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General Import Permit No. 83 — Aluminum Products: SOR/2019-319

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Registration

SOR/2019-319 August 26, 2019

EXPORT AND IMPORT PERMITS ACT

The Minister of Foreign Affairs, pursuant to subsection 8(1.1) ^a of the *Export and Import Permits Act* ^b, issues the annexed *General Import Permit No. 83 — Aluminum Products*.

Ottawa, August 23, 2019

Chrystia Freeland
Minister of Foreign Affairs

General Import Permit No. 83 — Aluminum Products

General

1 Any resident of Canada may, under the authority of this Permit, import into Canada any goods described in item 83 of the *Import Control List*.

2 If any goods imported under the authority of this Permit are required to be reported in the prescribed form under the *Customs Act*, that form must contain the statement “*Imported under the authority of General Import Permit No. 83 — Aluminum Products*” or “*Importé en vertu de la Licence générale d’importation n° 83 — Produits d’aluminium*”.

Terms and Conditions

3 A resident of Canada who imports goods under the authority of this Permit must

- (a) within 10 days after receipt of a request from the Department of Foreign Affairs, Trade and Development, provide to the Department the documents and records referred to in section 4 in respect of any import made during the period specified in the request;
- (b) at all reasonable times
 - (i) make the documents and records referred to in section 4 available for inspection by any persons authorized by the Minister, and
 - (ii) provide to those persons all reasonable assistance to facilitate the inspection of those documents and records; and
- (c) provide to the Department any documents and records necessary for making a determination on the country of origin, import value, or quantity of imported aluminum products, within the time period specified by the Department.

Documents and Records

4 A resident of Canada who imports goods under this Permit must retain, for a period of six years after the year in which the import is made, documents and records containing the following information:

- (a) the name and address of the importer or consignee;
- (b) proof of Canadian residency;
- (c) the date of entry of the goods into Canada;
- (d) the quantity, expressed in kilograms, of the goods;
- (e) the country from which the goods are imported;
- (f) the country of origin of the goods;
- (g) the shipping document with freight and other transportation costs indicated separately;
- (h) the tariff classification of the goods indicated in the List of Tariff Provisions set out in the schedule to the *Customs Tariff*;
- (i) the import value in Canadian dollars; and
- (j) a detailed description of the goods.

Coming into Force

5 This Permit comes into force on September 1, 2019, but if it is registered after that day, it comes into force on the day on which it is registered.

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Permit.)

Issues

On March 8, 2018, the United States announced that it would impose tariffs on steel and aluminum imported from all countries, citing national security concerns. Canada was initially exempted from these tariffs. However, on May 31, 2018, the United States announced that the section 232 tariffs would also apply to Canada. Accordingly, tariffs of 25% on steel and 10% on aluminum imported from Canada were applied starting June 1, 2018. In response to the application of these U.S. tariffs, on June 29, 2018, the Government of Canada announced that Canada would impose countermeasures effective July 1, 2018. In addition, Canada initiated dispute settlement proceedings at the World Trade Organization (WTO) and under the North American Free Trade Agreement (NAFTA) dispute settlement provisions challenging the section 232 tariffs.

On May 17, 2019, in the *Joint Statement by Canada and the United States on Section 232 Duties on Steel and Aluminum* (the Joint Statement), the United States agreed to eliminate the tariffs imposed under section 232 on imports of steel and aluminum from Canada. Likewise, Canada agreed to eliminate all tariffs imposed in retaliation to the section 232 tariffs. Canada and the United States also agreed to establish an agreed-upon process for monitoring aluminum and steel trade.

Global Affairs Canada has long-standing experience in monitoring steel imports, which have been on the *Import Control List* for monitoring purposes since September 1, 1986. A permit is currently required for all steel imports. However, aluminum products have not been subject to any import monitoring measures.

Objective

The objective of this regulatory measure is to implement Canada's commitments set out in the Joint Statement, with respect to monitoring of aluminum trade and to improve the timeliness of Canada's aluminum import data.

Description

General Import Permit No. 83 — Aluminum Products

The *General Import Permit No. 83 — Aluminum Products* (GIP) allows a resident of Canada to import aluminum products into Canada, requires the importer to include a reference to the GIP in its customs declaration form, and includes a reporting requirement as a term and condition. Notably, the importer, after receipt of a request from Global Affairs Canada, would be required to provide records and documents relating to the country of origin, price, or quantity of the imported aluminum, in respect of any import made during the period specified in the request.

Regulatory development

Consultation

The Government of Canada consulted with aluminum producers on the implementation of the commitments in the Joint Statement, including improving aluminum trade monitoring through the issuance of a GIP. The Canadian aluminum industry supports the view that adding aluminum products to the *Import Control List* and issuing a GIP would demonstrate Canada's serious commitment to implementing the provisions set out in the Joint Statement.

Modern treaty obligations and Indigenous engagement and consultation

Constitutional and modern treaty implications were considered and none have been identified.

Instrument choice

Subsection 8(1.1) of the *Export and Import Permits Act* (EIPA) provides the Minister of Foreign Affairs with the authority to issue, by ministerial order, general permits to all residents of Canada to import any goods included on the *Import Control List*, subject to such terms and conditions as are described in the permit.

Regulatory analysis

Costs and benefits

The GIP will contribute to the implementation of Canada's commitments set out in the Joint Statement to improve aluminum monitoring.

This GIP will allow imports of aluminum products into Canada by a resident of Canada, enable the monitoring of aluminum imports, and will enable Global Affairs Canada officials to impose reporting obligations on any importer for the purpose of identifying errors in import data and determining the source of inconsistencies in a targeted manner. The reporting requirement will also encourage importers to provide complete and accurate information in their customs declaration forms. It is similar to the reporting requirement that Global Affairs Canada is including in GIPs 80 and 81 for steel imports.

The objective of the GIP is not to restrict aluminum imports, but to improve the monitoring capabilities of Global Affairs Canada, while improving the aluminum import data quality and collection process. There may be additional costs for record keeping to business should the importers be asked to submit an import report to Global Affairs Canada for the purpose of data verification.

Small business lens

The issuance of the GIP for aluminum products and responding to the monitoring requirements when requested by Global Affairs Canada may result in limited incremental costs on small businesses. There may be additional costs for record keeping should the importers be asked to submit an import report to Global Affairs Canada for the purpose of data verification.

"One-for-One" Rule

The *General Import Permit No. 83 — Aluminum Products* imposes low cost (less than \$1 million per year for business) of additional administrative burden when required to submit an import report to Global Affairs Canada upon request.

The GIP implements a non-discretionary obligation and is exempted from the requirement to offset administrative burden and regulatory titles under the "One-for-One" Rule.

Regulatory cooperation and alignment

The GIP is not related to a work plan or commitment under a formal regulatory cooperation forum.

Strategic environmental assessment

In accordance with *The Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*, a preliminary scan concluded that the GIP would not result in positive or negative effects on the environment; therefore, a strategic environmental assessment is not required.

Gender-based analysis plus

No gender-based analysis plus (GBA+) impacts have been identified for the GIP.

Implementation, compliance and enforcement, and service standards

Under the *Export and Import Permits Act* (EIPA), Global Affairs Canada is responsible for administering the import permits regime, including the issuance of import permits. Importers of aluminum products listed on the *Import Control List* must cite the appropriate General Import Permit (*General Import Permit No. 83 — Aluminum Products*) on their customs documentation. Global Affairs Canada provides information and guidance to industry on the process, as requested, with contact information posted on its website. Failure to cite the required import permit may lead to the levying of penalties by the Canada Border Services Agency (CBSA) under the Administrative Monetary Penalty System, which authorizes the CBSA to assess monetary penalties for non-compliance with customs' legislative, regulatory and program requirements. Importers may also face prosecution under the EIPA for contravening a provision of the Act or its regulations (section 19). Compliance is monitored by the CBSA and Global Affairs Canada.

Global Affairs Canada will provide administrative guidance to importers by issuing a Notice to Importers.

Contact

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Footnotes

a S.C. 1994, c. 47, s. 108(1)

b R.S., c. E-19
