



Ottawa, August 31, 2011

# MEMORANDUM D2-1-2

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## **In Brief**

### **FOREIGN SCIENTIFIC OR EXPLORATORY EXPEDITIONS IN CANADA**

1. This memorandum has been expanded to include the guidelines and procedures related to the entry of persons and goods for foreign scientific or exploratory expeditions taking place throughout Canada and not just the North. The title has been changed to reflect this expansion.
2. The guidelines and procedures to follow when foreign expeditions enter Canada at northern remote locations have been added to this memorandum.
3. The guidelines and procedures regarding Canada Border Services Agency (CBSA) processing of research vessels and aircraft have been added to this memorandum.
4. The CBSA contact information for foreign scientific or exploratory expeditions has been added to this memorandum.
5. The issuing office information on the references page has been updated.





Ottawa, August 31, 2011

# MEMORANDUM D2-1-2

## FOREIGN SCIENTIFIC OR EXPLORATORY EXPEDITIONS IN CANADA

This memorandum outlines the Canada Border Services Agency's (CBSA) clearance policy and procedures for foreign scientific or exploratory expeditions, including Marine Scientific Research (MSR). This information applies to the temporary entry of all foreign scientific or exploratory expedition team members, accompanying foreign crew members, vessels, aircraft, vehicles, animals, equipment, personal goods and tools, associated with the expedition taking place in Canada.

## GUIDELINES AND GENERAL INFORMATION

### Definitions

1. For the purposes of this memorandum, the following definitions apply:

“Canadian waters” as defined by subsection 2 (1), of the *Coasting Trade Act*, means the inland waters within the meaning of section 2 of the *Customs Act*, the internal waters of Canada and the territorial sea of Canada. (*eaux canadiennes*)

“Corporate aircraft” as defined by the *Presentation of Persons (2003) Regulations*, means an aircraft that is used for purposes related to the business affairs of a person that does not carry passengers who have paid for passage and that has aboard on its arrival in Canada no more than 15 persons, including the crew. (*aéronef d'affaires*)

“Exclusive Economic Zone” (EEZ) is an area of the sea adjacent to and beyond the territorial sea, extending out to 200 nautical miles from the baselines. (*zone économique exclusive*)

“Marine scientific research” (MSR) means activities undertaken in the marine environment to enhance scientific knowledge regarding the nature and natural processes of the seas and oceans, the seabed and subsoil. (*recherche scientifique marine*)

“Scientific equipment” means instruments, apparatus, photographic equipment, machines or their accessories, used for the purposes of conducting experiments or gathering information during scientific or exploratory expeditions. (*matériel scientifique*)

“Scientific or exploratory expedition” means an expedition conducted or sponsored by a scientific or cultural organization, an institution of learning or a foreign government. (*expédition scientifique ou explorative*)

“Territorial sea” as defined by the 1982 *United Nations Convention on the Law of the Sea*, is a belt of coastal waters extending at most twelve nautical miles from the baseline (usually the mean low-water mark) of a coastal state. (*mer territoriale*)

“Tools” as defined by the *Foreign Scientific or Exploratory Expedition Remission Order*, means tools specially designed for the maintenance, checking, gauging or repair of scientific equipment. (*outils*)

### Scientific or Exploratory Expeditions

2. Foreign scientific or exploratory expeditions can be sponsored by:

(a) Foreign governments

(i) solely foreign government

(ii) joint foreign government and foreign non-government

(iii) joint foreign government and Canadian government

(b) Foreign non-government (i.e. scientific or cultural organizations or institutions of learning)

(i) solely foreign non-government

(ii) joint foreign non-government and Canadian government

(iii) joint foreign non-government and Canadian non-government

3. Foreign scientific or exploratory expeditions can be conducted on Canadian soil, in Canadian air space, in Canadian waters, or in any combination of these areas.

### Marine Scientific Research (MSR)

4. In 2003, Canada ratified the *United Nations Convention on the Law of the Sea* (UNCLOS). In accordance with the UNCLOS, foreign governments or institutions wishing to conduct MSR in the territorial sea, in the Exclusive Economic Zone (EEZ), and on the continental shelf (in some cases extending beyond 200 nautical miles), of another country must obtain advance consent from that country through proper official channels. Foreign Affairs

and International Trade Canada (FAITC) administers the MSR consent process for the government of Canada.

5. Foreign governments conducting MSR, any portion of which, is within the Canadian territorial sea are subject to the reporting requirements set out in the *Immigration and Refugee Protection Act* (IRPA) and the *Customs Act* and must report to the CBSA upon arrival. Foreign MSR conducted exclusively in the Canadian EEZ and on the continental shelf beyond the Canadian territorial sea are not required to report to the CBSA.

## Other Types of Expedition Activities

### Itinerant Expeditions

6. An itinerant expedition is a private expedition that is not organized or sponsored by a scientific or cultural organization, an institution of learning or a foreign government. These types of expeditions are privately sponsored and normally adventure-based. Foreign individuals, groups or organizations wishing to conduct such expeditions in Canada should be aware of all CBSA requirements for visitors and their goods. We suggest that they or their expedition outfitter contact the CBSA before entering Canada. Additional information on the CBSA processing of itinerant expeditions can be obtained by contacting the CBSA Foreign Expeditions and Arctic Research (FEAR) office (see contact information in paragraph 52).

7. For information regarding visitors to Canada, consult the publication titled *Visitors to Canada and Other Temporary Residents*. For information regarding temporary importations, consult the Memorandum D8-1-1, *Amendments to Temporary Importation (Tariff Item No. 9993.00.00) Regulations*.

### Military Activities

8. Military activities undertaken by foreign governments in Canada, including military surveys, are not considered to be scientific or exploratory expeditions. Military surveys involve data collection for military purposes. For the CBSA clearance procedures for foreign military vessels or aircraft, please consult Memorandum D3-5-1, *Commercial Vessels in International Service* or Memorandum D3-2-1, *International Commercial Air Traffic and Conveyance Reporting*.

## Pre-arrival Requirements

### Foreign Government Sponsored Expeditions

9. Any type of scientific or exploratory expeditions sponsored by foreign governments taking place in Canada requires advance consent from the Government of Canada. The application should be submitted to FAITC through the foreign flag state's diplomatic mission, at least forty-five days in advance of the proposed expedition.

10. When submitting an application for MSR in Canada, the United Nations standard Form A, *Application for Consent to Conduct Marine Scientific Research* should be used. FAITC will forward the request to other affected government departments and agencies, including the CBSA, for review and evaluation. Once approved, an authorization will be issued by FAITC on behalf of the Government of Canada.

### Foreign Non-government Sponsored Expeditions

11. Organizers of foreign non-government expeditions in Canada should inform the CBSA of their expeditions in advance to facilitate entry and to avoid unnecessary delays upon arrival at a port of entry. It is advised that foreign expeditions submit the following information to the CBSA office (see contact information in paragraph 52) at least 20 business days in advance of the proposed expedition:

- (a) expedition name (if applicable);
- (b) area of research;
- (c) name of sponsoring organization;
- (d) name of Canadian participating organization (if applicable);
- (e) expedition itinerary in Canada;
- (f) a list of conveyances to be used in the expedition including conveyance type, name, registration or license number, and country of registration;
- (g) a list of equipment and tools with their serial numbers;
- (h) animals to be used in the expedition with copies of their vaccination papers (if applicable);
- (i) a list of firearms, controlled substances, explosives (if applicable) along with permit numbers;
- (j) copies of certificates or licenses issued by the Canadian government (if applicable – see paragraphs 12 and 13);
- (k) contact information of the expedition leader or chief scientist;
- (l) a written statement signed by the expedition team agreeing to share the findings of the expedition, including its expected available date and proposed means of sharing (if applicable).

12. Expedition organizers are required to obtain licenses and/or certificates from other government departments (OGDs) as required prior to submitting their pre-arrival information to the CBSA. The CBSA works closely with OGDs and assists them in the administration of their legislation.

13. In the case of foreign vessel activity in Canada, organizers may be required to obtain a coasting trade license. For complete information regarding the policies and procedures governing the temporary importation of vessels into Canada, consult the Memorandum D3-5-7, *Temporary Importation of Vessels*.

14. The CBSA may issue an acknowledgement letter outlining the reporting and accounting requirements for the expeditions' participants and goods.

15. Following the initial submission of expedition information, if there is any change made to the expedition participants, itinerary, equipment or conveyances, the expedition organizer shall inform the CBSA immediately.

## Reporting and Accounting Requirements

### General

16. As per sections 11 and 12 of the *Customs Act* and section 18 of the IRPA, every person arriving in Canada shall, except under certain circumstances, present themselves and report their goods at a nearest CBSA office. All foreign expeditions shall report to the CBSA upon arrival in Canada

17. To be admissible to Canada, participants of an expedition must meet the requirements of the IRPA, including possessing a valid travel document. For information regarding travel documents and Temporary Resident Visa requirements, visit Citizenship and Immigration Canada's Web site at [www.cic.gc.ca](http://www.cic.gc.ca).

18. Expedition participants entering Canada at a land border crossing, arriving by air on a commercial flight or at a marine port of entry, shall proceed directly to the CBSA primary inspection line, present themselves and report their goods. Expedition participants shall present a copy of the FAITC authorization letter (if applicable), a copy of CBSA acknowledgement letter (if applicable), detailed list of all goods to be imported that indicates the make, model, serial numbers (where possible), and approximate value of each item. Where required, certificates and permits issued by OGDs for the goods shall be presented along with the list.

19. The participants may or may not be required to complete a *Temporary Admission Permit*, Form E29B, on temporarily imported goods and post a security deposit. For more information on how to complete a Form E29B, consult Memorandum D8-1-4, *Form E29B, Temporary Admission Permit*. Goods that qualify for temporary importation could also be documented on a carnet. For information regarding the use of carnets, please consult Memorandum D8-1-7, *Use of A.T.A. Carnets and Canada/China-Taiwan Carnets for the Temporary Admission of Goods*. If the expedition team includes residents of Canada, the goods imported to conduct the expedition may be subject to the Goods and Services Tax/Harmonized Sales Tax (GST/HST), in which

case the expedition organizer will be required to submit a Form B3, *Canada Customs Coding Form* and pay the GST/HST owing.

20. In cases where a foreign expedition has unaccompanied goods shipped to Canada prior to or following the expedition team's arrival, the foreign expedition shall inform the CBSA office (see contact information in paragraph 52) in advance and follow the appropriate import procedures. Goods arriving in advance of the owner's arrival can not be released by the CBSA and will be held in storage at a sufferance warehouse for a maximum period of 40 days, after which time they will be treated as unclaimed. Goods to follow should be accounted for when the expedition enters Canada at the initial port of entry. In cases where goods to follow will be shipped directly to a remote location in Canada, arrangements should be made with the CBSA office in advance.

21. The Form E29B or the carnet if used to document temporarily imported goods will be acquitted when all the goods listed on the E29B or the carnet are exported. The border services officer acquits the Form E29B by completing the appropriate fields or acquits the Carnet by completing the appropriate re-exportation certificate.

### Research Vessel

22. Foreign expeditions coming into Canada by research vessels shall report to the nearest CBSA office designated for the clearance of vessels. This applies even though the expedition will only be conducted in Canadian waters and does not plan any port calls. The CBSA reporting requirements are triggered for a research vessel conducting research in Canada whenever it crosses the international boundary and enters Canadian waters.

23. The vessel master must present:

- (a) a Form A6, *General Declaration*;
- (b) the authorization from FAITC (if applicable) and/or the CBSA acknowledgement letter (if applicable);
- (c) a detailed list of equipment and tools to be imported that indicates the make, model, serial numbers (where possible) and approximate value of each item;
- (d) certificates and permits issued by OGDs;
- (e) a Form BSF552, *Crew Effects Declaration*;
- (f) a complete crew list; and
- (g) a Form E1, *Ship Stores Declaration*.

24. All persons employed aboard the vessel, such as scientists, research assistants, technicians divers, etc. are considered to be members of the crew and must be included on the crew list. The crew list must include the full name,

date of birth and travel document information. It may be computer generated, typed or printed on a form such as the International Maritime Organization crew list form.

25. Form E1 is used to document alcoholic beverages, tobacco products, food, plants, animals and related products, narcotics and prescription drugs, firearms and weapons (including explosives, fireworks and ammunition), obscene material, hate propaganda and child pornography and currency and monetary instruments that are on board the vessel. Information regarding ship stores can be found in Memorandum D4-2-0, *Ships' Stores Regulations*.

26. All copies of the Form A6 will be date-stamped and signed by the border services officer and by the vessel master. A copy of the Form A6 must be kept by the vessel master as proof of report.

27. Information on accounting and documenting temporarily imported goods can be found in paragraph 19 of this memorandum. The vessel master shall prepare the vessel and the goods for examination if requested by a border services officer.

28. The vessel master must also file a Form A6 "outward report" to the CBSA at the completion of the expedition in Canada. The outward report must be presented at the nearest CBSA office. The Form E29B or the carnet, if used, will be acquitted at this time.

#### **Research Aircraft**

29. A research aircraft carrying the foreign expedition team and goods must first land at a CBSA designated Airport of Entry (AOE) during its business hours. The pilot must call the local CBSA office at the airport in advance for the reporting documentation required.

30. Expedition participants shall present the authorization from FAITC (if applicable) and/or CBSA acknowledgement letter (if applicable), and a detailed list of all goods to be imported that indicates the make, model, serial numbers (where possible), and approximate value of each item. Where required, certificates and permits issued by OGDs for the goods shall be presented along with the list.

31. Information on accounting and documenting temporarily imported goods can be found in paragraph 19 of this memorandum. The pilot shall prepare the aircraft and the goods for examination if requested by the border services officer.

32. The pilot is also required to report to the CBSA at the termination of the expedition in Canada. The Form E29B or the carnet, if used, will be acquitted at this time.

#### **Corporate Aircraft**

33. In cases where a foreign expedition is coming into Canada on a corporate aircraft carrying no more than **15** people (including the crew) and there is no

scientific equipment, tools or other commercial goods on board, the pilot may report to the CBSA by calling the Telephone Reporting Centre (TRC) at **1-888-226-7277** at least two hours, but no more than 48 hours, before flying into Canada. A facsimile, to set up the flight, is also acceptable within these time frames, but it does not relieve the pilot from making the phone call. The pilot shall report the following information for all persons on board, including the crew:

- (a) full name, date of birth, citizenship and residency;
- (b) length of absence from Canada (residents);
- (c) purpose of the trip and length of stay in Canada (visitors);
- (d) declaration of all goods on board;
- (e) declaration of any firearms or weapons;
- (f) declaration of currency or monetary instruments of value greater than or equal to CAN\$10,000;
- (g) declarations of all goods on board aircraft including any CFIA requirements.

34. The pilot shall also:

- (a) provide the aircraft registration number;
- (b) provide the destination and landing point (must be a designated Airport of Entry (AOE)) in Canada;
- (c) if the destination is a Fixed Base Operation (FBO), identify the name of the FBO;
- (d) provide the estimated time of arrival (ETA);
- (e) advise the CBSA of any updates to the original ETA, destination, passenger information or declaration;
- (f) call the TRC upon landing to report the arrival and to complete the presentation requirement under Section 11(1) of the *Customs Act*.

35. For further information please refer to the CBSA publication entitled *Coming to Canada by Small Aircraft or Recreational Boat*.

#### **Expeditions in the Canadian North (above the 60th parallel)**

36. Prior authorization from the CBSA is always required for expeditions being undertaken in the Canadian North where the expedition team is entering Canada at a remote location (for example Alert, Nunavut). Any required documentation can be issued and any applicable security deposits, duty and taxes can be collected through the CBSA office responsible for that location prior to the expedition's initial entry. The verification of such passages maybe conducted by local Royal Canadian Mounted Police officers or by officers of another Canadian government department on behalf of the CBSA.

37. The expedition team is required to present the authorization from FAITC and/or the CBSA acknowledgement letter to the designated officer.

38. Vessels entering Northern Canada Vessel Traffic Services Zone are subject to the NORDREG Canada reporting requirements. For further information, please visit the Canadian Coast Guard Web site at [www.ccg-gcc.gc.ca](http://www.ccg-gcc.gc.ca).

### **Duty and Taxes**

39. All goods imported into Canada are subject to duty and taxes, including the Goods and Services Tax/Harmonized Sales Tax (GST/HST) unless there is a provision in legislation or regulation that waives the requirement to pay. There are a number of provisions which may provide duty and/or GST/HST relief for goods imported in conjunction with a foreign scientific or exploratory expedition in Canada.

40. Conveyances used by foreign expeditions may be eligible for duty and tax free entry under tariff item No. 9801.10.00 as long as they are exported from Canada within 30 days of the date of importation. Other temporarily imported goods may be eligible for duty-free entry under tariff item 9993.00.00. For information concerning the admissibility of goods under tariff item 9993.00.00 and the applicable documentation requirements, consult Memorandum D8-1-1.

41. Food, plants, animals and related products, except alcoholic beverages and tobacco products may qualify for duty-free entry under tariff item 9906.00.00. To be classified under tariff item 9906.00.00, these goods must be imported by a foreign expedition for its exclusive use while conducting field studies in Canada; all of the participants in the expedition must be non-residents of Canada; and the conductees or sponsors of the expedition must have undertaken to make available to the Government of Canada all information obtained in Canada as a result of the expedition's field studies.

42. Under the *Scientific or Exploratory Expeditions Remission Order*, imported scientific equipment, spare parts of scientific equipment, and tools for use in scientific or exploratory expeditions, are relieved of the GST/HST if they meet the following conditions:

- (a) must be imported by a foreign expedition for its exclusive use while conducting field studies in Canada;
- (b) all of the participants in the expedition must be non-residents of Canada;
- (c) on importation, the goods must be described and documented when required;
- (d) the conductees or sponsors of the expedition must have undertaken to make available to the Government of Canada all information obtained in Canada as a result of the expedition's field studies; and

(e) the goods must be destroyed in Canada under the supervision of a border services officer at the expense of the importer or exported from Canada within two years after the date on which the goods were accounted for under the *Customs Act*.

43. The Minister may extend the two-year period by one or more periods, not exceeding two years each, where the importer has presented evidence indicating that the extension is necessary to allow the scientific or exploratory expedition to complete its field studies in Canada. In this case the requirement to destroy or export the equipment is extended to two years after the date of the last extension.

44. Food, plants, animals and related products other than alcoholic beverages and tobacco products, imported on or after January 1, 1991, by a scientific or exploratory expedition for its exclusive use while conducting field studies in Canada are also non-taxable for the purposes of the GST/HST.

45. A complete version of the Remission Order is available on Department of Justice's Web site at [www.laws.justice.gc.ca](http://www.laws.justice.gc.ca).

46. Imported goods that are the property of, and are to remain the property of, a foreign country designated by the Governor in Council may qualify for duty free entry under tariff item No. 9810.00.00. Goods of tariff item 9810.00.00 are also non-taxable for the purposes of the GST/HST. For a list of designated countries, please consult Memorandum D21-3-1, *Goods Imported by Designated Foreign Countries, Military Service Agencies and Institutions – Tariff Item No. 9810.00.00*.

47. Expedition participants who are not residents of Canada are entitled to import their personal vehicles and baggage duty free and relieved of the GST/HST under tariff item 9803.00.00. Further information on this provision is contained in Memorandum D2-1-1, *Temporary Importation of Baggage and Conveyances by Non-Residents*. Visitors can import limited amounts of alcoholic beverages and tobacco products duty- and tax-free as long as these items are in the possession of the visitor when he/she arrives in Canada. For information concerning the admission of alcohol and tobacco products as well as visitors' personal exemptions, consult the publication called *Visitors to Canada and Other Temporary Residents*.

### **Additional Information**

48. Certain goods are controlled, restricted or prohibited, such as firearms and weapons (including explosives, fireworks and ammunition), food, plants, animals and related products, obscene material, hate propaganda and child pornography, used or second-hand mattresses, prescription drugs and cultural products.

49. Use of some radio communication or telecommunication equipment is also controlled in Canada. Foreign expeditions should contact the nearest Industry

Canada regional office to obtain information on whether or not they are authorized to operate such equipment in Canada. For more information, contact Industry Canada by e-mail at [spectrum\\_pubs@ic.gc.ca](mailto:spectrum_pubs@ic.gc.ca) or visit their Web site at [www.ic.gc.ca](http://www.ic.gc.ca).

50. The CBSA assists Environment Canada with the administration of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Import or export permits may be required for certain wildlife. For more information, consult Memorandum D19-7-1, *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*, or visit CITES Web site at [www.ec.gc.ca/cites](http://www.ec.gc.ca/cites).

51. For more information, within Canada call the Border Information Service at **1-800-461-9999**. From outside Canada call 204-983-3500 or 506-636-5064 (long distance charges will apply). Agents are available Monday to Friday (08:00 - 16:00 local time/except holidays). TTY is also available within Canada at **1-866-335-3237**. CBSA publications can be found on the CBSA's Web site at [www.cbsa.gc.ca](http://www.cbsa.gc.ca) under "Publications and Forms."

52. Contact information:

Foreign Expeditions and Arctic Research  
Operations Branch  
Canada Border Services Agency  
8-191 Laurier Avenue West  
Ottawa ON K1A 0L8  
Canada

Telephone: 1-613-948-5375 or 1-613-948-7878  
E-mail: [FEAR-EERA@cbsa-asfc.gc.ca](mailto:FEAR-EERA@cbsa-asfc.gc.ca)  
Facsimile: 1-613-998-5584

## REFERENCES

<p><b>ISSUING OFFICE –</b></p> <p>Traveller Border Programs          Border Programs          Programs Branch</p>	<p><b>HEADQUARTERS FILE –</b></p>
<p><b>LEGISLATIVE REFERENCES –</b></p> <p><i>Customs Tariff and the Schedule to the Customs Tariff</i>  <i>Scientific or Exploratory Expeditions Remission Order</i>  <i>Customs Act</i>  <i>Immigration and Refugee Protection Act</i>  <i>Excise Tax Act, Schedule VII and Part IX, Division III</i>  <i>Coasting Trade Act</i>  <i>Presentation of Persons (2003) Regulations</i>  <i>Reporting of Imported Goods Regulations</i></p>	<p><b>OTHER REFERENCES –</b></p> <p>D2-1-1, D3-2-1, D3-5-1, D3-5-7, D8-1-1, D8-1-4, D8-1-7,          D19-7-1 and D21-3-1  <i>United Nations Convention on the Law of the Sea</i></p>
<p><b>SUPERSEDED MEMORANDA “D” –</b></p> <p>D2-1-2, June 13, 2008</p>	

Services provided by the Canada Border Services Agency are available in both official languages.

