



Ottawa, September 29, 2009

MEMORANDUM D8-3-6

In Brief

TARIFF ITEM 9905.00.00 AND THE *PASSOVER PRODUCTS REMISSION ORDER*

This memorandum has been amended to update the authorized periods of importation for Passover products.



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TARIFF ITEM 9905.00.00 AND THE PASSOVER PRODUCTS REMISSION ORDER

This memorandum outlines the conditions under which certain products imported for use during the Passover holidays qualify for customs duty-free entry and Goods and Services Tax/Harmonized Sales Tax (GST/HST) relief. It also sets out the procedures to follow to import customs duty-free Kosher for Passover margarine.

Legislation

Tariff item 9905.00.00 reads as follows:

The following Passover products for use during the Passover holiday and so marked, imported during the period beginning two months before the eve of the first day of that holiday and ending on the last day of the holiday:

- Cake mix, pancake mix, and baked goods;
- Canned fish and fish products other than pickled herring;
- Canned fruits and vegetables;
- Chocolates, candy, and gum, (excluding fruit jelly candy and jelly rings, chocolate-covered jellies, chocolate-covered marshmallows, and chocolate-covered orange peels);
- Dried apples;
- Grapeseed oil;
- Jam;
- Jelly powders and puddings;
- Juices (except apple juice) and juice blends (not containing apple juice);
- Matzo and matzo products;
- Margarine, classified under tariff item No. 1517.10.10, not exceeding 50,000 kg each Passover holiday;
- Olives;
- Potato chips;
- Salad dressings and ketchup;
- Soups (including borsch) and gravies;
- Tomato ketchup, paste, puree, and sauce;
- Vegetable shortening; and
- Vinegar.

Under this Act, the Governor in Council may amend the above list of products.

A copy of the *Passover Products Remission Order* is available on Justice Canada's Web site at <http://laws.justice.gc.ca>.

GUIDELINES AND GENERAL INFORMATION

1. Requests to amend the list of Passover products in tariff item 9905.00.00 must be submitted to the Minister of Finance. Only "Kosher for Passover" products that are not produced in Canada will be considered.
2. The following is a list of the authorized periods of importation for Passover products for the next six years:
 - January 27, 2010 to April 6, 2010
 - February 17, 2011 to April 26, 2011
 - February 3, 2012 to April 13, 2012
 - January 23, 2013 to April 1, 2013
 - February 13, 2014 to April 21, 2014
 - February 2, 2015 to April 10, 2015
3. The package containing the product must be marked with one or more of the following:
 - (a) the symbol "uP";
 - (b) "Kosher Lepesach"; or
 - (c) "Kosher for Passover" or similar wording.
4. For the purposes of this tariff item, "matzo and matzo products" includes any product whose main ingredient is derived from matzo, matzo meal, or matzo flour. The tariff item places no restrictions on whether the matzo or matzo product is imported "within access commitment" or "over access commitment." However, matzo is a wheat product and may require an import permit. As discussed in Memorandum D10-18-6, *First-Come, First-Served Agricultural Tariff Rate Quotas* and Memorandum D10-18-1, *Tariff Rate Quotas*, wheat and wheat products are first-come, first-served (FCFS) TRQ (tariff rate quota) goods. They are not subject to prior quota allocation or specific import permits. Instead, Foreign Affairs and International Trade Canada issues general import permits (GIPs) for wheat and wheat products. The General Import Permit No. 20 - "Wheat and Wheat Products, and Barley and Barley Products" authorizes the importation of these first-come, first-served tariff rate quota goods classified under "within access commitment" tariff items. General Import Permit No. 3 - "Wheat and Wheat Products and Barley and Barley Products for Personal Use" authorizes the importation for personal use of these goods (no quantity

restrictions). General Import Permit No. 100 - Eligible Agricultural Goods authorizes the importation of all agricultural tariff rate quota goods classified under “over access commitment” tariff items.

5. Margarine is also an agricultural product subject to tariff rate quota (TRQ). There are two tariff items in the *Customs Tariff* to classify margarine as either “within access commitment” (1517.10.10) or “over access commitment” (1517.10.20). Only margarine of tariff item 1517.10.10 is eligible under tariff item 9905.00.00 and the *Passover Products Remission Order*. An import permit from Foreign Affairs and International Trade Canada is required for “within access commitment” margarine importations.

6. The address to apply for an import permit is:
 Foreign Affairs and International Trade Canada
 Export and Import Controls Bureau
 Trade Controls Policy Division
 125 Sussex Drive
 Ottawa, ON K1A 0G2

Goods and Services Tax/Harmonized Sales Tax (GST/HST)

7. Products that are eligible for tariff item 9905.00.00 also qualify for the *Passover Products Remission Order*. The Order remits the GST/HST in full. The special authorization code is: 90-2849.

8. The provincial sales tax applicable to non-commercial importations is not collected by the CBSA when the goods are entitled to full relief of the GST/HST.

Documentation and Accounting Procedures

9. All customs invoices must clearly show that the imported products are for the Passover holiday.

10. Importers in the Province of Quebec should ensure that the products are also labelled in accordance with provincial regulations.

11. Legal Note 3 to Chapter 99 requires imported goods that qualify under a tariff item in Chapter 99 to be classified under a dual tariff classification system. Legal Note 3 reads as follows:

“Goods may be classified under a tariff item in this Chapter and be entitled to the *Most-Favoured-Nation Tariff* or a preferential tariff rate of customs duty under this Chapter that applies to those goods according to the tariff treatment applicable to their country of origin only after classification under a tariff item in Chapters 1 to 97 has been determined and the conditions of any Chapter 99 provision and any applicable regulations or orders in relation thereto have been met.”

12. Accordingly, the regular ten-digit classification number applicable to the goods under Chapters 1 to 97 must appear in field 27 on a *Canada Customs Coding Form*, Form B3-3. The first four digits of tariff item 9905.00.00 appear in field 28 and special authorization code 90-2849 appears in field 26.

13. In the case of “within access commitment” margarine, a two-line entry is required because both the Order in Council P.C. 90-2849 and the import permit number must be quoted on the Form B3-3 in field 26. The first line should detail all of the data including the actual value for duty with 90-2849 in field 26. The second line will detail the same quantity and classification as the previous line, but the value for duty will be input as zero (to ensure no additional duty and taxes are calculated) and the import permit number should appear in field 26. A copy of the import permit must be attached to the Form B3-3.

Additional Information

14. For further information please contact:

Manager
 Trade Incentives and Refunds Unit
 Trade Incentives Programs Division
 Admissibility Branch
 Canada Border Services Agency
 150 Isabella Street
 Ottawa ON KIA OL8
 Telephone: 613-954-6878

REFERENCES

<p>ISSUING OFFICE –</p> <p>Canada Border Services Agency Trade Programs Directorate Tariff Policy Division Trade Incentives and Refunds Unit</p>	<p>HEADQUARTERS FILE –</p> <p>6564-12</p>
<p>LEGISLATIVE REFERENCES –</p> <p><i>Financial Administration Act</i>, subsection 23(2) Order in Council P.C. 1990-2849</p>	<p>OTHER REFERENCES –</p> <p>D10-18-1, D10-18-6</p>
<p>SUPERSEDED MEMORANDA “D” –</p> <p>D8-3-6, September 24, 2004</p>	

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

