL) contains the following countries: Albania, Bulgaria, Czechoslovakia, German Democratic Republic and East Berlin, Hungary, Mongolia, Democratic People's Republic of Korea, Socialist Republic of Vietnam, Poland, Romania, Union of Soviet Socialist Republics. Shipments of all goods, whether they appear on the Export Control List or not, must be supported by an export permit when destined to countries designated in the ACL.

Section 7 of the Act provides that:

"The Minister may issue to any resident of Canada applying therefor a permit to export goods included in an Export Control List or to a country included in an Area Control List, in such quantity and of such quality, by such persons, to such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

Section 6 of the Export Permit Regulations (C.R.C., c.602) provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

The Regulations Respecting Trans-shipment (C.R.C., c.606) enable Canada to cooperate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of applications for export permits processed during 1985 relating to both the ECL and the ACL:

| | |
|--|-------|
| Export permits issued..... | 8,127 |
| Applications refused..... | 45 |
| Applications withdrawn..... | 388 |
| Export permits cancelled..... | 39 |
| Application pending as of Dec. 31, 1985..... | 1,023 |

In addition, applications for permits required for any specimen of endangered wild fauna or flora or derivatives appearing on the Export Control List were handled by the Canadian Wildlife Service. The following permits were issued in accordance with General Export Permit No. Ex. 14 of September 21, 1976:

| | |
|-----------------------------|-----|
| Applications approved..... | 922 |
| Applications refused..... | 3 |
| Applications withdrawn..... | 9 |

3. Violations

Section 19 of the Act provides that:

- (1) Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable
 - (a) on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment; or
 - (b) on conviction upon indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment.
- (2) A prosecution under paragraph (a) of sub-section (1) may be instituted at any time within three years from the time when the subject matter of the complaint arose.

Section 24 of the Act delegates responsibility for the enforcement of the Act to all officers as defined in the Customs Act.

(a) Export Controls Investigations Status for 1985

In 1985, a total of six hundred and forty-one (641) files were opened. Of these, four hundred and sixty-one (461) represent investigations initiated to establish whether the Export and Import Permits Act was violated, and one hundred and eighty (180) were assistance cases. The latter do not represent suspected offences and are

usually the result of inquiries or liaison work (e.g., with other countries' enforcement agencies, the Canadian Wildlife Federation, Revenue Canada (Customs & Excise), etc.). One hundred and eighteen (118) cases were cleared; five charges laid and two court cases were pending as of December 31, 1985. In addition, under Customs enforcement procedures, there were five hundred and one (501) detentions and thirteen seizures subject to adjudication.

(b) Import Controls Investigations Status for 1985

There were twelve cases of suspected violations resulting in four convictions and fines totalling \$64,000. In three cases investigations were terminated due to insufficient evidence. As of December 31, 1985 five cases are still under investigation.

RAPPORT DU SECRÉTAIRE D'ÉTAT AUX AFFAIRES EXTÉRIEURES
sur les activités découlant de la
LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION
pour l'année 1985

Le présent rapport est présenté conformément à l'article 26 de la Loi sur les licences d'exportation et d'importation (appelée ci-après la Loi), chapitre E-17 des Statuts révisés du Canada 1970, dans sa forme modifiée, qui prévoit ce qui suit:

"26. Aussitôt que possible après le 31 décembre de chaque année, le Ministre doit dresser et présenter au Parlement un rapport sur les opérations découlant de la présente loi pour l'année en question."

INTRODUCTION

Le pouvoir de contrôler l'importation et l'exportation de produits et de technologie découle de la Loi. Cette loi trouve son origine dans la Loi sur les mesures de guerre. Adoptée par le Parlement en 1947, elle a depuis subi un certain nombre de modifications.

Pour ce qui est de l'organisation, la Loi prévoit que le gouverneur en conseil peut établir des listes appelées liste de marchandises d'importation contrôlée, liste de marchandises d'exportation contrôlée et liste de pays visés par contrôle. La Loi fixe des critères qui régissent l'inclusion de marchandises ou de pays dans les différentes listes et prévoit que le gouverneur en conseil peut révoquer, modifier, changer ou rétablir tout élément figurant sur ces listes. Le contrôle de l'écoulement et de la destination des marchandises figurant sur ces listes est effectué au moyen de la délivrance de licences d'importation ou d'exportation.

La Loi confère au secrétaire d'État aux Affaires extérieures l'autorité de donner suite aux demandes de licences ou de les rejeter; il se voit donc attribuer de vastes pouvoirs pour contrôler l'écoulement des marchandises figurant sur les listes. Les opérations découlant de l'application de la Loi

peuvent être groupées sous les rubriques suivantes:

1. Contrôle des importations
 - a) Produits agricoles
 - b) Textiles et vêtements
 - c) Chaussures
 - d) Espèces menacées d'extinction
2. Contrôle des exportations
3. Infractions

1. Contrôle des importations

L'article 5 de la Loi prévoit que le gouverneur en conseil peut établir une liste de marchandises, appelée "liste de marchandises d'importation contrôlée" (L.I.C.), comprenant tout article dont, à son avis, il est nécessaire de contrôler l'importation pour l'une quelconque des fins suivantes, à savoir:

- assurer le meilleur approvisionnement et la meilleure distribution possible d'un article rare sur les marchés mondiaux ou soumis à des règles dans son pays d'origine;
- appliquer une mesure prise en vertu de la Loi sur les offices de commercialisation des produits de ferme;
- appuyer une mesure prise en vertu de la Loi sur l'importation de la viande;

- mettre a exécution toute mesure prise en vertu de la Loi sur la stabilisation des prix agricoles, de la Loi sur le soutien des prix des produits de la pêche ou de la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article;
- mettre en oeuvre un arrangement ou un engagement inter-gouvernemental;
- limiter, à la suite d'une enquête effectuée par la Commission du textile et du vêtement ou par le Tribunal canadien des importations, l'importation de marchandises portant ou menaçant de porter un préjudice sérieux aux producteurs canadiens.

a) Agriculture

En 1985, la liste de marchandises d'importation contrôlée renfermait les produits agricoles énumérés ci-après, soumis au contrôle pour l'une des fins suivantes:

- i) restreindre, pour appuyer une mesure prise aux termes de la Loi sur la commercialisation des produits de ferme, l'importation, sous quelque forme que ce soit, d'un article semblable à un autre produit au Canada, en quantité fixée ou déterminée en vertu de ladite Loi:
 - dindons, morceaux de dindons et produits qui en sont entièrement dérivés;
 - oeufs et produits d'oeufs;
 - poulets et chapons, vivants ou éviscérés, parties de poulet, qu'elles soient ou non enrobées de chapelure ou de pâte;

ii) appliquer toute mesure prise aux termes de la Loi sur la stabilisation des prix agricoles, de la Loi sur le soutien des prix des produits de la pêche, de la Loi sur la vente coopérative des produits agricoles ou de la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article:

- provendes contenant plus de 50 % de solides non gras de lait (Loi sur la Commission canadienne du lait);
- beurre (Loi sur la Commission canadienne du lait);
- matière grasse du lait sous toutes formes, seule ou en combinaison avec d'autres substances (Loi sur la stabilisation des prix agricoles);
- fromages de tous genres à l'exclusion des imitations (Loi sur la stabilisation des prix agricoles et Loi sur la Commission canadienne du lait);
- lait de beurre ou babeurre en poudre (Loi sur la Commission canadienne du lait);
- caséine ou caséinates en poudre (Loi sur la stabilisation des prix agricoles);
- lait écrémé en poudre (Loi sur la stabilisation des prix agricoles);
- petit-lait en poudre (Loi sur la Commission canadienne du lait);
- poudre de lait entier (Loi sur la Commission canadienne du lait);

- lait évaporé et lait concentré (Loi sur la Commission canadienne du lait);
- iii) appuyer toute mesure prise en vertu de la Loi sur l'importation de la viande:
- boeuf et veau frais, réfrigéré et congelé sauf les abats.
- iv) mettre en oeuvre un arrangement ou un engagement inter-gouvernemental:
- café sous toutes ses formes (Accord international sur le café);
 - sucre sous toutes ses formes commerciales reconnues, dérivé de la canne à sucre ou de la betterave... (Accord international sur le sucre);
 - espèces menacées d'extinction (Convention sur le commerce international des espèces menacées d'extinction);
 - chiens viverrins (Arrangement bilatéral avec les États-Unis).

En ce qui concerne les produits agricoles, la liste de marchandises d'importation contrôlée a subi les modifications ou additions suivantes au cours de 1985:

Oeufs

Les oeufs ont été placés sur la liste de marchandises d'importation contrôlée le 9 mai 1974, en vertu de l'alinéa

5 a.1) de la Loi. En 1985, le contingent global d'oeufs en coquille était de 3 037 722 douzaines, ce qui représente 0,675 % de la production canadienne de l'année précédente. Les contingents d'oeufs en poudre et d'oeufs liquides ou congelés étaient respectivement de 418 474 kg et de 1 129 539 kg. Bien que le contingent de base soit fixe, on prévoit la délivrance de licences pour importer des oeufs et des produits des oeufs en sus du contingent afin de répondre aux besoins globaux du marché canadien. En 1985, des licences supplémentaires ont été délivrées pour l'importation de 7 982 856 douzaines d'oeufs en coquille, 431 kg d'oeufs en poudre et 513 468 kg de produits d'oeufs, afin de remédier à des insuffisances du marché. En outre, des licences supplémentaires ont été autorisées pour l'importation de 3 439 757 douzaines d'oeufs en coquille destinés à la casserie et à la réexportation.

Poulet

Le poulet a été placé sur la L.I.C. le 15 janvier 1979 par décret du conseil (C.P. 1979-13) pour appuyer une mesure prise aux termes de la Loi sur les offices de commercialisation des produits de ferme. Le contingent global pour 1985 était de 26 926 452 kg, en poids éviscéré. Le contingentement est fixé à 6,3 % de la production canadienne de l'année précédente. Néanmoins, certaines dispositions autorisent la délivrance de licences afin d'importer des quantités additionnelles de poulet permettant de satisfaire à l'ensemble des besoins du marché canadien. En 1985, des licences supplémentaires ont été délivrées pour l'importation de 2 219 485 kg de poulet afin de remédier à une insuffisance du marché, de 90 710 kg de poulet pour soutenir la concurrence de produits importés renfermant du poulet et de 484 711 kg de poulet pour réexportation.

Dindons

Les dindons ont été placés sur la liste de marchandises d'importation contrôlée par le décret du conseil C.P. 1974-1086 du 8 mai 1974, aux termes de l'alinéa 5 a.1) de la Loi. Le contingentement global pour 1985 était de 2 005 846 kg, en poids éviscéré. Le contingentement établi chaque année correspond à 2 % de la production nationale. Néanmoins, certaines dispositions autorisent la délivrance de licences afin d'importer des quantités additionnelles de dindons permettant de satisfaire à l'ensemble des besoins du marché canadien. En 1985, des licences supplémentaires ont été délivrées pour l'importation de 2 263 867 kg de dindon afin de remédier à l'insuffisance du marché et de 1 588 kg de dindon pour réexportation.

Boeuf et veau

Par suite d'un décret du conseil C.P. 1984-4148 daté du 21 décembre 1984, l'article 20 a été placé sur la liste de marchandises d'importation contrôlée afin de restreindre, aux termes des dispositions de la Loi sur l'importation de la viande, les importations de boeuf et de veau au Canada en 1985. Des contingents d'importation ont été fixés pour divers pays: Australie 24 900 t (tonnes métriques); CEE, 2 700 t; États-Unis, 9 800 t; Nicaragua, 300 t et Nouvelle-Zélande, 28 800 t, le contingentement global étant de 66 500 t. A la suite de négociations bilatérales avec la CEE, le contingent de celle-ci a été porté à 10 668 t. Pendant l'année, le contingent du Nicaragua a été porté à 1 783 t. Le 24 mai 1985, le boeuf de haute qualité a été exclu des contingents d'importation par le décret C.P. 1985-613.

Café

Le café a été placé sur la liste de marchandises d'importation contrôlée le 1er octobre 1976, en raison des obligations contractées par le Canada dans le cadre de l'Accord international sur le café. Les contrôles en place visent à s'assurer que les envois sont accompagnés des certificats requis par l'Organisation internationale du café (O.I.C.). Ceux-ci servent à fournir des statistiques sur l'écoulement de cette denrée, et à garantir que les importations de café en provenance des pays ne faisant pas partie de l'O.I.C. ne dépassent pas le contingent attribué au Canada par l'O.I.C. pour le café des pays non membres. Pour l'année caféière allant du 1er octobre 1984 au 30 septembre 1985, le contingent de café vert en provenance des pays non membres était fixé à 108 300 kg.

Sucre

L'Accord international sur le sucre de 1977 a expiré le 31 décembre 1984 et le sucre a été retiré de la L.I.C. le 14 mars 1985 par le décret C.P. 1985-790.

Fromage

En vertu de l'article 5 1)(b) de la Loi sur les licences d'exportation et d'importation, les "fromages de tous genres à l'exclusion des imitations" ont été placés sur la liste de marchandises d'importation contrôlée pour assurer la mise en application d'une mesure prise en vertu de la Loi sur la stabilisation des prix agricoles et de la Loi sur la Commission canadienne du lait afin de soutenir le prix des fromages de tous genres à l'exclusion des imitations.

Le contingent global pour les importations de fromage pendant l'année 1985 représentait 45 000 000 livres ou 20 411 866 kg dont 60 % étaient alloués aux importations de fromage depuis les dix (10) États membres de la CEE. Les autre 40 % étaient alloués aux importations de sources autres que la CEE.

b) Textiles et vêtement

La politique commerciale du Canada pour les secteurs des textiles et du vêtement reflète son adhésion à l'Arrangement multifibres (AMF). Négocié en vertu de l'Accord général sur les tarifs douaniers et le commerce (GATT), l'AMF fournit le cadre juridique international pour la négociation d'arrangements bilatéraux de limitation dans ces secteurs. Le 12 juillet 1982, le Canada a officiellement ratifié le protocole qui prorogeait l'AMF jusqu'au 31 juillet 1986. Les discussions internationales sur l'avenir de l'AMF au-delà de cette date d'expiration ont commencé en 1985 au sein du Comité des textiles du GATT à Genève.

Conformément à l'AMF et pour assurer à l'industrie nationale des textiles et du vêtement une période d'adaptation à la concurrence internationale, des mesures spéciales de protection ont été établies au moyen d'arrangements qui restreignent l'exportation au Canada de textiles et de vêtements déterminés en provenance de certains pays en développement. Une gamme étendue de produits a été maintenue sur la L.I.C. aux fins de l'exécution des arrangements au engagements intergouvernementaux négociés dans ces secteurs. Du point de vue du cadre juridique national qui régit l'application des accord bilatéraux de limitation, les textiles et le vêtement sont placés sur la L.I.C. en vertu de l'article 5 c) de la Loi.

En 1985, de nouveaux accords bilatéraux de limitation ont été négociés avec le Bangladesh, ce qui porte à 22 le nombre des arrangements de limitation en matière de textiles et de vêtement, lesquels expirent tous le 31 décembre 1986. D'autres produits ont aussi été ajoutés aux arrangements en place avec le Brésil, la Bulgarie, l'Indonésie, la Malaisie, et le Pakistan.

Le décret C.P. 1985-3590 du 12 décembre 1985 a eu pour effet de supprimer la mention de pays d'origine particuliers à l'article 29 de la liste de marchandises d'importation contrôlée (serviettes, débarbouillettes de coton-éponge contenant en poids 50 % ou plus de coton). Cette modification, qui rendait l'obtention d'une licence obligatoire pour les importations de toutes provenances, a été faite pour permettre la mise en oeuvre d'arrangements bilatéraux supplémentaires de limitation qui s'appliquent à l'égard de cet article.

c) Chaussures

A la suite d'une enquête effectuée par le Tribunal canadien des importations aux termes de l'article 48 de la Loi sur les mesures spéciales d'importation, il a été déterminé que, faute de mesures spéciales de protection, les importations de chaussures habillées et de chaussures de sport pour femmes et fillettes porteraient vraisemblablement préjudice aux producteurs canadiens de marchandises similaires. Le gouvernement a annoncé une prolongation pour trois ans, à compter du 1er décembre 1985, des contingents applicables aux importations de chaussures de ce genre de toutes provenances. On a laissé expirer le 30 novembre 1985 les contingents qui s'appliquaient aux chaussures pour hommes et garçons, aux chaussures pour enfants et bébés, aux chaussures athlétiques et utilitaires et aux pantoufles.

Le décret C.P. 1985-3432 du 21 novembre 1985 a prolongé pour une période de trois ans, jusqu'au 30 novembre 1988, les contingents applicables aux chaussures habillées et aux chaussures de sport pour femmes et fillettes. Les niveaux limites pour chacune des trois années sont le niveau d'importation de ces marchandises entre le 1er décembre 1984 et le 30 novembre 1985 plus 6 % la première année, et encore 8 % la deuxième année et 10 % la troisième année.

d) Espèces menacées d'extinction

Le 2 janvier 1974, le Canada a signé la Convention sur le commerce international des espèces de faune et de flore sauvage menacées d'extinction. En la ratifiant le 10 avril 1975, le Canada devenait partie à cette convention.

Aucun changement n'a été apporté en 1985 à la liste d'espèces auxquelles s'applique la Convention.

Délivrance de licences d'importation

L'article 14 de la Loi précise que:

"Nul ne doit importer ou tenter d'importer des marchandises mentionnées sur une liste de marchandises d'importation contrôlée, si ce n'est sous l'autorité et en conformité d'une licence d'importation délivrée selon la présente loi".

L'article 8 de la Loi prévoit que:

"Le Ministre peut délivrer à tout résident du Canada que en fait la demande une licence d'importer des marchandises comprises dans une liste de marchandises

d'importation contrôlée, en la quantité et de la qualité, par les personnes, des endroits ou des personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent les licences, la procédure à suivre pour la demande et la délivrance de licences ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

L'article 5 du Règlement concernant les licences d'importation (C.R.C., c.605) prévoit la délivrance de licences générales autorisant l'importation de certains produits sous réserve de certaines limites et conditions.

Voici un résumé statistique des demandes de licence d'importation traitées au cours de 1985.

| | |
|----------------------------------|---------|
| Licences d'importation délivrées | 231 395 |
| Demandes rejetées | 1 239 |
| Licences annulées | 9 413 |

Toutes les demandes de licences requises pour les espèces de faune et de flore sauvage menacées d'extinction ou les produits dérivés figurant sur la L.I.C. ont été traitées par le Service canadien de la faune. Les licences d'importation suivantes ont été traitées conformément à la Licence générale d'importation no. 17 du 21 septembre 1976:

| | |
|--------------------|----|
| Demandes acceptées | 52 |
| Demandes refusées | 5 |
| Demandes retirées | 4 |

En 1985, le Service canadien de la faune a délivré 28 licences pour l'importation d'animaux vivants destinés à des jardins zoologiques ou à la reproduction en captivité. Vingt-quatre licences ont été délivrées pour des parties d'animaux et des produits dérivés.

Délivrance de certificats d'importation

L'article 9 de la Loi précise que:

"Le Ministre peut, afin de faciliter l'importation de marchandises au Canada et l'observation des lois du pays d'exportation, délivrer, à tout résident du Canada qui en fait la demande, un certificat d'importation énonçant que l'auteur de la demande s'est engagé à importer les marchandises décrites au certificat dans le délai y spécifié et renfermant les autres renseignements qu'exigent les règlements".

Les Règlements concernant les certificats d'importation (C.R.C., c.603) prévoient la délivrance des certificats requis par le pays d'exportation avant que ce dernier n'autorise l'exportation de marchandises au Canada. Ils prévoient également la délivrance de certificats de vérification de livraison, de façon à ce que les exportations satisfassent aux exigences. Le but de ces règlements est d'empêcher le détournement en cours de route ou le transbordement non autorisé de produits électroniques de pointe ainsi que de biens militaires et stratégiques qui sont soumis à un contrôle international par les soins du Comité de coordination chargé de la surveillance des exportations de produits stratégiques (COCOM).

En tant que membre du COCOM, le Canada a reconnu la nécessité de ce mécanisme de contrôle international par lequel la responsabilité principale du contrôle du mouvement des produits stratégiques est transférée aux pays importateurs, comme en témoignent les certificats d'importation, qu'ils délivrent, et est assujettie de ce fait à leurs règlements de contrôle des exportations. Un certificat de vérification de livraison est requis à l'appui de certaines importations; il permet à l'importateur de fournir une preuve que les marchandises ont été livrées conformément aux conditions de la licence d'exportation et du certificat d'importation obtenus.

Voici le résumé statistique des certificats traités au cours de 1985.

| | |
|--|-------|
| Certificats d'importation délivrés | 2 127 |
| Certificats de vérification de livraison délivrés | 788 |

2. Contrôle des exportations

L'article 3 de la Loi prévoit que le gouverneur en conseil peut établir une liste de marchandises, appelée "liste de marchandises d'exportation contrôlée" (L.E.C.), comprenant tout article dont, à son avis, il est nécessaire de contrôler l'exportation pour l'une quelconque des fins suivantes, à savoir:

- a) pour des raisons de sécurité nationale;
- b) pour favoriser le traitement supplémentaire des ressources naturelles;

- c) pour limiter les exportations des matières premières ou transformées d'origine canadienne, ou en conserver le contrôle lorsqu'il y a surproduction et chute des cours et qu'il ne s'agit pas d'un produit agricole;
- d) pour mettre en oeuvre un arrangement ou un engagement intergouvernemental; ou
- e) pour assurer une distribution et un approvisionnement suffisants.

La première des dispositions qui précèdent a trait aux produits qui ont un caractère ou une valeur militaire ou stratégique et qui, s'ils sont fournis à certaines destinations, pourraient être utilisés au détriment de la sécurité du Canada et de ses alliés. Aux fins du contrôle des exportations, les biens militaires et stratégiques ont été définis, d'une façon générale, comme suit:

- a) Les biens militaires sont des systèmes ou de l'équipement spécialement conçus pour l'usage militaire. Cela comprend le matériel militaire offensif (système ou engin permettant de livrer une attaque - par ex., avion de combat, véhicule armé, armes et munitions), ainsi que le matériel militaire défensif (tout autre matériel construit selon des spécifications militaires).
- b) Les biens stratégiques sont de l'équipement commercial civil qui pourrait avoir une application militaire, soit directement (par ex., ordinateurs, systèmes de télécommunications et la plupart des

aéronefs civils et du matériel connexe), soit indirectement, comme dans la production de matériel militaire.

Délivrance de licences d'exportation

Une licence d'exportation est nécessaire pour qu'un article figurant sur la liste de marchandises d'exportation contrôlée puisse être exporté vers quelque destination que ce soit, à l'exception, dans la plupart des cas, des États-Unis.

Cependant, il faut une licence d'exportation pour expédier à l'étranger, y compris aux États-Unis, douze articles énumérés sur la liste: 1001 - glandes pancréatiques de bovins et de veaux; 1011 - espèces menacées d'extinction (annexe I ou II); 2001 - billes de bois (de toutes essences); 2002 - bois à pâte (de toute essence); 5665 - déchets de fer et d'acier; 5667 - pièces de monnaie canadienne d'un cent en bronze; 8001 - matières de base (fertiles) et matières fissibles; 8005 - deutérium; 8039 - tritium; 8050- matières radioactives; 8136 - réacteurs nucléaires; 10011 - sérum-albumine.

Des licences sont requises pour l'exportation aux États-Unis de deux autres articles, à savoir: 1031 - sucres, sirops et mélasses provenant de cannes à sucre ou de betteraves; 5664 - produits en acier allié.

Toutes ces dispositions reflètent les contrôles à l'exportation nécessaires pour la réalisation des objectifs indiqués dans la Loi et constituent en outre (dans le cas des articles du Groupe 8) un important instrument d'application de la Loi sur le contrôle de l'énergie atomique. Avant de délivrer des licences d'exportation pour des matières et de l'équipement

du Groupe 8, il faut obtenir l'accord de la Commission de contrôle de l'énergie atomique.

La réexportation de tous les produits provenant des États-Unis nécessite une licence, sauf dans le cas des marchandises qui ont fait l'objet de transformation ou de fabrication complémentaire hors des États-Unis, en étant combinées à d'autres produits ou autrement, de façon à en modifier sensiblement la valeur, la forme et l'usage ou à produire de nouvelles marchandises, à moins que les marchandises à exporter ne soient énumérées dans un autre groupe sur la liste de marchandises d'exportation contrôlée.

Liste de pays visés par contrôle

Aux termes de l'article 13 de la Loi sur les licences d'exportation et d'importation:

"Nul ne doit exporter ou tenter d'exporter des marchandises comprises dans une liste de marchandises d'exportation contrôlée, ni des marchandises vers un pays dont le nom paraît sur une liste de pays visés par contrôle, si ce n'est sous l'autorité et en conformité d'une licence d'exportation délivrée selon la présente loi".

La liste de pays visés par contrôle (L.P.C.) renferme les pays suivants: Albanie, République démocratique Allemande et Berlin est, Bulgarie, République populaire démocratique de Corée, Hongrie, Mongolie, République socialiste du Viet-Nam, Pologne, Roumanie, Tchécoslovaquie, Union des Républiques socialistes soviétiques. Les expéditions de toutes marchandises, que celles-ci figurent ou non sur la liste de marchandises d'exportation contrôlée, doivent être justifiées par une licence d'exportation quand elles sont destinées à des pays désignés dans la L.P.C.

L'article 7 de la Loi prévoit que:

"Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'exporter des marchandises comprises dans une liste de marchandises d'exportation contrôlée ou à un pays nommé dans une liste de pays visés par contrôle, en la quantité et de la qualité, par les personnes, aux endroits ou personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent les licences, la procédure à suivre pour la demande et la délivrance des licences, ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

L'article 6 du Règlement sur les licences d'exportation (C.R.C., c.602) prévoit la délivrance de licences générales autorisant l'exportation de certains produits désignés vers toutes les destinations ou vers des destinations précises.

Les Règlements visant le transbordement (C.R.C., c.606) permettent au Canada de collaborer au maintien d'un régime convenu entre divers pays, en vue d'empêcher le détournement en cours de route de produits de nature stratégique.

Le résumé statistique suivant porte sur les demandes de licence d'exportation traitées au cours de l'année 1985, relativement à la liste de marchandises d'exportation contrôlée et à la liste de pays visés par contrôle:

| | |
|---|-------|
| Licences d'exportation délivrées | 8 127 |
| Demandes rejetées | 45 |
| Demandes retirées | 388 |
| Licences d'exportation annulées | 39 |
| Demandes en suspens au 31 décembre 1985 | 1 023 |

En outre, les demandes de licence requises pour des espèces de faune ou de flore sauvage menacées d'extinction ou des produits dérivés figurant sur la L.E.C. ont été traitées par le Service canadien de la faune. Les licences d'exportation suivantes ont été traitées conformément à la Licence générale d'exportation no. EX. 14, en date du 21 septembre 1976:

| | |
|---------------------|-----|
| Demandes autorisées | 922 |
| Demandes refusées | 3 |
| Demandes retirées | 9 |

3. Infractions

L'article 19 de la Loi prévoit que:

"(1) Quiconque viole l'une des dispositions de la présente loi ou des règlements est coupable d'une infraction et passible

- a) sur déclaration sommaire de culpabilité, d'une amende d'au plus cinq mille dollars ou d'un emprisonnement d'au plus douze mois ou à la fois de l'amende et de l'emprisonnement; ou

b) après déclaration de culpabilité sur acte d'accusation, d'une amende d'au plus vingt-cinq mille dollars ou d'un emprisonnement d'au plus cinq ans, ou à la fois de l'amende et de l'emprisonnement.

2) Des poursuites en vertu de l'alinéa a) du paragraphe (1) peuvent être intentées en tout temps dans les trois ans du moment où le sujet de la plainte a pris naissance."

L'article 24 de la Loi délègue la responsabilité de l'application de ladite Loi à tous les préposés au sens de la Loi sur les douanes.

a) États des enquêtes aux fins du contrôle des exportations pour 1985

En 1985, on a ouvert au total six cent quarante et un dossiers. De ce nombre, quatre cent soixante et un représentent des enquêtes lancées afin d'établir si la Loi sur les licences d'exportation et d'importation a été violée, et cent quatre-vingt étaient des cas d'assistance. Ces derniers ne représentent pas des violations que l'on croit avoir été commises et sont habituellement le résultat d'enquêtes ou de travail de liaison (par ex., auprès des organismes chargés de l'application de la loi d'autres pays, ou de la part de la Fédération canadienne de la faune, de Revenu Canada (Douane et Accise), etc.). Cent dix-huit cas ont été classés; cinq accusations ont été portées et deux affaires étaient en instance au 31 décembre 1985. En outre, en vertu des procédures douanières, il y a eu cinq cent un détentions et treize saisies en attendant une décision.

b) États des enquêtes aux fins du contrôle des importations pour 1985

Il y a eu douze cas de violations présumées. On a enregistré quatre condamnations et des amendes pour un total de 64 000 \$. Dans trois cas, on a mis fin aux enquêtes en raison de preuves insuffisantes. Au 31 décembre 1985, cinq cas étaient encore soumis à enquête.

REPORT OF THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS
respecting operations under the
EXPORT AND IMPORT PERMITS ACT
for the year 1986

RAPPORT DU SECRÉTAIRE D'ÉTAT AUX AFFAIRES EXTÉRIEURES
sur les activités découlant de la
LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION
pour l'année 1986

TABLED 29/6/88

SESSIONAL PAPER NO. 332-1/137A
DOCUMENT PARLEMENTAIRE n° 332-1/137A

This Report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-17 of the 1970 Revised Statutes of Canada, as amended, which provides:

"As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

INTRODUCTION

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.

In terms of its organization, the Act provides that the Governor in Council may establish a series of 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 Secretary of State for External Affairs the authority to grant or deny requests 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:

Le présent rapport est présenté conformément à l'article 26 de la Loi sur les licences d'exportation et d'importation (appelée ci-après la Loi), chapitre E-17 des Statuts révisés du Canada 1970, dans sa forme modifiée, qui prévoit ce qui suit :

"Aussitôt que possible après le 31 décembre de chaque année, le Ministre doit dresser et présenter au Parlement un rapport sur les opérations découlant de la présente loi pour l'année en question."

INTRODUCTION

Le pouvoir de contrôler l'importation et l'exportation de produits et de technologies découle de la Loi. Cette loi trouve son origine dans la Loi sur les mesures de guerre. Adoptée par le Parlement en 1947, elle a depuis subi un certain nombre de modifications.

Pour ce qui est de l'organisation, la Loi prévoit que le gouverneur en conseil peut établir des listes appelées Liste de marchandises d'importation contrôlée (LMIC), Liste de marchandises d'exportation contrôlée (LMEC) et Liste de pays visés par contrôle (LPVC). La Loi fixe des critères qui régissent l'inclusion de marchandises ou de pays dans les différentes listes et prévoit que le gouverneur en conseil peut révoquer, modifier, changer ou établir tout élément figurant sur ces listes. Le contrôle de l'écoulement et de la destination des marchandises figurant sur ces listes est effectué au moyen de la délivrance de licences d'importation ou d'exportation.

La Loi confère au secrétaire d'État aux Affaires extérieures l'autorité de donner suite aux demandes de licences ou de les rejeter; il se voit donc attribuer de vastes pouvoirs pour contrôler l'écoulement des marchandises figurant sur les listes. Les opérations découlant de l'application de la Loi peuvent être groupées sous les rubriques suivantes :

1. Import Controls:

- (a) Agricultural Products
- (b) Textiles and Clothing
- (c) Footwear
- (d) Endangered Species
- (e) Carbon Steel Products
- (f) Goods of South African Origin
- (g) Arms and Munitions of War

2. Export Controls:

- (a) Animals and animal products
- (b) Wood and wood products
- (c) Strategic, Military and Atomic Energy Goods, Materials and Technology

3. Violations

1. IMPORT CONTROLS

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 he deems it necessary to control for any of the following purposes:

- to ensure adequate supply and distribution of an article that is scarce on world markets or is subject to control in the country of export;
- to restrict, for the purpose of supporting any action taken under the Farm Products Marketing Agencies Act and the Meat Import Act;
- to implement any action taken under a number of named Acts; e.g., the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Canadian Dairy Commission Act, to support the price of the article;
- to implement an intergovernmental arrangement or commitment;

1. Contrôle des importations

- (a) Produits agricoles
- (b) Textiles et vêtements
- (c) Chaussures
- (d) Espèces menacées d'extinction
- (e) Produits en acier ordinaire
- (f) Produits d'origine sud-africaine
- (g) Armes et munitions de guerre

2. Contrôle des exportations

- (a) Animaux et produits animaux
- (b) Bois et produits du bois
- (c) Produits, matières et techniques stratégiques, militaires et nucléaires

3. Infractions

1. CONTRÔLE DES IMPORTATIONS

L'article 5 de la Loi prévoit que le gouverneur en conseil peut établir une liste de marchandises appelée "Liste de marchandises d'importation contrôlée" (LMIC) comprenant tout article dont, à son avis, il est nécessaire de contrôler l'importation pour l'une quelconque des fins suivantes, à savoir :

- assurer le meilleur approvisionnement et la meilleure distribution possibles d'un article rare sur les marchés mondiaux ou soumis à des règles dans son pays d'origine;
- limiter pour appuyer une mesure prise en vertu de la Loi sur les offices de commercialisation des produits de ferme et de la Loi sur l'importation de la viande;
- mettre à exécution toute mesure prise en vertu de la Loi sur la stabilisation des prix agricoles, de la Loi sur le soutien des prix des produits de la pêche ou de la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article;
- mettre en oeuvre un arrangement ou un engagement intergouvernemental;

- to limit, pursuant to an enquiry by the Textile and Clothing Board or the Canadian Import Tribunal, the importation of goods causing or threatening to cause serious injury to domestic producers.
- to restrict the importation of arms and Munitions of War.

(a) Agricultural Products

The following agricultural products were contained on the ICL in 1986 and subject to control for the following reasons:

- 1) to restrict, for the purpose of supporting any action under the Farm Products Marketing Agencies Act, the importation in any form of a like article to one produced in Canada the quantities of which are fixed or determined under that Act:
 - Turkey, turkey parts and products manufactured wholly thereof;
 - Eggs and egg products;
 - Chicken and chicken capons, live or eviscerated; chicken parts whether breaded or battered; and chicken products manufactured wholly thereof, whether breaded or battered;
- 2) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article:
 - Animal feeds containing more than 50% non-fat milk solids (Canadian Dairy Commission Act);

- limiter, à la suite d'une enquête effectuée par la Commission du textile et du vêtement ou par le Tribunal canadien des importations, l'importation de marchandises portant ou menaçant de porter un préjudice sérieux aux producteurs canadiens.
- restreindre l'importation d'armes et de munitions de guerre.

(a) Produits agricoles

En 1986, la LMIC renfermait les produits agricoles énumérés ci-après, soumis au contrôle pour l'une des fins suivantes :

- 1) Appuyer une mesure prise en vertu de la Loi sur les offices de commercialisation des produits de ferme, en limitant l'importation sous quelque forme d'un article semblable à un article produit au Canada dont les quantités sont fixées ou déterminées en vertu de cette loi :
 - dindons, morceaux de dindon et produits qui en sont entièrement dérivés;
 - oeufs et produits d'oeufs;
 - poulets et chapons, vivants ou éviscérés, parties de poulet, qu'elles soient ou non enrobées de chapelure ou de pâte, et produits qui en sont entièrement dérivés, qu'ils soient ou non enrobés de chapelure ou de pâte;
- 2) Mettre à exécution toute mesure prise selon la Loi sur la stabilisation des prix agricoles, la Loi sur le soutien des prix des produits de la pêche, la Loi sur la vente coopérative des produits agricoles ou la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article :
 - provendes contenant plus de 50 % de solides non gras de lait (Loi sur la Commission canadienne du lait);

- Butter (Canadian Dairy Commission Act);
- Butter fat in any form either alone or in combination with other substances (Canadian Dairy Commission Act);
- Cheese of all types other than imitation cheese (Agricultural Stabilization Act) and (Canadian Dairy Commission Act);
- Dry buttermilk (Canadian Dairy Commission Act);
- Dry casein and caseinates (Canadian Dairy Commission Act);
- Dry skimmed milk (Canadian Dairy Commission Act);
- Dry whey (Canadian Dairy Commission Act);
- Dry whole milk (Canadian Dairy Commission Act);
- Evaporated and condensed milk (Canadian Dairy Commission Act);
- Dry blends (Canadian Dairy Commission Act) and (Agricultural Stabilization Act).
- beurre (Loi sur la Commission canadienne du lait);
- matière grasse du lait sous toutes formes, seule ou en combinaison avec d'autres substances (Loi sur la Commission canadienne du lait);
- fromages de tous genres à l'exclusion des imitations (Loi sur la stabilisation des prix agricoles et Loi sur la Commission canadienne du lait);
- Lait de beurre ou babeurre en poudre (Loi sur la Commission canadienne du lait);
- Caseïne ou caseïnates en poudre (Loi sur la Commission canadienne du lait);
- Lait écrémé en poudre (Loi sur la Commission canadienne du lait);
- petit-lait en poudre (Loi sur la Commission canadienne du lait);
- poudre de lait entier (Loi sur la Commission canadienne du lait);
- Lait évaporé et lait concentré (Loi sur la Commission canadienne du lait);
- mélanges secs (Loi sur la Commission canadienne du lait et Loi sur la stabilisation des prix agricoles).

3) to implement an intergovernmental arrangement or commitment:

- Coffee in any form (International Coffee Agreement);
- Endangered Species (Convention on International Trade in Endangered Species);
- Goods of South African origin;
- Raccoon Dogs (Bilateral Arrangement with the U.S.A.).

As regards agricultural products, the following amendments and/or additions were made to the ICL during 1986:

Dry Blends

Item 21 (Dry Blends) was placed on the ICL on June 17, 1986, by Order in Council

3) Mettre en oeuvre un arrangement ou un engagement intergouvernemental :

- café sous toutes ses formes (Accord international sur le café);
- Espèces menacées d'extinction (Convention sur le commerce international des espèces menacées d'extinction);
- Les produits d'origine sub-africaine;
- Chiens viverrins (Arrangement bilatéral avec les Etats-Unis).

En ce qui concerne les produits agricoles, la LMIC a subi les modifications ou additions suivantes au cours de 1986 :

Mélanges secs

L'article 21 (mélanges secs) a été placé sur la LMIC le 17 juin 1986, par décret du

P.C. 1986-1428, to control the importation of dry blends not in a package prepared for marketing to the retail consumer and containing a minimum of 50 per cent, alone or in combination, of dry skim milk, dry casein, dry caseinates, dry buttermilk and dry whey, in order to implement action taken under the Agricultural Stabilization Act and the Canadian Dairy Commission Act.

With respect to other agricultural products under import control operations under the Act were as follows:

Eggs

Eggs were placed on the ICL on May 9, 1974, under the authority of Section 5(a.1) of the Act. The global shell egg import quota for 1986 was 3 052 438 dozen, representing 0.675% of the previous year's domestic production. The quotas for egg powder, and liquid or frozen eggs, were 420 501 kg and 1 078 260 kg respectively, representing 0.615% and 0.415% of the previous year's shell egg production. While the basic quota is fixed, provision is made to issue import permits for eggs and egg products supplementary to the quota to meet overall Canadian market needs. During 1986 supplementary permits were issued for 4 868 940 dz table eggs and 1 125 870 kg of egg products, for market shortages. In addition, supplementary permits for 512 000 dz shell eggs and 3 859 306 kg of egg products were authorized for processing and re-export. No permits were issued for inedible egg products.

conseil (C.P. 1986-1428) pour contrôler l'importation des mélanges secs non emballés pour la vente au détail et contenant au moins 50 % de lait écrémé en poudre, de caséine en poudre, de caséinates en poudre, de lait de beurre ou babeurre en poudre ou de petit-lait en poudre, ou d'une combinaison de ces ingrédients, pour appliquer une mesure prise en vertu de la Loi sur la stabilisation des prix agricoles et de la Loi sur la Commission canadienne du lait.

Autres produits agricoles dont l'importation est contrôlée en vertu de la Loi :

Oeufs

Les oeufs ont été placés sur la LMIC le 9 mai 1974, en vertu de l'alinéa 5(a.1) de la Loi. En 1986, le contingent global d'oeufs en coquille était de 3 052 438 douzaines, ce qui représente 0,675 % de la production canadienne de l'année précédente. Les contingents d'oeufs en poudre et d'oeufs liquides ou congelés étaient respectivement de 420 501 kg et de 1 078 260 kg, soit 0,615 % et 0,415 % de la production d'oeufs en coquille de l'année précédente. Bien que le contingent de base soit fixe, on prévoit la délivrance de licences pour importer des oeufs et des produits des oeufs en sus du contingent afin de répondre aux besoins globaux du marché canadien. En 1986, des licences supplémentaires ont été délivrées pour l'importation de 4 868 940 douzaines d'oeufs de consommation et de 1 125 870 kg de produits d'oeufs, afin de remédier à des insuffisances du marché. En outre, des licences supplémentaires ont été autorisées pour l'importation de 512 000 douzaines d'oeufs en coquille et de 3 859 306 kg de produits d'oeufs destinés à la casserie et à la réexportation. Aucune licence n'a été délivrée pour les produits d'oeufs non comestibles.

Chicken

Chicken was placed on the ICL on January 15, 1979 under Order in Council P.C. 1979-13 to support action taken under the Farm Products Marketing Agencies Act. The global import quota for 1986 was 29 742 056 kg expressed as eviscerated weight. The quota level is set at 6.3% of the previous year's domestic production. While the basic quota is fixed, provision is made to issue import permits for chicken supplementary to the quota to meet overall Canadian market needs. During 1986, a total of 100 requests for supplementary permits for market shortage were received for a total of 5 911 551 kg of chicken and chicken parts. The effective quantity sourced by the Marketing Agency was 1 824 010 kg. The total quantity authorized was 4 378 728 kg, but due to the tight supply situation in the United States, only 3 147 095 kg of the authorized quantity was issued. In addition, supplementary permits were issued for 684 532 kg of chicken for re-export. Permits were also issued for 138 974 of started pullets for surveillance purposes. No permits were issued for chicken to compete with imported products containing chicken.

Turkey

Turkey was placed on the ICL by Order in Council P.C. 1974-1086 of May 8, 1974 under the provisions of Section 5(a.1) of the Act. The global import quota for 1986 was 2 059 340 kg eviscerated equivalent. The quota is set annually at 2% of the domestic production quota for that year. While the basic quota is fixed, provision is made for the issuance of import permits for turkey supplementary to the quota to meet overall Canadian market needs. During 1986 a total of 130 requests were received for supplementary imports for market

Poulet

Le poulet a été placé sur la LMIC le 15 janvier 1979 par décret du conseil (C.P. 1979-13) pour appuyer une mesure prise aux termes de la Loi sur les offices de commercialisation des produits de ferme. Le contingent global pour 1986 était de 29 742 056 kg, en poids éviscéré. Le contingentement est fixé à 6,3 % de la production canadienne de l'année précédente. Néanmoins, certaines dispositions autorisent la délivrance de licences afin d'importer des quantités additionnelles de poulet permettant de satisfaire à l'ensemble des besoins du marché canadien. En 1986, 100 demandes de licences supplémentaires ont été reçues pour insuffisance du marché, totalisant 5 911 551 kg de poulet et de parties de poulet. L'Office de commercialisation a effectivement acheté 1 824 010 kg. La quantité totale autorisée a été de 4 378 728 kg mais, en raison de la pénurie aux Etats-Unis, seulement 3 147 095 kg ont pu être achetés sur le total autorisé. De plus, des licences supplémentaires ont été délivrées pour l'importation de 684 532 kg de poulet destiné à la réexportation. A des fins de surveillance, des licences ont été délivrées pour 138 974 jeunes poulettes. Aucune licence n'a été délivrée pour soutenir la concurrence de produits importés renfermant du poulet.

Dindon

Le dindon a été placé sur la LMIC par le décret du conseil C.P. 1974-1086 du 8 mai 1974, aux termes de l'alinéa 5(a.1) de la Loi. Le contingent global pour 1986 était de 2 059 340 kg en poids éviscéré. Le contingentement établi chaque année correspond à 2 % de la production nationale. Néanmoins, certaines dispositions autorisent la délivrance de licences afin d'importer des quantités additionnelles de dindon permettant de satisfaire à l'ensemble des besoins du marché canadien. En 1986, 130 demandes de

shortage covering a total of 7 336 398 kg of turkey and turkey parts. Sourcing by the Marketing Agency yielded an effective quantity of 2 037 047 kg. The total quantity authorized was 6 026 732 kg, but due to the tight supply situation in the United States only 3 725 986 kg were issued. In addition, supplementary permits were issued for 16 525 kg of turkey for re-export.

Coffee

Coffee was placed on the ICL on October 1, 1976 to give effect to Canada's obligations as a member of the International Coffee Agreement (ICA). On February 18, 1986, in response to high coffee prices resulting from the anticipated effect of drought on the Brazilian crop, and in accordance with the provisions of the ICA, all coffee export quotas were suspended. Accordingly, shipments from non-producing countries were no longer required to be accompanied by certificates issued by the International Coffee Organization. Shipments from producing nations still required certificates although these certificates were no longer being validated by the exporting nations. Pursuant to Canada's obligations as a signatory to the ICA, coffee remained on the ICL for monitoring purposes.

Cheese

Under the authority of Section 5(1)(b) of the Act, "Cheese of all types other than imitation cheese" was placed on the ICL for the implementation of an action taken under the Agricultural Stabilization Act and the Canadian Dairy Commission Act to support the price or that has the effect of supporting the price of cheese of all types.

The annual global cheese import quota for the year 1986 amounted to 45 000 000 lbs or 20 411 866 kg of which 60% was allocated to

licences supplémentaires ont été reçues pour insuffisance du marché, totalisant 7 336 398 kg de dindon et de parties de dindon. L'Office de commercialisation a effectivement acheté pour 2 037 047 kg. La quantité totale autorisée a été de 6 026 732 kg mais, en raison de la pénurie aux Etats-Unis, seulement 3 725 986 kg ont pu être achetés. De plus, des licences supplémentaires ont été délivrées pour l'importation de 16 525 kg de dindon destiné à la réexportation.

Café

Le café a été placé sur la LMIC le 1^{er} octobre 1976, en raison des obligations contractées par le Canada dans le cadre de l'Accord international sur le café (AIC). Le 18 février 1986, en raison de la hausse des prix provoquée par l'effet attendu de la sécheresse au Brésil, et conformément aux dispositions de l'AIC, tous les contingents d'exportation de café ont été suspendus. Par conséquent, les expéditions des pays non producteurs n'avaient plus à s'accompagner des certificats délivrés par l'Organisation internationale du café. Les expéditions des pays producteurs devaient toujours s'accompagner de ces certificats, qui n'étaient toutefois plus validés par les pays exportateurs. Conformément à ses obligations à titre de signataire de l'AIC, le Canada a maintenu le café sur sa LMIC à des fins de surveillance.

Fromage

En vertu de l'alinéa 5(1)(b) de la Loi, les "fromages de tous genres à l'exclusion des imitations" ont été placés sur la LMIC pour mettre à exécution une mesure prise selon la Loi sur la stabilisation des prix agricoles et la Loi sur la Commission canadienne du lait ayant pour objet ou pour effet de soutenir le prix des fromages de tous genres.

Le contingent global pour les importations de fromage pendant l'année 1986 représentait 45 000 000 livres ou 20 411 866 kg dont 60 %

cheese importers from the twelve (12) member-states of the EEC. The remaining 40% was allocated to cheese importers from non-EEC sources. The global quota was fully allocated and utilized during 1986 and no quantities were available for reallocation.

(b) Textiles and Clothing

Special measures of protection are provided to the domestic textile and clothing industry through the negotiation of restraint arrangements to limit the exports of specified textile and clothing products from certain developing countries to Canada. A broad range of textile and clothing products have been maintained on the ICL for the purpose of implementing the intergovernmental arrangements or commitments negotiated in these sectors. In terms of the domestic legal framework for administration of bilateral restraint arrangements, textile and clothing items are placed on the ICL under the authority of Section 5(c) of the Act.

Canadian trade policy for the textiles and clothing sector reflects Canada's participation in the Multi-Fibre Arrangement (MFA). The MFA is negotiated under the General Agreement on Tariffs and Trade (GATT) and provides the international legal framework for the negotiation of bilateral textile and clothing restraint arrangements. On July 31, 1986, international discussions on the future of the MFA beyond its July 31, 1986 expiry were concluded with the negotiation of a Protocol extending the MFA for a further five years. Canada was an active participant in the discussions.

On July 30, 1986, a new Canadian textile and clothing import policy was announced that established the Government's intention to negotiate a new framework for the management of clothing and textile imports

étaient alloués aux importations de fromage depuis les douze (12) États-membres de la CEE. Les autres 40 % étaient alloués aux importations de sources autres que la CEE. Le contingent global a été pleinement alloué et utilisé en 1986, et aucune quantité n'a pu être réallouée.

b) Textiles et vêtements

Des mesures spéciales de protection sont accordées à l'industrie nationale des textiles et des vêtements au moyen d'arrangements qui restreignent l'exportation au Canada de textiles et de vêtements déterminés en provenance de certains pays en développement. Une gamme étendue de produits a été maintenue sur la LMIC aux fins de l'exécution des arrangements ou engagements intergouvernementaux négociés dans ces secteurs. Du point de vue du cadre juridique national qui régit l'application des accords bilatéraux de limitation, les textiles et les vêtements sont placés sur la LMIC en vertu de l'article 5(c) de la Loi.

La politique commerciale du Canada pour les secteurs du textile et du vêtement reflète son adhésion à l'Arrangement multifibres (AMF). Négocié en vertu de l'Accord général sur les tarifs douaniers et le commerce (GATT), l'AMF fournit le cadre juridique international pour la négociation d'arrangements bilatéraux de limitation dans ces secteurs. Le 31 juillet 1986, des discussions internationales ont été tenues sur la prorogation de l'AMF au-delà du 31 juillet 1986, date à laquelle il devait venir à échéance. Ces négociations se sont conclues sur un protocole prorogeant l'AMF pour une autre période de cinq ans. Le Canada a participé activement aux discussions.

Le 30 juillet 1986, le gouvernement annonçait une nouvelle politique canadienne relative à l'importation de textiles et de vêtements dans laquelle il mentionnait son intention de négocier un nouveau cadre pour

for the post-1986 period. The policy called for Canada to pursue the international negotiations for renewal of the MFA and for the renegotiation and extension of the bilateral restraint arrangements which were in place.

In the first seven months of 1986, new bilateral restraint arrangements were negotiated with Maldives, Vietnam and Turkey bringing the total number of bilateral restraint arrangements in effect in 1986 to 25; of which 22 were due to expire on December 31, 1986. Additional products were also added to the existing arrangement with Mauritius (which was also extended for a further four years) and a quota on imports of clothing from North Korea was put into effect.

Pursuant to the new import policy, bilateral negotiations were initiated with 22 sources with a view to renegotiating and extending the bilateral arrangements which were in place with these sources. By the end of 1986, negotiations had been concluded with 13 countries, extending the restraints for another five years, and negotiations with the remaining sources were continuing.

(c) Footwear

Following an enquiry by the Canadian Import Tribunal under Section 48 of the Special Import Measures Act, it was found that in the absence of special measures of protection imports of women's and girls' dress and casual footwear would likely cause injury to Canadian producers of like goods. The Government announced, effective December 1, 1985, a three-year extension of quotas on imports of women's and girls' dress and casual footwear from all sources. The quotas which had been in place on men's and boys' footwear,

la gestion des importations de ces produits pour la période postérieure à 1986. Dans sa politique, le gouvernement engageait le Canada à poursuivre les négociations internationales sur le renouvellement de l'AMF ainsi que sur la renégociation et la prorogation des arrangements bilatéraux de limitation déjà conclus.

Dans les sept premiers mois de 1986, de nouveaux efforts bilatéraux de limitation ont été négociés avec les Maldives, le Vietnam et la Turquie, ce qui porte à 25 le nombre des arrangements bilatéraux de limitation appliqués en 1986; 22 de ces arrangements devaient expirer le 31 décembre 1986. D'autres produits ont également été ajoutés à l'arrangement déjà conclu avec Maurice (arrangement également prolongé pour un autre quatre ans) et on a contingenté les importations de vêtements depuis la Corée du Nord.

Conformément à la nouvelle politique sur les importations, des négociations bilatérales ont été engagées avec 22 pays fournisseurs en vue de renégocier et de proroger les arrangements bilatéraux déjà conclus avec ces pays. A la fin de 1986, les négociations sur la reconduction des restrictions pour un autre cinq ans avaient été finalisées avec 13 pays, et les négociations avec les autres fournisseurs se poursuivaient.

c) Chaussures

A la suite d'une enquête effectuée par le Tribunal canadien des importations aux termes de l'article 48 de la Loi sur les mesures spéciales d'importation, il a été déterminé que, faute de mesures spéciales de protection, les importations de chaussures habillées et de chaussures de sport pour femmes et fillettes porteraient vraisemblablement préjudice aux producteurs canadiens de marchandises similaires. Le gouvernement a annoncé une prolongation de trois ans, à compter du 1^{er} décembre 1985, des contingents applicables aux importations

children's and infants' footwear, athletic/utility footwear and slippers were allowed to expire on November 30, 1985.

Order in Council P.C. 1985-3432, dated November 21, 1985, extended the quotas on women's and girls' dress and casual footwear for three years to November 30, 1988. The restraint levels for each of the three years are the level of imports of such goods between December 1, 1984 and November 30, 1985 plus 6% in the first year, plus another 8% in the second year, plus another 10% in the third year.

(d) Endangered Species

On January 2, 1974, Canada signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Canada ratified this Convention becoming a party to the International Agreement on April 10, 1975.

An amendment to the CITES control list was issued 5 June 1986. The attached list identifies all new additions to the Control list made in 1986. Changes from one appendix to another on the Control List are not noted.

(e) Carbon Steel Products

On September 1, 1986, carbon steel products were placed on the Import Control List for monitoring purposes. This action was taken on the basis of a recommendation by the Canadian Import Tribunal following an inquiry with respect to carbon steel imports. This measure did not, in any way, restrict the quantity of steel entering Canada. Instead, it was intended to provide the Government with timelier and more precise information on imports.

de chaussures de ce genre de toutes provenances. On a laissé expirer le 30 novembre 1985 les contingents qui s'appliquaient aux chaussures pour hommes et garçons, aux chaussures pour enfants et bébés, aux chaussures athlétiques et utilitaires et aux pantoufles.

Le décret C.P. 1985-3432 du 21 novembre 1985 a prolongé pour une période de trois ans, jusqu'au 30 novembre 1988, les contingents applicables aux chaussures habillées et aux chaussures de sport pour femmes et fillettes. Les niveaux limites pour chacune des trois années sont le niveau d'importation de ces marchandises entre le 1^{er} décembre 1984 et le 30 novembre 1985 plus 6 % la première année, plus un autre 8 % la deuxième année, plus un autre 10 % la troisième année.

d) Espèces menacées d'extinction

Le 2 janvier 1974, le Canada a signé la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction. En la ratifiant le 10 avril 1975, le Canada devenait partie à cette Convention.

Une modification a été apportée le 5 juin 1986 à la Liste de contrôle CITES. Vous trouverez ci-joint une liste des espèces qui ont été ajoutées en 1986 à la Liste de contrôle. Cette liste ne comprend pas les espèces qui ont été portées d'une annexe à l'autre de la Liste de contrôle.

(e) Produits en acier ordinaire

Le 1^{er} septembre 1986, les produits en acier ordinaire ont été placés sur la LMIC à des fins de surveillance. Cette mesure a été prise sur la base d'une recommandation faite par le Tribunal canadien des importations à la suite d'une enquête sur les importations d'acier ordinaire. La mesure ne restreignait aucunement la quantité d'acier admise au Canada. Elle visait plutôt à fournir au gouvernement des informations plus opportunes et précises sur les importations.

(f) Goods of South African Origin

With effect from October 1, 1986, a ban was imposed on imports of uranium, coal, iron, steel and agricultural products of South African origin as a result of the agreement reached at the Commonwealth Heads of Government Review Committee, London, August 3 to 5, 1986. A transitional period, ending December 31, 1986, was allowed to permit entry of those products which were in transit on October 1, and for those goods which were subject to binding contractual commitments entered into prior to August 5, 1986. The ban went into full effect at midnight, December 31, 1986.

(g) Arms and Munitions of War

When the Customs Act was promulgated on November 10, 1986, responsibility for the control on importation of arms and munitions of war was transferred from the Minister of National Revenue to the Secretary of State for External Affairs, through the addition of a subsection (a.3) to Section 5 of the Export and Import Permits Act. This subsection authorizes the Governor in Council to add to the Import Control List articles he deems it necessary to control in order

"to restrict the importation of arms, ammunition, implements or munitions of war, army, naval or air stores, or any articles deemed capable of being converted thereinto or made useful in the production thereof;"

Those arms and munitions of war which were added to the Import Control List, by Order in Council P.C.1986-2488, effective November 10, 1986, are as follows:

(f) Produits d'origine sud-africaine

Le 1^{er} octobre 1986, on a interdit l'importation de l'uranium, du charbon, des produits du fer, des produits de l'acier et des produits agricoles d'origine sud-africaine dans le prolongement de l'entente conclue à la réunion du Comité d'examen des chefs de gouvernement du Commonwealth tenue à Londres du 3 au 5 août 1986. On a autorisé une période de transition se terminant le 31 décembre 1986 pour permettre l'admission des produits qui se trouvaient en transit le 1^{er} octobre, et pour les produits qui étaient assujettis à des engagements contractuels contraignants pris avant le 5 août 1986. L'interdiction a pris pleinement effet à minuit, le 31 décembre 1986.

(g) Armes et munitions de guerre

Lorsque la Loi sur les douanes a été promulguée le 10 novembre 1986, la responsabilité du contrôle de l'importation des armes et des munitions de guerre a été transférée du ministre du Revenu national au sous-secrétaire d'État aux Affaires extérieures, en ajoutant l'alinéa (a.3) à l'article 5 de la Loi sur les licences d'exportation et d'importation. Cet alinéa autorise le gouverneur en conseil à ajouter à la LMIC les articles qu'il juge nécessaire de contrôler

pour restreindre l'importation des armes, des munitions, ou du matériel ou des armements de guerre, des approvisionnements navals, des approvisionnements de l'armée ou de l'Air, ou des articles jugés susceptibles d'être transformés en l'un des susdits ou de pouvoir servir à leur production ...

Les armes et munitions de guerre qui ont été ajoutées à la Liste de marchandises d'importation contrôlée par décret du conseil C.P. 1986-2488 à compter du 10 novembre 1986 sont les suivants :

"70.(1) Small arms that are:

- (a) rifles;
- (b) carbines;
- (c) revolvers;
- (d) pistols;
- (e) machine pistols; or
- (f) machine guns.

(2) All components and parts specifically designed for the goods set out in subsection (1).

71.(1) Large-calibre armaments or weapons and projectors that are:

- (a) guns;
- (b) howitzers;
- (c) cannons;
- (d) mortars;
- (e) tank destroyers;
- (f) rocket or missile launchers;
- (g) military flame-throwers;
- (h) recoilless rifles; or
- (i) military smoke, gas and pyrotechnic projectors.

(2) All components and parts specifically designed for the goods set out in subsection (1).

72. Tanks and self-propelled guns and all components and parts specifically designed therefor.

73. Bombs, torpedos, rockets and guided or unguided missiles and all components and parts specifically designed therefor, and any other ammunition for the goods set out in items 70 to 72."

Issuance of Import Permits

Section 14 of the Act stipulates that:

"No person shall import or attempt to import any goods included in an Import Control List except under the authority

"70.(1) Armes portatives suivantes :

- (a) fusils;
- (b) carabines;
- (c) revolvers
- (d) pistolets;
- (e) mitraillettes;
- (f) mitrailleuses.

(2) Pièces et composants spécialement conçus pour les marchandises visées au paragraphe (1).

71. (1) Armes ou armements de gros calibre et engins de lancement suivants :

- (a) pièces d'artillerie;
- (b) obusiers;
- (c) canons;
- (d) mortiers;
- (e) armes anti-chars;
- (f) lance-roquettes ou lance-missiles;
- (g) lance-flammes militaires;
- (h) fusils sans recul; ou
- (i) engins militaires servant à lancer des fumées et des gaz et matériel pyrotechnique militaire.

(2) Pièces et composants spécialement conçus pour les marchandises visées au paragraphe (1).

72. Chars et pièces d'artillerie automotrices; pièces et composants spécialement conçus pour ceux-ci.

73. Bombes, torpilles, roquettes et missiles guidés ou non guidés; pièces et composants spécialement conçus pour ceux-ci; munitions destinées aux marchandises visées aux articles 70 à 72."

Délivrance de licences d'importation

L'article 14 de la Loi précise que :

"Nul ne doit importer ou tenter d'importer des marchandises mentionnées sur une liste de marchandises

of and in accordance with an import permit issued under this Act."

d'importation contrôlée, si ce n'est sous l'autorité et en conformité d'une licence d'importation délivrée selon la présente loi".

Section 8 authorizes the Minister to:

L'article 8 de la Loi prévoit que :

"... issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

"Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'importer des marchandises comprises dans une liste de marchandises d'importation contrôlée, en la quantité et de la qualité, par les personnes, des endroits ou des personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent la licence, la procédure à suivre pour la demande et la délivrance de licences ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

Section 5 of the Import Permit Regulations (C.R.C., c.605) provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

L'article 5 du Règlement concernant les licences d'importation (C.R.C., c.605) prévoit la délivrance de licences générales autorisant l'importation de certains produits sous réserve de certaines limites et conditions.

The following is a statistical summary of applications for import permits processed during 1986.

Voici un résumé statistique des demandes de licences d'importation traitées au cours de 1986.

| | |
|------------------------------|---------|
| Import permits issued | 265,490 |
| Applications refused | 1,857 |
| Applications cancelled | 9,524 |

| | |
|---------------------------------------|---------|
| Licences d'importation délivrées | 265 490 |
| Demandes rejetées | 1 857 |
| Demandes annulées | 9 524 |

All applications for permits required for specimens of endangered wild fauna or flora or derivatives appearing on the Import Control List were handled by the Canadian Wildlife Service. The following permits

Toutes les demandes de licences requises pour les espèces de faune et de flore sauvages menacées d'extinction ou les produits dérivés figurant sur la LMIC ont été traitées par le Service canadien de la

were processed in accordance with General Import Permit No. 17 of September 21, 1976:

Applications approved 85
Applications refused 7
Applications withdrawn 12

Issuance of Import Certificates

Section 9 of the Act provides that:

"The Minister may, in order to facilitate the importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

The Import Certificate Regulations (C.R.C., c.603) provide for the issuance of Import Certificates which are required by the country of export before it will allow goods to be shipped to Canada. They also provide for the issuance of Delivery-Verification Certificates for goods which have been imported into Canada in order to attest to their arrival within Canadian jurisdiction, and also to fulfill the requirements of the exporting country for documentary proof of arrival. The purpose of these regulations is to prevent the diversion in transit or the unauthorized trans-shipment of sensitive military and strategic goods which are controlled internationally by reason of Canada's membership in the Co-ordinating Committee for Multilateral Strategic Trade Controls (COCOM).

As a member of COCOM, Canada has recognized the necessity of this international control

faune. Les licences d'importation suivantes ont été traitées conformément à la Licence générale d'importation n^o 17 du 21 septembre 1976 :

Demandes acceptées 85
Demandes refusées 7
Demandes retirées 12

Délivrance de certificats d'importation

L'article 9 de la Loi précise que :

"Le Ministre peut, afin de faciliter l'importation de marchandises au Canada et l'observation des lois du pays d'exportation, délivrer, à tout résident du Canada qui en fait la demande, un certificat d'importation énonçant que l'auteur de la demande s'est engagé à importer les marchandises décrites au certificat dans le délai y spécifié et renfermant les autres renseignements qu'exigent les règlements".

Le Règlement concernant les certificats d'importation (C.R.C., c.603) prévoit la délivrance des certificats requis par le pays d'exportation avant que ce dernier n'autorise l'exportation de marchandises au Canada. Il prévoit également la délivrance de certificats de vérification de livraison pour les produits qui ont été importés au Canada afin de confirmer leur arrivée sur le territoire canadien, et également pour satisfaire aux exigences du pays exportateur en matière de preuve documentaire d'arrivée. Le but de ce Règlement est d'empêcher le détournement en cours de route ou le transbordement non autorisé de biens militaires et stratégiques sensibles qui sont soumis à un contrôle international en raison de l'appartenance du Canada au Comité de coordination pour le contrôle multi-latérale des échanges Est-ouest (COCOM).

En tant que membre du COCOM, le Canada a reconnu la nécessité de ce mécanisme de

mechanism, whereby primary responsibility for controlling the movement of strategic commodities is transferred to the importing country, from the exporting country, as acknowledged by the latter's issuance of Import Certificates. Hence, if proposed for export, the strategic commodities become subject to the latter country's export control regulations.

The following is a statistical summary of certificates processed during 1986:

Import Certificates issued 2,196
Delivery-Verification
Certificates issued 712

2. EXPORT CONTROLS

Section 3 of the Act provides that the Governor in Council may establish a list of goods, to be called an Export Control List (ECL), including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

- (a) for national security reasons;
 - (a.1) to promote further processing of natural resources;
 - (a.2) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus and depressed prices that is not a produce of agriculture;
- (b) to implement an intergovernmental arrangement or commitment; or
- (c) to ensure adequate supply and distribution in Canada of articles for defence or other needs.

contrôle international par lequel la responsabilité principale du contrôle du mouvement des produits stratégiques est transférée aux pays importateurs, comme en témoignent les certificats d'importation qu'ils délivrent. Lors d'une éventuelle réexportation ce produit stratégique est assujettie de ce fait à leurs règlements de contrôle des exportations.

Voici le résumé statistique des certificats traités au cours de 1986 :

Certificats d'importation délivrés 2 196
Certificats de vérification de
livraison délivrés 712

2. CONTRÔLE DES EXPORTATIONS

L'article 3 de la Loi prévoit que le gouverneur en conseil peut établir une liste de marchandises, appelée "Liste de marchandises d'exportation contrôlée" (LMEC) comprenant tout article dont, à son avis, il est nécessaire de contrôler l'exportation pour l'une quelconque des fins suivantes, à savoir:

- (a) pour des raisons de sécurité nationale;
 - (a.1) pour favoriser le traitement supplémentaire de ressources naturelles;
 - (a.2) pour limiter les exportations de matières premières ou transformées d'origine canadienne, ou en conserver le contrôle, lorsqu'il y a surproduction et chute des cours et qu'il ne s'agit pas d'un produit agricole;
- (b) pour mettre en oeuvre un arrangement ou un engagement intergouvernemental; ou
- (c) pour assurer un approvisionnement et une distribution de ces articles au Canada qui suffisent aux besoins de la défense ou autres.

Group 1 of the Export Control List covers animals and agricultural products, the principal item of which - Item 1011 "Any specimen of endangered fauna or flora" is administered by the Canadian Wildlife Service in Environment Canada, in support of Canada's obligations under the Convention on International Trade in Endangered Species (CITES). The full list of flora and fauna protected by this item is found in Appendices I, II and III of the Export Control List. Item 1031 relates to quota restricted exports of sugar and sugar-based products to the USA, and derives from an intergovernmental arrangement.

Group 2 covers wood and wood products. Items in this group are included by virtue of subsection (a.1) of Section 3 of the Act. Effective June 26, 1986, Order in Council P.C.1986-1540 amended the ECL by adding item 2003 "Blocks and bolts of red cedar. (All destinations, including the United States.)" This item was added to the Export Control List following the imposition of a 35% tariff on the import into the United States of red cedar shakes and shingles. The measure was designed to promote the further processing in Canada of all semi-manufactured red cedar products. While nation-wide in effect, this measure is of particular importance to exporters in British Columbia.

Subsection (a) of Section 3 of the Act relates to goods having a military or strategic nature or value which, if made available to certain destinations, might be used to the detriment of the security of Canada and its allies. For export control purposes, military and strategic goods have been broadly defined as follows:

a) Military goods are systems or equipment specially designed for military use.

Le groupe 1 de la Liste de marchandises d'exportation contrôlée couvre les animaux et les produits agricoles; le principal article du groupe (1011) couvre "les spécimens des espèces de faune et flore sauvages menacées d'extinction"; il est administré par le Service canadien de la faune d'Environnement Canada, pour appuyer les obligations du Canada en vertu de la Convention sur le commerce international des espèces menacées d'extinction (CITES). La liste intégrale des espèces de flore et de faune protégées par cet article se trouve aux annexes I, II et III de la LMEC. L'article 1031 concerne le contingentement des exportations aux États-Unis de sucre et de produits à base de sucre, et découle d'un arrangement intergouvernemental.

Le groupe 2 couvre le bois et les produits du bois. Les articles relevant de ce groupe sont inclus en vertu de l'alinéa (a.1) de l'article 3 de la Loi. Le décret du conseil C.P. 1986-1540 modifiait la LMEC, à compter du 26 juin 1986, en lui ajoutant l'article 2003 "Blocs et billons de cèdre rouge. (Toutes destinations, y compris les États-Unis.)" Cet article a été ajouté à la LMEC après que les États-Unis eurent imposé un droit de 35 % sur l'importation de bardeaux en cèdre rouge aux États-Unis. La mesure visait à promouvoir la transformation plus poussée au Canada de tous les demi-produits en cèdre rouge. Bien qu'elle s'applique à l'ensemble du Canada, la mesure a une importance particulière pour les exportateurs de la Colombie-Britannique.

Le paragraphe (a) de l'article 3 de la Loi a trait aux produits qui ont une nature ou valeur militaire ou stratégique et qui, s'ils sont rendus disponibles à certaines destinations, pourraient être soumis à un emploi préjudiciable à la sécurité du Canada et de ses alliés. Aux fins du contrôle des exportations, les biens militaires et stratégiques ont été définis, d'une façon générale, comme il suit :

a) Les biens militaires sont des systèmes ou de l'équipement spécialement conçus

This includes offensive military equipment (system or device capable of enabling an attack to be delivered, e.g., combat aircraft, armed vehicles, arms and ammunition) as well as defensive military equipment or defence support equipment, being any other equipment built to military specifications or specially designed for military use.

Military goods are found in Group 7 of the Export Control List.

- b) Strategic goods are equipment or goods of a civilian industrial nature available in normal commerce, that could have a military application, either directly (e.g., computers, telecommunication systems and most civilian aircraft and associated equipment) or indirectly, for the production of military equipment or supplies.

Strategic goods are found in Groups 3, 4, 5, and 6 of the Export Control List. Atomic Energy goods, equipment and materials are found in Group 8 of this List.

The definition of those goods, equipment, technology and materials in Groups 3 through 8 of the Export Control List corresponds to the list of strategic, military and atomic energy goods defined by the Coordination Committee for Multilateral Strategic Export Controls in Paris. Canada's adherence to this inter-governmental arrangement is the reason for the inclusion of these goods on the Export Control List, and buttresses the reason for control outlined above, based on subsection (a).

pour l'usage militaire. Cela comprend le matériel militaire offensif (système ou engin permettant de livrer une attaque - par ex., avion de combat, véhicule armé, armes et munitions), ainsi que le matériel militaire défensif ou le matériel de soutien de la défense (tout autre matériel construit selon des spécifications militaires ou spécifiquement destinés à l'utilisation militaire).

Les biens militaires se retrouvent au groupe 7 de la Liste de marchandises d'exportation contrôlée.

- b) Les biens stratégiques sont de l'équipement commercial civil qui pourrait avoir une application militaire, soit directement (par ex., ordinateurs, systèmes de télécommunications et la plupart des aéronefs civils et du matériel connexe), soit indirectement, comme dans la production de matériel militaire.

Les biens stratégiques se retrouvent aux groupes 3, 4, 5 et 6 de la Liste de marchandises d'exportation contrôlée. Les matières et le matériel se rattachant à l'énergie atomique composent le groupe 8 de cette Liste.

La définition des articles, produits, équipements, techniques et matières composant les groupes 3 à 8 de la Liste de marchandises d'exportation contrôlée correspond à la définition des produits stratégiques, militaires et atomiques visés par le Comité de coordination chargé de la surveillance des exportations de produits stratégiques, dont le siège est à Paris. L'adhésion du Canada à cet arrangement intergouvernemental explique l'inclusion de ces produits sur la Liste de marchandises d'exportation contrôlée, et renforce la justification du contrôle susmentionné, en vertu du paragraphe (a).

Issuance of Export Permits

An export permit is required before an item included in the ECL may be exported from Canada to any destination, with the general exception of the United States. These control procedures are in effect in order to realize objectives set out in the Act, principally in meeting intergovernmental arrangements or commitments, and, additionally in the case of the Group 8 items, they represent an important instrument for the implementation of the Atomic Energy Control Act. Prior to issuing export permits for Group 8 materials and equipment, the concurrence of the Atomic Energy Control Board must be obtained.

Thirteen items in the List now require permits before they may be exported to any destination including the United States, i.e.: 1001 - pancreas glands of cattle and calves; 1011 - endangered species (Appendix I or II); 2001 - logs of wood (of all species); 2002 - pulpwood (of all species); 2003 - blocks and bolts of red cedar; 5665 - scrap iron and steel; 5667 - Canadian one cent bronze coins; 8001 - source (fertile) and fissionable materials; 8005 - deuterium; 8039 - tritium; 8050 - radio-active materials; 8136 - nuclear reactors and 10011 - serum album. Two additional items on the List require permits before they may be exported to the United States only, i.e.: 1031 - sugars, syrups, and molasses, derived from sugar cane or sugar beets and 5664 - specialty steel products.

Under item 9001 of the Export Control List all goods of any nature (strategic or non-strategic) originating in the United States which are to be re-exported from Canada require an export permit, except any such goods that have been further processed or manufactured outside the United States, by combining them with other goods or

Délivrance de licences d'exportation

Une licence d'exportation est nécessaire pour qu'un article figurant sur la LMEC puisse être exporté vers quelque destination que ce soit, à l'exception, dans la plupart des cas, des États-Unis. Toutes ces dispositions reflètent les contrôles à l'exportation nécessaires pour la réalisation des objectifs indiqués dans la Loi et constituent en outre dans le cas des articles du groupe 8 un important instrument d'application de la Loi sur le contrôle de l'énergie atomique. Avant de délivrer des licences d'exportation pour des matières et de l'équipement du groupe 8, il faut obtenir l'accord de la Commission de contrôle de l'énergie atomique.

Il faut maintenant une licence d'exportation pour expédier à l'étranger, y compris aux États-Unis, treize (13) articles énumérés sur la liste: 1001 - glandes pancréatiques de bovins et de veaux; 1011 - espèces menacées d'extinction (annexe I ou II); 2001 - billes de bois (de toutes essences); 2002 - bois à pâte (de toutes essences); 2003 - blocs et billons de cèdre rouge; 5665 - déchets de fer et d'acier; 5667 - pièces de monnaie canadienne d'un cent en bronze; 8001 - matières de base (fertiles) et matières fissibles; 8005 - deutérium; 8039 - tritium; 8050 - matières radioactives; 8136 - réacteurs nucléaires; 10011 - sérum-albumine. Des licences sont requises pour l'exportation, aux États-Unis seulement, de deux autres articles, à savoir: 1031 - sucres, sirops et mélasses provenant de cannes à sucre ou de betteraves; et 5664 - produits en acier allié.

Selon l'article 9001 de la Liste de marchandises d'exportation contrôlée, toutes les marchandises de toute nature (stratégique ou non stratégique) originant des États-Unis qui doivent être réexportées du Canada nécessitent une licence, à l'exception des marchandises qui ont été l'objet de préparation ou de fabrication

otherwise, so as to result in substantial change in value, form and use of the goods or in the production of new goods, unless the goods to be exported are listed in another Group in the ECL.

Area Control List

Section 13 of the Act provides that:

"No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

The Area Control List (ACL) contains the following countries: Albania, Bulgaria, Czechoslovakia, German Democratic Republic and East Berlin, Hungary, Libya, Mongolia, Democratic People's Republic of Korea, Socialist Republic of Vietnam, Poland, Romania and Union of Soviet Socialist Republics. By Order in Council P.C. 1986-108 Libya was added to the ACL, effective January 1, 1986, in order to control the export to that country only of oil drilling equipment. Shipments of all goods, whether they appear on the Export Control List or not, must be supported by an export permit when destined to countries designated in the ACL.

A Ministerial Order SI/86-7 dated January 10, 1986 amended Part I of General Export Permit No. EX.2, C.R.C., c.610, permitting the export from Canada to Libya of any goods, except goods that are included in the Export Control List,

complémentaire hors des États-Unis, par leur combinaison avec d'autres marchandises ou autrement, de façon à en modifier sensiblement la valeur, la forme et l'emploi ou à produire de nouvelles marchandises, à moins que les marchandises à exporter ne soient énumérées dans un autre groupe de la LMEC.

Liste de pays visés par contrôle

Aux termes de l'article 13 de la Loi,

"Nul ne doit exporter ou tenter d'exporter des marchandises comprises dans une liste de marchandises d'exportation contrôlée, ni des marchandises vers un pays dont le nom paraît sur une liste de pays visés par contrôle, si ce n'est sous l'autorité et en conformité d'une licence d'exportation délivrée selon la présente loi."

La Liste de pays visés par contrôle (LPVC) renferme les pays suivants : Albanie, Bulgarie, Tchécoslovaquie, République démocratique allemande et Berlin Est, Hongrie, Libye, Mongolie, République populaire démocratique de Corée, République socialiste du Vietnam, Pologne, Roumanie et Union des Républiques socialistes soviétiques. Par le décret du conseil C.P. 1986-108, la Libye a été ajoutée à la LPVC le 1^{er} janvier 1986 à la seule fin de contrôler l'exportation vers ce pays de matériel de forage pétrolier. Les expéditions de toutes marchandises, que celles-ci figurent ou non sur la Liste de marchandises d'exportation contrôlée, doivent être justifiées par une licence d'exportation quand elles sont destinées à des pays désignés dans la LPVC.

L'ordonnance ministérielle SI/86-7 du 10 janvier 1986 a modifié la partie I de la Licence générale d'exportation n° EX.2, C.R.C., c.610, pour permettre d'exporter du Canada vers la Libye tous produits, sauf ceux qui sont inclus sur la Liste de

including goods of U.S. origin and oil drilling equipment.

marchandises d'exportation contrôlée, y compris les produits d'origine américaine et le matériel de forage pétrolier.

Section 7 of the Act provides that:

L'article 7 de la Loi prévoit que :

"The Minister may issue to any resident of Canada applying therefor a permit to export goods included in an Export Control List or to a country included in an Area Control List, in such quantity and of such quality, by such persons, to such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

"Le Ministre peut délivrer à tout résident du Canada qui fait la demande d'une licence d'exporter des marchandises comprises dans une liste de marchandises d'exportation contrôlée ou à un pays nommé dans une liste de pays visés par contrôle, en la quantité et de la qualité, par les personnes, aux endroits ou personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent les licences, la procédure à suivre pour la demande et la délivrance des licences, ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

Section 6 of the Export Permit Regulations (C.R.C., c.602) provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

L'article 6 du Règlement sur les licences d'exportation (C.R.C., c.602) prévoit la délivrance de licences générales autorisant l'exportation de certains produits désignés vers toutes les destinations ou vers des destinations précises.

The Regulations Respecting Trans-shipment (C.R.C., c.606) enable Canada to cooperate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

Le Règlement sur le transbordement (C.R.C., c.606) permet au Canada de collaborer au maintien d'un régime convenu entre divers pays, en vue d'empêcher le détournement en cours de route de produits de nature stratégique.

The following is a statistical summary of applications for export permits processed during 1986 relating to both the ECL and the ACL:

Le résumé statistique suivant porte sur les demandes de licence d'exportation traitées au cours de l'année 1986, relativement à la LMEC et à la LPVC :

Export permits issued 15,451
Applications refused 45

Licences d'exportation délivrées 15 451
Demandes refusées 45

Applications withdrawn 764
Export permits cancelled 4
Application pending
as of Dec. 31, 1986 1,021

In addition, applications for permits required for any specimen of endangered wild fauna or flora or derivatives appearing on the Export Control List were handled by the Canadian Wildlife Service. The following permits were issued in accordance with General Export Permit No. Ex. 14 of September 21, 1976:

Applications approved 1,704
Applications refused 3
Applications withdrawn 139

3. VIOLATIONS

Section 19 of the Act provides that:

"(1) Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable

(a) on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment; or

(b) on conviction upon indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment.

(2) A prosecution under paragraph (a) of sub-section (1) may be instituted at any time within three years from the time when the subject matter of the complaint arose."

Section 24 of the Act delegates responsibility for the enforcement of the

Demandes retirées 764
Licences d'exportation annulées 4
Demandes en suspens au
31 décembre 1986 1 021

En outre, les demandes de licence requises pour des espèces de faune ou de flore sauvages menacées d'extinction ou des produits dérivés figurant sur la LMEC ont été traitées par le Service canadien de la faune. Les licences d'exportation suivantes ont été traitées conformément à la Licence générale d'exportation n° EX. 14, en date du 21 septembre 1976 :

Demandes autorisées 1 704
Demandes refusées 3
Demandes retirées 139

3. INFRACTIONS

L'article 19 de la Loi prévoit que :

"(1) Quiconque viole l'une des dispositions de la présente Loi ou des règlements est coupable d'une infraction et passible

(a) sur déclaration sommaire de culpabilité, d'une amende d'au plus cinq mille dollars ou d'un emprisonnement d'au plus douze mois ou à la fois de l'amende et de l'emprisonnement; ou

(b) après déclaration de culpabilité sur acte d'accusation, d'une amende d'au plus vingt-cinq mille dollars ou d'un emprisonnement d'au plus cinq ans, ou à la fois de l'amende et de l'emprisonnement.

(2) Des poursuites en vertu de l'alinéa a) du paragraphe (1) peuvent être intentées en tout temps dans les trois ans du moment où le sujet de la plainte a pris naissance."

L'article 24 de la Loi délègue la responsabilité de l'application de ladite

Act to all officers as defined in the Customs Act. The Department of External Affairs entrusts the enforcement of the Act to Revenue Canada (Customs and Excise) and to the Royal Canadian Mounted Police.

(a) Status of Export Controls Investigations for 1986

In 1986, a total of four hundred and sixty-seven (467) files were opened by the RCMP. Of these, two hundred and sixty-six (266) represent investigations initiated to establish whether the Act was violated, and two hundred and one (201) were assistance cases. The latter do not represent suspected offences and are usually the result of inquiries or liaison work (e.g., with other countries' enforcement agencies, the Canadian Wildlife Federation, Revenue Canada (Customs & Excise), etc.). One hundred and fifty-two (152) cases were cleared and eleven (11) charges laid. In addition, under Customs enforcement procedures, there were one thousand six hundred and forty-eight (1,648) detentions and fifty-three (53) seizures subject to adjudication.

(b) Status of Import Controls Investigations for 1986

A total of six hundred and fifty (650) cases of suspected violations under the Act were investigated. Following a preliminary review by STRB three hundred and forty (340) cases were closed. Three hundred and five (305) cases were referred to the RCMP for further investigation and five (5) cases were initiated by Revenue Canada (Customs & Excise).

Of the cases referred to the RCMP, two hundred and eighty-three (283) cases were closed due to lack of sufficient evidence. Thirteen (13) cases were discontinued as

Loi à tous les préposés au sens de la Loi sur les douanes. Le ministère des Affaires extérieures confie l'application de la Loi à Revenu Canada (Douanes et Accise) et à la Gendarmerie royale du Canada.

(a) État des enquêtes aux fins du contrôle des exportations pour 1986

En 1986, la GRC a ouvert au total quatre cent soixante-sept (467) dossiers. De ce nombre, deux cent soixante-six (266) représentent des enquêtes lancées afin d'établir si la Loi sur les licences d'exportation et d'importation a été violée, et deux cent une (201) étaient des cas d'assistance. Ces derniers ne représentent pas des violations que l'on croit avoir été commises et sont habituellement le résultat d'enquêtes ou de travail de liaison (par ex., auprès des organismes chargés de l'application de la loi d'autres pays, ou de la part de la Fédération canadienne de la faune, de Revenu Canada (Douanes et Accise), etc.). Cent cinquante-deux (152) cas ont été classés et onze (11) accusations ont été portées. En outre, en vertu des procédures douanières, il y a eu mille six cent quarante-huit (1 648) détentions et cinquante-trois (53) saisies en attendant une décision.

(b) État des enquêtes aux fins du contrôle des importations pour 1986

On a fait enquête sur six cent cinquante (650) cas de violations présumées des dispositions de la Loi. Après une enquête préliminaire de la Direction générale des relations commerciales spéciales, trois cent quarante (340) dossiers ont été fermés. La Direction générale a transmis trois cent cinq (305) cas à la GRC pour enquête plus poussée, et cinq (5) dossiers ont été ouverts par Revenu Canada (Douanes et Accise).

Sur les cas transmis à la GRC, deux cent quatre-vingt-trois (283) dossiers ont été fermés pour insuffisance de preuve. Les enquêtes sur treize (13) cas ont été

the Crown Attorney and the Department of Justice felt that action towards prosecution was not warranted. In three (3) cases goods were seized and confiscated and no legal action taken; however, one case was subsequently reopened at the RCMP's request and the investigation is continuing. As of December 31, 1986 six (6) cases are still under investigation.

interrompues, le Procureur général et le ministère de la Justice étant d'avis que, en raison de la petite quantité des produits en cause, une procédure de mise en accusation n'était pas justifiée. Dans trois (3) cas, des articles ont été saisis et confisqués, et aucune autre mesure juridique n'a été prise. Toutefois, un dossier a subséquemment été réouvert à la demande de la GRC, et l'enquête se poursuit. Au 31 décembre 1986, six (6) cas sont toujours soumis à l'enquête.

Appendix/
Annexe

| | | | | <u>MAMMALIA</u> | |
|---------------|--|----|--|---|--|
| RODENTIA | | | | | |
| | Chinchillidae <u>chinchilla</u> spp.*+200 | II | Chinchillas/captive bred populations | Chinchillas/populations élevées en captivité | |
| CETACEA | | | | | |
| | Balaenopteridae <u>Balaenoptera acutorostrata</u> ** -101 | I | Minke whale | Petit rorqual | |
| | Belaenidea <u>Caperea Marginata</u> | I | Pygmy right whale | Baleine franche naine | |
| ARTIODACTYLA | | | | | |
| | Cervidae <u>Muntiacus crinifrons</u> | I | Black Muntjac | Muntjac noir | |
| | Boridae <u>Budorcas Taxicolor</u> | II | Takin | Takin | |
| <u>AVES</u> | | | | | |
| CICONIFORMES | | | | | |
| | Ciconiidae <u>Jabiru Mycteria</u> | I | Jabiru | Jabirou | |
| FALCONIFORMES | | | | | |
| | Falconidae <u>Falcon jugger</u> | I | Laggar Falcon | Faucon lagger | |
| GRUIFORMES | | | | | |
| | Gruidae gruidae spp.* (includes/comprend <u>Grus canadensis</u>) | II | All cranes not included in Appendix I | Toutes les grues non comprises à l'annexe II | |
| | | II | Sandhill Crane | Grue canadienne | |

Appendix/
Annexe

PSITTACIFORMES

Psittacidae glaucus p.e.

Ara ambigua

I Green (Buffon's) Macaw Ara ambigu (de Buffon)

Ara macao

I Scarlet Macaw Ara macao

REPTILIA

CROCODYLIA

Crocodylidae

crocodylus niloticus - populations
of/du Cameroon/Cameroun

II African (Nile) crocodile Crocodile du Nil

crocodylus porosus - populations
of/de Australia/Australie

II Saltwater crocodile Crocodile marin

SQUAMATA: SERPENTES

Elapidae

Hoplocephalus bungaroides

II Broad-headed snake Serpent à taches jaunes

AMPHIBIA

SALIENTIA: ANURA

Myobatrachidae

Rheobatrachus spp.

II Platypus frog

Ranidae

Rana hexadactylo

II Indian bullfrog Crapaud indien

Rana tigerina

II Indian bullfrog Crapaud indien

ARACHNIDA

ARANEAE

Theraphosidae

Brachypelma smithi

II Red-legged tarantula Tarentule à pattes rouges
(orthognathe du Mexique)

Appendix/
Annexe

| SCLERACTINIA | | <u>ANTHOZOA</u> | |
|-------------------------|----|-----------------|---------------|
| | | Stony corals | Madrépores |
| Pocilloporidae | | | |
| <u>Seriatopora</u> spp. | II | | |
| <u>Pocillopora</u> spp. | II | | |
| <u>Stylophora</u> spp. | II | | |
| Acroporidae | | | |
| <u>Acropora</u> spp. | II | White corals | Coraux blancs |
| Agaricidae | | | |
| <u>Pavona</u> spp. | II | | |
| Fungiidae | | | |
| <u>Fungia</u> spp. | II | | |
| <u>Halomitra</u> spp. | II | | |
| <u>Polyphyllia</u> spp. | II | | |
| Faviidae | | Stony corals | Madrépores |
| <u>Favia</u> spp. | II | | |
| <u>Platygyra</u> spp. | II | | |
| Merulinidae | | | |
| <u>Merulina</u> spp. | II | | |
| Mussidae | | | |
| <u>Lobophyllia</u> spp. | II | | |
| Pectiniidae | | | |
| <u>Pectinia</u> spp. | II | | |
| Caryophylliidae | | | |
| <u>Euphyllia</u> spp. | II | | |

Appendix/
Annexe

| | | | |
|-------------------------------|----|-------------------|--------------|
| | | <u>HYDROZOA</u> | |
| ATHECATA | | Stony corals | Madrépores |
| Milleporidae | | | |
| <u>Millepora</u> spp. | II | | |
| | | <u>ALCYONARIA</u> | |
| COENOTHECALIA | | Stony corals | Madrépores |
| Helioporidae | | Blue corals | Coraux bleus |
| <u>Heliopora</u> spp. | | | |
| STOLONIFERA | | | |
| Tubiporidae | | Stony corals | Madrépores |
| <u>Tubipora</u> spp. | II | Organ pipe corals | |
| | | <u>FLORA</u> | |
| Theaceae | | | |
| <u>Camellia chrysantha</u> #1 | II | Jinhuacha | |
| Zamiacaceae | | | |
| <u>Ceratozamia</u> spp. | I | Cycads | Zamiacées |

REPORT OF THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS
respecting operations under the
EXPORT AND IMPORT PERMITS ACT
for the year 1987

RAPPORT DU SECRÉTAIRE D'ÉTAT AUX AFFAIRES EXTÉRIEURES
sur les activités découlant de la
LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION
pour l'année 1987

TABLED APR 3/89

This Report is submitted pursuant to Section 26 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-17 of the 1970 Revised Statutes of Canada, as amended, which provides:

"As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

INTRODUCTION

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.

In terms of its organization, the Act provides that the Governor in Council may establish a series of 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 Secretary of State for External Affairs the authority to grant or deny requests 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:

Le présent rapport est présenté conformément à l'article 26 de la Loi sur les licences d'exportation et d'importation (appelée ci-après la Loi), chapitre E-17 des Statuts révisés du Canada 1970, dans sa forme modifiée, qui prévoit ce qui suit :

"Aussitôt que possible après le 31 décembre de chaque année, le Ministre doit dresser et présenter au Parlement un rapport sur les opérations découlant de la présente loi pour l'année en question."

INTRODUCTION

Le pouvoir de contrôler l'importation et l'exportation de produits et de technologies découle de la Loi. Cette loi trouve son origine dans la Loi sur les mesures de guerre. Adoptée par le Parlement en 1947, elle a depuis subi un certain nombre de modifications.

Pour ce qui est de l'organisation, la Loi prévoit que le gouverneur en conseil peut établir des listes appelées Liste de marchandises d'importation contrôlée (LMIC), Liste de marchandises d'exportation contrôlée (LMEC) et Liste de pays visés par contrôle (LPVC). La Loi fixe des critères qui régissent l'inclusion de marchandises ou de pays dans les différentes listes et prévoit que le gouverneur en conseil peut révoquer, modifier, changer ou établir tout élément figurant sur ces listes. Le contrôle de l'écoulement et de la destination des marchandises figurant sur ces listes est effectué au moyen de la délivrance de licences d'importation ou d'exportation.

La Loi confère au secrétaire d'État aux Affaires extérieures l'autorité de donner suite aux demandes de licences ou de les rejeter; il se voit donc attribuer de vastes pouvoirs pour contrôler l'écoulement des marchandises figurant sur les listes. Les opérations découlant de l'application de la Loi peuvent être groupées sous les rubriques suivantes :

1. Import Controls:

- (a) Agricultural Products
- (b) Textiles and Clothing
- (c) Footwear
- (d) Endangered Species
- (e) Steel Products
- (f) Goods of South African Origin

2. Export Controls:

- (a) Animals and animal products
- (b) Wood and wood products
- (c) Strategic, Military and Atomic Energy Goods, Materials and Technology

3. Violations

1. IMPORT CONTROLS

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 he deems it necessary to control for any of the following purposes:

- to ensure adequate supply and distribution of an article that is scarce on world markets or is subject to control in the country of export;
- to restrict, for the purpose of supporting any action taken under the Farm Products Marketing Agencies Act and the Meat Import Act;
- to implement any action taken under a number of named Acts; e.g., the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Canadian Dairy Commission Act, to support the price of the article;
- to implement an intergovernmental arrangement or commitment;

1. Contrôle des importations

- (a) Produits agricoles
- (b) Textiles et vêtements
- (c) Chaussures
- (d) Espèces menacées d'extinction
- (e) Produits en acier
- (f) Produits d'origine sud-africaine

2. Contrôle des exportations

- (a) Animaux et produits animaux
- (b) Bois et produits du bois
- (c) Produits, matières et techniques stratégiques, militaires et nucléaires

3. Infractions

1. CONTRÔLE DES IMPORTATIONS

L'article 5 de la Loi prévoit que le gouverneur en conseil peut établir une liste de marchandises appelée "Liste de marchandises d'importation contrôlée" (LMIC) comprenant tout article dont, à son avis, il est nécessaire de contrôler l'importation pour l'une quelconque des fins suivantes, à savoir :

- assurer le meilleur approvisionnement et la meilleure distribution possibles d'un article rare sur les marchés mondiaux ou soumis à des règles dans son pays d'origine;
- limiter pour appuyer une mesure prise en vertu de la Loi sur les offices de commercialisation des produits de ferme et de la Loi sur l'importation de la viande;
- mettre à exécution toute mesure prise en vertu de la Loi sur la stabilisation des prix agricoles, de la Loi sur le soutien des prix des produits de la pêche ou de la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article;
- mettre en oeuvre un arrangement ou un engagement intergouvernemental;

- to limit, pursuant to an enquiry by the Textile and Clothing Board or the Canadian Import Tribunal, the importation of goods causing or threatening to cause serious injury to domestic producers.
- to restrict the importation of arms and Munitions of War.
- to place certain steel products on the Import Control List (ICL) and the Export Control List (ECL) for the purpose of collecting information on imports and exports of such products.

(a) Agricultural Products

The following agricultural products were contained on the ICL in 1987 and subject to control for the following reasons:

to restrict, for the purpose of supporting any action under the Farm Products Marketing Agencies Act, the importation in any form of a like article to one produced in Canada the quantities of which are fixed or determined under that Act:

- Turkey, turkey parts and products manufactured wholly thereof;
- Eggs and egg products;
- Chicken and chicken capons, live or eviscerated; chicken parts whether breaded or battered; and chicken products manufactured wholly thereof, whether breaded or battered;

2) to implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, or the Canadian Dairy Commission Act, to support the price of

- limiter, à la suite d'une enquête effectuée par la Commission du textile et du vêtement ou par le Tribunal canadien des importations, l'importation de marchandises portant ou menaçant de porter un préjudice sérieux aux producteurs canadiens.
- restreindre l'importation d'armes et de munitions de guerre.
- placer certains produits en acier sur la Liste de marchandises d'importation contrôlée (LMIC) et sur la Liste de marchandises d'exportation contrôlée (LMEC) pour obtenir des renseignements sur l'exportation et l'importation de ces produits.

(a) Produits agricoles

En 1987, la LMIC renfermait les produits agricoles énumérés ci-après, soumis au contrôle pour l'une des fins suivantes :

1) Appuyer une mesure prise en vertu de la Loi sur les offices de commercialisation des produits de ferme, en limitant l'importation sous quelque forme d'un article semblable à un article produit au Canada dont les quantités sont fixées ou déterminées en vertu de cette loi :

- dindons, morceaux de dindon et produits qui en sont entièrement dérivés;
- oeufs et produits d'oeufs;
- poulets et chapons, vivants ou éviscérés, parties de poulet, qu'elles soient ou non enrobées de chapelure ou de pâte, et produits qui en sont entièrement dérivés, qu'ils soient ou non enrobés de chapelure ou de pâte;

2) Mettre à exécution toute mesure prise selon la Loi sur la stabilisation des prix agricoles, la Loi sur le soutien des prix des produits de la pêche, la Loi sur la vente coopérative des produits agricoles ou la Loi sur la

the article or that has the effect of supporting the price of the article:

- Animal feeds containing more than 50% non-fat milk solids (Canadian Dairy Commission Act);
- Butter (Canadian Dairy Commission Act);
- Butter fat in any form either alone or in combination with other substances (Canadian Dairy Commission Act);
- Cheese of all types other than imitation cheese (Agricultural Stabilization Act) and (Canadian Dairy Commission Act);
- Dry buttermilk (Canadian Dairy Commission Act);
- Dry casein and caseinates (Canadian Dairy Commission Act);
- Dry skimmed milk (Canadian Dairy Commission Act);
- Dry whey (Canadian Dairy Commission Act);
- Dry whole milk (Canadian Dairy Commission Act);
- Evaporated and condensed milk (Canadian Dairy Commission Act);
- Dry blends (Canadian Dairy Commission Act) and (Agricultural Stabilization Act).

3) to implement an intergovernmental arrangement or commitment:

- Coffee in any form (International Coffee Agreement);
- Endangered Species (Convention on International Trade in Endangered Species);
- Goods of South African origin;

Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article :

- provendes contenant plus de 50 % de solides non gras de lait (Loi sur la Commission canadienne du lait);
- Beurre (Loi sur la Commission canadienne du lait);
- matière grasse du lait sous toutes formes, seule ou en combinaison avec d'autres substances (Loi sur la Commission canadienne du lait);
- fromages de tous genres à l'exclusion des imitations (Loi sur la stabilisation des prix agricoles et Loi sur la Commission canadienne du lait);
- lait de beurre ou babeurre en poudre (Loi sur la Commission canadienne du lait);
- Caséine ou caséinates en poudre (Loi sur la Commission canadienne du lait);
- lait écrémé en poudre (Loi sur la Commission canadienne du lait);
- petit-lait en poudre (Loi sur la Commission canadienne du lait);
- poudre de lait entier (Loi sur la Commission canadienne du lait);
- lait évaporé et lait concentré (Loi sur la Commission canadienne du lait);
- mélanges secs (Loi sur la Commission canadienne du lait et Loi sur la stabilisation des prix agricoles).

3) Mettre en oeuvre un arrangement ou un engagement intergouvernemental :

- café sous toutes ses formes (Accord international sur le café);
- Espèces menacées d'extinction (Convention sur le commerce international des espèces menacées d'extinction);
- Les produits d'origine sub-africaine;

- Raccoon Dogs (Bilateral Arrangement with the U.S.A.).

- Chiens viverrins (Arrangement bilatéral avec les États-Unis).

Eggs

Eggs were placed on the ICL on May 9, 1974, under the authority of Section 5(a.1) of the Act. The global shell egg import quota for 1987 was 2,935,602 dozen, representing 0.675% of the previous year's domestic production. The quotas for egg powder, and liquid or frozen eggs, were 404,406 kg and 1,036,988 kg respectively, representing 0.615% and 0.415% of the previous year's shell egg production. While the basic quota is fixed, provision is made to issue import permits for eggs and egg products supplementary to the quota to meet overall Canadian market needs. During 1987 supplementary permits were issued for 2 470 810 dz table eggs and 20 412 kg of egg products, for market shortages. In addition, supplementary permits for 6 461 856 kg of egg products were authorized for processing and re-export. No permits were issued for inedible egg products.

Chicken

Chicken was placed on the ICL on January 15, 1979 under Order in Council P.C. 1979-13 to support action taken under the Farm Products Marketing Agencies Act. The global import quota for 1987 was 30 724 848 kg expressed as eviscerated weight. The quota level is set at 6.3% of the previous year's domestic production. While the basic quota is fixed, provision is made to issue import permits for chicken supplementary to the quota to meet overall Canadian market needs. During 1987, a total of two hundred and twenty (220) requests for supplementary permits for market shortage were received for a total

Oeufs

Les oeufs ont été placés sur la LMIC le 9 mai 1974, en vertu de l'alinéa 5(a.1) de la Loi. En 1987, le contingent global d'oeufs en coquille était de 2 935 602 douzaines, ce qui représente 0,675 % de la production canadienne de l'année précédente. Les contingents d'oeufs en poudre et d'oeufs liquides ou congelés étaient respectivement de 404 406 kg et de 1 036 988 kg, soit 0,615 % et 0,415 % de la production d'oeufs en coquille de l'année précédente. Bien que le contingent de base soit fixe, on prévoit la délivrance de licences pour importer des oeufs et des produits des oeufs en sus du contingent afin de répondre aux besoins globaux du marché canadien. En 1987, des licences supplémentaires ont été délivrées pour l'importation de 2 470 810 douzaines d'oeufs de consommation et de 20 412 kg de produits d'oeufs, afin de remédier à des insuffisances du marché. En outre, des licences supplémentaires ont été autorisées pour l'importation de 6 461 856 kg de produits d'oeufs destinés à la casserie et à la réexportation. Aucune licence n'a été délivrée pour les produits d'oeufs non comestibles.

Poulet

Le poulet a été placé sur la LMIC le 15 janvier 1979 par décret du conseil (C.P. 1979-13) pour appuyer une mesure prise aux termes de la Loi sur les offices de commercialisation des produits de ferme. Le contingent global pour 1987 était de 30 724 848 kg, en poids éviscéré. Le contingentement est fixé à 6,3 % de la production canadienne de l'année précédente. Néanmoins, certaines dispositions autorisent la délivrance de licences afin d'importer des quantités additionnelles de poulet permettant de satisfaire à l'ensemble des besoins du marché canadien. En 1987, 220 demandes de

of 12 020 658 kg of chicken and chicken parts. The effective quantity sourced by the Marketing Agency was 2 398 629 kg. The total quantity authorized was 8 770 848 kg, but due to the tight supply situation in the United States, only 6 329 924 kg of the authorized quantity was issued. In addition, supplementary permits were issued for 469 137 kg of chicken for re-export. Permits for surveillance purposes were also issued for 112 700 of started pullets. No permits were issued for chicken to compete with imported products containing chicken.

Turkey

Turkey was placed on the ICL by Order in Council P.C. 1974-1086 of May 8, 1974 under the provisions of Section 5(a.1) of the Act. The global import quota for 1987 was 2 222 625 kg eviscerated equivalent. The quota is set annually at 2% of the domestic production quota for that year. While the basic quota is fixed, provision is made for the issuance of import permits for turkey supplementary to the quota to meet overall Canadian market needs. During 1987 a total of ninety-four (94) requests were received for supplementary imports for market shortage covering a total of 5 763 919 kg of turkey and turkey parts. Sourcing by the Marketing Agency yielded an effective quantity of 1 771 563 kg. The total quantity authorized was 3 675 957 kg, but due to the tight supply situation in the United States only 2 746 795 kg were issued. In addition, supplementary permits were issued for 51 683 kg of turkey for re-export.

Coffee

On October 5, 1987, the ICA agreed to introduce export quotas on its producing

licences supplémentaires ont été reçues pour insuffisance du marché, totalisant 12 020 658 kg de poulet et de parties de poulet. L'Office de commercialisation a effectivement acheté 2 398 629 kg. La quantité totale autorisée a été de 8 770 848 kg mais, en raison de la pénurie aux États-Unis, seulement 6 329 924 kg ont pu être achetés sur le total autorisé. De plus, des licences supplémentaires ont été délivrées pour l'importation de 469 137 kg de poulet destiné à la réexportation. À des fins de surveillance, des licences ont été délivrées pour 112 700 jeunes poulettes. Aucune licence n'a été délivrée pour soutenir la concurrence de produits importés renfermant du poulet.

Dindon

Le dindon a été placé sur la LMIC par le décret du conseil C.P. 1974-1086 du 8 mai 1974, aux termes de l'alinéa 5(a.1) de la Loi. Le contingent global pour 1987 était de 2 222 625 kg en poids éviscéré. Le contingentement établi chaque année correspond à 2 % de la production nationale. Néanmoins, certaines dispositions autorisent la délivrance de licences afin d'importer des quantités additionnelles de dindon permettant de satisfaire à l'ensemble des besoins du marché canadien. En 1987, 94 demandes de licences supplémentaires ont été reçues pour insuffisance du marché, totalisant 5 763 919 kg de dindon et de parties de dindon. L'Office de commercialisation a effectivement acheté pour 1 771 563 kg. La quantité totale autorisée a été de 3 675 957 kg mais, en raison de la pénurie aux États-Unis, seulement 2 746 795 kg ont pu être achetés. De plus, des licences supplémentaires ont été délivrées pour l'importation de 51 683 kg de dindon destiné à la réexportation.

Café

Le 5 octobre 1987, l'A.I.C. a accepté l'établissement de contingents à

members. Exporting country members of the ICO undertook, pursuant to a decision of the International Coffee Council to control all shipments of coffee exported to other members through the use of ICO coffee export stamps. In all cases where shipments are re-exported, exporting member countries are required to issue certificates of re-export. Importing countries have undertaken to monitor the movement of coffee exported by member countries through the collection of these certificates, and to limit imports from non-members to a specified amount (108 300 kg for 1988 coffee year).

Cheese

Under the authority of Section 5(1)(b) of the Act, "Cheese of all types other than imitation cheese" was placed on the ICL for the implementation of an action taken under the Agricultural Stabilization Act and the Canadian Dairy Commission Act to support the price or that has the effect of supporting the price of cheese of all types.

The annual global cheese import quota for the year 1987 amounted to 45 000 000 lbs or 20 411 866 kg of which 60% was allocated to cheese importers from the twelve (12) member-states of the EEC. The remaining 40% was allocated to cheese importers from non-EEC sources. The global quota was fully allocated to traditional importers and fully utilized during 1987 and no quantities were available for reallocation to new applicants or those requesting an increase in their existing allocation.

(b) Textiles and Clothing

Special measures of protection are provided to the domestic textile and clothing industry through the negotiation of restraint arrangements to limit the exports of specified textile and clothing products

l'exportation pour ses producteurs membres. Les pays exportateurs membres de l'O.I.C. se sont engagés à contrôler les expéditions de café vers d'autres pays membres par le truchement de certificats d'origine de l'O.I.C., validés par des timbres d'exportation de café de l'O.I.C. Et, dans le cas d'un produit réexporté, le pays membre exportateur doit délivrer un certificat de réexportation. Quant aux pays importateurs, ils ont pris l'engagement de surveiller les expéditions de café exporté par les pays membres en recueillant ces certificats, d'une part, et en limitant les importations en provenance de pays non-membres à un niveau déterminé (108 300 kg pour l'année caféière 1988).

Fromage

En vertu de l'alinéa 5(1)(b) de la Loi, les "fromages de tous genres à l'exclusion des imitations" ont été placés sur la LMIC pour mettre à exécution une mesure prise selon la Loi sur la stabilisation des prix agricoles et la Loi sur la Commission canadienne du lait ayant pour objet ou pour effet de soutenir le prix des fromages de tous genres.

Le contingent global pour les importations de fromage pendant l'année 1987 représentait 45 000 000 livres ou 20 411 866 kg dont 60 % étaient alloués aux importations de fromage depuis les douze (12) États-membres de la CEE. Les autres 40 % étaient alloués aux importations de sources autres que la CEE. Le contingent global a été pleinement alloué aux importateurs traditionnels et utilisé en 1987, et aucune quantité n'a pu être réallouée aux nouveaux requérants ou à ceux qui demandaient un relèvement de leur allocation.

(b) Textiles et vêtements

Des mesures spéciales de protection sont accordées à l'industrie nationale des textiles et des vêtements au moyen d'arrangements qui restreignent l'exportation au Canada de textiles et de

from certain developing countries to Canada. A broad range of textile and clothing products have been maintained on the Import Control List (ICL) for the purpose of implementing the intergovernmental arrangements or commitments negotiated in these sectors. In terms of the domestic legal framework for administration of bilateral restraint arrangements, textile and clothing items are placed on the ICL under the authority of Section 5(c) of the Export and Import Permits Act.

On July 30, 1986, a new Canadian textile and clothing import policy was announced that established the Government's intention to negotiate a new framework for the management of clothing and textile imports for the post-1986 period. Under the policy, Canada pursued international negotiations for renewal of the Multi-Fibre Arrangement (MFA), which was extended in 1986 for a further five years. As well, in 1986 and 1987, Canada sought the renegotiation and extension of the bilateral restraint arrangements which were in place with low-cost exporting countries. By the end of 1987, negotiations for 22 bilateral agreements were concluded, bringing to 25 the total number of these arrangements. Most of these agreements will expire in 1990 and 1991, with the exception of the agreement with Brazil, which expired at the end of 1987. At year end, negotiations were being sought to extend this arrangement beyond its expiry. Products were also added to the existing arrangement with Pakistan, and Canada was pursuing new restraints on imports of various clothing items from Malaysia, Bangladesh, and Romania. In addition, Canada has unilaterally set limits on imports of clothing from North Korea, and took measures to introduce unilateral quotas on imports of clothing and worsted wool fabric from South Africa effective January 1, 1988.

vêtements déterminés en provenance de certains pays en développement. Une gamme étendue de produits a été maintenue sur la Liste de marchandises d'importation contrôlée (LMIC) aux fins de l'exécution des arrangements ou engagements intergouvernementaux négociés dans ces secteurs. Du point de vue du cadre juridique national qui régit l'application des accords bilatéraux de limitation, les textiles et les vêtements sont placés sur la LMIC en vertu de l'article 5(c) de la Loi sur les licences d'exportation et d'importation.

Le 30 juillet 1986, le gouvernement annonçait une nouvelle politique canadienne relative à l'importation de textiles et de vêtements dans laquelle il mentionnait son intention de négocier un nouveau cadre pour la gestion des importations de ces produits pour la période postérieure à 1986. Le Canada a donc participé aux négociations internationales sur le renouvellement de l'Arrangement multifibres (AMF) qui a été prorogé en 1986 pour une autre période de cinq ans. En 1986 et 1987, le Canada a entrepris la renégociation et la prorogation des arrangements bilatéraux de limitation qu'il avait conclus avec les pays exportateurs à faibles coûts. À la fin de 1987, il avait finalisé les négociations pour 22 accords bilatéraux, portant à 25 le nombre total de ces arrangements. La plupart de ces arrangements viendront à échéance en 1990 et 1991, à l'exception de l'accord avec le Brésil qui s'est terminé à la fin de 1987. À la fin de l'année, des négociations étaient prévues pour proroger cet arrangement. Des produits ont également été ajoutés à l'arrangement déjà conclu avec le Pakistan, et le Canada recherchait de nouvelles limitations sur les importations de divers articles d'habillement depuis la Malaisie, le Bangladesh et la Roumanie. De plus, le Canada a unilatéralement limité les importations de vêtements depuis la Corée du Nord et pris des mesures pour introduire unilatéralement des contingents sur les importations de vêtements et de tissus en laine peignée de l'Afrique du Sud à compter du 1^{er} janvier 1988.

In 1987, the Import Control List was amended by an Order-in-Council to reflect the revised product coverage of our renegotiated bilateral agreements.

Under the MFA, controls put into place by importing countries such as Canada must be submitted to the Textiles Surveillance Body (TSB), an organization made up of MFA participating countries to oversee controls and to ensure that these are in keeping with the broad objectives of textile trade liberalization of the MFA. In 1987, Canada prepared its submissions to the TSB relating to the renegotiated arrangements and by the end of 1987 many of these had been reviewed and passed by the TSB.

In response to apparel industry concerns in respect of the availability of certain fabrics not made in Canada which are subject to restraints, a joint committee made up from members of the Apparel and Fur SAGIT and the Textile and Footwear SAGIT was established under an independent chairperson, to examine these concerns and make appropriate recommendations. The Committee formally began its work in April 1987, and is considering whether quotas should be removed on certain fabrics under study.

In 1987, Canadian representatives participated in several meetings of the Negotiating Group (NG) on Textiles and Clothing as part of the MTN. The NG has as its aim to formulate modalities that would permit eventual integration of this sector into GATT on the basis of strengthened GATT rules and disciplines, thereby also contributing to the objective of further liberalization of trade. Activities in 1987 focussed on preparatory work for examining techniques to achieve the negotiating objective.

En 1987, la LMIC a été modifiée par Décret du conseil pour refléter la nouvelle liste des produits visés par nos accords bilatéraux renégociés.

Selon l'AMF, les contrôles mis en place par des pays importateurs comme le Canada doivent être soumis à l'Organe de surveillance des textiles (OST), un organisme composé des pays participant à l'AMF et chargé de superviser les contrôles et de garantir qu'ils sont conformes aux grands objectifs de l'AMF en ce qui concerne la libéralisation du commerce des textiles. En 1987, le Canada a préparé ses submissions à l'OST concernant les arrangements renégociés et, à la fin de 1987, nombre de ces submissions avaient été examinées et acceptées par l'OST.

Pour répondre aux préoccupations de l'industrie du vêtement concernant la disponibilité de certains tissus non fabriqués au Canada et soumis à limitation, un comité conjoint composé de membres du GCS sur les vêtements et du GCS sur les textiles et chaussures a été établi sous la présidence d'une personne indépendante pour examiner ces préoccupations et présenter des recommandations appropriées. Le comité a officiellement commencé son travail en avril 1987 et il étudie si les contingents devraient être éliminés pour certains tissus faisant l'objet d'un examen.

En 1987, les représentants du Canada ont participé à plusieurs réunions du Groupe de négociation (GN) sur les textiles et vêtements dans le cadre des NCM. Le GN a pour but de formuler des modalités qui permettraient l'intégration éventuelle de ce secteur au GATT sur la base de règles et de disciplines renforcées, contribuant également ainsi à l'objectif d'une libéralisation plus poussée du commerce. En 1987, les activités se sont concentrées sur le travail préparatoire à l'examen des techniques nécessaires pour réaliser l'objectif des négociations.

The Canada-United States Free Trade Agreement incorporates a number of specific rules relating to trade in apparel and textile products which will entail monitoring and control. As a result, officials have begun examining the modalities of these provisions, and at the end of 1987, planned initial consultations with United States authorities with a view to having a mutually acceptable system in place when the Agreement comes into effect on January 1, 1989.

(c) Footwear

Following an enquiry by the Canadian Import Tribunal under Section 48 of the Special Import Measures Act, it was found that in the absence of special measures of protection imports of women's and girls' dress and casual footwear would likely cause injury to Canadian producers of like goods. The Government announced, effective December 1, 1985, a three-year extension of quotas on imports of women's and girls' dress and casual footwear from all sources. The quotas which had been in place on men's and boys' footwear, children's and infants' footwear, athletic/utility footwear and slippers were allowed to expire on November 30, 1985.

Order in Council P.C. 1985-3432, dated November 21, 1985, extended the quotas on women's and girls' dress and casual footwear for three years to November 30, 1988. The restraint levels for each of the three years are the level of imports of such goods between December 1, 1984 and November 30, 1985 plus 6% in the first year, plus another 8% in the second year, plus another 10% in the third year.

L'Accord de libre-échange avec les Etats-Unis intègre un certain nombre de règles spécifiques liées au commerce des textiles et des vêtements qui supposeront une surveillance et un contrôle. Par conséquent, nos fonctionnaires ont commencé à examiner les modalités de ces dispositions et, à la fin de 1987, ont prévu des consultations initiales avec les autorités américaines en vue de mettre en place un système mutuellement acceptable lorsque l'Accord entrera en vigueur, le 1^{er} janvier 1989.

(c) Chaussures

À la suite d'une enquête effectuée par le Tribunal canadien des importations aux termes de l'article 48 de la Loi sur les mesures spéciales d'importation, il a été déterminé que, faute de mesures spéciales de protection, les importations de chaussures habillées et de chaussures de sport pour femmes et fillettes porteraient vraisemblablement préjudice aux producteurs canadiens de marchandises similaires. Le gouvernement a annoncé une prolongation de trois ans, à compter du 1^{er} décembre 1985, des contingents applicables aux importations de chaussures de ce genre de toutes provenances. On a laissé expirer le 30 novembre 1985 les contingents qui s'appliquaient aux chaussures pour hommes et garçons, aux chaussures pour enfants et bébés, aux chaussures athlétiques et utilitaires et aux pantoufles.

Le décret C.P. 1985-3432 du 21 novembre 1985 a prolongé pour une période de trois ans, jusqu'au 30 novembre 1988, les contingents applicables aux chaussures habillées et aux chaussures de sport pour femmes et fillettes. Les niveaux limites pour chacune des trois années sont le niveau d'importation de ces marchandises entre le 1^{er} décembre 1984 et le 30 novembre 1985 plus 6 % la première année, plus un autre 8 % la deuxième année, plus un autre 10 % la troisième année.

(d) Endangered Species

On January 2, 1974, Canada signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Canada ratified this Convention becoming a party to the International Agreement on April 10, 1975.

No changes were made, in 1987, to the list of species covered by the Convention.

(e) Steel Products

In May 1987, legislation was passed to amend the Act to allow the Government to place certain steel products on the Import Control List (ICL) and the Export Control List (ECL) for the purpose of collecting information on imports and exports of such products. The amendment provides for monitoring for a period of up to three years, and is specific to steel. It does not impact on other products, nor does it alter the existing criteria under which any other goods may be placed on the Export or Import Control Lists for either monitoring or control purposes.

On June 1, 1987, the Government introduced an import monitoring programme for specialty steel products and an export monitoring programme for carbon steel products. This action, coupled with the carbon steel import monitoring programme, introduced in September 1986, which was based on a recommendation from the Canadian Import Tribunal, gives the Government comprehensive coverage of the movement of steel products through Canada. The purpose of this undertaking is to provide a timelier and more precise system of monitoring imports and exports, to gain a better appreciation of the complexities of the international steel trade, and to

(d) Espèces menacées d'extinction

Le 2 janvier 1974, le Canada a signé la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction. En la ratifiant le 10 avril 1975, le Canada devenait partie à cette Convention.

Aucun changement n'a été apporté à la liste des espèces couvertes par la Convention en 1987.

(e) Produits en acier

En mai 1987, le gouvernement a amendé la Loi afin que certains produits en acier soient inscrits sur la Liste de marchandises d'importation contrôlée (LMIC) ainsi que sur la Liste de marchandises d'exportation contrôlée (LMEC), pour que des renseignements sur l'importation et l'exportation de ces produits puissent être recueillis. Cet amendement, qui prévoit une surveillance pour une période pouvant aller jusqu'à trois ans, ne touche que l'acier et n'a donc aucun effet sur les autres produits. De même, il ne modifie pas les critères déjà établis qui devraient s'appliquer à toute marchandise pouvant être inscrite sur les Listes de marchandises d'exportation ou d'importation contrôlée à des fins de surveillance ou de contrôle.

Le 1^{er} juin 1987, le gouvernement a mis sur pied un programme de surveillance des importations de produits en aciers spéciaux ainsi qu'un programme de surveillance des exportations de produits en acier ordinaire. Ces démarches, qui s'ajoutent au programme de surveillance des importations de produits en acier ordinaire mis en place en septembre 1986 suite à une recommandation du Tribunal canadien des importations, permettent au gouvernement de bien saisir, dans son ensemble, le mouvement des produits en acier qui entrent au Canada et qui en sortent. Elles permettent au gouvernement de se munir d'un système de surveillance des importations et des

ensure that Canada is not used as a back door to the U.S. market by offshore steel suppliers.

The programme is global in nature. There are no quantitative restrictions; permits are issued on demand upon proper application in accordance with EIPA.

(f) Goods of South African Origin

With effect from October 1, 1986, a ban was imposed on imports of uranium, coal, iron, steel and agricultural products of South African origin as a result of the agreement reached at the Commonwealth Heads of Government Review Committee, London, August 3 to 5, 1986. The ban went into full effect on January 1, 1987. A monitoring system was established to investigate any alleged circumvention of control on imports from South Africa. A number of entries were investigated, and it was determined that the products were imported from countries other than South Africa. Officials continue to monitor the effectiveness of the sanctions.

Issuance of Import Permits

Section 14 of the Act stipulates that:

"No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

exportations plus opportun et précis, afin de mieux évaluer la complexité du marché international de l'acier et d'empêcher que le Canada soit utilisé comme arrière-cour du marché américain par les fournisseurs d'acier de pays étrangers.

Le programme a une portée globale. Il n'y a aucune restriction quantitative; les licences sont émises sur réception de demandes complétées selon les normes de la LLEI.

(f) Produits d'origine sud-africaine

Le 1^{er} octobre 1986, on a interdit l'importation de l'uranium, du charbon, des produits du fer, des produits de l'acier et des produits agricoles d'origine sud-africaine dans le prolongement de l'entente conclue à la réunion du Comité d'examen des chefs de gouvernement du Commonwealth tenue à Londres du 3 au 5 août 1986. Les sanctions sont appliquées dans leur totalité depuis le 1^{er} janvier 1987. Un système de surveillance a été mis sur pied afin d'étudier de près toute importation de produits présumément d'origine sud-africaine. Un certain nombre de cas ont fait l'objet d'enquêtes qui ont établi que les produits avaient été importés de pays autres que l'Afrique du Sud. Les responsables de ce dossier continuent de veiller au respect des sanctions.

Délivrance de licences d'importation

L'article 14 de la Loi précise que:

"Nul ne doit importer ou tenter d'importer des marchandises mentionnées sur une liste de marchandises d'importation contrôlée, si ce n'est sous l'autorité et en conformité d'une licence d'importation délivrée selon la présente loi".

Section 8 authorizes the Minister to:

"... issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

Section 5 of the Import Permit Regulations (C.R.C., c.605) provides for the issuance of general permits authorizing the import of specified goods up to specified limits or subject to specified conditions.

The following is a statistical summary of applications for import permits processed during 1986.

| | |
|------------------------------|---------|
| Import permits issued | 333,584 |
| Applications refused | 2,043 |
| Applications cancelled | 13,683 |

All applications for permits required for specimens of endangered wild fauna or flora or derivatives appearing on the Import Control List were handled by the Canadian Wildlife Service. The following permits were processed in accordance with General Import Permit No. 17 of September 21, 1976:

| | |
|------------------------------|----|
| Applications approved | 62 |
| Applications refused | 5 |
| Applications withdrawn | 12 |

L'article 8 de la Loi prévoit que:

"Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence d'importer des marchandises comprises dans une liste de marchandises d'importation contrôlée, en la quantité et de la qualité, par les personnes, des endroits ou des personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent la licence, la procédure à suivre pour la demande et la délivrance de licences ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

L'article 5 du Règlement concernant les licences d'importation (C.R.C., c.605) prévoit la délivrance de licences générales autorisant l'importation de certains produits sous réserve de certaines limites et conditions.

Voici un résumé statistique des demandes de licences d'importation traitées au cours de 1987.

| | |
|--------------------------------------|---------|
| Licences d'importation délivrées ... | 333 584 |
| Demandes rejetées | 2 043 |
| Demandes annulées | 13 683 |

Toutes les demandes de licences requises pour les espèces de faune et de flore sauvages menacées d'extinction ou les produits dérivés figurant sur la LMIC ont été traitées par le Service canadien de la faune. Les licences d'importation suivantes ont été traitées conformément à la Licence générale d'importation n° 17 du 21 septembre 1976 :

| | |
|--------------------------|----|
| Demandes acceptées | 62 |
| Demandes refusées | 5 |
| Demandes retirées | 12 |

Issuance of Import Certificates

Section 9 of the Act provides that:

"The Minister may, in order to facilitate the importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

The Import Certificate Regulations (C.R.C., c.603) provide for the issuance of Import Certificates which are required by the country of export before it will allow goods to be shipped to Canada. They also provide for the issuance of Delivery-Verification Certificates for goods which have been imported into Canada in order to attest to their arrival within Canadian jurisdiction, and also to fulfill the requirements of the exporting country for documentary proof of arrival. The purpose of these regulations is to prevent the diversion in transit or the unauthorized trans-shipment of sensitive military and strategic goods which are controlled internationally by reason of Canada's membership in the Co-ordinating Committee for Multilateral Strategic Trade Controls (COCOM).

As a member of COCOM, Canada has recognized the necessity of this international control mechanism, whereby primary responsibility for controlling the movement of strategic commodities is transferred to the importing country, from the exporting country, as acknowledged by the latter's issuance of Import Certificates. Hence, if proposed for export, the strategic commodities become subject to the latter country's export control regulations.

Délivrance de certificats d'importation

L'article 9 de la Loi précise que:

"Le Ministre peut, afin de faciliter l'importation de marchandises au Canada et l'observation des lois du pays d'exportation, délivrer, à tout résident du Canada qui en fait la demande, un certificat d'importation énonçant que l'auteur de la demande s'est engagé à importer les marchandises décrites au certificat dans le délai y spécifié et renfermant les autres renseignements qu'exigent les règlements".

Le Règlement concernant les certificats d'importation (C.R.C., c.603) prévoit la délivrance de certificats requis par le pays d'exportation avant que ce dernier n'autorise l'exportation de marchandises au Canada. Il prévoit également la délivrance de certificats de vérification de livraison pour les produits qui ont été importés au Canada afin de confirmer leur arrivée sur le territoire canadien, et également pour satisfaire aux exigences du pays exportateur en matière de preuve documentaire d'arrivée. Le but de ce Règlement est d'empêcher le détournement en cours de route ou le transbordement non autorisé de biens militaires et stratégiques sensibles qui sont soumis à un contrôle international en raison de l'appartenance du Canada au Comité de coordination pour le contrôle multilatéral des échanges Est-ouest (COCOM).

En tant que membre du COCOM, le Canada a reconnu la nécessité de ce mécanisme de contrôle international par lequel la responsabilité principale du contrôle du mouvement des produits stratégiques est transférée aux pays importateurs, comme en témoignent les certificats d'importation qu'ils délivrent. Lors d'une éventuelle réexportation, ces produits stratégiques sont assujettis de ce fait à leurs règlements de contrôle des exportations.

The following is a statistical summary of certificates processed during 1987:

Import Certificates issued 2,608
Delivery-Verification
Certificates issued 904

2. EXPORT CONTROLS

Section 3 of the Act provides that the Governor in Council may establish a list of goods, to be called an Export Control List (ECL), including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

- (a) for national security reasons;
 - (a.1) to promote further processing of natural resources;
 - (a.2) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus and depressed prices that is not a produce of agriculture;
- (b) to implement an intergovernmental arrangement or commitment; or
- (c) to ensure adequate supply and distribution in Canada of articles for defence or other needs.

Group 1 of the Export Control List covers animals and agricultural products, the principal item of which - Item 1011 "Any specimen of endangered fauna or flora" is administered by the Canadian Wildlife Service in Environment Canada, in support of Canada's obligations under the Convention on International Trade in Endangered Species (CITES). The full list

Voici le résumé statistique des certificats traités au cours de 1986:

Certificats d'importation délivrés ... 2 608
Certificats de vérification de
livraison délivrés 904

2. CONTRÔLE DES EXPORTATIONS

L'article 3 de la Loi prévoit que le gouverneur en conseil peut établir une liste de marchandises, appelée "Liste de marchandises d'exportation contrôlée" (LMEC) comprenant tout article dont, à son avis, il est nécessaire de contrôler l'exportation pour l'une quelconque des fins suivantes, à savoir:

- (a) pour des raisons de sécurité nationale;
 - (a.1) pour favoriser le traitement supplémentaire de ressources naturelles;
 - (a.2) pour limiter les exportations de matières premières ou transformées d'origine canadienne, ou en conserver le contrôle, lorsqu'il y a surproduction et chute des cours et qu'il ne s'agit pas d'un produit agricole;
- (b) pour mettre en oeuvre un arrangement ou un engagement intergouvernemental; ou
- (c) pour assurer un approvisionnement et une distribution de ces articles au Canada qui suffisent aux besoins de la défense ou autres.

Le groupe 1 de la Liste de marchandises d'exportation contrôlée couvre les animaux et les produits agricoles; le principal article du groupe (1011) couvre "les spécimens des espèces de faune et flore sauvages menacées d'extinction"; il est administré par le Service canadien de la faune d'Environnement Canada, pour appuyer les obligations du Canada en vertu de la

of flora and fauna protected by this item is found in Appendices I, II and III of the Export Control List. Item 1031 relates to quota restricting exports of sugar and sugar-based products to the USA, and derives from an intergovernmental arrangement.

Group 2 covers wood and wood products. Items in this group are included by virtue of subsection (a.1) of Section 3 of the Act.

Subsection (a) of Section 3 of the Act relates to goods having a military or strategic nature or value which, if made available to certain destinations, might be used to the detriment of the security of Canada and its allies. For export control purposes, military and strategic goods have been broadly defined as follows:

- a) Military goods are systems or equipment specially designed for military use. This includes offensive military equipment (system or device capable of enabling an attack to be delivered, e.g., combat aircraft, armed vehicles, arms and ammunition) as well as defensive military equipment or defence support equipment, being any other equipment built to military specifications or specially designed for military use.

Military goods are found in Group 7 of the Export Control List.

- b) Strategic goods are equipment or goods of a civilian industrial nature available in normal commerce, that could have a military application, either directly (e.g., computers, telecommunication systems and most

Convention sur le commerce international des espèces menacées d'extinction (CITES). La liste intégrale des espèces de flore et de faune protégées par cet article se trouve aux annexes I, II et III de la LMEC. L'article 1031 concerne le contingentement des exportations aux États-Unis de sucre et de produits à base de sucre, et découle d'un arrangement intergouvernemental.

Le groupe 2 couvre le bois et les produits du bois. Les articles relevant de ce groupe sont inclus en vertu de l'alinéa (a.1) de l'article 3 de la Loi.

Le paragraphe (a) de l'article 3 de la Loi a trait aux produits qui ont une nature ou valeur militaire ou stratégique et qui, s'ils sont rendus disponibles à certaines destinations, pourraient être soumis à un emploi préjudiciable à la sécurité du Canada et de ses alliés. Aux fins du contrôle des exportations, les biens militaires et stratégiques ont été définis, d'une façon générale, comme il suit :

- a) Les biens militaires sont des systèmes ou de l'équipement spécialement conçus pour l'usage militaire. Cela comprend le matériel militaire offensif (système ou engin permettant de livrer une attaque - par ex., avion de combat, véhicule armé, armes et munitions), ainsi que le matériel militaire défensif ou le matériel de soutien de la défense (tout autre matériel construit selon des spécifications militaires ou spécifiquement destiné à l'utilisation militaire).

Les biens militaires se retrouvent au groupe 7 de la Liste de marchandises d'exportation contrôlée.

- b) Les biens stratégiques sont de l'équipement commercial civil qui pourrait avoir une application militaire, soit directement (par ex., ordinateurs, systèmes de télécommunications et la plupart des

civilian aircraft and associated equipment) or indirectly, for the production of military equipment or supplies.

Strategic goods are found in Groups 3, 4, 5, and 6 of the Export Control List. Atomic Energy goods, equipment and materials are found in Group 8 of this List.

The definition of those goods, equipment, technology and materials in Groups 3 through 8 of the Export Control List corresponds to the list of strategic, military and atomic energy goods defined by the Coordination Committee for Multilateral Strategic Export Controls in Paris. Canada's adherence to this inter-governmental arrangement is the reason for the inclusion of these goods on the Export Control List, and buttresses the reason for control outlined above, based on subsection (a).

Effective June 11, 1987, O.I.C., 1987-1179 amended the ECL by revoking item 6001 and substituting a new item therefor. The addition of certain chemicals to the List was required in order to guard against the possibility that Canada might become a source of supply for chemicals used in chemical warfare.

Issuance of Export Permits

An export permit is required before an item included in the ECL may be exported from Canada to any destination, with the general exception of the United States. These control procedures are in effect in order to realize objectives set out in the Act, principally in meeting intergovernmental arrangements or commitments, and, additionally in the case of the Group 8 items, they represent an important instrument for the implementation of the

aéronefs civils et du matériel connexe), soit indirectement, comme dans la production de matériel militaire.

Les biens stratégiques se retrouvent aux groupes 3, 4, 5 et 6 de la Liste de marchandises d'exportation contrôlée. Les matières et le matériel se rattachant à l'énergie atomique composent le groupe 8 de cette Liste.

La définition des articles, produits, équipements, techniques et matières composant les groupes 3 à 8 de la Liste de marchandises d'exportation contrôlée correspond à la définition des produits stratégiques, militaires et atomiques visés par le Comité de coordination chargé de la surveillance des exportations de produits stratégiques, dont le siège est à Paris. L'adhésion du Canada à cet arrangement intergouvernemental explique l'inclusion de ces produits sur la Liste de marchandises d'exportation contrôlée, et renforce la justification du contrôle susmentionné, en vertu du paragraphe (a).

Le 11 juin 1987, le décret du conseil 1987-1179 modifiait la LMEC en annulant l'article 6001 et en lui substituant un nouvel article. L'ajout de certains produits chimiques à la Liste était requis pour empêcher que le Canada ne devienne une source potentielle d'approvisionnement en produits utilisés pour la guerre chimique.

Délivrance de licences d'exportation

Une licence d'exportation est nécessaire pour qu'un article figurant sur la LMEC puisse être exporté vers quelque destination que ce soit, à l'exception, dans la plupart des cas, des États-Unis. Toutes ces dispositions reflètent les contrôles à l'exportation nécessaires pour la réalisation des objectifs indiqués dans la Loi, surtout pour le respect des arrangements ou engagements intergouvernementaux, et constituent en

Atomic Energy Control Act. Prior to issuing export permits for Group 8 materials and equipment, the concurrence of the Atomic Energy Control Board must be obtained.

Thirteen items in the List now require permits before they may be exported to any destination including the United States, i.e.: 1001 - pancreas glands of cattle and calves; 1011 - endangered species (Appendix I or II); 2001 - logs of wood (of all species); 2002 - pulpwood (of all species); 2003 - blocks and bolts of red cedar; 5665 - scrap iron and steel; 5667 - Canadian one cent bronze coins; 8001 - source (fertile) and fissionable materials; 8005 - deuterium; 8039 - tritium; 8050 - radio-active materials; 8136 - nuclear reactors and 10011 - serum album. Two additional items on the List require permits before they may be exported to the United States only, i.e.: 1031 - sugars, syrups, and molasses, derived from sugar cane or sugar beets and 5664 - specialty steel products.

Under item 9001 of the Export Control List all goods of any nature (strategic or non-strategic) originating in the United States which are to be re-exported from Canada require an export permit, except any such goods that have been further processed or manufactured outside the United States, by combining them with other goods or otherwise, so as to result in substantial change in value, form and use of the goods or in the production of new goods, unless the goods to be exported are listed in another Group in the ECL.

autre dans le cas des articles du groupe 8 un important instrument d'application de la Loi sur le contrôle de l'énergie atomique. Avant de délivrer des licences d'exportation pour des matières et de l'équipement du groupe 8, il faut obtenir l'accord de la Commission de contrôle de l'énergie atomique.

Il faut maintenant une licence d'exportation pour expédier à l'étranger, y compris aux États-Unis, treize (13) articles énumérés sur la liste : 1001 - glandes pancréatiques de bovins et de veaux; 1011 - espèces menacées d'extinction (annexe I ou II); 2001 - billes de bois (de toutes essences); 2002 - bois à pâte (de toutes essences); 2003 - blocs et billons de cèdre rouge; 5665 - déchets de fer et d'acier; 5667 - pièces de monnaie canadienne d'un cent en bronze; 8001 - matières de base (fertiles) et matières fissibles; 8005 - deutérium; 8039 - tritium; 8050 - matières radioactives; 8136 - réacteurs nucléaires; 10011 - sérum-albumine. Des licences sont requises pour l'exportation, aux États-Unis seulement, de deux autres articles, à savoir : 1031 - sucres, sirops et mélasses provenant de cannes à sucre ou de betteraves; et 5664 - produits en acier allié.

Selon l'article 9001 de la Liste de marchandises d'exportation contrôlée, toutes les marchandises de toute nature (stratégique ou non stratégique) originant des États-Unis qui doivent être réexportées du Canada nécessitent une licence, à l'exception des marchandises qui ont été l'objet de préparation ou de fabrication complémentaire hors des États-Unis, par leur combinaison avec d'autres marchandises ou autrement, de façon à en modifier sensiblement la valeur, la forme et l'emploi ou à produire de nouvelles marchandises, à moins que les marchandises à exporter ne soient énumérées dans un autre groupe de la LMEC.

Area Control List

Section 13 of the Act provides that:

"No person shall export or attempt to export any goods included in an Export Control List or any goods to any country included in an Area Control List except under the authority of and in accordance with an export permit issued under this Act."

The Area Control List (ACL) contains the following countries: Albania, Bulgaria, Czechoslovakia, German Democratic Republic and East Berlin, Hungary, Libya, Mongolia, Democratic People's Republic of Korea, Socialist Republic of Vietnam, Poland, Romania and Union of Soviet Socialist Republics.

Section 7 of the Act provides that:

"The Minister may issue to any resident of Canada applying therefor a permit to export goods included in an Export Control List or to a country included in an Area Control List, in such quantity and of such quality, by such persons, to such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

Liste de pays visés par contrôle

Aux termes de l'article 13 de la Loi,

"Nul ne doit exporter ou tenter d'exporter des marchandises comprises dans une liste de marchandises d'exportation contrôlée, ni des marchandises vers un pays dont le nom paraît sur une liste de pays visés par contrôle, si ce n'est sous l'autorité et en conformité d'une licence d'exportation délivrée selon la présente loi."

La Liste de pays visés par contrôle (LPVC) renferme les pays suivants : Albanie, Bulgarie, Tchécoslovaquie, République démocratique allemande et Berlin Est, Hongrie, Libye, Mongolie, République populaire démocratique de Corée, République socialiste du Vietnam, Pologne, Roumanie et Union des Républiques socialistes soviétiques.

L'article 7 de la Loi prévoit que:

"Le Ministre peut délivrer à tout résident du Canada qui fait la demande d'une licence d'exporter des marchandises comprises dans une liste de marchandises d'exportation contrôlée ou à un pays nommé dans une liste de pays visés par contrôle, en la quantité et de la qualité, par les personnes, aux endroits ou personnes et sous réserve des autres stipulations et conditions que décrivent la licence ou les règlements".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent les licences, la procédure à suivre pour la demande et la délivrance des licences, ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

Section 6 of the Export Permit Regulations (C.R.C., c.602) provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

The Regulations Respecting Trans-shipment (C.R.C., c.606) enable Canada to cooperate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

The following is a statistical summary of applications for export permits processed during 1987 relating to both the ECL and the ACL:

| | |
|--|--------|
| Export permits issued | 17,563 |
| Applications refused | 41 |
| Applications withdrawn | 704 |
| Export permits cancelled | 8 |
| Application pending as of Dec. 31, 1987 | 792 |

In addition, applications for permits required for any specimen of endangered wild fauna or flora or derivatives appearing on the Export Control List were handled by the Canadian Wildlife Service. The following permits were issued in accordance with General Export Permit No. Ex. 14 of September 21, 1976:

| | |
|------------------------------|-------|
| Applications approved | 1,844 |
| Applications refused | 0 |
| Applications withdrawn | 5 |

3. VIOLATIONS

Section 19 of the Act provides that:

"(1) Every person who violates any of the provisions of this Act or the regulations is guilty of an offence and is liable

L'article 6 du Règlement sur les licences d'exportation (C.R.C., c.602) prévoit la délivrance de licences générales autorisant l'exportation de certains produits désignés vers toutes les destinations ou vers des destinations précises.

Le Règlement sur le transbordement (C.R.C., c.606) permet au Canada de collaborer au maintien d'un régime convenu entre divers pays, en vue d'empêcher le détournement en cours de route de produits de nature stratégique.

Le résumé statistique suivant porte sur les demandes de licence d'exportation traitées au cours de l'année 1987, relativement à la LMEC et à la LPVC:

| | |
|--|--------|
| Licences d'exportation délivrées | 17 563 |
| Demandes refusées | 41 |
| Demandes retirées | 704 |
| Licences d'exportation annulées | 8 |
| Demandes en suspens au 31 décembre 1987 | 792 |

En outre, les demandes de licence requises pour des espèces de faune ou de flore sauvages menacées d'extinction ou des produits dérivés figurant sur la LMEC ont été traitées par le Service canadien de la faune. Les licences d'exportation suivantes ont été traitées conformément à la Licence générale d'exportation n° EX. 14, en date du 21 septembre 1976 :

| | |
|---------------------------|-------|
| Demandes autorisées | 1 844 |
| Demandes refusées | 0 |
| Demandes retirées | 5 |

3. INFRACTIONS

L'article 19 de la Loi prévoit que:

(1) Quiconque viole l'une des dispositions de la présente Loi ou des règlements est coupable d'une infraction et passible

(a) on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both fine and imprisonment; or

(b) on conviction upon indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding five years or to both fine and imprisonment.

(2) A prosecution under paragraph (a) of sub-section (1) may be instituted at any time within three years from the time when the subject matter of the complaint arose."

Section 24 of the Act delegates responsibility for the enforcement of the Act to all officers as defined in the Customs Act. The Department of External Affairs entrusts the enforcement of the Act to Revenue Canada (Customs and Excise) and to the Royal Canadian Mounted Police.

(a) Status of Export Controls Investigations for 1987

In 1987, a total of two hundred and thirty-two (232) files were opened by the RCMP. Of these, one hundred and eighteen (118) represent investigations initiated to establish whether the Act was violated, and one hundred and fourteen (114) were assistance cases. The latter do not represent suspected offences and are usually the result of inquiries or liaison work (e.g., with other countries' enforcement agencies, the Canadian Wildlife Federation, Revenue Canada (Customs & Excise), etc.). Seven (7) charges were laid and eleven (11) warnings issued. In addition, under Customs enforcement procedures, there were nine hundred and eleven (911) detentions and eighteen (18) seizures subject to adjudication.

(a) sur déclaration sommaire de culpabilité, d'une amende d'au plus cinq mille dollars ou d'un emprisonnement d'au plus douze mois ou à la fois de l'amende et de l'emprisonnement; ou

(b) après déclaration de culpabilité sur acte d'accusation, d'une amende d'au plus vingt-cinq mille dollars ou d'un emprisonnement d'au plus cinq ans, ou à la fois de l'amende et de l'emprisonnement.

(2) Des poursuites en vertu de l'alinéa a) du paragraphe (1) peuvent être intentées en tout temps dans les trois ans du moment où le sujet de la plainte a pris naissance."

L'article 24 de la Loi délègue la responsabilité de l'application de ladite Loi à tous les préposés au sens de la Loi sur les douanes. Le ministère des Affaires extérieures confie l'application de la Loi à Revenu Canada (Douanes et Accise) et à la Gendarmerie royale du Canada.

(a) État des enquêtes aux fins du contrôle des exportations pour 1987

En 1987, la GRC a ouvert au total deux cent trente-deux (232) dossiers. De ce nombre, cent dix-huit (118) représentent des enquêtes lancées afin d'établir si la Loi sur les licences d'exportation et d'importation a été violée, et cent quatorze (114) étaient des cas d'assistance. Ces derniers ne représentent pas des violations que l'on croit avoir été commises et sont habituellement le résultat d'enquêtes ou de travail de liaison (par ex., auprès des organismes chargés de l'application de la loi d'autres pays, ou de la part de la Fédération canadienne de la faune, de Revenu Canada (Douanes et Accise), etc.). Sept (7) accusations ont été portées et onze (11) avertissements ont été donnés. En outre, en vertu des procédures douanières, il y a eu neuf cent onze (911) détentions et dix-huit (18) saisies en attendant une décision.

(b) Status of Import Controls
Investigations for 1987

A total of seven hundred and forty (740) cases of suspected violations under the Act were investigated. Ten of these cases were initiated by the RCMP and five by Revenue Canada (Customs and Excise). Following a preliminary review by STRB five hundred and twenty-five (525) cases were closed and two hundred (200) cases were referred to the RCMP for further investigation.

Of the cases referred to the RCMP, one hundred and ninety (190) cases were closed due to lack of sufficient evidence. As of December 31, 1987 ten (10) cases are still under investigation.

(b) État des enquêtes aux fins du contrôle
des importations pour 1987

On a fait enquête sur sept cent quarante (740) cas de violations présumées des dispositions de la Loi. Dix de ces enquêtes ont été engagées par la GRC et cinq par Revenu Canada (Douanes et Accise). Après une enquête préliminaire de la Direction générale des relations commerciales spéciales, cinq cent vingt-cinq (525) dossiers ont été fermés, et on a transmis deux cent (200) cas à la GRC pour enquête plus poussée.

Sur les cas transmis à la GRC, cent quatre-vingt-dix (190) dossiers ont été fermés pour insuffisance de preuve. Au 31 décembre 1987, dix (10) cas sont toujours soumis à l'enquête.

REPORT OF THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS

respecting operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1988

RAPPORT DU SECRÉTAIRE D'ÉTAT AUX AFFAIRES EXTÉRIEURES

sur les activités découlant de la

LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION

pour l'année 1988

TABLED 22/11/89

SESSIONAL PAPER NO. 342-1/137A

DOCUMENT PARLEMENTAIRE n° 342-1/137A

This Report is submitted pursuant to Section 27 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-19 of the 1985 Revised Statutes of Canada, as amended, which provides:

"As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

INTRODUCTION

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.

In terms of its organization, the Act provides that the Governor in Council may establish a series of 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 Secretary of State for External Affairs the authority to grant or deny requests 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 Controls:
 - (a) Agricultural Products
 - (b) Textiles and Clothing
 - (c) Footwear

Le présent rapport est présenté conformément à l'article 27 de la Loi sur les licences d'exportation et d'importation (appelée ci-après la Loi), chapitre E-19 des Statuts révisés du Canada 1985, dans sa forme modifiée, qui prévoit ce qui suit :

"Au début de chaque année civile, le ministre établit, pour dépôt devant le Parlement, un rapport sur l'application de la présente loi au cours de l'année précédente."

INTRODUCTION

Le pouvoir de contrôler l'importation et l'exportation de produits et de technologies découle de la Loi. Cette loi trouve son origine dans la Loi sur les mesures de guerre. Adoptée par le Parlement en 1947, elle a depuis subi un certain nombre de modifications.

Pour ce qui est de l'organisation, la Loi prévoit que le gouverneur en conseil peut établir des listes appelées listes des marchandises d'importation contrôlée (LMIC), liste des marchandises d'exportation contrôlée (LMEC) et liste des pays visés par contrôle (LPVC). La Loi fixe des critères qui régissent l'inclusion de marchandises ou de pays dans les différentes listes et prévoit que le gouverneur en conseil peut révoquer, modifier, changer ou rétablir tout élément figurant sur ces listes. Le contrôle de l'écoulement et de la destination des marchandises figurant sur ces listes est effectué au moyen de la délivrance de licences d'importation ou d'exportation.

La Loi confère au secrétaire d'État aux Affaires extérieures l'autorité de donner suite aux demandes de licences ou de les rejeter; il se voit donc attribuer de vastes pouvoirs pour contrôler l'écoulement des marchandises figurant sur les listes. Les opérations découlant de l'application de la Loi peuvent être groupées sous les rubriques suivantes:

1. Contrôle des importations:
 - (a) Produits agricoles
 - (b) Textiles et vêtements
 - (c) Chaussures

- (d) Endangered Species
- (e) Steel Products
- (f) Goods of South African Origin

2. Export Controls:

- (a) Animals and Animal Products
- (b) Wood and Wood Products
- (c) Strategic, Military and Atomic Energy Goods, Materials and Technology

3. Violations

1. IMPORT CONTROLS

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

- to ensure adequate supply and distribution of an article that is scarce on world markets or is subject to control in the country of export;
- to restrict, for the purpose of supporting any action taken under the Farm Products Marketing Agencies Act and the Meat Import Act;
- to implement any action taken under a number of named Acts; e.g., the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Canadian Dairy Commission Act, to support the price of the article;
- to implement an inter-governmental arrangement or commitment;

- (d) Espèces menacées d'extinction
- (e) Produits en acier
- (f) Produits d'origine sud-africaine

2. Contrôle des exportations:

- (a) Animaux et produits animaux
- (b) Bois et produits du bois
- (c) Produits, matières et techniques stratégiques, militaires et nucléaires

3. Infractions

1. CONTRÔLE DES IMPORTATIONS

L'article 5 de la Loi prévoit que le gouverneur en conseil peut dresser la liste des marchandises d'importation contrôlée comprenant les articles dont, à son avis, il est nécessaire de contrôler l'importation pour l'une des fins suivantes:

- assurer le meilleur approvisionnement et la meilleure distribution possibles d'un article rare sur les marchés mondiaux ou soumis à des règles dans son pays d'origine;
- appuyer une mesure d'application de la Loi sur les offices de commercialisation des produits de ferme et de la Loi sur l'importation de la viande en limitant l'importation d'un article;
- mettre à exécution toute mesure d'application de la Loi sur la stabilisation des prix agricoles, de la Loi sur le soutien des prix des produits de la pêche ou de la Loi sur la Commission canadienne du lait dont l'objet ou l'effet est de soutenir le prix de l'article;
- mettre en oeuvre un arrangement ou un engagement intergouvernemental;

- to limit, pursuant to an enquiry by the Canadian International Trade Tribunal, the importation of goods causing or threatening to cause serious injury to domestic producers;
- to restrict the importation of arms and munitions of war;
- to place certain steel products on the Import Control List for the purpose of collecting information on imports of such products; and,
- to facilitate implementation of action taken under the Customs Tariff to enforce Canada's rights under a trade agreement or responding to acts of another country that adversely affect trade in Canadian goods or services.

(a) Agricultural Products

The following agricultural products were contained on the Import Control List (ICL) in 1988 and subject to control for the following reasons:

- 1) To restrict, for the purpose of supporting any action under the Farm Products Marketing Agencies Act, the importation in any form of a like article to one produced in Canada the quantities of which are fixed or determined under the Act:

- Turkey, live or eviscerated, turkey parts, whether breaded or battered, and turkey products manufactured wholly therefrom, whether breaded or battered;

- limiter, à la suite d'une enquête effectuée par le Tribunal canadien du commerce extérieur, l'importation de marchandises portant ou menaçant de porter un préjudice sérieux aux producteurs canadiens;
- restreindre l'importation d'armes et de munitions de guerre;
- placer certains produits en acier sur la liste des marchandises d'importation contrôlée pour obtenir des renseignements sur l'importation de ces produits; et,
- pour faciliter l'application des mesures prises aux termes du Tarif des douanes, pour exercer les droits d'un accord commercial ou pour répliquer aux actes d'un gouvernement qui entraîneraient un effet défavorable sur le commerce des marchandises ou des services canadiens.

(a) Produits agricoles

En 1988, la liste des marchandises d'importation contrôlée (IMIC) renfermait les produits agricoles énumérés ci-après, soumis au contrôle pour l'une des fins suivantes:

- 1) Appuyer une mesure prise en vertu de la Loi sur les offices de commercialisation des produits de ferme, en limitant l'importation sous quelque forme d'un article semblable à un article produit au Canada dont les quantités sont fixées ou déterminées en vertu de cette Loi:
 - dindons, vivants ou éviscérés, parties de dindon, qu'elles soient ou non enrobées de chapelure ou de pâte, et produits qui en sont entièrement dérivés, qu'ils soient ou non enrobés de chapelure ou de pâte;

- | | |
|--|--|
| <ul style="list-style-type: none">- Eggs and egg products; and,- Chicken and chicken capons, live or eviscerated, chicken parts whether breaded or battered, and chicken products manufactured wholly thereof, whether breaded or battered. <p>2) To implement any action taken under the <u>Agricultural Stabilization Act</u>, the <u>Fisheries Prices Support Act</u>, the <u>Agricultural Products Co-operative Marketing Act</u>, or the <u>Canadian Dairy Commission Act</u>, to support the price of the article or that has the effect of supporting the price of the article:</p> <ul style="list-style-type: none">- Animal feeds containing more than 50% non-fat milk solids (<u>Canadian Dairy Commission Act</u>);- Butter (<u>Canadian Dairy Commission Act</u>);- Butter fat in any form either alone or in combination with other substances (<u>Canadian Dairy Commission Act</u>);- Cheese of all types other than imitation cheese (<u>Agricultural Stabilization Act</u> and <u>Canadian Dairy Commission Act</u>);- Buttermilk in dry, liquid or other form (<u>Canadian Dairy Commission Act</u>);- Dry casein and caseinates (<u>Canadian Dairy Commission Act</u>); | <ul style="list-style-type: none">- oeufs et produits d'oeufs; et,- poulets et chapons, vivants ou éviscérés, parties de poulet, qu'elles soient ou non enrobées de chapelure ou de pâte, et produits qui en sont entièrement dérivés, qu'ils soient ou non enrobés de chapelure ou de pâte. <p>2) Mettre à exécution toute mesure prise selon la <u>Loi sur la stabilisation des prix agricoles</u>, la <u>Loi sur le soutien des prix des produits de la pêche</u>, la <u>Loi sur la vente coopérative des produits agricoles</u> ou la <u>Loi sur la Commission canadienne du lait</u>, ayant pour objet ou pour effet de soutenir le prix de l'article:</p> <ul style="list-style-type: none">- provendes contenant plus de 50 % de solides non gras de lait (<u>Loi sur la Commission canadienne du lait</u>);- beurre (<u>Loi sur la Commission canadienne du lait</u>);- matière grasse du lait sous toutes formes, seule ou en combinaison avec d'autres substances (<u>Loi sur la Commission canadienne du lait</u>);- fromages de tous genres à l'exclusion des imitations (<u>Loi sur la stabilisation des prix agricoles</u> et <u>Loi sur la Commission canadienne du lait</u>);- lait de beurre sous forme solide, liquide ou autre (<u>Loi sur la Commission canadienne du lait</u>);- Caséine ou caséinates en poudre (<u>Loi sur la Commission canadienne du lait</u>); |
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- Skimmed milk in dry, liquid or other form (Canadian Dairy Commission Act);
 - Dry whey (Canadian Dairy Commission Act);
 - Evaporated and condensed milk (Canadian Dairy Commission Act);
 - Blends in dry, liquid or other form (Canadian Dairy Commission Act and Agricultural Stabilization Act);
 - Ice cream, ice milk, ice cream mix, ice milk mix or any product manufactured mainly of ice cream or ice milk (Canadian Dairy Commission Act); and,
 - Yoghurt (Canadian Dairy Commission Act).
- 3) To implement an inter-governmental arrangement or commitment:
- Coffee in any form (International Coffee Agreement);
 - Endangered Species (Convention on International Trade in Endangered Species);
 - Goods of South African origin (Commonwealth Heads of Government Review Meeting, August 3-5, 1986); and,
 - Raccoon Dogs (Bilateral Arrangement with the U.S.A.).
- lait écrémé sous forme solide, liquide ou autre (Loi sur la Commission canadienne du lait);
 - petit-lait en poudre (Loi sur la Commission canadienne du lait);
 - lait évaporé et lait concentré (Loi sur la Commission canadienne du lait);
 - mélanges sous forme solide, liquide ou autre (Loi sur la Commission canadienne du lait et Loi sur la stabilisation des prix agricoles);
 - crème glacée, lait glacé, mélanges pour crème glacée, mélanges pour lait glacé et produits composés principalement de crème glacée ou de lait glacé (Loi sur la Commission canadienne du lait); et,
 - yogourt (Loi sur la Commission canadienne du lait).
- 3) Mettre en oeuvre un arrangement ou un engagement intergouvernemental:
- café sous toutes ses formes (Accord international sur le café);
 - Espèces menacées d'extinction (Convention sur le commerce international des espèces menacées d'extinction);
 - Produits d'origine sud-africaine (Reunion d'examen des chefs du gouvernement du Commonwealth, 3 au 5 août 1986); et,
 - Chiens viverrins (Arrangement bilatéral avec les États-Unis).

Eggs

Eggs were placed on the ICL on May 9, 1974, under the authority of Section 5(1)(b) of the Act. The global shell egg import quota for 1988 was 2 936 000 dozen, representing 0.675% of the previous year's domestic production. Permits were issued for 2 936 314 dozen. The quotas for egg powder, and liquid or frozen eggs, were 404 000 kg and 1 037 000 kg respectively, representing 0.615% and 0.415% of the previous year's shell egg production. Permits issued were 135 809 kg and 981 984 kg respectively. While the basic quota is fixed, provision is made to issue import permits for eggs and egg products supplementary to the quota to meet overall Canadian market needs. During 1988 supplementary permits were issued for 1 412 500 dozen table eggs for market shortages. In addition, supplementary permits for 5 625 090 kg of egg products and 48 300 dozen of ungraded shell eggs were authorized for processing and re-export, and for 15 876 kg of inedible egg products.

Chicken

Chicken was placed on the ICL on January 15, 1979 under Order in Council P.C. 1979-13 to support action taken under the Farm Products Marketing Agencies Act. The global import quota for 1988 was 33 443 361 kg, expressed as eviscerated weight. Permits were issued for 31 718 775 kg in eviscerated weight. While the basic quota is set at 6.3% of the previous year's production, provision is made to issue import permits for chicken supplementary to the quota to meet overall Canadian market needs. During 1988 a total of one hundred and seventy nine (179) requests for supplementary

Oeufs

Les oeufs ont été placés sur la LMIC le 9 mai 1974, en vertu de l'alinéa 5(1)b) de la Loi. En 1988, le contingent global d'oeufs en coquille était de 2 936 000 douzaines, ce qui représente 0,675 % de la production canadienne de l'année précédente. Des licences ont été délivrées pour 2 936 314 douzaines. Les contingents d'oeufs en poudre et d'oeufs liquides ou congelés étaient respectivement de 404 000 kg et de 1 037 000 kg, soit 0,615 % et 0,415 % de la production d'oeufs en coquille de l'année précédente. Des licences ont été délivrées pour 135 809 kg et 981 984 kg respectivement. Bien que le contingent de base soit fixe, on prévoit la délivrance de licences pour importer des oeufs et des produits des oeufs en sus du contingent afin de répondre aux besoins globaux du marché canadien. En 1988, des licences supplémentaires ont été délivrées pour l'importation de 1 412 500 douzaines d'oeufs de consommation afin de remédier à des insuffisances du marché. En outre, des licences supplémentaires ont été autorisées pour l'importation de 5 625 090 kg de produits d'oeufs et de 48 300 douzaines d'oeufs en coquille non classés destinés à la casserie et à la réexportation. Des licences ont été délivrées pour 15 876 kg de produits d'oeufs non comestibles.

Poulet

Le poulet a été placé sur la LMIC le 15 janvier 1979 par décret du conseil (C.P. 1979-13) pour appuyer une mesure prise aux termes de la Loi sur les offices de commercialisation des produits de ferme. Le contingent global pour 1988 était de 33 443 361 kg, en poids éviscéré. Des licences ont été délivrées pour 31 718 775 kg en poids éviscéré. Bien que le contingentement est fixé à 6.3% de la production de l'année précédente, certaines dispositions autorisent la délivrance de licences afin d'importer des quantités additionnelles de poulet permettant de satisfaire à l'ensemble des besoins du

permits for market shortage were received, requesting in total 9 730 562 kg of chicken and chicken parts. The effective quantity sourced by the Marketing Agency was 2 990 030 kg. The total quantity authorized for import supplementary to the quota was 3 233 609 kg, but due to tight supply situation in the United States, only 2 219 790 kg of the authorized quantity was utilized. In addition, supplementary permits were issued for 117 732 kg of chicken for re-export. Permits for surveillance purposes were issued for 94 840 started pullets. No permits were issued for chicken to compete with imported products containing chicken.

Turkey

Turkey was placed on the ICL by Order in Council P.C. 1974-1086 of May 8, 1974 under the provisions of Section 5(1)(b) of the Act. The global import quota for 1988 was 2 287 940 kg eviscerated equivalent. The quota is set annually at 2% of the domestic production quota for that year. Permits were issued for 2 199 346 kg in eviscerated weight. While the basic quota is set at 2% of the domestic production quota for the year under consideration provision is made for the issuance of import permits for turkey supplementary to the quota to meet overall Canadian market needs. During 1988 a total of seven (7) requests were received for supplementary imports for market shortage covering a total of 122 216 kg of turkey and turkey parts. Sourcing by the Canadian Turkey Marketing Agency yielded an effective quantity of 8 900 kg. The total quantity authorized for import supplementary to the quota was 27 223 kg, while 27 216 kg of the authorized quantity was utilized. In addition, supplementary permits were

marché canadien. En 1988, 179 demandes de licences supplémentaires ont été reçues pour insuffisance du marché, totalisant 9 730 562 kg de poulet et de parties de poulet. L'Office de commercialisation a effectivement acheté 2 990 030 kg. La quantité totale autorisée pour importation supplémentaire au contingent a été de 3 233 609 kg mais, en raison de la pénurie aux États-Unis, seulement 2 219 790 kg ont pu être achetés sur le total autorisé. De plus, des licences supplémentaires ont été délivrées pour l'importation de 117 732 kg de poulet destiné à la réexportation. À des fins de surveillance, des licences ont été délivrées pour 94 840 jeunes poulettes. Aucune licence n'a été délivrée pour soutenir la concurrence de produits importés renfermant du poulet.

Dindon

Le dindon a été placé sur la LMIC par le décret du conseil C.P. 1974-1086 du 8 mai 1974, aux termes de l'alinéa 5(1)b) de la Loi. Le contingent global pour 1988 était de 2 287 940 kg en poids éviscéré. Le contingentement établi chaque année correspond à 2 % de la production nationale. Des licences ont été délivrées pour 2 199 346 kg en poids éviscéré. Bien que le contingentement est fixé à 2% de la production nationale pour l'année en considération certaines dispositions autorisent la délivrance de licences afin d'importer des quantités additionnelles de dindon permettant de satisfaire à l'ensemble des besoins du marché canadien. En 1988, 7 demandes de licences supplémentaires ont été reçues pour insuffisance du marché, totalisant 122 216 kg de dindon et de parties de dindon. L'Office de commercialisation Canadienne des dindes a effectivement acheté pour 8 900 kg. La quantité totale autorisée pour importation supplémentaire au contingent a été de 27 223 kg mais

issued for 51 484 kg of turkey for re-export and for 37 164 kg for competitive purposes.

Coffee

On October 5, 1987, the International Coffee Organization (ICO) agreed to introduce export quotas on its producing members. Exporting country members of the ICO undertook, pursuant to a decision of the International Coffee Council to control all shipments of coffee exported to other members through the use of ICO coffee export stamps. In all cases where shipments are re-exported, exporting member countries are required to issue certificates of re-export. Importing countries have undertaken to monitor the movement of coffee exported by member countries through the collection of these certificates, and to limit imports from non-members to a specific amount (108,300 kg for the coffee year ending September 30, 1989).

Cheese

Under the authority of Section 5(1)(d) of the Act, "Cheese of all types other than imitation cheese" was placed on the ICL on June 12, 1975 for the implementation of an action taken under the Agricultural Stabilization Act and the Canadian Dairy Commission Act to support the price or that has the effect of supporting the price of cheese of all types.

The annual global cheese import quota for the year 1988 amounted to 45 000 000 lbs or 20 411 866 kg of which 60% was allocated to cheese importations from the twelve (12) member-states of the EEC. The remaining 40% was allocated to cheese

seulement 27 216 kg ont pu être achetés. De plus, des licences supplémentaires ont été délivrées pour 51 484 kg de dindon destiné à la réexportation et pour 37 164 kg de dindon destiné à soutenir la concurrence.

Café

Le 5 octobre 1987, l'organisation International du Café (l'OIC) a accepté l'établissement de contingents à l'exportation pour ses producteurs membres. Les pays exportateurs membres de l'O.I.C. se sont engagés à contrôler les expéditions de café vers d'autres pays membres par le truchement de certificats d'origine de l'O.I.C., validés par des timbres d'exportation de café de l'O.I.C. Et, dans le cas d'un produit réexporté, le pays membre exportateur doit délivrer un certificat de réexportation. Quant aux pays importateurs, ils ont pris l'engagement de surveiller les expéditions de café exporté par les pays membres en recueillant ces certificats, d'une part, et en limitant les importations en provenance de pays non-membres à un niveau déterminé (108 300 kg pour l'année caféière se terminant le 30 septembre 1989).

Fromage

En vertu de l'alinéa 5(1)d) de la Loi, les "fromages de tous genres à l'exclusion des imitations" ont été placés sur la LMIC le 12 juin 1975 pour mettre à exécution une mesure prise selon la Loi sur la stabilisation des prix agricoles et la Loi sur la Commission canadienne du lait ayant pour objet ou pour effet de soutenir le prix des fromages de tous genres.

Le contingent global pour les importations de fromage pendant l'année 1988 représentait 45 000 000 livres ou 20 411 866 kg dont 60 % étaient alloués aux importations de fromage depuis les douze (12) États-membres de la CEE. Les autres

imports from non-EEC sources. Utilization of the quota was high in 1988 and there was no quota available for redistribution to new applicants requesting a cheese quota.

Ice Cream and Yoghurt

Under the authority of paragraph 5(1)(d) of the Act, ice cream, ice milk, ice cream mix, ice milk mix or any product manufactured mainly of ice cream or ice milk, and yoghurt were added to the ICL with effect from January 28, 1988, for implementation of an action taken under the Canadian Dairy Commission Act. Due to ongoing negotiations with the major exporting country of these products to Canada, global import quota levels were not set in 1988. Ample allowances, however, were made for shipments in transit, test marketing of new products and prior contractual agreements. During the January 29, 1988 to December 31, 1988 transition period, import permits were issued for 349 metric tonnes of ice cream (including ice cream novelties) and for 1212 metric tonnes of yoghurt.

(b) Textiles and Clothing

Canada, like most industrialized countries, maintains special measures of protection for its textiles and clothing industries, usually in the form of bilaterally-negotiated restraint agreements with major low-cost suppliers. A broad range of textile and clothing products is maintained on the Import Control List (ICL) for the purpose of implementing these inter-governmental arrangements. Textile and clothing items

40 % étaient alloués aux importations de sources autres que la CEE. Le contingent de fromage a été utilisé au complet en 1988 et il n'y a pas eu de possibilité d'allocation aux nouveaux applicants qui ont fait une demande d'une quote part du contingent de fromage.

Crème glacée et yogourt

En vertu de l'alinéa 5(1)d) de la Loi, la crème glacée, le lait glacé, les mélanges pour crème glacée, les mélanges pour lait glacé et les produits composés principalement de crème glacée ou de lait glacé ainsi que le yogourt ont été ajoutés à la LMIC le 28 janvier 1988 pour mettre à exécution une mesure prise selon la Loi sur la Commission canadienne du lait. Étant donné les négociations engagées avec le principal pays exportateur de ces produits au Canada, les niveaux de contingents globaux d'importation n'ont pas été fixés en 1988. Mais on a prévu la possibilité d'expéditions en transit, d'essais de commercialisation de nouveaux produits et d'ententes contractuelles préliminaires. Pendant la période de transition allant du 29 janvier 1988 au 31 décembre 1988, des licences d'importation ont été délivrées pour 349 tonnes métriques de crème glacée (et qui inclus nouveautés en crème glacée) et pour 1 212 tonnes métriques de yogourt.

(b) Textiles et vêtements

Le Canada, comme la plupart des pays industrialisés, maintient des mesures spéciales de protection de ses industries du textile et du vêtement, mesures qui prennent habituellement la forme d'accords de restriction négociés bilatéralement avec les principaux fournisseurs à faibles coûts. Une gamme étendue de produits a été maintenue sur la liste des marchandises d'importation contrôlée (LMIC) aux fins de l'exécution des arrangements

have been placed on the ICL under the authority of Section 5(1)(e) of the Act.

On July 30, 1986, a new Canadian textile and clothing import policy was announced that established the Government's intention to negotiate a new framework for the management of clothing and textile imports for the post 1986 period. Under the policy, Canada pursued international negotiations for the renewal of the Multi-Fibre Arrangement (MFA), which was extended in 1986 for a further five years. In 1986 and 1987 Canada sought the renegotiation of existing bilateral restraint agreements. In addition the Government has pursued negotiations to extend the scope of agreements to cover new products; it has also sought agreements with emerging suppliers. In 1988 new agreements were concluded with the German Democratic Republic and with the Dominican Republic. New products were added to the agreements with Bangladesh, Bulgaria, the People's Republic of China, Malaysia and the Philippines. By the end of 1988, Canada had concluded 26 bilateral agreements. In addition, unilateral restraints were imposed on imports of clothing from North Korea and on imports of clothing and worsted wool fabric from South Africa. Most of these measures expire at the end of 1991. A one-year unilateral restraint was imposed on imports of bedsheets and pillowcases from Brazil, following inconclusive negotiations.

The MFA requires that all actions taken under its provisions be submitted to the MFA's Textiles Surveillance Body (TSB). The TSB is responsible for ensuring that actions by MFA members are in keeping with

intergouvernementaux négociés dans ces secteurs. Les textiles et les vêtements sont placés sur la LMIC en vertu de l'article 5(1)e) de la Loi.

Le 30 juillet 1986, le gouvernement annonçait une nouvelle politique canadienne relative à l'importation de textiles et de vêtements dans laquelle il mentionnait son intention de négocier un nouveau cadre pour la gestion des importations de ces produits pour la période postérieure à 1986. Le Canada a donc participé aux négociations internationales sur le renouvellement de l'Arrangement multifibres (AMF) qui a été prorogé en 1986 pour une autre période de cinq ans. En 1986 et 1987, le Canada a entrepris la renégociation des arrangements bilatéraux de limitation qu'il avait conclus. Le gouvernement a aussi poursuivi les négociations pour élargir les accords de façon à y assujettir de nouveaux produits; il a également recherché des accords avec les nouveaux fournisseurs. En 1988, de nouveaux accords ont été conclus avec la République démocratique allemande et avec la République dominicaine. De nouveaux produits ont été ajoutés aux accords conclus avec le Bangladesh, la Bulgarie, la République populaire de Chine, la Malaisie et les Philippines. À la fin de 1988, le Canada avait conclu 26 accords bilatéraux. De plus, des restrictions étaient unilatéralement imposées sur les importations de vêtements de la Corée du Nord et sur les importations de vêtements et de tissus en laine peignée de l'Afrique du Sud. La plupart de ces mesures viennent à expiration à la fin de 1991. Une restriction d'un an a été unilatéralement imposée sur les importations de draps et de taies d'oreillers du Brésil devant le peu de succès des négociations.

Toutes les mesures prises en vertu de l'AMF doivent être soumises à l'Organisme de surveillance des textiles (OST), lequel est chargé de s'assurer que les mesures prises par les participants sont conformes à leurs

MFA rights and obligations. In 1988, the TSB reviewed and approved a number of Canadian actions. The imposition of unilateral restraints on imports of cotton terry towels from Brazil was rejected. This action was discontinued in June 1988.

On March 22, 1988, the Minister of Finance announced a three-part program of tariff relief measures designed to strengthen the competitive position of the textile and apparel industries. The program includes tariff reductions on specialty fabrics, new duty remission programs for specified fabrics and apparel; and a plan to reduce textile tariffs to levels comparable with those of other industrialized countries.

In response to apparel industry concerns in respect of the availability of certain fabrics not made in Canada which are subject to restraint, a joint committee made up of representatives of the Apparel and Fur SAGIT and the Textile and Footwear SAGIT was established in 1987 under an independent chairman, to examine these concerns and make appropriate recommendations. In August, 1988, the Committee chairman recommended that quotas be removed on yarn-dyed polyester-cotton fabrics used in men's and boy's shirting.

In 1988, Canadian representatives participated in a number of meetings of the Negotiating Group (NG) on Textiles and Clothing, culminating in the Montreal Ministerial Meeting in December. The NG has as its aim to "formulate modalities that would permit the eventual integration of this sector into GATT on the basis of strengthened GATT rules and disciplines, thereby also contributing to the objective of further liberalization of trade".

droits et obligations sous l'AMF. En 1988, l'OST a examiné et approuvé un certain nombre de mesures prises par le Canada. L'imposition de restrictions unilatérales sur les importations de serviettes en coton du Brésil a été rejetée. Cette mesure a été discontinuée en juin 1988.

Le 22 mars 1988, le ministre des Finances a annoncé un programme d'allégements tarifaires en trois parties visant à renforcer la position concurrentielle des industries du textile et du vêtement. Le programme prévoit des réductions de droits sur les tissus spéciaux, de nouveaux programmes de remise des droits sur certains tissus et vêtements, et de futures réductions tarifaires pour ramener les droits sur les textiles à des niveaux comparables à ceux des autres pays industrialisés.

Pour répondre aux préoccupations de l'industrie du vêtement concernant la disponibilité de certains tissus non fabriqués au Canada et soumis à limitation, un comité conjoint composé de membres du GCS sur les vêtements et fourrures et du GCS sur les textiles et chaussures a été établi en 1987 sous la présidence d'une personne indépendante pour examiner ces préoccupations et présenter des recommandations appropriées. En août 1988, le président du Comité a recommandé que les contingents soient éliminés sur les tissus de polyester-coton teints en fil utilisés dans les chemises pour hommes et garçons.

En 1988, les représentants du Canada ont participé à plusieurs réunions du Groupe de négociation (GN) sur les textiles et vêtements dans le cadre des NCM, et notamment à la Réunion ministérielle tenue à Montréal en décembre. Le GN a pour but de "définir des modalités qui permettraient d'intégrer finalement ce secteur dans le cadre du GATT sur la base de sigles et disciplines du GATT renforcés, ce qui contribuerait aussi à la réalisation du

Activities in 1988 continued to focus on preparatory work for examining techniques to achieve the negotiating objective.

The Canada-United States Free Trade Agreement incorporates a number of specific rules pertaining to trade in apparel and textiles products which entail monitoring and control. As a result, consultations were held with the United States in order to develop a mutually acceptable administrative system. Most issues have been resolved. However, several matters remained outstanding by the January 1, 1989, implementation date, including the definition of wool vs non-wool apparel and textiles for tariff rate quota administration.

(c) Footwear

Following an enquiry by the Canadian Import Tribunal under section 49 of the Special Import Measures Act, it was found that in the absence of special measures of protection imports of women's and girls' dress and casual footwear would likely cause injury to Canadian producers of like goods. The Government announced, effective December 1, 1985, a three-year extension of quotas on imports of women's and girls' dress and casual footwear from all sources. The quotas which had been in place were allowed to expire on November 30, 1988.

(d) Endangered Species

On January 2, 1974, Canada signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Canada ratified this Convention

l'objectif de libéralisation accrue du commerce". En 1988, les activités se sont concentrées sur le travail préparatoire à l'examen des techniques nécessaires pour réaliser l'objectif des négociations.

L'Accord de libre-échange avec les États-Unis comprend un certain nombre de règles spécifiques liées au commerce des textiles et des vêtements qui supposent une surveillance et un contrôle. Par conséquent, des consultations ont été menées avec les États-Unis en vue de mettre en place un régime administratif mutuellement acceptable. La plupart des questions ont été réglées. Mais plusieurs problèmes subsistaient au 1^{er} janvier 1989, date de la mise en oeuvre de l'Accord, y compris celui de la définition des vêtements en laine et autres qu'en laine et textiles aux fins de l'administration du contingent tarifaire.

(c) Chaussures

À la suite d'une enquête effectuée par le Tribunal canadien des importations aux termes de l'article 49 de la Loi sur les mesures spéciales d'importation, il a été déterminé que, faute de mesures spéciales de protection, les importations de chaussures habillées et de chaussures de sport pour femmes et fillettes porteraient vraisemblablement préjudice aux producteurs canadiens de marchandises similaires. Le gouvernement a annoncé une prolongation de trois ans, à compter du 1^{er} décembre 1985, des contingents applicables aux importations de chaussures de ce genre de toutes provenances. On a laissé expirer le 30 novembre 1988 les contingents qui s'appliquaient.

(d) Espèces menacées d'extinction

Le 2 janvier 1974, le Canada a signé la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction. En la ratifiant le

becoming a party to the International Agreement on April 10, 1975.

No changes were made, in 1988, to the list of species covered by the Convention.

Whales and Whaling Apparatus

Item 59 of the Import Control List (ICL): (1) Whale products, parts or by-products; (2) Whaling cannons, harpoon guns, shoulder guns, bomb lances and associated apparatus and appliances used in the conduct of whaling and General Import Permit No. 59 "The Import of Whale Products Permit" was instituted to reflect Canada's obligations as a signatory to the 1946 International Convention for the Regulation of Whaling. These instruments were removed from the ICL in 1988. Canada withdrew from this Convention in 1982. These amendments reflect Canada's withdrawal and have no impact on Canada's conservation efforts as whale stocks and species continue to be protected under other regulatory instruments.

(e) Steel Products

In May 1987, legislation was passed to amend the Act to allow the Government to place certain steel products on the Import Control List (ICL) and the Export Control List (ECL) for the purpose of collecting information on imports and exports of such products. The amendment provides for monitoring for a period of up to three years, and is specific to steel. It does not impact on other products, nor does it alter the existing criteria under which any other goods may be placed on the ECL or the ICL for either monitoring or control purposes.

10 avril 1975, le Canada devenait partie à cette Convention.

Aucun changement n'a été apporté à la liste des espèces couvertes par la Convention en 1988.

Baleines et instruments de chasse à la baleine

L'article 59 de la Liste des marchandises d'importation contrôlée (LMIC): (1) tout produit, partie ou sous-produit de baleine; (2) canons, fusils à harpon, fusils en bandoulière, lance à bombes et appareillages et instruments connexes servant à la chasse à la baleine ainsi que la Licence générale d'importation n° 59 "Licence d'importation de produits de baleine" a été instituée pour refléter les obligations que le Canada a assumées en signant la Convention internationale de 1946 pour la réglementation de la chasse à la baleine. Ces instruments ont été retirés de la LMIC en 1988. Le Canada s'est retiré de la Convention en 1982. Ces amendements reflètent le retrait du Canada et n'ont aucune incidence sur nos efforts de conservation puisque les stocks et les espèces de baleines restent protégés par d'autres instruments de réglementation.

(e) Produits en acier

En mai 1987, le gouvernement a amendé la Loi afin que certains produits en acier soient inscrits sur la Liste des marchandises d'importation contrôlée (LMIC) ainsi que sur la Liste des marchandises d'exportation contrôlée (LMEC), pour que des renseignements sur l'importation et l'exportation de ces produits puissent être recueillis. Cet amendement, qui prévoit une surveillance pour une période pouvant aller jusqu'à trois ans, ne touche que l'acier et n'a donc aucun effet sur les autres produits. De même, il ne modifie pas les critères déjà établis qui devraient s'appliquer à toute marchandise pouvant être inscrite sur la LMEC ou la LMIC à des fins de surveillance ou de contrôle.

On June 1, 1987, the Government introduced an import monitoring programme for specialty steel products and an export monitoring programme for carbon steel products. This action, coupled with the carbon steel import monitoring programme, introduced in September 1986, which was based on a recommendation from the Canadian Import Tribunal, gives the Government comprehensive coverage of the movement of steel products through Canada. The purpose of this undertaking is to provide a timelier and more precise system of monitoring imports and exports, to gain a better appreciation of the complexities of the international steel trade, and to ensure that Canada is not used as a back door to the U.S. market by offshore steel suppliers.

The programme is global in nature. There are no quantitative restrictions; permits are issued on demand upon proper application in accordance with the Act.

(f) Goods of South African origin

With effect from October 1, 1986, a ban was imposed on imports of uranium, coal, iron, steel and agricultural products of South African origin as a result of the agreement reached at the Commonwealth Heads of Government Review Committee, London, August 3 to 5, 1986. The ban went into full effect on January 1, 1987. A monitoring system was established to investigate any alleged circumvention of control on imports from South Africa. Numerous entries appearing in import statistics were investigated but it was determined that incorrect coding of either country of origin or product classifications were involved. This monitoring continues.

Le 1^{er} juin 1987, le gouvernement a mis sur pied un programme de surveillance des importations de produits en aciers spéciaux ainsi qu'un programme de surveillance des exportations de produits en acier ordinaire. Ces démarches, qui s'ajoutent au programme de surveillance des importations de produits en acier ordinaire mis en place en septembre 1986 suite à une recommandation du Tribunal canadien des importations, permettent au gouvernement de bien saisir, dans son ensemble, le mouvement des produits en acier qui entrent au Canada et qui en sortent. Elles permettent au gouvernement de se munir d'un système de surveillance des importations et des exportations plus opportun et précis, afin de mieux évaluer la complexité du marché international de l'acier et d'empêcher que le Canada soit utilisé comme arrière-cour du marché américain par les fournisseurs d'acier de pays étrangers.

Le programme a une portée globale. Il n'y a aucune restriction quantitative; les licences sont émises sur réception de demandes complétées selon les normes de la Loi.

(f) Produits d'origine sud-africaine

Le 1^{er} octobre 1986, on a interdit l'importation de l'uranium, du charbon, des produits du fer, des produits de l'acier et des produits agricoles d'origine sud-africaine dans le prolongement de l'entente conclue à la réunion du Comité d'examen des chefs de gouvernement du Commonwealth tenue à Londres du 3 au 5 août 1986. Les sanctions sont appliquées dans leur totalité depuis le 1^{er} janvier 1987. Un système de surveillance a été mis sur pied afin d'étudier de près toute importation de produits présumément d'origine sud-africaine. Plusieurs cas apparaissant dans les statistiques d'importation ont fait l'objet d'une enquête, mais il a été déterminé que le problème provenait d'un mauvais codage du pays d'origine ou de la position tarifaire des produits. Avec la

bonne coopération de Douanes Canada, la surveillance se poursuit.

Issuance of Import Permits

Section 14 of the Act stipulates that:

"No person shall import or attempt to import any goods included in an Import Control List except under the authority of and in accordance with an import permit issued under this Act."

Section 8(1) authorizes the Minister to:

"... issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

Section 5 of the Import Permit Regulations (C.R.C., c.605) provides for the issuance of general permits authorizing the import of specific goods up to specified limits or subject to specified conditions.

Délivrance de licences d'importation

Selon l'article 14 de la Loi:

"Il est interdit d'importer ou de tenter d'importer des marchandises figurant sur la liste des marchandises d'importation contrôlée si ce n'est sous l'autorité d'une licence d'importation délivrée en vertu de la présente loi et conformément à une telle licence".

L'article 8(1) de la Loi prévoit que:

"Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence pour l'importation de marchandises figurant sur la liste des marchandises d'importation contrôlée, sous réserve des conditions prévues dans la licence ou les règlements, notamment quant à la quantité, à la qualité, aux personnes et aux endroits visés".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent la licence, la procédure à suivre pour la demande et la délivrance de licences ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

L'article 5 du Règlement concernant les licences d'importation (C.R.C, c.605) prévoit la délivrance de licences générales autorisant l'importation de certains produits sous réserve de certaines limites et conditions.

The following is a statistical summary of applications for import permits processed during 1988:

Import permits issued 368,295
Applications refused 2,243
Applications cancelled ... 802

All applications for permits required for specimens of endangered wild fauna or flora or derivatives appearing on the Import Control List (ICL) were handled by the Canadian Wildlife Service. The following permits were processed in accordance with General Import Permit No. 17 of September 21, 1976:

Applications approved 74
Applications refused 8
Applications withdrawn 8

Issuance of Import Certificates

Section 9 of the Act provides that:

"The Minister may, in order to facilitate the importation of goods into Canada and compliance with the laws of the country of export, issue to any resident of Canada applying therefor an import certificate stating that the applicant has undertaken to import the goods described in the certificate within the time specified therein and containing such other information as the regulations require."

The Import Certificate Regulations (C.R.C., c.603) provide for the issuance of Import Certificates which are required by the country of export before it will allow goods to be shipped to Canada. They also provide for the issuance of Delivery-Verification Certificates for goods which have been imported into Canada in order to attest to their arrival within

Voici un résumé statistique des demandes de licences d'importation traitées au cours de 1988:

Licences d'importation délivrées 368 295
Demandes rejetées 2 243
Demandes annulées 802

Toutes les demandes de licences requises pour les espèces de faune et de flore sauvages menacées d'extinction ou les produits dérivés figurant sur la liste des marchandises d'importations contrôlée (LMIC) ont été traitées par le Service canadien de la faune. Les licences d'importation suivantes ont été traitées conformément à la Licence générale d'importation n° 17 du 21 septembre 1976:

Demandes acceptées 74
Demandes refusées 8
Demandes retirées 8

Délivrance de certificats d'importation

L'article 9 de la Loi précise que :

"Le ministre peut, afin de faciliter l'importation de marchandises et l'observation des règles de droit du pays d'exportation, délivrer, à tout résident du Canada qui en fait la demande, un certificat d'importation énonçant que l'auteur de la demande s'est engagé à importer les marchandises décrites au certificat dans le délai y spécifié et renfermant les autres renseignements réglementaires".

Le Règlement concernant les certificats d'importation (C.R.C., c.603) prévoit la délivrance des certificats requis par le pays d'exportation avant que ce dernier n'autorise l'exportation de marchandises au Canada. Il prévoit également la délivrance de certificats de vérification de livraison pour les produits qui ont été importés au Canada afin de confirmer leur arrivée sur

Canadian jurisdiction, and also to fulfill the requirements of the exporting country for documentary proof of arrival. The purpose of these regulations is to prevent the diversion in transit or the unauthorized trans-shipment of sensitive military and strategic goods which are controlled internationally by reason of Canada's membership in the Co-ordinating Committee for Multilateral Strategic Trade Controls (COCOM).

As a member of COCOM, Canada has recognized the necessity of this international control mechanism, whereby primary responsibility for controlling the movement of strategic commodities is transferred to the importing country, from the exporting country, as acknowledged by the latter's issuance of Import Certificates. Hence, if proposed for export, the strategic commodities become subject to the latter country's export control regulations.

The following is a statistical summary of certificates processed during 1988:

Import Certificates issued.. 3,240
Delivery-Verification
Certificates issued 1,466

2. EXPORT CONTROLS

Section 3 of the Act provides that the Governor in Council may establish a list of goods, to be called an Export Control List including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

- (a) for national security reasons;
- (b) to promote further processing of natural resources;

le territoire canadien, et également pour satisfaire aux exigences du pays exportateur en matière de preuve documentaire d'arrivée. Le but de ce Règlement est d'empêcher le détournement en cours de route ou le transbordement non autorisé de biens militaires et stratégiques sensibles qui sont soumis à un contrôle international en raison de l'appartenance du Canada au Comité de coordination pour le contrôle multilatéral des échanges Est-Ouest (COCOM).

En tant que membre du COCOM, le Canada a reconnu la nécessité de ce mécanisme de contrôle international par lequel la responsabilité principale du contrôle du mouvement des produits stratégiques est transférée aux pays importateurs, comme en témoignent les certificats d'importation qu'ils délivrent. Lors d'une éventuelle réexportation, ces produits stratégiques sont assujettis de ce fait à leurs règlements de contrôle des exportations.

Voici le résumé statistique des certificats traités au cours de 1988:

Certificats d'importation délivrés 3 240
Certificats de vérification de
livraison délivrés 1 466

2. CONTRÔLE DES EXPORTATIONS

Selon l'article 3 de la Loi, le gouverneur en conseil peut dresser la liste des marchandises d'exportation contrôlée, comprenant articles dont, à son avis, il est nécessaire de contrôler l'exportation pour l'une des fins suivantes:

- (a) pour des raisons de sécurité nationale;
- (b) pour favoriser le traitement supplémentaire de ressources naturelles;

- | | |
|---|--|
| (c) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus and depressed prices that is not a produce of agriculture; | (c) limiter, en période de surproduction et de chute des cours, les exportations de matières premières ou transformées d'origine canadienne, sauf les produits agricoles, ou en conserver le contrôle; |
| (d) in support of enforcement of the <u>Softwood Lumber Products Export Charge Act</u> ; | (d) aux fins de la <u>Loi sur le droit à l'exportation de produits de bois d'oeuvre</u> ; |
| (e) to implement an inter-governmental arrangement or commitment; or | (e) pour mettre en oeuvre un arrangement ou un engagement intergouvernemental; ou |
| (f) to ensure adequate supply and distribution in Canada of articles for defence or other needs. | (f) pour s'assurer d'un approvisionnement et d'une distribution de cet article en quantité suffisante pour répondre aux besoins canadiens, notamment en matière de défense. |

Group 1 of the Export Control List (ECL) covers animals and agricultural products, the principal item of which - Item 1011 "Any specimen of endangered fauna or flora" is administered by the Canadian Wildlife Service in Environment Canada, in support of Canada's obligations under the Convention of International Trade in Endangered Species (CITES). The full list of flora and fauna protected by this item is found in Appendices I, II and III of the ECL. Item 1031 relates to quota restricting exports of sugar and sugar-based products to the USA, and derives from an inter-governmental arrangement.

Group 2 covers wood and wood products. Items in this group are included by virtue of purposes (b) and (d) mentioned above.

Le groupe 1 de la liste des marchandises d'exportation contrôlée (LMEC) couvre les animaux et les produits agricoles; le principal article du groupe (1011) couvre "les spécimens des espèces de faune et flore sauvages menacées d'extinction"; il est administré par le Service canadien de la faune d'Environnement Canada, pour appuyer les obligations du Canada en vertu de la Convention sur le commerce international des espèces menacées d'extinction (CITES). La liste intégrale des espèces de flore et de faune protégées par cet article se trouve aux annexes I, II et III de la LMEC. L'article 1031 concerne le contingentement des exportations aux États-Unis de sucre et de produits à base de sucre, et découle d'un arrangement intergouvernemental.

Le groupe 2 couvre le bois et les produits du bois. Les articles relevant de ce groupe sont inclus en vertu des paragraphes (b) et (d) de l'article 3 de la Loi.

Section 3 of the Act authorises the control of goods having a military or strategic nature or value which, if made available to certain destinations, might be used to the detriment of Canada or its allies. Strategic goods are found in Groups 3, 4, 5 and 6 of the ECL.

L'article 3 de la Loi permet le contrôle des produits qui ont une nature militaire ou stratégique et qui, s'ils sont rendus disponibles à certaines destinations, pourraient être soumis à un emploi préjudiciable à la sécurité du Canada et de ses alliés. Les biens stratégiques se retrouvent aux groupes 3, 4, 5 et 6 de la LMEC.

For export control purposes, strategic goods have been broadly defined as follows:

Àux fins du contrôle des exportations, les biens stratégiques ont été définis, d'une façon générale, comme il suit:

Strategic goods are equipment or goods of a civilian industrial nature available in normal commerce, that could have a military application, either directly (e.g., computers, telecommunications systems and most civilian aircraft and associated equipment) or indirectly, for the production of military equipment or supplies.

Les biens stratégiques sont de l'équipement commercial civil qui pourrait avoir une application militaire, soit directement (par ex., ordinateurs, systèmes de télécommunications et la plupart des aéronefs civils et matériel connexe), soit indirectement, comme dans la production de matériel militaire.

Effective June 11, 1987 the ECL was amended creating a new Group 6 item, no. 6001. (Group 6 contains certain chemicals, metalloids and petroleum products.) This item added certain chemicals to the List in order to guard against the possibility that Canada might become a source for chemicals used in the production of chemical weapons.

Le 11 juin 1987, la LMEC a été modifiée pour créer un nouveau groupe de produits classifiés sous le numéro 6001. (Le groupe 6 comprend certains composés chimiques, des métalloïdes et des sous-produits du pétrole). On a ajouté sous cet article 6001 certains produits chimiques ce qui était requis pour empêcher que le Canada ne devienne une source potentielle d'approvisionnement en produits utilisés pour la guerre chimique.

Group 7 of the ECL contains military goods, which have been defined as follows:

Le groupe 7 de la LMEC comprend les biens militaires qui sont définis, d'une façon générale comme il suit:

Military goods are systems or equipment specially designed for military use. This includes offensive military equipment (system or device capable of enabling an attack to be delivered, e.g., combat

Les biens militaires sont des systèmes ou de l'équipement spécialement conçus pour l'usage militaire. Cela comprend le matériel militaire offensif (système ou engin permettant de livrer une attaque - par ex., avion de

aircraft, armed vehicles, arms and ammunitions) as well as defensive military equipment or defence support equipment, being any other equipment built to military specifications or specially designed for military use.

Atomic energy goods, equipment and materials are found in Group 8 of the List. Groups 9 and 10 cover goods originating outside Canada, and miscellaneous goods not covered elsewhere in the List.

The definition of those goods, equipment, technology and materials in Groups 3 through 8 of the ECL corresponds to the list of strategic, military and atomic energy goods defined by the Coordination Committee for Multilateral Strategic Export Controls, known as COCOM. Canada's adherence to this inter-governmental arrangement is the reason for the inclusion of these goods on the ECL, and buttresses the reason for control outlined above, in purpose (a).

Issuance of Export Permits

An export permit is required before an item included in the ECL may be exported from Canada to any destination, with the general exception of the United States. These control procedures are in effect in order to realize objectives set out in the Act, principally in meeting inter-governmental arrangements or commitments, and, additionally in the case of the Group 8 items, they represent an important instrument for the implementation of the Atomic Energy Control Act. Prior to issuing export permits for Group 8 materials and equipment, the concurrence of the Atomic Energy Control Board must be obtained.

combat, véhicule armé, armes et munitions), ainsi que le matériel militaire défensif ou le matériel construit selon des spécifications militaires ou spécifiquement destiné à l'utilisation militaire.

Les matières et le matériel se rattachant à l'énergie atomique composent le groupe 8 de cette Liste. Les groupes 9 et 10 comprennent les produits qui proviennent de l'extérieur du Canada, et les divers produits qu'on ne retrouve pas ailleurs dans la Liste.

La définition des articles, produits, équipements, techniques et matières composant les groupes 3 à 8 de la LMEC correspond à la définition des produits stratégiques, militaires et atomiques visés par le Comité de coordination chargé de la surveillance des exportations de produits stratégiques, dont le siège est à Paris. L'adhésion du Canada à cet arrangement intergouvernemental explique l'inclusion de ces produits sur la LMEC, et renforce la justification du contrôle susmentionné, en vertu du paragraphe (a).

Délivrance de licences d'exportation

Une licence d'exportation est nécessaire pour qu'un article figurant sur la LMEC puisse être exporté vers quelque destination que ce soit, à l'exception, dans la plupart des cas, des États-Unis. Toutes ces dispositions reflètent les contrôles à l'exportation nécessaires pour la réalisation des objectifs indiqués dans la Loi, surtout pour le respect des arrangements ou engagements intergouvernementaux, et constituent en outre dans le cas des articles du groupe 8 un important instrument d'application de la Loi sur le contrôle de l'énergie atomique. Avant de délivrer des licences d'exportation pour des matières et de l'équipement du groupe 8, il faut obtenir l'accord de la Commission de contrôle de l'énergie atomique.

Thirteen items in the List now require permits before they may be exported to any destination including the United States, i.e.: 1001 - pancreas glands of cattle and calves; 1011 - endangered species (Appendix I or II); 2001 - logs of wood (of all species); 2002 - pulpwood (of all species); 2003 - blocks and bolts of red cedar; 5665 - scrap iron and steel; 5667 - Canadian one cent bronze coins; 8001 - source (fertile) and fissionable materials) 8005 - deuterium; 8039 - tritium; 8050 - radio-active materials; 8136 - nuclear reactors; and 10011 - serum album. Two additional items on the List require permits before they may be exported to the United States only, i.e.: 1031 - sugars, syrups, and molasses, derived from sugar cane or sugar beets; and 5664 - specialty steel products.

Under item 9001 of the ECL all goods of any nature (strategic or non-strategic) originating in the United States which are to be re-exported from Canada require an export permit, except any such goods that have been further processed or manufactured outside the United States, by combining them with other goods or otherwise, so as to result in substantial change in value, form and use of the goods or in the production of new goods, unless the goods to be exported are listed in another Group in the ECL.

Area Control List

Section 13 of the Act provides that:

"No person shall export or attempt to export any goods included in any Export Control List or any goods to any country included in an Area Control List except under the

Il faut maintenant une licence d'exportation pour expédier à l'étranger, y compris aux États-Unis, treize (13) articles énumérés sur la liste : 1001 - glandes pancréatiques de bovins et de veaux; 1011 - espèces menacées d'extinction (annexe I et II); 2001 - billes de bois (de toutes essences); 2002 - bois à pâte (de toutes essences); 2003 - blocs et billons de cèdre rouge; 5665 - déchets de fer et d'acier; 5667 - pièces de monnaie canadienne d'un cent en bronze; 8001 - matières de base (fertiles) et matières fissibles; 8005 - deutérium; 8039 - tritium; 8050 - matières radioactives; 8136 - réacteurs nucléaires; 10011 - sérum-albumine. Des licences sont requises pour l'exportation, aux États-Unis seulement, de deux autres articles, à savoir : 1031 - sucres, sirops et mélasses provenant de cannes à sucre ou de betteraves; et 5664 - produits en acier allié.

Selon l'article 9001 de la LMEC, toutes les marchandises de toute nature (stratégique ou non stratégique) originant des États-Unis qui doivent être réexportées du Canada nécessitent une licence, à l'exception des marchandises qui ont été l'objet de préparation ou de fabrication complémentaire hors des États-Unis, par leur combinaison avec d'autres marchandises ou autrement, de façon à en modifier sensiblement la valeur, la forme et l'emploi ou à produire de nouvelles marchandises, à moins que les marchandises à exporter ne soient énumérées dans un autre groupe de la LMEC.

Liste de pays visés par contrôle

Aux termes de l'article 13 de la Loi,

"Il est interdit d'exporter ou de tenter d'exporter des marchandises figurant sur la liste des marchandises d'exportation contrôlée, ni des marchandises vers un pays dont le nom

authority of and in accordance with an export permit issued under this Act."

The Area Control List (ACL) contains the following countries: Albania, Bulgaria, Czechoslovakia, German Democratic Republic and East Berlin, Hungary, Libya, Mongolia, Democratic People's Republic of Korea, Socialist Republic of Vietnam, Poland, Romania and Union of Soviet Socialist Republics.

Section 7 of the Act provides that:

"The Minister may issue to any resident of Canada applying therefor a permit to export goods included in an Export Control List or goods to a country include in an Area Control List, in such quantity or of such quality, by such persons, to such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

Section 6 of the Export Permit Regulations (C.R.C., c.601) provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations.

paraît sur la liste de pays visés si ce n'est sous l'autorité d'une licence d'exportation délivrée en vertu de la présente loi et conformément à une telle licence".

La Liste de pays visés par contrôle (LPVC) renferme les pays suivants : Albanie, Bulgarie, Tchécoslovaquie, République démocratique allemande et Berlin Est, Hongrie, Libye, Mongolie, République populaire démocratique de Corée, République socialiste du Vietnam, Pologne, Roumanie et Union des Républiques socialistes soviétiques.

L'article 7 de la Loi prévoit que:

"Le ministre peut délivrer à tout résident du Canada qui en fait la demande une licence pour l'exportation de marchandises figurant sur la liste des marchandises d'exportation contrôlée ou à un pays dont le nom figure sur la liste des pays visés, sous réserve des conditions prévues dans la licence ou les règlements, notamment quant à la quantité, à la qualité, aux personnes et aux endroits visés".

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent les licences, la procédure à suivre pour la demande et la délivrance des licences, ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

L'article 6 du Règlement sur les licences d'exportation (C.R.C., c.601) prévoit la délivrance de licences générales autorisant l'exportation de certains produits désignés vers toutes les destinations ou vers des destinations précises.

The Regulations Respecting Trans-shipment (C.R.C., c.606) enable Canada to cooperate in a system agreed upon by a number of countries to prevent the diversion of strategic materials in transit.

Le Règlement sur le transbordement (C.R.C., c.606) permet au Canada de collaborer au maintien d'un régime convenu entre divers pays, en vue d'empêcher le détournement en cours de route de produits de nature stratégique.

The following is a statistical summary of applications for export permits processed during 1988 relating to both the ECL and the ACL:

Le résumé statistique suivant porte sur les demandes de licence d'exportation traitées au cours de l'année 1988, relativement à la LMEC et à la LPVC:

| | |
|-----------------------------|--------|
| Export permits issued | 19,586 |
| Applications refused | 79 |
| Applications withdrawn | 645 |
| Export permits canceled ... | 9 |
| Applications pending | |
| as of December 31, 1988 . | 950 |

| | |
|------------------------------------|--------|
| Licences d'exportation délivrées | 19 586 |
| Demandes refusées | 79 |
| Demandes retirées | 645 |
| Licences d'exportation annulées .. | 9 |
| Demandes en suspens au | |
| 31 décembre 1988 | 950 |

In addition, applications for permits required for any specimen of endangered wild fauna or flora or derivatives appearing on the ECL were handled by the Canadian Wildlife Service. The following permits were issued in accordance with General Export Permit No. EX 14 of September 21, 1976:

En outre, les demandes de licence requises pour des espèces de faune ou de flore sauvages menacées d'extinction ou des produits dérivés figurant sur la LMEC ont été traitées par le Service canadien de la faune. Les licences d'exportation suivantes ont été traitées conformément à la Licence générale d'exportation n° EX.14, en date du 21 septembre 1976:

| | |
|---|-------|
| Applications approved | 5,712 |
| Applications refused | 5 |
| Applications withdrawn or cancelled | 139 |

| | |
|-----------------------------------|-------|
| Demandes autorisées | 5 712 |
| Demandes refusées | 5 |
| Demandes retirées ou annulées ... | 139 |

3. VIOLATIONS

3. INFRACTIONS

Section 19 of the Act provides that:

L'article 19 de la Loi prévoit que:

"(1) Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and liable

"(1) Quiconque contrevient à une disposition de la présente loi ou de ses règlements commet une infraction et encourt, sur déclaration de culpabilité:

- a) on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both; or

- a) par procédure sommaire, une amende maximale de cinq mille dollars et un emprisonnement maximal de douze mois, ou l'une de ces peines; ou

b) on conviction on indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding five years or to both.

(2) A prosecution under paragraph (1)(a) may be instituted at any time within but not later than three years from the time when the subject matter of the complaint arose."

Section 25 of the Act delegates responsibility for the enforcement of the Act to all officers as defined in the Customs Act (section 2(1)). The Department of External Affairs entrusts the enforcement of the Act to Revenue Canada (Customs and Excise) and to the Royal Canadian Mounted Police.

(a) Status of Export Controls Investigations for 1988

In 1988, Revenue Canada (Customs and Excise) made some 1,205 detentions where violations of the Act or irregularities in compliance have been detected. These resulted in a total of 12 seizures, as well as 1,924 warning letters being sent to exporters. At the end of the year, there were over 200 open investigations where final decisions were pending. The RCMP, in the course of the year, opened a total of 450 files, of which 300 represented investigations to establish whether the Act had been violated. There were 110 assistance cases, in response to inquiries or liaison work for other enforcement agencies, both Canadian and foreign. Ten charges were laid.

(b) Status of Import Controls Investigations for 1988

A total of six hundred (600) cases of suspected violations under the Act were investigated. Fifteen (15) of these cases

b) par mise en accusation, une amende maximale de vingt-cinq mille dollars et un emprisonnement maximal de cinq ans, ou l'une de ces peines.

(2) Les poursuites pour infraction visée à l'alinéa (1)a) se prescrivent par trois ans à compter de sa perpétration."

L'article 25 de la Loi délègue la responsabilité de l'application de ladite Loi à tous les préposés au sens de la Loi sur les douanes (article 2(1)). Le ministère des Affaires extérieures confie l'application de la Loi à Revenu Canada (Douanes et Accise) et à la Gendarmerie royale du Canada.

(a) État des enquêtes aux fins du contrôle des exportations pour 1988

En 1988, Revenu Canada (Douanes et Accise) a procédé à 1 205 détentions lorsque des violations de la Loi ou des irrégularités dans son observation ont été décelées. Ces mesures ont mené à 12 saisies, et 1 924 lettres d'avertissement ont été envoyées aux exportateurs. À la fin de l'année, plus de 200 enquêtes avaient été lancées pour lesquelles on attendait une décision finale. Pendant l'année, la GRC a ouvert 450 dossiers dont 300 étaient des enquêtes visant à établir si la Loi avait été violée. À la suite d'enquêtes ou d'un travail de liaison, il y a eu 110 cas d'assistance d'organismes canadiens et étrangers chargés de l'application de la loi. Dix accusations ont été portées.

(b) État des enquêtes aux fins du contrôle des importations pour 1988

On a fait enquête sur six cent (600) cas de violations présumées des dispositions de la Loi. Quinze (15) de ces enquêtes ont été

were initiated by the RCMP and fifteen (15) by Revenue Canada (Customs and Excise). Following a preliminary review by the Special Trade Relations Bureau, two hundred and fifty (250) cases were closed and three hundred and twenty (320) cases were referred to the RCMP for further investigation.

Of the cases referred to the RCMP, three hundred and eight (308) cases were closed due to lack of sufficient evidence. As of December 31, 1988, twelve (12) cases are still under investigation.

engagées par la GRC et quinze (15) par Revenu Canada (Douanes et Accise). Après une enquête préliminaire de la Direction générale des relations commerciales spéciales, deux cent cinquante (250) dossiers ont été fermés, et on a transmis trois cent vingt (320) cas à la GRC pour enquête plus poussée.

Sur les cas transmis à la GRC, trois cent huit (308) dossiers ont été fermés pour insuffisance de preuve. Au 31 décembre 1988, douze (12) cas sont toujours soumis à l'enquête.

REPORT OF THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS

respecting operations under the

EXPORT AND IMPORT PERMITS ACT

for the year 1989

RAPPORT DU SECRÉTAIRE D'ÉTAT AUX AFFAIRES EXTÉRIEURES

sur les activités découlant de la

LOI SUR LES LICENCES D'EXPORTATION ET D'IMPORTATION

pour l'année 1989

TABLED 24 SEP '90

SESSIONAL PAPER NO. 342-1/137B

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This Report is submitted pursuant to Section 27 of the Export and Import Permits Act (hereinafter referred to as the Act), Chapter E-19 of the 1985 Revised Statutes of Canada, as amended, which provides:

"As soon as practicable after the 31st day of December of each year the Minister shall prepare and lay before Parliament a report of the operations under this Act for that year."

INTRODUCTION

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.

In terms of its organization, the Act provides that the Governor in Council may establish a series of 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 Secretary of State for External Affairs the authority to grant or deny requests 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 Controls:

- (a) Agricultural Products
- (b) Textiles and Clothing

Le présent rapport est présenté conformément à l'article 27 de la Loi sur les licences d'exportation et d'importation (appelée ci-après la Loi), chapitre E-19 des Statuts révisés du Canada 1985, dans sa forme modifiée, qui prévoit ce qui suit :

"Au début de chaque année civile, le ministre établit, pour dépôt devant le Parlement, un rapport sur l'application de la présente loi au cours de l'année précédente."

INTRODUCTION

Le pouvoir de contrôler l'importation et l'exportation de produits et de technologies découle de la Loi. Cette loi trouve son origine dans la Loi sur les mesures de guerre. Adoptée par le Parlement en 1947, elle a depuis subi un certain nombre de modifications.

Pour ce qui est de l'organisation, la Loi prévoit que le gouverneur en conseil peut établir des listes appelées Liste des marchandises d'importation contrôlée (LMIC), Liste des marchandises d'exportation contrôlée (LMEC) et Liste des pays visés (LPV). La Loi fixe des critères qui régissent l'inclusion de marchandises ou de pays dans les différentes listes et prévoit que le gouverneur en conseil peut révoquer, modifier, changer ou rétablir tout élément figurant sur ces listes. Le contrôle de l'écoulement et de la destination des marchandises figurant sur ces listes est effectué au moyen de la délivrance de licences d'importation ou d'exportation.

La Loi confère au secrétaire d'État aux Affaires extérieures l'autorité de donner suite aux demandes de licences ou de les rejeter; il se voit donc attribuer de vastes pouvoirs pour contrôler l'écoulement des marchandises figurant sur les listes. Les opérations découlant de l'application de la Loi peuvent être groupées sous les rubriques suivantes :

1. Contrôle des importations :

- (a) Produits agricoles
- (b) Textiles et vêtements

- (c) Endangered Species
- (d) Elephant Ivory
- (e) Steel Products
- (f) Goods of South African Origin
- (g) Weapons and Munitions

- (c) Espèces menacées d'extinction
- (d) Ivoire d'éléphant
- (e) Produits en acier
- (f) Produits d'origine sud-africaine
- (g) Armes et munitions

2. Export Controls:

- (a) Strategic, military and atomic energy goods, materials, and technology.
- (b) Miscellaneous goods including endangered species, sugar to the United States, specialty steel, logs, cedar bolts and products of US origin.
- (c) Countries listed on the Area Control List (ACL), currently Libya and South Africa.

2. Contrôle des exportations :

- (a) Produits, matières et techniques stratégiques, militaires et nucléaires.
- (b) Produits divers, y compris les espèces menacées d'extinction, les aciers spéciaux, les billes et billons de cèdre, les produits provenant des États-Unis et le sucre exporté aux États-Unis.
- (c) Pays inscrits sur la Liste des pays visés (LPV), soit actuellement la Libye et l'Afrique du Sud.

3. Violations

3. Infractions

1. IMPORT CONTROLS

1. CONTRÔLE DES IMPORTATIONS

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

L'article 5 de la Loi prévoit que le gouverneur en conseil peut dresser la liste des marchandises d'importation contrôlée comprenant les articles dont, à son avis, il est nécessaire de contrôler l'importation pour l'une des fins suivantes:

- to ensure adequate supply and distribution of an article that is scarce on world markets or is subject to control in the country of export;
- to restrict, for the purpose of supporting any action taken under the Farm Products Marketing Agencies Act and the Meat Import Act;

- assurer le meilleur approvisionnement et la meilleure distribution possibles d'un article rare sur les marchés mondiaux ou soumis à des règles dans le pays d'origine;
- appuyer une mesure d'application de la Loi sur les offices de commercialisation des produits de ferme et de la Loi sur l'importation de la viande en limitant l'importation d'un article;

- to implement any action taken under a number of named Acts; e.g., the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Canadian Dairy Commission Act, to support the price of the article;
 - to implement an inter-governmental arrangement or commitment;
 - to limit, pursuant to an enquiry by the Canadian International Trade Tribunal, the importation of goods causing or threatening to cause serious injury to domestic producers;
 - to restrict the importation of arms and munitions of war;
 - to place certain steel products on the Import Control List for the purpose of collecting information on imports of such products; and
 - to facilitate implementation of action taken under the Customs Tariff to enforce Canada's rights under a trade agreement or responding to acts of another country that adversely affect trade in Canadian goods or services.
- mettre à exécution toute mesure d'application de la Loi sur la stabilisation des prix agricoles, la Loi sur le soutien des prix des produits de la pêche ou la Loi sur la Commission canadienne du lait dont l'objet ou l'effet est de soutenir le prix de l'article;
 - mettre en oeuvre un accord ou un engagement intergouvernemental;
 - limiter, à la suite d'une enquête effectuée par le Tribunal canadien du commerce extérieur, l'importation de marchandises portant ou menaçant de porter un préjudice sérieux aux producteurs canadiens;
 - restreindre l'importation d'armes et de munitions de guerre;
 - placer certains produits en acier sur la Liste des marchandises d'importation contrôlée pour obtenir des renseignements sur l'importation de ces produits; et
 - faciliter l'application des mesures prises aux termes du Tarif des douanes, exercer les droits d'un accord commercial ou répliquer aux actes d'un gouvernement qui entraîneraient un effet défavorable sur le commerce des marchandises ou des services canadiens.

(a) Agricultural Products

The following agricultural products were on the Import Control List (ICL) in 1989 and subject to control for the following reasons:

- 1) To restrict, for the purpose of supporting any action under the Farm Products Marketing Agencies Act, the importation in any form of a like article to one produced in Canada the

(a) Produits agricoles

En 1989, la Liste des marchandises d'importation (LMIC) renfermait les produits agricoles énumérés ci-après, soumis au contrôle pour l'une des fins suivantes :

- 1) Appuyer une mesure prise en vertu de la Loi sur les offices de commercialisation des produits de ferme, en limitant l'importation sous quelque forme d'un article semblable à

quantities of which are fixed or determined under the Act:

- Turkey, live or eviscerated, turkey parts, whether breaded or battered, and turkey products manufactured wholly therefrom, whether breaded or battered;
- Eggs and egg products;
- Chicken and chicken capons, live or eviscerated, chicken parts whether breaded or battered, and chicken products manufactured wholly thereof, whether breaded or battered; and
- Broiler hatching eggs and chicks for chicken production.

2) To implement any action taken under the Agricultural Stabilization Act, the Fisheries Prices Support Act, the Agricultural Products Co-operative Marketing Act, or the Canadian Dairy Commission Act, to support the price of the article or that has the effect of supporting the price of the article:

- Animal feeds containing more than 50% non-fat milk solids (Canadian Dairy Commission Act);
- Butter (Canadian Dairy Commission Act);
- Butter fat in any form either alone or in combination with other substances (Canadian Dairy Commission Act);

un article produit au Canada dont les quantités sont fixées ou déterminées en vertu de cette loi :

- dindons, vivants ou éviscérés, parties de dindon, qu'elles soient ou non enrobées de chapelure ou de pâte, et produits qui en sont entièrement dérivés, qu'ils soient ou non enrobés de chapelure ou de pâte;
- oeufs et produits d'oeufs;
- poulets et chapons, vivants ou éviscérés, parties de poulet, qu'elles soient ou non enrobées de chapelure ou de pâte, et produits qui en sont entièrement dérivés, qu'ils soient ou non enrobés de chapelure ou de pâte; et
- oeufs d'incubation de poulets de chair et poussins destinés à la production de poulets.

2) Mettre à exécution toute mesure prise selon la Loi sur la stabilisation des prix agricoles, la Loi sur le soutien des prix des produits de la pêche, la Loi sur la vente coopérative des produits agricoles ou la Loi sur la Commission canadienne du lait, ayant pour objet ou pour effet de soutenir le prix de l'article :

- provendes contenant plus de 50 % de solides non gras de lait (Loi sur la Commission canadienne du lait);
- beurre (Loi sur la Commission canadienne du lait);
- matière grasse du lait sous toutes formes, seule ou en combinaison avec d'autres substances (Loi sur la Commission canadienne du lait);

- Cheese of all types other than imitation cheese (Agricultural Stabilization Act and Canadian Dairy Commission Act);
 - Buttermilk in dry, liquid or other form (Canadian Dairy Commission Act);
 - Dry casein and caseinates (Canadian Dairy Commission Act);
 - Skimmed milk in dry, liquid or other form (Canadian Dairy Commission Act);
 - Dry whey (Canadian Dairy Commission Act);
 - Evaporated and condensed milk (Canadian Dairy Commission Act);
 - Blends in dry, liquid or other form (Canadian Dairy Commission Act and Agricultural Stabilization Act);
 - Ice cream, ice milk, ice cream mix, ice milk mix or any product manufactured mainly of ice cream or ice milk (Canadian Dairy Commission Act); and
 - Yoghurt (Canadian Dairy Commission Act).
- fromages de tous genres à l'exclusion des imitations (Loi sur la stabilisation des prix agricoles et Loi sur la Commission canadienne du lait);
 - lait de beurre sous forme solide, liquide ou autre (Loi sur la Commission canadienne du lait);
 - caséine ou caséinates en poudre (Loi sur la Commission canadienne du lait);
 - lait écrémé sous forme solide, liquide ou autre (Loi sur la Commission canadienne du lait);
 - petit-lait en poudre (Loi sur la Commission canadienne du lait);
 - lait évaporé et lait concentré (Loi sur la Commission canadienne du lait);
 - mélanges sous forme solide, liquide ou autre (Loi sur la Commission canadienne du lait et Loi sur la stabilisation des prix agricoles);
 - crème glacée, lait glacé, mélanges pour crème glacée, mélanges pour lait glacé et produits composés principalement de crème glacée ou de lait glacé (Loi sur la Commission canadienne du lait); et
 - yogourt (Loi sur la Commission canadienne du lait).
- 3) To implement an inter-governmental arrangement or commitment:
- Coffee in any form (International Coffee Agreement);
- 3) Mettre en oeuvre un arrangement ou un engagement intergouvernemental :
- café sous toutes ses formes (Accord international sur le café);

- | | | | |
|---|--|---|--|
| - | Endangered Species (Convention on International Trade in Endangered Species); | - | espèces menacées d'extinction (Convention sur le commerce international des espèces menacées d'extinction); |
| - | Elephant Ivory and articles made of or containing elephant ivory; | - | ivoire d'éléphant et articles en ivoire d'éléphant ou articles qui en contiennent; |
| - | Goods of South African origin (Commonwealth Heads of Government Review Meeting, August 3-5, 1986); and | - | produits d'origine sud-africaine (Réunion d'examen des chefs de gouvernement du Commonwealth, 3-5 août 1986); et |
| - | Raccoon Dogs (Bilateral Arrangement with the U.S.A.). | - | chiens viverrins (Arrangement bilatéral avec les États-Unis). |

Eggs

Eggs were placed on the ICL on May 9, 1974, under the authority of Section 5(1)(b) of the Act. Beginning in 1989 the global import quotas, calculated on the basis of the percentage of the previous year's domestic shell egg production, have been increased from 0.675% to 1.647% for shell eggs, from 0.415% to 0.714% for egg products liquid and frozen, and from 0.615% to 0.627% for egg powder. The global shell egg import quota for 1989 was 7,164,450 dozen. Permits were issued for 6,831,062 dozen. The quotas for egg powder, and liquid or frozen eggs, were 411,845 kg and 1,785,893 kg and permit issuance totalled 203,776 kg for egg powder and 1,785,393 kg for liquid eggs. While the basic quota is fixed, provision is made to issue import permits for eggs and egg products supplementary to the quotas to meet overall Canadian market needs. During 1989 no supplementary permits were issued for table eggs to meet market shortages. Supplementary permits for 54,240 kg of egg products were issued for market shortages. Companies requiring imported eggs or egg products for re-export are authorized import permits to bid competitively on the world market. Within this arrangement permits for 2,156,086 kg of egg whites and egg yolk

Oeufs

Les oeufs ont été placés sur la LMIC le 9 mai 1974, en vertu de l'alinéa 5(1)b) de la Loi. En 1989, les contingents globaux d'importation, établis selon un pourcentage de la production d'oeufs en coquille de l'année précédente, passeront de 0,675% à 1,647% pour les oeufs en coquille, de 0,415% à 0,714% pour les produits des oeufs (liquides et congelés) et de 0,615% à 0,627% pour les oeufs en poudre. Le contingent global d'importations d'oeufs en coquille était de 7 164 450 douzaines pour 1989. Des licences ont été délivrées pour 6 831 062 douzaines. Les contingents d'oeufs en poudre et d'oeufs liquides ou congelés étaient respectivement de 411 845 kg et de 1 785 893 kg. Des licences ont été délivrées pour 203 776 kg d'oeufs en poudre et 1 785 393 kg d'oeufs liquides. Bien que le contingent de base soit fixe, on prévoit la délivrance de licences pour importer des oeufs et des produits des oeufs en sus du contingent afin de répondre aux besoins globaux du marché canadien. En 1989, aucune licence supplémentaire n'a été délivrée pour l'importation d'oeufs de consommation afin de remédier à des insuffisances du marché. Des licences supplémentaires ont été autorisées pour l'importation de 54 240 kg de produits d'oeufs pour répondre aux

were authorized for processing and re-export. Import permits are required for importing inedible egg products into Canada. Importation is subject to surveillance only and 90,027 kg were imported in 1989.

Chicken

Chicken was placed on the ICL on January 15, 1979 under Order in Council P.C. 1979-13 to support action taken under the Farm Products Marketing Agencies Act. The global import quota for 1989 was 40,302,225 kg, expressed as eviscerated weight. Permits were issued for 39,256,065 kg in eviscerated weight. While the basic quota is set at 7.5% of the previous year's production, provision is made to issue import permits for chicken supplementary to the quota to meet overall Canadian market needs. During 1989 permits for 2,055,910 kg were issued for this purpose. In addition, supplementary permits were issued for 144,943 kg of chicken for re-export. Permits for surveillance purposes were issued for 196,561 started pullets. No permits were issued for chicken to compete with imported products containing chicken.

Turkey

Turkey was placed on the ICL by Order in Council P.C. 1974-1086 of May 8, 1974 under the provisions of Section 5(1)(b) of the Act. The global import quota for 1989

besoins du marché. Les sociétés qui ont besoin d'oeufs importés ou de produits d'oeufs pour la réexportation se voient accorder des licences d'importation pour leur permettre de soutenir la concurrence sur le marché mondial. Dans le cadre de cet arrangement, des licences ont été accordées pour l'importation de 2 156 086 kg de blancs d'oeuf et de jaunes d'oeuf destinés à la transformation et à la réexportation. Des licences sont requises pour importer au Canada des produits d'oeufs non comestibles. L'importation n'est soumise qu'à surveillance; 90 027 kg ont été importés en 1989.

Poulet

Le poulet a été placé sur la LMIC le 15 janvier 1979 par décret du conseil (C.P. 1979-13) pour appuyer une mesure prise aux termes de la Loi sur les offices de commercialisation des produits de ferme. Le contingent global pour 1989 était de 40 302 225 kg, en poids éviscéré. Des licences ont été délivrées pour 39 256 065 kg en poids éviscéré. Le contingentement est fixé à 7,5% de la production de l'année précédente, mais on prévoit la délivrance de licences afin d'importer des quantités additionnelles de poulet permettant de satisfaire à l'ensemble des besoins du marché canadien. En 1989, des licences pour 2 055 910 kg ont été accordées à cette fin. De plus, des licences supplémentaires ont été délivrées pour l'importation de 144 943 kg de poulet destiné à la réexportation. À des fins de surveillance, des licences ont été délivrées pour 196 561 jeunes poulettes. Aucune licence n'a été délivrée pour soutenir la concurrence de produits importés renfermant du poulet.

Dindon

Le dindon a été placé sur la LMIC par le décret du conseil C.P. 1974-1086 du 8 mai 1974, aux termes de l'alinéa 5(1)b) de la Loi. Le contingent global pour 1989

was 4,000,500 kg eviscerated equivalent. The quota is set annually at 3.5% of the domestic production quota for that year. Permits were issued for 3,928,398 kg in eviscerated weight. While the basic quota is set at 3.5% of domestic production quota for the year under consideration, provision is made for the issuance of import permits for turkey supplementary to the quota to meet overall Canadian market needs. During 1989 permits for 27,216 kg were issued for this purpose. In addition, supplementary permits were issued for 111,576 kg of turkey for re-export. No permits were issued for turkey to compete with imported products containing turkey.

Broiler Hatching Eggs and Chicks

Broiler hatching eggs and chicks for chicken production were placed on the ICL by Order in Council P.C. 1989-824 of May 8, 1989 under the authority of subparagraph 5(1)(b) of the Act. The global import quota for 1989, representing 19.07% of domestic production, was 6.9 million dozen hatching eggs on an annual basis. From May 8 to December 31, 1989 this amounted to 4.6 million dozen hatching eggs. Permits were issued for 4.6 million dozen hatching eggs. This represents a utilization of 100.1% of the quota. Since this was the first year of import controls on hatching eggs and chicks, provision was made for the issuance of ex-quota permits for product in transit at the time of imposition of the border restraint.

était de 4 000 500 kg en poids éviscéré. Le contingentement établi chaque année correspond à 3,5 % de la production nationale. Des licences ont été délivrées pour 3 928 398 kg en poids éviscéré. Le contingentement est fixé à 3,5% de la production nationale pour l'année considérée, mais on prévoit la délivrance de licences afin d'importer des quantités additionnelles de dindon permettant de satisfaire à l'ensemble des besoins du marché canadien. En 1989, des licences pour 27 216 kg ont été accordées à cette fin. De plus, des licences supplémentaires ont été délivrées pour 111 576 kg de dindon destiné à la réexportation. Aucune licence n'a été délivrée pour soutenir la concurrence de produits importés renfermant du dindon.

Oeufs d'incubation de poulets de chair et poussins destinés à la production de poulets

Les oeufs d'incubation de poulets de chair et les poussins destinés à la production de poulets ont été placés sur la LMIC par le décret du Conseil C.P. 1989-824 du 8 mai 1989 aux termes de l'alinéa 5(1)b) de la Loi. Le contingent global pour 1989, soit 19,07% de la production nationale, était de 6,9 millions de douzaines d'oeufs d'incubation sur une base annuelle. Entre le 8 mai et le 31 décembre 1989, ce contingent a représenté 4,6 millions de douzaines d'oeufs d'incubation. Des licences ont été délivrées pour 4,6 millions de douzaines d'oeufs d'incubation, ce qui représente l'utilisation de 100,1% du contingent. Puisque c'était la première année de contrôles sur les importations d'oeufs d'incubation et de poussins destinés à la production de poulets, on a prévu la délivrance de licences hors contingent pour les produits en transit au moment de l'imposition des restrictions à la frontière.

Coffee

On October 5, 1987, the International Coffee Organization (ICO) agreed to introduce export quotas on its producing members. Exporting country members of the ICO undertook, pursuant to a decision of the International Coffee Council, to control all shipments of coffee exported to other members through the use of ICO coffee export stamps. In all cases where shipments are re-exported, exporting member countries are required to issue certificates of re-export. Importing countries have undertaken to monitor the movement of coffee exported by member countries through the collection of these certificates, and to limit imports from non-members to a specific amount (108,300 kg for the coffee year ending September 30, 1989).

Effective July 4, 1989 quotas applying to exporting and importing members were suspended by the International Coffee Organization as a result of a failure to resolve differences during negotiations for a new coffee agreement. As a consequence of this decision, regulatory action was taken to remove coffee from the ICL in order to relieve Canadian importers of the responsibility to obtain permits when quotas are not in effect. Import permits were therefore no longer required as of November 2, 1989.

Cheese

Under the authority of Section 5(1)(d) of the Act, "Cheese of all types other than imitation cheese" was placed on the ICL on June 12, 1975 for the implementation of an action taken under the Agricultural Stabilization Act and the Canadian Dairy Commission Act to support the price or that has the effect of supporting the price of cheese of all types.

Café

Le 5 octobre 1987, l'Organisation internationale du café (OIC) a accepté l'établissement de contingents à l'exportation pour ses producteurs membres. Les pays exportateurs membres de l'OIC se sont engagés, conformément à une décision du Conseil international du café, à contrôler toutes les expéditions de café vers d'autres pays membres par le truchement des timbres d'exportation de café de l'OIC. Et, dans les cas d'un produit réexporté, les pays membres exportateurs doivent délivrer un certificat de réexportation. Quant aux pays importateurs, ils ont pris l'engagement de surveiller le mouvement du café exporté par les pays membres en recueillant ces certificats, d'une part, et en limitant les importations en provenance de pays non-membres à un niveau déterminé (108 300 kg pour l'année caféière se terminant le 30 septembre 1989).

Le 4 juillet 1989, les contingents appliqués aux membres exportateurs et importateurs ont été suspendus par l'Organisation internationale du café par suite de l'incapacité à surmonter les divergences de vues pendant la négociation d'un nouvel accord sur le café. Par suite de cette décision, des mesures réglementaires ont été prises pour retirer le café de la LMIC afin de libérer les importateurs canadiens de la responsabilité d'obtenir des licences lorsque les contingents ne sont pas appliqués. Des licences d'importation ne sont donc plus requises depuis le 2 novembre 1989.

Fromage

En vertu de l'alinéa 5(1)d) de la Loi, les "fromages de tous genres à l'exclusion des imitations" ont été placés sur la LMIC le 12 juin 1975 pour mettre à exécution une mesure prise selon la Loi sur la stabilisation des prix agricoles et la Loi sur la Commission canadienne du lait ayant pour objet ou pour effet de soutenir le prix des fromages de tous genres.

The annual global cheese import quota for the year 1989 amounted to 45,000,000 lbs or 20,411,866 kg of which 60% was allocated to cheese importations from the twelve (12) member-states of the EEC. The remaining 40% was allocated to cheese imports from non-EEC sources. Utilization of the quota was high in 1989 and there was no quota available for redistribution to new applicants requesting a cheese quota.

Ice Cream and Yoghurt

Under the authority of paragraph 5(1)(d) of the Act, ice cream, ice milk, ice cream mix, ice milk mix or any product manufactured mainly of ice cream or ice milk, and yoghurt were added to the ICL with effect from January 28, 1988, for implementation of an action taken under the Canadian Dairy Commission Act. In 1989 the annual quota levels were set (using the base years of 1985, 1986 and 1987) at 345,000 kg for ice cream and ice cream products and 330,000 for yoghurt. Permit issuance for ice cream totalled 289,129 kg in 1989; however, test marketing of new yoghurt products resulted in permit issuance of 653,000 kg of yoghurt.

(b) Textiles and Clothing

Canada, like most industrialized countries, maintains special measures of protection for its textiles and clothing industries, usually in the form of bilaterally-negotiated restraint agreements with major low-cost suppliers. A broad range of textile and clothing products is maintained on the Import Control List (ICL) for the purpose of implementing these inter-governmental arrangements. Textile and clothing items have been placed on the ICL under the authority of Section 5(1)(e) of the Act.

Le contingent global pour les importations de fromage pendant l'année 1989 représentait 45 000 000 livres ou 20 411 866 kg dont 60 % étaient alloués aux importations de fromage depuis les douze (12) États-membres de la CEE. Les autres 40 % étaient alloués aux importations de sources autres que la CEE. Le contingent a été fortement utilisé en 1989 et il n'y a pas eu de possibilité de redistribution aux nouveaux requérants qui ont demandé une part du contingent de fromage.

Crème glacée et yogourt

En vertu de l'alinéa 5(1)d) de la Loi, la crème glacée, le lait glacé, les mélanges pour crème glacée, les mélanges pour lait glacé et les produits composés principalement de crème glacée ou de lait glacé ainsi que le yogourt ont été ajoutés à la LMIC le 28 janvier 1988 pour mettre à exécution une mesure prise selon la Loi sur la Commission canadienne du lait. En 1989, les niveaux des contingents annuels ont été établis (en utilisant les années de base 1985, 1986 et 1987) à 345 000 kg pour la crème glacée et les produits de crème glacée et à 330 000 kg pour le yogourt. Le total des licences délivrées pour la crème glacée a été de 289 129 kg en 1989. Pour l'essai de commercialisation de nouveaux produits, des licences d'importation ont été délivrées pour 653 000 kg de yogourt.

(b) Textiles et vêtements

Le Canada, comme la plupart des pays industrialisés, maintient des mesures spéciales de protection de ses industries du textile et du vêtement, mesures qui prennent habituellement la forme d'accords de restriction négociés bilatéralement avec les principaux fournisseurs à faibles coûts. Une gamme étendue de produits a été maintenue sur la Liste des marchandises d'importation contrôlée (LMIC) aux fins de l'exécution des arrangements intergouvernementaux négociés dans ces secteurs. Les textiles et les vêtements sont placés sur la LMIC en vertu de l'article 5(1)e) de la Loi.

On July 30, 1986, a new Canadian textile and clothing import policy was announced that established the Government's intention to negotiate a new framework for the management of clothing and textile imports for the post-1986 period. Under the policy, Canada pursued international negotiations for the renewal of the Multi-Fibre Arrangement (MFA), which was extended in July, 1986 for a further five years. In 1986 and 1987 Canada sought the renegotiation of existing bilateral restraint agreements. In addition the Government has pursued negotiations to extend the scope of agreements to cover new products; it has also sought agreements with emerging suppliers. In 1989 new agreements were concluded with South Africa and Brazil. New products were added to the agreement with Pakistan. In addition, a price monitoring agreement was concluded with Mexico. By the end of 1989, Canada had concluded 28 bilateral agreements and had imposed restraints on one additional supplier (North Korea).

The MFA requires that all actions taken under its provisions be submitted to the MFA's Textiles Surveillance Body (TSB) for review. In its annual review, the TSB commented that in its agreements negotiated since 1986, Canada (along with the United States) is applying MFA provisions more strictly than in agreements negotiated prior to 1986, and has thus followed a trend contrary to that followed by other importing countries. While the TSB has not taken serious issue with any of our agreements thus far, it has noted that Canada's current agreements have in general wider coverage, more restraints, and unchanged or lower growth rates and flexibility provisions as compared to our pre-1986 agreements.

Le 30 juillet 1986, le gouvernement annonçait une nouvelle politique canadienne relative à l'importation de textiles et de vêtements dans laquelle il mentionnait son intention de négocier un nouveau cadre pour la gestion des importations de ces produits pour la période postérieure à 1986. Dans le cadre de cette politique, le Canada a participé aux négociations internationales sur le renouvellement de l'Arrangement multifibres (AMF) qui a été prorogé en juillet 1986 pour une autre période de cinq ans. En 1986 et 1987, le Canada a entrepris la renégociation des arrangements bilatéraux de limitation qu'il avait conclus. Le gouvernement a aussi poursuivi les négociations pour élargir les accords de façon à y assujettir de nouveaux produits; il a également recherché des accords avec les nouveaux fournisseurs. En 1989, de nouveaux accords ont été conclus avec l'Afrique du Sud et le Brésil. De nouveaux produits ont été ajoutés à l'accord conclu avec le Pakistan. Et un accord de surveillance des prix a été conclu avec le Mexique. À la fin de 1989, le Canada avait conclu 28 accords bilatéraux et imposé unilatéralement des restrictions sur les exportations d'un autre fournisseur (la Corée du Nord).

Toutes les mesures prises en vertu de l'AMF doivent être soumises à l'Organe de surveillance des textiles (OST). Dans son examen annuel, l'OST mentionnait que, dans les accords qu'il a négociés depuis 1986, le Canada (à l'instar des États-Unis) applique les dispositions de l'AMF plus strictement que dans les accords négociés avant 1986, et qu'il a ainsi suivi une tendance contraire à celle suivie par les autres pays importateurs. L'OST ne s'est pas encore objecté sérieusement à l'un de nos accords, mais il a mentionné que les arrangements actuellement appliqués par le Canada englobent généralement plus de produits, sont plus restrictifs et comportent des taux de croissance et des dispositions sur les dépassements qui sont inchangés ou inférieurs par rapport aux accords conclus avant 1986.

In March 1988, the Minister of Finance announced that the Government will reduce Canada's textile tariffs over the next ten years to levels comparable with those of other industrialized countries. The Government wished to hear the views of the industry on the extent and pace of those tariff cuts and the proposal was referred to the Canadian International Trade Tribunal. The Tribunal held public and private hearings in 1989; it will be submitting its final report and recommendations to the Minister of Finance in February, 1990.

In 1989, Canadian representatives participated in a number of meetings in Geneva of the Negotiating Group (NG) on Textiles and Clothing which is one of the Groups of the current Multilateral Trade Negotiations. The aim of the NG is to "formulate modalities that would permit the eventual integration of this sector into GATT on the basis of strengthened GATT rules and disciplines, thereby also contributing to the objective of further liberalization of trade". Activities in 1989 focussed on the different modalities that could be used to achieve the negotiating mandate, and on the precise scope of the mandate.

The Canada-United States Free Trade Agreement (FTA) incorporates a number of specific rules pertaining to trade in apparel and textile products which necessitate monitoring and control. The FTA contains Tariff Rate Quotas (TRQs) which extend FTA tariff rates to textile and clothing products that would not normally qualify under the FTA rules of origin. Upon implementation of the FTA, on January 1, 1989 the ICL was amended to accommodate these rules and item 85 (apparel goods cut and sewn in the free-trade area from fabric produced or obtained in a third country) and item 86 (fabric or yarn that is produced or obtained in a third country) were added to the ICL in order to facilitate the

En mars 1988, le ministre des Finances a annoncé que le gouvernement ramènerait, d'ici dix ans, les droits de douane sur les textiles à des niveaux comparables à ceux des autres pays industrialisés. Le gouvernement voulait entendre les vues de l'industrie sur l'ampleur et le rythme de ces réductions tarifaires. La proposition a été soumise au Tribunal canadien du commerce extérieur. Le Tribunal a tenu des audiences publiques et privées en 1989; il soumettra son rapport final et ses recommandations au ministre des Finances en février 1990.

En 1989, les représentants du Canada ont participé, à Genève, à un certain nombre de réunions du Groupe de négociation (GN) sur les textiles et vêtements dans le cadre des négociations commerciales multilatérales. Le GN a pour but de formuler les "modalités du processus d'intégration dans le cadre du GATT sur la base de règles et disciplines du GATT renforcées", et de contribuer ainsi à l'objectif d'une libéralisation plus poussée du commerce. En 1989, les activités se sont concentrées sur les modalités qui pourraient être utilisées pour exécuter le mandat de négociation, ainsi que sur la portée exacte du mandat.

L'Accord de libre-échange (ALE) avec les États-Unis intègre un certain nombre de règles spécifiques liées au commerce des textiles et des vêtements qui supposent une surveillance et un contrôle. L'Ale prévoit des contingents tarifaires (CT) qui appliquent les taux de droits de l'Ale à des textiles et à des vêtements qui ne seraient normalement pas admissibles en vertu des règles d'origine de l'Accord. Lorsque l'Ale a été mis en oeuvre, le 1er janvier 1989, la LMIC a été amendée pour accommoder ces règles; les articles 85 (vêtements taillés et cousus dans la zone de libre-échange à partir de tissus produits ou obtenus dans un pays tiers) et 86 (tissus ou filés produits ou obtenus

administration of the TRQs. Steps were taken in 1989 to facilitate exports to the United States of certain apparel and textile products that enter the U.S. under these TRQ's. While most issues under this Agreement have been resolved, one major outstanding issue remains concerning the definition of wool vs non-woolen apparel and fabrics. This is the subject of ongoing negotiations with the U.S.

(c) Endangered Species

On January 2, 1974, Canada signed the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Canada ratified this Convention becoming a party to the International Agreement on April 10, 1975.

Changes were made, in 1989, to the list of species covered by the Convention to fulfill Canada's international obligations as a signatory to CITES. (P.C. 1989-1424 24 July 1989)

(d) Elephant Ivory

Effective July 24, 1989 (P.C. 1989-1424) Item 89 of the Import Control List (ICL): Elephant ivory and articles made of or containing elephant ivory was added to reflect Canada's bilateral obligations resulting from an intergovernmental agreement signed with the USA.

(e) Steel Products

In May 1987, legislation was passed to amend the Act to allow the Government to place certain steel products on the Import Control List (ICL) and the Export Control List (ECL) for the purpose of collecting information on imports and exports of such

dans un pays tiers) ont été ajoutés à la LMIC afin de faciliter l'administration des CT. En 1989, des mesures ont été prises pour faciliter les exportations aux États-Unis (É.-U.) de certains vêtements et textiles qui sont admis aux É.-U. en vertu de ces CT. La plupart des questions soulevées par l'Accord ont été réglées, mais il subsiste un important problème concernant la définition des vêtements et tissus en laine et autres qu'en laine. La question fait actuellement l'objet de négociations avec les É.-U.

(c) Espèces menacées d'extinction

Le 2 janvier 1974, le Canada a signé la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction (CITES). En la ratifiant le 10 avril 1975, le Canada devenait partie à cette Convention.

En 1989, des changements ont été apportés à la liste des espèces couvertes par la Convention pour honorer les obligations internationales du Canada en tant que signataire de la Convention. (C.P. 1989-1424 du 24 juillet 1989)

(d) Ivoire d'éléphant

Le 24 juillet 1989 (C.P. 1989-1424), l'article 89 (Ivoire d'éléphant et articles en ivoire d'éléphant ou articles qui en contiennent) a été ajouté à la Liste des marchandises d'importation contrôlée pour refléter les obligations internationales du Canada découlant d'un accord intergouvernemental signé avec les États-Unis.

(e) Produits en acier

En mai 1987, le gouvernement a amendé la Loi afin que certains produits en acier soient inscrits sur la Liste des marchandises d'importation contrôlée (LMIC) ainsi que sur la Liste des marchandises d'exportation contrôlée (LMEC), pour que

products. The amendment provides for monitoring for a period of up to three years, and is specific to steel. It does not impact on other products, nor does it alter the existing criteria under which any other goods may be placed on the ECL or the ICL for either monitoring or control purposes.

On June 1, 1987, the Government introduced an import monitoring programme for specialty steel products and an export monitoring programme for carbon steel products. This action, coupled with the carbon steel import monitoring programme, introduced in September 1986, which was based on a recommendation from the Canadian Import Tribunal, gives the Government comprehensive coverage of the movement of steel products through Canada. The purpose of this undertaking is to provide a timelier and more precise system of monitoring imports and exports, to gain a better appreciation of the complexities of the international steel trade, and to ensure that Canada is not used as a back door to the U.S. market by offshore steel suppliers. The import monitoring program was extended for an additional three years effective September 1, 1989.

The programme is global in nature. There are no quantitative restrictions; permits are issued on demand upon proper application in accordance with the Act.

(f) Goods of South African origin

With effect from October 1, 1986, a ban was imposed on imports of uranium, coal,

des renseignements sur l'importation et l'exportation de ces produits puissent être recueillis. Cet amendement, qui prévoit une surveillance pour une période pouvant aller jusqu'à trois ans, ne touche que l'acier et n'a donc aucun effet sur les autres produits. De même, il ne modifie pas les critères déjà établis qui devraient s'appliquer à toute marchandise pouvant être inscrite sur les Listes des marchandises d'exportation ou d'importation contrôlée à des fins de surveillance ou de contrôle.

Le 1^{er} juin 1987, le gouvernement a mis sur pied un programme de surveillance des importations de produits en aciers spéciaux ainsi qu'un programme de surveillance des exportations de produits en acier ordinaire. Ces démarches, qui s'ajoutent au programme de surveillance des importations de produits en acier ordinaire mis en place en septembre 1986 suite à une recommandation du Tribunal canadien des importations, permettent au gouvernement de bien saisir, dans son ensemble, le mouvement des produits en acier qui entrent au Canada et qui en sortent. Elles permettent au gouvernement de se munir d'un système de surveillance des importations et des exportations plus opportun et précis, afin de mieux évaluer la complexité du marché international de l'acier et d'empêcher que le Canada soit utilisé comme arrière-cour du marché américain par les fournisseurs d'acier de pays étrangers. Le programme de surveillance des importations a été prorogé pour trois autres années le 1^{er} septembre 1989.

Le programme a une portée globale. Il n'y a aucune restriction quantitative; les licences sont émises sur réception de demandes complétées selon les normes de la Loi.

(f) Produits d'origine sud-africaine

Le 1^{er} octobre 1986, on a interdit l'importation de l'uranium, du charbon, des

iron, steel and agricultural products of South African origin as a result of the agreement reached at the Commonwealth Heads of Government Review Committee, London, August 3 to 5, 1986. The ban went into full effect on January 1, 1987. A monitoring system was established to investigate any alleged circumvention of control on imports from South Africa. Numerous entries appearing in import statistics were investigated but it was determined that incorrect coding of either country of origin or product classifications were involved. This monitoring continues.

(g) Weapons and Munitions:

Pursuant to Sections 5 and 6 of the Act, an import permit is required to import into Canada from all countries including the United States, "arms, ammunition, implements or munitions of war, army, naval or air stores or any articles deemed capable of being converted thereto or made useful in the production thereof". Small arms used for sporting and competitive purposes are not included. Certificates and permits are no longer issued to private citizens to import automatic weapons converted to fire semi-automatic fire. Recent Canadian court decisions have ruled that such weapons are "prohibited" under the Criminal Code owing to the ease with which they can be reconverted to fire in automatic mode.

Issuance of Import Permits

Section 14 of the Act stipulates that:

"No person shall import or attempt to import any goods included in an

produits du fer, des produits de l'acier et des produits agricoles d'origine sud-africaine dans le prolongement de l'entente conclue à la réunion du Comité d'examen des chefs de gouvernement du Commonwealth tenue à Londres du 3 au 5 août 1986. Les sanctions sont appliquées dans leur totalité depuis le 1er janvier 1987. Un système de surveillance a été mis sur pied afin d'étudier de près toute importation de produits présumément d'origine sud-africaine. Plusieurs cas apparaissant dans les statistiques d'importation ont fait l'objet d'une enquête, mais il a été déterminé que le problème provenait d'un mauvais codage du pays d'origine ou du poste tarifaire des produits. Cette surveillance se poursuit.

(g) Armes et munitions

Conformément aux articles 5 et 6 de la Loi, des licences sont requises pour importer au Canada depuis n'importe quel pays, y compris les États-Unis, "des armes, des munitions, du matériel et des armements de guerre, des approvisionnements navals, des approvisionnements de l'armée ou des approvisionnements de l'aviation, ou des articles jugés susceptibles d'être transformés en l'un de ceux-ci ou de pouvoir servir à leur production". Les armes de petit calibre utilisées pour le sport ou pour des activités de compétition ne sont pas incluses. Des certificats et des licences ne sont plus délivrés à des citoyens privés pour l'importation d'armes automatiques converties pour servir d'armes semi-automatiques. Récemment, des tribunaux canadiens ont statué que ces armes sont "prohibées" par le Code criminel en raison de la facilité avec laquelle elles peuvent être reconverties en armes automatiques.

Délivrance de licences d'importation

Selon l'article 14 de la Loi :

"Il est interdit d'importer ou de tenter d'importer des marchandises

Import Control List except under the authority of and in accordance with an import permit issued under this Act."

figurant sur la Liste des marchandises d'importation contrôlée si ce n'est sous l'autorité d'une licence d'importation délivrée en vertu de la présente loi et conformément à une telle licence".

Section 8(1) authorizes the Minister to:

L'article 8(1) de la Loi prévoit que :

"... issue to any resident of Canada applying therefor a permit to import goods included in an Import Control List, in such quantity and of such quality, by such persons, from such places or persons and subject to such other terms and conditions as are described in the permit or in the regulations."

"Le Ministre peut délivrer à tout résident du Canada qui en fait la demande une licence pour l'importation de marchandises figurant sur la Liste des marchandises d'importation contrôlée, sous réserve des conditions prévues dans la licence ou les règlements, notamment quant à la quantité, à la qualité, aux personnes et aux endroits visés".

Authority is provided under Section 12 of the Act for regulations prescribing the information and undertakings to be furnished by applicants for permits, procedures to be followed in applying for and issuing permits, and requirements for carrying out the purposes and provisions of the Act.

L'article 12 de la Loi autorise l'adoption de règlements prescrivant les renseignements et les engagements que doivent fournir ceux qui demandent la licence, la procédure à suivre pour la demande et la délivrance de licences ainsi que les conditions requises pour satisfaire aux fins et aux dispositions de la Loi.

Section 5 of the Import Permit Regulations (C.R.C., c. 605) provides for the issuance of general permits authorizing the import of specific goods up to specified limits or subject to specified conditions.

L'article 5 du Règlement concernant les licences d'importation (C.R.C., c. 605) prévoit la délivrance de licences générales autorisant l'importation de certains produits sous réserve de certaines limites et conditions.

The following is a statistical summary of applications for import permits processed during 1989:

Voici un résumé statistique des demandes de licences d'importation traitées au cours de 1989 :

| | |
|-----------------------------|---------|
| Import permits issued | 401,973 |
| Applications refused | 5,448 |
| Permits cancelled | 15,700 |

| | |
|--------------------------------------|---------|
| Licences d'importation délivrées ... | 401 973 |
| Demandes rejetées | 5 448 |
| Demandes annulées | 15 700 |

All applications for permits required for specimens of endangered wild fauna or flora or derivatives appearing on the Import Control List (ICL) were handled by the Canadian Wildlife Service. The following permits were processed in

Toutes les demandes de licences requises pour les espèces de faune et de flore sauvages menacées d'extinction ou les produits dérivés figurant sur la LMIC ont été traitées par le Service canadien de la faune. Les licences suivantes ont été

accordance with General Import Permit No. 17 of September 21, 1976:

Applications approved 47
Applications refused 5
Applications withdrawn -

Import Certificates and Delivery Verification Certificates

The issuance of Import Certificates and Delivery Verification Certificates is provided for by Section 9 of the Act and by Import Certificate Regulations (C.R.C., c. 603). Import Certificates enable an importer to describe goods in detail and to certify that he will not assist in their disposal or diversion during transit. Such assurances may be required by the country of export before permitting the shipment of certain goods, most notably munitions and strategic goods. An Import Certificate is not an Import Permit and does not entitle the holder to import the goods described on the Certificate into Canada. Delivery Verification Certificates may be issued following arrival of the goods into Canada to enable an exporter of goods to Canada to comply with requirements of the country originating the export of the goods.

In 1989, the Department issued 2,992 Import Certificates and 2,129 Delivery Verification Certificates.

2. EXPORT CONTROLS

Section 3 of the Act provides that the Governor in Council may establish a list of goods, to be called an Export Control List including therein any article the export of which he deems it necessary to control for any of the following purposes, namely:

traitées conformément à la Licence générale d'importation n° 17 du 21 septembre 1986 :

Demandes acceptées 47
Demandes refusées 5
Demandes retirées -

Certificats d'importation et certificats de vérification de livraison

La délivrance de certificats d'importation et de certificats de vérification de livraison est prévue à l'article 9 de la Loi et dans le Règlement concernant les certificats d'importation (C.R.C., c. 603). Les certificats d'importation permettent à un importateur de décrire les marchandises en détail et de certifier qu'il ne participera pas à leur disposition ou à leur détournement pendant le transit. Le pays d'exportation peut exiger de telles assurances avant d'autoriser l'expédition de certaines marchandises, surtout des munitions et des produits d'importance stratégique. Un certificat d'importation n'est pas une licence d'importation, et il n'autorise pas le détenteur à importer au Canada les marchandises décrites sur le certificat. Des certificats de vérification de livraison peuvent être délivrés après l'arrivée des marchandises au Canada pour permettre à la personne qui exporte des marchandises au Canada de satisfaire aux exigences du pays d'origine l'exportation des marchandises.

En 1989, le Ministère a délivré 2 992 certificats d'importation et 2 129 certificats de vérification de livraison.

2. CONTRÔLE DES EXPORTATIONS

Selon l'article 3 de la Loi, le gouverneur en conseil peut dresser la Liste des marchandises d'exportation contrôlée comprenant les articles dont, à son avis, il est nécessaire de contrôler l'exportation pour l'une des fins suivantes :

- | | |
|---|--|
| (a) for national security reasons; | a) pour des raisons de sécurité nationale; |
| (b) to promote further processing of natural resources; | b) pour favoriser la transformation d'une ressource naturelle; |
| (c) to limit or keep under surveillance the export of any raw or processed material that is produced in Canada in circumstances of surplus and depressed prices that is not a produce of agriculture; | c) pour limiter, en période de surproduction et de chute des cours, les exportations de matières premières ou transformées d'origine canadienne, sauf les produits agricoles, ou en conserver le contrôle; |
| (d) in support of enforcement of the <u>Softwood Lumber Products Export Charge Act</u> ; | d) pour appuyer l'application de la <u>Loi sur le droit à l'exportation de produits de bois d'oeuvre</u> ; |
| (e) to implement an inter-governmental arrangement or commitment; or | e) pour mettre en oeuvre un accord ou un engagement intergouvernemental; ou |
| (f) to ensure adequate supply and distribution in Canada of articles for defence or other needs. | f) pour s'assurer d'un approvisionnement et d'une distribution en quantité suffisante pour répondre aux besoins canadiens, notamment en matière de défense. |

In 1989, the Export Control List (ECL) was streamlined and revised. It now includes the following five categories:

- Group 1: Industrial Goods
- Group 2: Munitions
- Group 3: Atomic Energy
- Group 4: Technology
- Group 5: Miscellaneous

Groups 1-4 include primarily those sensitive military and strategic goods and related technologies which Canada and its allies have agreed to control owing to shared perception of military threat. International consultations are required before some of the most sensitive goods and technologies may be exported. Group 5 consists of various non-strategic goods

En 1989, la Liste des marchandises d'exportation contrôlée (LMEC) a été rationalisée et simplifiée. Elle comprend maintenant les cinq catégories suivantes :

- Groupe 1 : Marchandises industrielles
- Groupe 2 : Munitions
- Groupe 3 : Énergie atomique
- Groupe 4 : Technologie
- Groupe 5 : Marchandises diverses

Les groupes 1 à 4 comprennent surtout les biens militaires et stratégiques sensibles et les technologies connexes que le Canada et ses alliés ont convenu de contrôler en raison de leur importance militaire. Des consultations internationales doivent être tenues avant que l'on autorise l'exportation de certaines des marchandises et des technologies les plus sensibles. Le

controlled for other purposes as provided in the Act. It also includes goods of USA origin (unless substantially processed or manufactured outside the USA). This provision is intended to prohibit the diversion of USA goods through Canada.

Area Control List

Section 13 of the Act provides for the control of "any goods to any country included in an Area Control List" (ACL). Introduction of the new ECL resulted in the removal of certain countries from area controls, leaving only two countries, Libya and the Republic of South Africa, on the ACL.

For Libya, export permits are generally denied for all military goods and oil drilling equipment containing unique western technology. Permits are also generally denied for strategic goods such as civilian aircraft and most goods and technologies listed on the ECL.

For the Republic of South Africa, export restrictions apply to goods that may be useful in maintaining the apartheid regime. These include all items on the ECL, as well as the following categories: aircraft, aircraft parts and engines, electronic and telecommunications equipment, data processing equipment and software, and four-wheel drive vehicles. Permits are generally denied for these goods unless they are intended for medical, humanitarian, lifesaving or educational purposes.

groupe 5 comprend diverses marchandises non stratégiques qui sont contrôlées à d'autres fins, tel que prévu dans la Loi. Il englobe aussi les marchandises d'origine américaine (sauf si elles ont été substantiellement ouvrées ou transformées à l'extérieur des États-Unis). Cette disposition vise à interdire le détournement de marchandises américaines via le Canada.

Liste des pays visés

L'article 13 de la Loi prévoit le contrôle de l'exportation "des marchandises vers un pays dont le nom paraît sur la Liste des pays visés" (LPV). L'introduction de la nouvelle LPV a entraîné le retrait de certains pays de la Liste, qui ne comprend plus que deux pays: la Libye et la République sud-africaine.

En ce qui concerne la Libye, des licences d'exportation sont généralement refusées pour toutes marchandises militaires et pour le matériel de forage pétrolier renfermant des technologies occidentales exclusives. Les licences sont aussi généralement refusées pour des marchandises stratégiques comme les aéronefs civils ainsi que la plupart des marchandises et des technologies mentionnées dans la LMEC.

En ce qui concerne la République sud-africaine, des restrictions sont appliquées à l'exportation de marchandises qui peuvent être utilisées pour maintenir le régime de l'apartheid. Ce sont par exemple toutes les marchandises mentionnées dans la LMEC ainsi que les catégories de marchandises suivantes : aéronefs, pièces et moteurs d'aéronef, matériel et logiciels de traitement de données, et véhicules à quatre roues motrices. Les licences sont généralement refusées pour ces marchandises sauf si elles sont destinées à des fins humanitaires, éducationnelles ou à sauver des vies.

Issuance of Export Permits

An export permit is required before an item included in the ECL may be exported from Canada to any destination, with the general exception of the United States. This requirement enables Canada to meet international commitments, such as prohibiting trade of endangered species and preventing the proliferation of missile technology and biological, chemical and nuclear weapons. Atomic materials and equipment, logs, pulpwood, red cedar blocks, sugars and specialty steel are amongst the goods requiring permits for export to the United States. Permits are also required to export specified goods to countries on the ACL.

Streamlining of the ECL and ACL resulted in a reduction in the number of export permits by approximately one third, from 19,586 in 1988 to 13,248 in 1989. Two hundred and six (206) permits were refused, 814 were withdrawn, 7 were cancelled, and 694 were pending as of December 31, 1989.

General Export Permits (GEP's):

Section 6 of the Export Permit Regulations (C.R.C., c. 601) provides for the issuance of general permits authorizing the export of certain named goods to all destinations or to specified destinations. The GEP's are intended to facilitate exports by enabling exporters to export selected goods without applying for individual permits. They also serve as the means for identifying the goods for which exports are restricted to countries on the ACL. The GEP's in effect during 1989 included:

Délivrance de licences d'exportation

Une licence d'exportation est nécessaire pour qu'un article figurant sur la LMEC puisse être exporté vers quelque destination que ce soit, à l'exception, dans la plupart des cas, des États-Unis. Cette exigence permet au Canada d'honorer ses engagements internationaux, comme celui d'interdire le commerce des espèces menacées d'extinction et d'empêcher la prolifération des techniques liées aux missiles ainsi que des armes biologiques, chimiques et nucléaires. Les matières et équipements nucléaires, les billes, la pâte de bois, les billons de cèdre rouge, le sucre et les aciers spéciaux sont au nombre des marchandises dont l'exportation aux États-Unis nécessite une licence. Des licences sont également requises pour exporter certaines marchandises vers les pays de la LPV.

La rationalisation de la LMEC et de la LPV a permis de réduire d'environ le tiers le nombre des licences d'exportation : ce nombre est passé de 19 586 (1988) à 13 248 (1989). Deux cents et six (206) licences ont été refusées, 814 ont été retirées et 7 ont été annulées; 694 demandes étaient en suspens au 31 décembre 1989.

Licences générales d'exportation (LGE)

L'article 6 du Règlement concernant les licences d'exportation (C.R.C., c. 601) prévoit la délivrance de licences générales autorisant l'exportation de certaines marchandises vers toutes les destinations ou vers des destinations spécifiées. Les LGE visent à faciliter les exportations en permettant d'exporter certaines marchandises sans demander une licence pour chaque expédition. Elles permettent aussi d'identifier les marchandises dont l'exportation vers les pays de la LPV est restreinte. En 1989, les LGE suivantes étaient utilisées :

| | | | |
|---------|--|----------|---|
| GEP 1: | Goods with a value of less than \$100, household articles, personal effects, business equipment required for temporary use outside Canada, and personal automobiles; | LGE 1 : | Marchandises de moins de 100\$, articles de ménage, effets personnels, matériel commercial requis pour utilisation temporaire à l'extérieur du Canada, et voitures particulières; |
| GEP 11: | Goods to Libya other than those specified; | LGE 11 : | Les exportations vers la Libye, sauf les marchandises spécifiées; |
| GEP 12: | USA origin goods to countries other than those listed; | LGE 12 : | Les exportations de marchandises provenant des États-Unis vers des pays autres que ceux listés; |
| GEP 17: | Softwood lumber; | LGE 17 : | Produits de bois d'oeuvre; |
| GEP 18: | Personal computers and software; and | LGE 18 : | Ordinateurs personnels et logiciels; et |
| GEP 20: | Goods to South Africa other than those specified. | LGE 20 : | Les exportations vers l'Afrique du Sud autres que les marchandises spécifiées. |

In addition, applications for permits required for any specimen of endangered wild fauna or flora or derivatives appearing on the ECL were handled by the Canadian Wildlife Service. The following permits were issued in accordance with General Export Permit No. EX 14 of September 21, 1976:

| | |
|---------------------------------------|-------|
| Applications approved | 2 266 |
| Applications refused | 1 |
| Applications withdrawn or cancelled . | 7 |

3. VIOLATIONS

Section 19 of the Act provides that:

"(1) Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and liable

- a) on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a

En outre, les demandes de licence requises pour des espèces de faune ou de flore sauvages menacées d'extinction ou des produits dérivés figurant sur la LMEC ont été traitées par le Service canadien de la faune. Les licences suivantes ont été traitées conformément à la Licence générale d'exportation n° EX 14, en date du 21 septembre 1976 :

| | |
|-------------------------------------|-------|
| Demandes autorisée | 2 266 |
| Demandes refusées | 1 |
| Demandes retirées ou annulées | 7 |

3. INFRACTIONS

L'article 19 de la Loi prévoit que :

"(1) Quiconque contrevient à une disposition de la présente loi ou de ses règlements commet une infraction et encourt, sur déclaration de culpabilité :

- a) par procédure sommaire, une amende maximale de cinq mille dollars et un emprisonnement

term not exceeding twelve months or to both; or

- b) on conviction on indictment to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding five years or to both.

(2) A prosecution under paragraph (1)(a) may be instituted at any time within but not later than three years from the time when the subject matter of the complaint arose."

Section 25 of the Act delegates responsibility for the enforcement of the Act to all officers as defined in the Customs Act (section 2(1)). The Department of External Affairs entrusts the enforcement of the Act to Revenue Canada (Customs and Excise) and to the Royal Canadian Mounted Police.

(a) Status of Export Controls Investigations for 1989

The streamlining of export controls enabled enforcement officials to focus resources on high risk shipments. In addition, greater efforts were made to explain regulations to exporters. As a result, voluntary compliance improved and the number of detentions decreased. In all, Revenue Canada (Customs and Excise) issued 951 warning letters and made 639 detentions. Goods were seized in 17 cases. The RCMP opened 312 new files, initiated 219 investigations, and provided assistance in 93 cases to foreign and other Canadian enforcement agencies.

(b) Status of Import Controls Investigations for 1989

A total of five hundred and forty cases (540) cases of suspected import violations

maximal de douze mois, ou l'une de ces peines;

- b) par mise en accusation, une amende maximale de vingt-cinq mille dollars et un emprisonnement maximal de cinq ans, ou l'une de ces peines.

(2) Les poursuites pour infraction visée à l'alinéa (1)a) se prescrivent par trois ans à compter de sa perpétration."

L'article 25 de la Loi délègue la responsabilité de l'application de ladite Loi à tous les préposés au sens de la Loi sur les douanes (article 2(1)). Le ministère des Affaires extérieures confie l'application de la Loi à Revenu Canada (Douanes et Accise) et à la Gendarmerie royale du Canada.

(a) État des enquêtes aux fins du contrôle des exportations pour 1989

La rationalisation des contrôles à l'exportation a permis aux responsables de l'application de la Loi de concentrer les ressources sur les expéditions à risque élevé. En outre, des efforts plus importants ont été faits pour expliquer les règlements aux exportateurs. Comme résultat, le respect volontaire de la réglementation s'est amélioré et le nombre des détentions a diminué. En tout, Revenu Canada (Douanes et Accise) a émis 951 lettres d'avertissement et procédé à 639 détentions. Des marchandises ont été saisies dans 17 cas. La GRC a ouvert 312 dossiers et engagé 219 enquêtes. Il y a eu 93 cas d'assistance d'organismes canadiens et étrangers chargés de l'application de la loi.

(b) État des enquêtes aux fins du contrôle des importations pour 1989

On a fait enquête sur cinq cent quarante (540) cas de violations présumées des

under the Act were investigated. Twenty (20) of these cases were initiated by the RCMP and twelve (12) by Revenue Canada (Customs and Excise). Following a preliminary review by the Special Trade Relations Bureau of five hundred and eight (508) cases, 50 warning letters were issued, 200 cases were closed and 258 were referred to the RCMP for further investigation.

Of the cases referred to the RCMP, 6 seizures were made and the goods were destroyed in each case, two hundred and forty (240) cases were closed due to lack of insufficient evidence and as December 31, 1989, 12 cases are still under investigation.

dispositions de la Loi. Vingt (20) de ces enquêtes ont été engagées par la GRC et douze (12) par Revenu Canada (Douanes et Accise). Après une enquête préliminaire de la Direction générale des relations commerciales spéciales dans cinq cent huit (508) cas, 50 lettres d'avertissement ont été émises, deux cents (200) dossiers ont été fermés, et on a transmis deux cent cinquante-huit (258) cas à la GRC pour enquête plus poussée.

Sur les cas transmis à la GRC, 6 saisies ont été effectuées et les marchandises détruites dans chaque cas, et deux cent quarante (240) dossiers ont été fermés pour insuffisance de preuve. Au 31 décembre 1989, douze (12) cas sont toujours soumis à l'enquête.

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