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D- 97-04: Application, procedures, issuance and use of a Permit to Import under the *Plant Protection Act*

EFFECTIVE DATE: June 24, 2010
(12th Revision)

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Subject

This directive contains policy information on how to apply for a Permit to Import, including the issuance and amending of Permits to Import granted under the authority of Section 32 or 43 of the *Plant Protection Regulations*.

Sections 2.7 ("Validity of the Permit") and 2.8 ("Issuance of Permits to Import") of this directive have been revised for clarification. Section 2.7 has been modified to clarify that permits issued to persons travelling or collecting (i.e. with no known exporter) may be valid for up to one year. Section 2.8 now clearly states that issued permits can be faxed or mailed by the Permit Office to importers and not just mailed.

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Review

This directive will be reviewed every three years unless otherwise needed. For further information or clarification, please contact the Canadian Food Inspection Agency (CFIA).

Endorsement

Approved by:

Chief Plant Health Officer

Amendment Record

Amendments to this directive will be dated and distributed as outlined in the distribution below.

Distribution

1. Directive mail list (Regions, USDA)
2. Provincial Government, Industry (determined by Author)
3. National Industry Organizations (determined by Author)
4. Internet

Introduction

According to section 29 of the *Plant Protection Regulations*, an importer must obtain a Permit to Import before a regulated commodity is permitted to enter Canada. Information concerning regulated commodities can be obtained from the [Automated Import Reference System \(AIRS\)](#) website. The permit may specify certain import conditions (e.g. treatments at origin, additional certification requirements, etc.) which the importer, in turn, must forward to the exporter before the commodity is shipped to Canada. The application for a Permit to Import enables the CFIA to advise an applicant whether the material they intend to import is prohibited or restricted from entering Canada. Therefore, a person is advised to apply for a Permit to Import well in advance (e.g. 6 weeks) of the shipment being exported from the country of origin.

Scope

This directive is intended for use by CFIA staff and Canadian importers and their agents (e.g. brokers).

This directive supersedes D-97-04 (11th Revision).

Definitions, Abbreviations and Acronyms

Definitions for terms used in the present document can be found in the [Plant Health Glossary of Terms](#).

1.0 General Requirements

1.1 Legislative Authority

The Plant Protection Act, S.C. 1990, c. 22
The Plant Protection Regulations, SOR/95-212

Canadian Food Inspection Agency Fees Notice, Canada Gazette: Part I (as amended from time to time)

1.2 Fees

The CFIA is charging fees in accordance with the *Canadian Food Inspection Agency Fees Notice*. For information regarding fees associated with imported product, please contact the [Import Service Centre](#) (ISC). Anyone requiring other information regarding fees may contact any [local CFIA office](#) or visit our [Fees Notice](#) Web Site.

Please note that the permit applicant is responsible for ensuring that their application form is submitted only once to the Permit Office. If the application form is inadvertently submitted a second or numerous times, the applicant will be assessed the appropriate fee for each application.

Before issuing a Permit to Import, the CFIA may inspect the applicant's facilities/premises to determine their ability to be in compliance with the conditions to be stated on the Permit to Import. In these cases, the CFIA will recover from the applicant the fee payable for each inspection.

2.0 Specific Requirements

2.1 Types of Permits to Import

There are two types of Permits to Import, those issued pursuant to section 32 and those issued pursuant to section 43 of the *Plant Protection Regulations*. Generally, section 32 permits are issued in those situations where the material intended for importation is not prohibited entry into Canada and specific requirements such as treatment at origin, requirement for a Phytosanitary Certificate or another import document such as a Certificate of Origin may be required.

Section 43 permits are issued only in those situations where the thing intended for importation is a pest (e.g. insects, plant pathogens, plant parasitic nematodes), is prohibited entry into Canada, has a high risk of being infested with a quarantine pest, or cannot be certified to meet Canadian phytosanitary import requirements. A permit may be issued pursuant to section 43 of the *regulations* only if the thing is imported for the purpose of being used for scientific research, educational, processing, industrial or exhibition purposes.

2.1.1 To qualify for "scientific research" under a section 43 permit, the material intended for importation must be

- A. destined for a research laboratory owned and operated by a chartered academic institution, a federal, provincial, municipal or native self government, or a research and development section of a corporation;
- B. contained within a research laboratory / facility, grown in a green house or if plant material field planted by a researcher with the appropriate academic qualifications who is an employee of the research organization or institution; and
- C. safeguarded, treated or disposed (e.g. incinerated, autoclaved) of in accordance with the Permit to Import conditions upon completion of the research project, unless the importer is authorized by the CFIA to maintain the material for further propagation or as part of a collection or a reference bank.

When applying for an import permit for scientific research purposes, the permit applicant must provide the CFIA with an outline / description of the proposed research project.

2.1.2 To qualify for "educational purposes" under section 43 of the *regulations*, the material intended for importation must be destined for a federal or provincial owned and operated school, a chartered academic institution or institutions and provincially or federally recognized museums or zoos and used on the institution's property for teaching purposes.

2.1.3 To qualify for "exhibition purposes" under section 43 of the *regulations*, the material intended for importation must be destined for an exhibition / show in Canada (also see [D-94-31](#)).

2.1.4 To qualify for "processing" or "industrial purposes" under section 43 of the *regulations*, the material intended for importation must be destined for a manufacturing, processing or treatment plant which will alter or modify the material in such a manner that will render any pests in the material non-viable.

2.2 Applicant

An applicant for a Permit to Import must be one of the following: 1) a Canadian citizen or permanent resident; 2) a person authorized under the laws of Canada to reside in Canada for a period of six months or more and who will have possession, care or control of the thing to be imported; or 3) in the case of a corporation with a place of business in Canada, the applicant must be an agent or officer of the corporation who resides in Canada.

In the case of colleges and universities, only a faculty member or department head can apply for a permit to import on behalf of the institution. This does not include emeritus personnel.

Note: The CFIA will not accept applications for Permits to Import submitted by Brokerage Firms on behalf of their clients or applications on behalf of someone else.

2.3 Application

2.3.1 Applications for a Permit to Import are available online at www.inspection.gc.ca and from the Plant Protection Import Permit Office or from local CFIA offices. Instructions for completing the form are found in the information boxes on the form. A list of frequently asked questions (FAQs) can be obtained in Appendix 1.

2.3.2 The completed application must contain the following information:

- the name, complete address, telephone and, if possible, the facsimile number and e-mail address of the owner of the thing to be imported. In the case of an institution (e.g. University, College, Government department or agency, company), the application must state the legal name of the institution as that of the importer;
- the legal name, complete address, telephone, facsimile number and e-mail address of the exporter;
- a description, the common name and scientific name (genus and species), and type (i.e. seeds, rooted cuttings, bare root plants, etc.) of the thing being imported. Catalogues will not be accepted;
- the quantity being imported;
- the purpose (e.g. consumption, propagation, research, processing) of importation;
- the country and place of propagation or production of the thing, and the country from which it will be shipped to Canada;
- any other requested information, such as precautions that will be taken to prevent the spread of a pest; and
- the printed name and signature of the applicant and the date of application.

2.3.3 The above information must be provided on all application forms even when a Permit to Import has expired and a new permit is required for the same thing from the same origin or when amending an existing Permit to Import.

2.3.4 If importing from more than one origin, an importer must complete an application form for each origin. An application may stipulate more than one type of material, if the material comes from the same origin.

2.3.5 If the origin of the thing is different from the country of export, the application must state both the origin of the thing and the name and address of the person or company exporting the thing.

2.3.6 Please refer to Appendix 1 for the website address to access information and instructions when applying for a Permit to Import plants and other things under the *Plant Protection Act*.

2.4 Submitting an Application for a Permit to Import

2.4.1 Applications can be faxed, mailed, or e-mailed to the following address:

[Plant Health Import Permit Office](#)
Canadian Food Inspection Agency
59 Camelot Drive
Ottawa, Ontario K1A 0Y9

Facsimile: 613-773-7229
E-mail: permitoffice@inspection.gc.ca

2.4.2 Any application that is submitted by fax or e-mail must be followed by an original, signed copy by mail/courier to the address above within a reasonable period of time. This is in accordance to Subsection 10(2) of the *Plant Protection Regulations*: "Where a document referred to in subsection (1) is furnished in electronic form, **an original hard copy of the document shall be furnished** to the Minister or an inspector within a reasonable period after the document is furnished in electronic form."

2.4.3 Payment must accompany the application. Faxed applications must have a valid CFIA account number or a Visa, Master Card or American Express number (including expiry date, printed name and signature of the card holder). Information on applying for accounts can be obtained from local CFIA offices.

2.4.4 If a person is applying for a Permit to Import a commodity from a country for which no Permit to Import has ever been issued, the permit may not be issued until a Pest Risk Assessment and/or a Risk Management Document has been completed. As a result, there may be significant delays (up to two years) to determine if a Permit to Import can be issued.

2.5 Missing or Unclear Information

If an import permit application is missing information or the information provided requires clarification, the Permit Office will contact the applicant by e-mail, fax or mail. This will result in a delay in the review of the application.

2.6 Request for Additional Information

Permit applicants may be required, pursuant to paragraph 25 (1) (d) the *Plant Protection Act*, to provide the Canadian Food Inspection Agency (CFIA) with additional information as a follow-up to the receipt of their import permit application.

For the purpose of section 30 of the *Plant Protection Regulations* and as proof of a permit applicant's identity, the person may be required to provide the CFIA with a **legible** copy of their Passport or Permanent Residency Card (front and back) issued by Citizenship and Immigration Canada. Please be advised that the CFIA cannot accept a social insurance number, a birth certificate nor citizenship card, as these are personal documents which cannot be confirmed / verified by the CFIA.

Furthermore, in relation to the information provided on an application, the permit applicant may also be required to provide additional information about the importer's business and the foreign exporter.

2.7 Validity of the Permit

Permits to Import are valid for the period of time stipulated on the permit. The Permit to Import is valid for multiple shipments and unlimited quantities unless otherwise stated. Permits to Import issued to persons travelling or collecting (i.e. with no known exporter) will be valid for one year. It is the responsibility of the importer to obtain a new Permit to Import as required.

2.8 Issuance of Permits to Import

Once all required permit application related information has been received, a review of all the information has been completed, the information has been verified by the CFIA, and if a permit can be issued, the CFIA will issue a Permit to Import as soon as possible.

The Permit to Import will be sent by fax or mail (Canada Post) to the importer's address.

2.9 Permits to Import issued for Multiple Destinations within Canada

With regard to permits issued pursuant to section 32 of the *Plant Protection Regulations*, a Permit to Import will generally be issued for multiple destinations within Canada if requested / specified on the application form. Therefore, unless requested, clients do not have to submit one application per province.

A listing of all the destinations receiving the imported commodity must be provided to a CFIA Import Service Centre when requesting release of a shipment.

For information regarding Plant Protection Permits to Import issued for "exhibitions" pursuant to section 43 of the *Regulations*, please refer to Directive [D-94-31](#).

2.10 Providing Information to Exporters and Brokers

The Permit Office does not provide copies of permits or permit numbers to exporters or brokers. This information, including any additional requirements outlined in the Permit to Import, must be provided to the exporter or broker by the applicant/importer in possession of the Permit to Import.

2.11 Arrival of Shipments in Canada

2.11.1 A valid permit number must be provided to Canada Border Services Agency and/or CFIA Import Service Centre staff at the time of arrival of the shipment in Canada. All required documents (e.g. Phytosanitary Certificate) must accompany the shipment.

2.11.2 Shipments will not be released by CFIA without an importer having a valid plant protection import permit.

Non-compliant shipments may be subject to compliance and enforcement action and will NOT be allowed to move forward under detention from the first place/port of entry into Canada. Any costs incurred shall be borne by the importer. For more information on release procedures, please contact the CFIA Import Service Centres.

2.12 Cancellation (Revocation) of Permits

A Permit to Import may be cancelled (revoked) at any time if the person to whom a Permit to Import has been issued has not complied with any one of the conditions set out in the Permit to Import or the provisions of the *Plant Protection Act* and *Regulations*. A Permit to Import may also be cancelled where there are reasonable grounds to suspect that the imported shipment is infested, or that the pest status in the country of origin or the country from where the material was shipped has changed. There is no refund for cancelled Permits to Import.

2.13 Amending an Existing Permit to Import

All requests for amendments to an existing (i.e. valid) Permit to Import must be submitted on an application form indicating that it is a request for an amendment. The following information must be clearly identified on the application form: permit number; additions or changes requested; printed name and signature of the person requesting the amendment along with the appropriate CFIA fee to amend the permit.

For the purpose of administering Part 12 of the Canadian Food Inspection Agency Fees Notice, an amendment to a Permit to Import is:

- an addition of an item to the list of commodities for which the permit is valid;
- a legal name change for a Canadian corporation / business;
- an importer's address, telephone or facsimile number change;
- a change to the exporter's street address (as long as it is within the same city); and
- changing the official language of a permit to import.

NOTE: The above does not include change of an exporter or validity date of a permit to import.

The applicant may be required to provide substantiating documentation to support any requested amendments.

NOTE: Any changes not mentioned above or to the origin of the material will require the issuance of a new import permit.

3.0 Appendices

Appendix 1: Frequently asked questions (FAQs) regarding the permit application process

Appendix 1

[Frequently Asked Questions - Permit application process](#)

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