Advance Rulings for Tariff Classification

In Brief

This memorandum has been revised to include provisions for the publishing of advance rulings for tariff classification. More specifically to provide the necessary wording applicants must include in their request for advance rulings, to either provide or withhold their consent to publish their ruling once issued by the CBSA. Additional edits have been made for purposes of ease of reference and transparency.

This memorandum outlines the Canada Border Services Agency’s (CBSA) program for issuing advance rulings for tariff classification under paragraph 43.1(1)(c) of the Customs Act.

Legislation

Customs Act

Section 43.1 – Advance rulings
Section 60 – Request for re-determination or further re-determination

Tariff Classification Advance Rulings Regulations

Guidelines and General Information

Definitions

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

applicant – means the person requesting an advance ruling.

person – means an individual, a partnership, a corporation, a trust, the estate of a deceased individual or a body that is a society, a union, a club, an association, a commission or other organization of any kind.

ruling recipient – means the person to whom the advance ruling has been issued.

tariff classification advance ruling – is a written statement on the tariff classification of a product, issued to a person by the CBSA under paragraph 43.1(1)(c) of the Customs Act (the Act).

Who may Apply for an Advance Ruling

2. Pursuant to the Tariff Classification Advance Rulings Regulations, an importer in Canada, exporters or producers of those goods outside of Canada, or a person who is authorized to account for the imported goods in question pursuant to paragraph 32(6)(a) or subsection 32(7) of the Act, may apply for an advance ruling on those goods.

How to Apply for an Advance Ruling

3. An advance ruling request must be in the form of a letter and should contain all the information requested in Appendix A. Failure to provide all the necessary information may result in a rejection of the request or a delay in the issuance of the ruling by the CBSA. If it is subsequently determined that the product description is inaccurate or that any relevant supporting documentation provided in the request was not complete or was misleading.
resulting in a misclassification of the good, the ruling issued will be declared invalid and either revoked or replaced. In the absence of product literature or technical information, a physical sample of the good may be submitted with the ruling request. Physical samples can be particularly useful for those goods whose essential character is dependent on knowing the good’s precise composition and/or constituent elements, or when seeing or touching a physical sample will facilitate or expedite the classification of the good. Samples are not to be included with the request if the good is a perishable item, require special handling, or is a hazardous product. These should only be provided at the request of the CBSA.

4. With the consent of the applicant, the CBSA will publish the ruling in its entirety. Accordingly, applicants must include in their ruling request one of the consent option statements provided in Appendix B, to either grant or withhold consent to the publication of the ruling once issued by the CBSA. The publication of advance rulings by the CBSA is provided as a resource to the importing community, to assist with the tariff classification of their goods. Failure to provide a consent option statement will result in a rejection of the advance ruling request.

5. Each request is to be restricted to an individual product. However, a request involving a range of similar goods will be considered if it can be shown that the goods in question are so similar that a tariff classification decision on goods of one kind applies to other kinds of goods. (i.e., a request on goods that are simple variations in colour, size, where such variations do not affect the classification.) The decision to allow this type of advance ruling request will be at the discretion of the CBSA.

6. The request is to be delivered or sent by mail to the appropriate regional CBSA Trade Operations Divisions. If the applicant has an office in Canada, the request should be sent to the regional office in which the majority of the importations will occur. The CBSA will redirect the request if required and will inform the applicant of the office that will be handling the request. The request letter should be marked “Attention: Tariff Classification Advance Ruling Request”.

7. All requests for an advance ruling must be submitted in English or French and signed by the applicant or a person authorized by the applicant to make the request. The person who signs the request must have knowledge of the issues raised in the request. The CBSA retains the right to reject the request if these conditions are not fulfilled.

8. If the applicant is aware of any request for re-determination (dispute) or advance ruling on an identical or similar good that the CBSA has not yet ruled on, the applicant must disclose this information in their ruling request.

Advance Ruling for Goods on the Import Control List (ICL)

9. Persons interested in importing goods identified on the Import Control List (ICL), as provided for under the Export and Import Permits Act, are recommended to apply for a tariff classification Advance Ruling. This will facilitate the acquisition of import permits from Foreign Affairs, Trade and Development Canada (FATDC) and the importation of the tariff rate quota (TRQ) agricultural items as well as those goods subject to first-come, first serve quota access.

10. Since quota status/quota counts relative to particular customs transactions of agricultural products are not known at the time the advance ruling is issued, both the “within access” and “over access” tariff items will be provided in the ruling.

Advance Ruling for CITT Textile Tariff Relief Investigations

11. The Canadian International Trade Tribunal (CITT) investigates requests from domestic producers for tariff relief on imported textile inputs that they use in their production operations, and makes recommendations to the Minister of Finance in respect of those requests.

12. Persons requesting tariff relief on imported textile inputs must first obtain an advance ruling for the tariff classification of their textile inputs prior to filing their request to the CITT. Requests for this type of ruling must be forwarded to:
13. In addition to the information required for an advance ruling as identified in Appendix A, applicants must:

(a) indicate that they plan to request textile tariff relief from the CITT for the subject fabrics;
(b) provide all the product information that is currently requested in question 5 of the Requester’s Questionnaire in the CITT’s Textile Reference Guide (October 1996); and
(c) submit with their ruling request the same quantity of samples as currently required by the Textile Reference Guide. The samples will be retained until such time as a valid request has been submitted to the CITT up to a maximum period of one year.

Prohibited Goods

14. Advance rulings will be issued for goods that may be classified under tariff items 9897.00.00 and 9898.00.00. In the ruling the applicant will be advised whether such goods are prohibited from importation into Canada. The complete text of these tariff items can be obtained from the Departmental Consolidation of the Customs Tariff.

15. For information on advance opinions for goods that may be classified under tariff item 9899.00.00, please refer to Memorandum D9-1-1, Canada Border Services Agency’s Policy on the Classification of Obscene Material and Memorandum D9-1-15, Canada Border Services Agency’s Policy on the Classification of Hate Propaganda, Sedition and Treason.

Situations When an Advance Ruling Will Not be Issued and the Request Rejected

16. There are situations when it is not appropriate to issue an advance ruling and the request will be rejected. These include situations where:

(a) the issue involves a matter that is before the Canadian International Trade Tribunal (CITT), the courts, or any group or sub-group established thereunder;
(b) the applicant requests an advance ruling on goods for which they have already requested a re-determination of the tariff classification;
(c) the applicant has already been issued an advance ruling on the goods;
(d) the applicant is the subject of an active verification and the good in question is part of the verification’s sample population;
(e) it is not possible to determine all the material facts;
(f) the request is hypothetical in nature;
(g) the request pertains to multiple goods, such as the contents of commercial catalogues (see paragraph 2);
(h) the request involves proposed or draft legislation; or
(i) the request relates only to a good that has already been imported and it is confirmed or likely that the good will not be imported again.

17. Any written requests that do not meet the requirements of the advance rulings program will be rejected and returned to the applicant with an explanation as to why a ruling cannot be issued.

Conflicting Rulings and Determination

18. If a person has been issued conflicting advance rulings for the same identical good, the ruling bearing the most recent date will take precedence.
19. In instances where conflicting advance rulings, National Customs Rulings (NCRs), decisions issued under Section 59 of the *Customs Act*, CBSA issued opinions or advice come to the attention of the CBSA, the agency will immediately undertake a review of the issue and will, upon conclusion of that review, revoke and replace the incorrect advance ruling or NCR, to resolve the matter, as appropriate.

**Validity of an Advance Ruling**

20. An advance ruling will be considered valid and honoured by the CBSA as long as the following conditions continue to apply to the ruling issued with respect to the subject goods:

   (a) if all conditions in the ruling have been met and if the ruling has not been revoked or replaced;

   (b) if the description of the goods provided in the ruling request was complete and accurate, and there were no misstatements or omission of material facts relevant to the tariff classification; and

   (c) if the importation of the good is made by the ruling recipient or their agent.

21. To ensure receipt of the benefits of an advance ruling at the time of importation, importers should quote the advance ruling number on the Form CI1, *Canada Customs Invoice*, the commercial invoice, in the “description” field of the Form B3-3, *Canada Customs Coding Form*, or in the “input ruling reference number” field (KI60) for CADEX participants.

**Effective Date**

22. The effective date of an advance ruling is typically the date of issue of the ruling letter, but it can also be another date specifically identified in the ruling letter itself. The ruling will remain effective until such time as notified by the CBSA that the ruling is revoked and/or replaced. The revocation or replacement of an advance ruling may be the result of a dispute or an appeal, or change to the legislation upon which the ruling is based. Some advance rulings, due to the nature of the request, may be qualified with a time limit. If so, this will be stated in the advance ruling.

**Revocation and/or Replacement of an Advance Ruling**

23. The CBSA may review an advance ruling at any time to confirm its continued validity. Consequently, as a result of the review, the agency may retroactively revoke or replace an invalid or incorrect advance ruling. If, subsequent to an advance ruling being issued, the agency is notified or becomes aware that there is a change or omission to the material facts or circumstances on which the advance ruling was based, the CBSA may retroactively revoke and/or replace the advance ruling to reflect these changes or omissions. In such instances, the original advance ruling would be revoked and the replacement ruling would be considered in effect from the date of the initial importation of the goods covered by the replacement ruling, or such earlier or later date, as specified in the replacement ruling.

24. In a similar fashion, should the CBSA discover that the ruling issued is incorrect due to a CBSA interpretive or administrative error, the ruling will be revoked and replaced with a revised ruling. In such instances, the agency will consider and treat the original incorrect ruling as being valid for the period beginning from the effective date the original ruling letter, to the date it is expired and replaced by a revised ruling with its own effective date.

25. Generally, a revocation or replacement of an advance ruling will be effective on the date it is issued. However, the CBSA may, upon application or on its own initiative, delay the effective date of such a modification or revocation for a period of up to 90 calendar days from the date of issue pursuant to the *Tariff Classification Advance Rulings Regulations*. Such a delay may be granted at the request of the ruling recipient, as a courtesy to allow the recipient time to make any necessary adaptations to their import business plans.

26. A decision to delay the effective date will be based on evidence supplied by the ruling recipient and may include contracts, purchase orders, past importations, or other documentation tending to establish that contracts for, and production of goods to be imported after the revocation or replacement, were arranged prior to the revocation and that the recipient had relied on the ruling in good faith. It will specifically identify the advance ruling on which reliance is claimed.
27. In such a case, the CBSA will not reassess any importations of the goods in question that are imported during the period of the delay.

28. A request by the ruling recipient for postponement of the effective date of the replacement ruling may be made in writing, to the office that issued the replacement ruling, within 90 days from the issuance of the revocation or replacement ruling, or within 90 days of receipt of a reassessment of goods imported in the 90-day period after the issuance of a ruling revocation and/or replacement ruling. Such an application should be directed to the attention of the Trade Operations Division manager.

Disputes

29. A request for review of the advance ruling under subsection 60(2) of the *Customs Act* must be filed within 90 days of the date of issuance of the ruling letter, which may or may not be the same date as the ruling’s effective date.

30. If an advance ruling is issued to an exporter or producer, then any goods covered by that advance ruling, imported from that exporter or producer, will be considered covered by the advance ruling. However, in these circumstances, as the importer has not been issued an advance ruling they are not entitled to appeal the advance ruling. Nor will they receive notice of any modification or revocation of the advance ruling.

“Reason to Believe”

31. As indicated in Memorandum D11-6-6, “Reason to Believe” and Self-adjustments to Declarations of Origin, Tariff Classification, and Value for Duty; an advance ruling is considered to be a type of specific information that gives the importer “reason to believe” a declaration may be incorrect.

32. Importers should not rely on the validity of advance rulings issued to another party for the reasons outlined in paragraphs 35 and 36.

Disputes of Advance Rulings – General

33. Disputing an advance ruling may involve any of the following scenarios:

   (a) The advance ruling recipient wishes to dispute the ruling decision under subsection 60(2) of the Act before importing the goods. Please see Appendix C.

   (b) The ruling recipient imported goods before receiving an unfavourable advance ruling and has subsequently received a decision notice under subsection 59(2) of the Act due to a related adjustment of the accounting document. The recipient may wish to request a review of the advance ruling under subsection 60(2) of the Act and dispute the adjustment under subsection 60(1) of the Act. Please see Appendix C.

   (c) The ruling recipient has imported goods in accordance with an advance ruling that is in dispute under subsection 60(2) of the Act and has had no subsequent subsection 59(2) of the Act notice resulting from adjustment activity. The ruling recipient may file a refund application under section 74 of the Act either to obtain a refund after receiving a favourable advance ruling decision or for the CBSA to hold in abeyance pending the dispute outcome. Please see Appendix C.

Appeals to the Canadian International Trade Tribunal (CITT)

34. Ruling recipients may file an appeal to the CITT under section 67 of the Act in the usual manner within 90 days if they do not agree with the CBSA’s decision on the dispute. This applies to decisions resulting from disputes filed either under subsection 60(1) or subsection 60(2) of the Act.

Reliance on Advance Rulings by Others

35. An advance ruling benefits only the ruling recipient or persons importing the good in question from the ruling recipient, if the ruling recipient is an exporter or producer. Although another importer may quote a specific advance ruling number that was issued to a specific importer, exporter or producer, on their import declaration, the CBSA is not bound to recognize and adhere to the ruling content with regard to that importation. It will, however, make the CBSA aware that there is an advance ruling which may relate to the goods in question.
36. Only the ruling recipient may request a review of the advance ruling or any modification or revocation of the advance ruling, and only the recipient will be notified if the advance ruling is revoked or modified by the CBSA. Additionally, only the ruling recipient may apply for the delay of up to 90 days of the effective date of the revocation or replacement of that advance ruling, as detailed in paragraph 30. For these reasons it is recommended that persons apply for their own advance ruling rather than rely on a ruling issued to another person.

**Confidentiality**

37. Any confidential business information contained in a request for an advance ruling or in a request for the review of an advance ruling will remain confidential. However, if consent has been given to the CBSA to publish the ruling in its entirety such information would be included. The only specific information with respect to an advance ruling that will be released, other than to the person to whom the ruling was issued, is whether a particular advance ruling number remains in effect or has been modified or revoked. Further information on the ruling must be obtained from the person to whom the ruling was issued. Alternately, if entitled to do so, a person may request that the CBSA issue them their own ruling on the subject. However, the CBSA will issue an advance ruling that contains confidential business information obtained by the CBSA from someone other than the applicant, only with the permission of the owner of the confidential business information.

**Processing of Requests for Advance Rulings**

38. As previously stated, a request for an advance ruling that does not comply with all of the provisions of this memorandum may be rejected and returned to the applicant identifying the information missing from the advance ruling request. Furthermore, the CBSA may, at any time during the course of an evaluation of an advance ruling request, solicit additional information from the applicant. The applicant will be given a period of 30 calendar days from the date of the notice (or such longer period as the notice may provide) to supply any additional information that is requested or, otherwise, to comply with the requirements referred to in the notice. If no response to the notice is received within the time allotted, the advance ruling request will be closed administratively and considered withdrawn.

39. The CBSA has set a standard of issuing advance rulings within 120 days of receipt of all necessary and complete information, and will seek to issue rulings within a shorter period if possible. This time standard should be taken into consideration when submitting an advance ruling request. If a request with complete information is submitted less than 120 days before the importation in question, the CBSA cannot guarantee that an advance ruling will be issued before the importation date. If all necessary information is not received with the application, further information will be requested and the time standard of 120 days will commence upon receipt of the additional information.

40. A request for an advance ruling may be withdrawn by the applicant at any time before an advance ruling is issued. However, the CBSA may inform its trade compliance or recourse officers of the CBSA’s views in regard to the issue involved in the application.

41. The CBSA will provide a full explanation of the reasons for the ruling in the letter containing the advance ruling.

**Additional Information**

42. 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: **1-866-335-3237**.
Appendix A

Content of Tariff Classification Advance Ruling Requests and Requests for Reviews

1. Ruling requests must be submitted in writing, in English or French, and supported by all relevant information related to the request.

2. A request for an advance ruling must be accompanied by one of the consent statements provided in Appendix B, either providing or withholding consent for publication of the ruling in its entirety.

3. Requests must be limited to a single product. However, the CBSA will consider issuing a ruling covering a product line containing different models of the same generic goods if a ruling on one model will clearly apply to all other models. The CBSA reserves the right to allow such an application or not, and to split such requests into separate advance ruling requests.

4. The information requirements detailed below are set out so that an applicant is aware of the extent of the specific information required. The CBSA retains the right to request any additional information required before issuing an advance ruling, or to reject the request as incomplete.

5. If the request is for a review of an advance ruling under subsection 60(2) of the *Customs Act*, the request letter should read: “This is a request for a review of advance ruling number ______ (state the advance ruling number).” The applicant should attach a copy of the advance ruling being disputed and provide written arguments to support the dispute.

Information required in the letter of application

General Information

6. The name and address of the applicant. If applicable, the business number assigned to the applicant must be given.

7. A statement as to whether the applicant is an importer, a producer (the producer of the goods in question, and if so, whether the producer directly exports the goods to Canada) or an exporter (a person exporting goods to Canada who is not the producer of those goods).

8. Where the request is made by a third party agent acting on behalf of an importer, exporter or producer, the name and address of the agent requesting the advance ruling. This must be accompanied by a Power of Attorney (written statement) signed by the person to whom the advance ruling is intended, granting the agent authorization to act on behalf of the importer, exporter or producer. The ruling will be issued in the name of the importer, exporter or producer.

9. Include one of the consent statement options provided in Appendix “B”.

10. Name and telephone number of a contact person. This person should have full knowledge of the good at issue and to whom the CBSA may direct any inquiries or communication.

11. If the applicant is the importer, the name and address of the exporter and/or producer should be included. If the applicant is the exporter, the name and address of the producer (if not the same person), and that of the importer(s) should be included. If the applicant is the producer, name and address of the exporter (if not the same person), and that of the importer(s) should be included.

12. Identify the principal ports of entry through which it is anticipated the good at issue will be imported.

13. Include a statement, on the basis of the applicant’s knowledge, as to whether the issue that is the subject of the request for an advance ruling is, or has been, the subject of:

   (a) a verification of tariff classification,
   (b) an administrative review or appeal,
   (c) a judicial or quasi-judicial review,
   (d) a request for a NCR or other advice, or
(e) a request for an advance ruling, and if so, a brief statement identifying the status of the request.

14. Include a statement, on the basis of the applicant’s knowledge, as to whether the good that is the subject of the request for an advance ruling has previously been imported into Canada.

15. To issue a tariff classification advance ruling it is imperative that the CBSA be able to accurately identify the goods. Requests must include sufficient and appropriate information, including:

(a) a detailed description of the good including trade name, or its commercial, common or technical designation, where applicable;
(b) the composition of the goods;
(c) a description of the process by which the good is manufactured;
(d) a description of the packaging in which the good is contained;
(e) the anticipated use of the good; or
(f) the producer’s or manufacturer’s product literature, drawings, photographs, schematics for the good.

16. If an applicant/agent has difficulty obtaining proprietary information from the manufacturer or foreign supplier, they may request the manufacturer/foreign supplier to send the information directly to the CBSA. All information provided to the CBSA is protected from release by Section 107 of the *Customs Act*.

17. Descriptions consisting only of part numbers, trade names, and the like are not satisfactory. The CBSA accepts an advance ruling request only once complete information is received.

18. To determine the proper classification, a laboratory analysis or a visit to the importer’s premises may be required.

19. The request should also include, where possible, the classification the applicant believes applies to the good and the reason(s) to support their interpretation.
Appendix B

Consent to Release to the Public Advance Rulings

Disclaimer

There is no obligation on the applicant to consent to the publication of its advance ruling letter. A decision to not authorize its release to the public will neither have any bearing on any CBSA decision with respect to the ruling(s), nor any other adverse consequences in terms of the CBSA’s processing of the request.

1) Consent to the Publication of an Advance Ruling Letter

I, _________________________ of ___________________________________________  
< Name of Individual > < Importer/Exporter/Producer/Authorized Agent >  
hereby give my consent to allow the Canada Border Services Agency (CBSA) to release to the public the entirety of the advance ruling letter issued to me by the CBSA in respect of  
_______________________________________________  
< Subject of the request >  

__________________________________ _____________  
Signature     Date

2) Do not consent to the Publication of an Advance Ruling Letter:

I, _________________________ of ___________________________________________  
< Name of Individual > < Importer/Exporter/Producer/Authorized Agent >  
hereby do not give my consent to allow the Canada Border Services Agency (CBSA) to release to the public the entirety of the advance ruling letter issued to me by the CBSA in respect of  
_______________________________________________  
< Subject of the request >  

__________________________________ _____________  
Signature     Date

Appendix C

Disputing an Advance Ruling  
Under Subsection 60(2) of the Customs Act

1. A ruling recipient who wishes to dispute an advance ruling for tariff classification made under paragraph 43.1(1)(c) of the Act may request a review of that ruling under subsection 60(2) of the Act within 90 days after it is given. When exceptional circumstances beyond the ruling recipient’s control prevented the filing of the dispute within that time, the applicant may apply for an extension of time to file the dispute, as provided for in section 60.1 of the Act. See Interim Memorandum D11-6-9, Applications to the Commissioner for an Extension of Time to File a Dispute Notice, for details.

2. To dispute an advance ruling, the ruling recipient must file a dispute notice (request for review) under subsection 60(2) of the Act by letter. The dispute notice should include a copy of the advance ruling being disputed and any written arguments to support the dispute. Additionally the dispute notice should include all relevant information listed in Appendix A that was not provided in the original ruling request.

Memorandum D11-11-3  
September 30, 2014
3. Dispute notices must be sent by mail or delivered in person, preferably to the recourse office handling disputes for the Trade Operations Division office that issued the advance ruling. Applications are to be submitted in English or French and signed by a person authorized by the requesting party to make the request and who has knowledge of the issues in dispute.

4. A recourse officer will provide the dispute decision by letter on behalf of the President under subsection 60(5) of the Act in accordance with paragraph 60(4)(b) of the Act. This decision will replace the advance ruling issued under paragraph 43.1(1)(c) of the Act and can be used as supporting documentation when filing refund applications or dispute notices.

5. Disputing an advance ruling does not override the requirements or otherwise protect the time limits for filing a refund application or a dispute notice for related imported goods. When there is potential for re-determination of tariff classification on imported goods, the importer, as the ruling recipient, will need to file the relevant adjustment under sections 74 or 60 of the Act within the legislated time limits. A pending dispute does not negate the importers’ obligation to self-adjust under the provisions of section 32.2 of the Act.

Disputing Both an Advance Ruling and a Re-determination

6. Sometimes the CBSA initiates verification activity and adjusts accounting documents of imported goods based on an advance ruling. Alternately, importers may have self-adjusted their importations to comply with an advance ruling.

7. The CBSA notifies the importer when the accounting documents are adjusted either by the CBSA under subsections 58(1) or 59(1) of the Act, or as requested by the importer under sections 32.2 or 74 of the Act. This is done by giving a decision notice under subsection 59(2) of the Act, generally on the Form B2-1, Canada Customs – Detailed Adjustment Statement (DAS).

8. The importer/ruling recipient has 90 days from the date of the subsection 59(2) of the Act notice to dispute the decision under subsection 60(1) of the Act by filing the Form B2, Canada Customs - Adjustment Request, requesting a re-determination of the tariff classification. The procedures for filing disputes under subsection 60(1) of the Act are provided in Memorandum D11-6-7, Importers’ Dispute Resolution Process for Origin, Tariff Classification, and Value for Duty of Imported Goods.

9. Persons filing a dispute under subsection 60(1) of the Act should note in the explanation field of the Form B2, Canada Customs - Adjustment Request, if they are waiting for the outcome of an advance ruling dispute already filed under subsection 60(2) of the Act. The remarks in the explanation field should also note the file number and advance ruling number in dispute, as well as any file number and advance ruling number provided by the recourse officer relating to the advance ruling dispute.

10. If an advance ruling dispute has not been filed under subsection 60(2) of the Act, there is no advantage to filing such a dispute if disputes under subsection 60(1) of the Act have already been filed.

11. A recourse officer makes a decision under subsection 60(5) of the Act on behalf of the President by issuing a DAS. That decision replaces the advance ruling. If the ruling recipient has filed disputes under both subsections 60(1) and 60(2) of the Act, the recourse officer generally provides the advance ruling dispute decision by letter and makes a reference to the file number in any related subsection 60(1) of the Customs Act in the DAS remarks. A favourable dispute decision may apply to previous importations when used to support refund applications filed under section 74 of the Customs Act within the appropriate time limits.

Disputing an Advance Ruling and Submitting Refund Applications

12. Ruling recipients may be in the process of disputing an advance ruling under subsection 60(2) of the Act and, while waiting for the outcome, have accounted for imported goods in accordance with an advance ruling. If no adjustments to the accounting documents were made resulting in subsection 59(2) of the Act notices, the applicant has up to four years after the goods are accounted for to file refund applications under section 74 of the Customs Act. Filing refund applications allows the ruling recipient to receive the benefits of a favourable decision on an advance ruling dispute for imported goods which are the same as those covered by the ruling.
13. To avoid unnecessary filing, the CBSA suggests that ruling recipients wait for the outcome of the advance ruling dispute before submitting refund applications. If the dispute is favourable, the ruling recipient may submit refund applications under section 74 of the *Customs Act*, supported by the decision. In the explanation field, the ruling recipient should quote the advance ruling number provided on the decision notice. It is also helpful to provide a copy of the recourse officer’s decision letter.

14. If the time limit for filing refund applications is approaching and a dispute decision is pending, the applicant should file the refund applications before the four-year time limit expires. Sometimes ruling recipient may choose to file section 74 of the Act refund applications at the earliest opportunity, while waiting for a dispute decision. In both cases, the ruling recipient should ask the CBSA to hold the refund applications in abeyance pending the outcome of the dispute of the advance ruling and indicate the following in the explanation field of the refund application: “Hold pending decision on subsection 60(2) of the *Customs Act* dispute notice filed against advance ruling File No. XXX, Advance Ruling No. XXX.”

15. Information for filing refund requests is provided in Memorandum D11-6-6, “Reason to Believe” and Self-adjustments to Declarations of Origin, Tariff Classification, and Value for Duty.

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<td><strong>Issuing Office</strong></td>
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| **Legislative References** | *Customs Act*  
*Tariff Classification Advance Rulings Regulations*  
*Customs Tariff*  
*World Trade Organization Agreement Implementation Act*  
*Import Control List* |
| **Other References** | D9-1-1, D9-1-15, D11-6-6, D11-6-7, D11-6-9  
Forms B2, B2-1, B3-3 and CI1 |
| **Superseded Memorandum D** | D11-11-3 dated April 23, 2010 |