

AGRIBUSINESS SERIES

Export Handbooks

THE CANADIAN MARKET

Guide to Identify the Primary Official Requirements
to Import Fresh and Processed Agricultural Products

Inter-American Program for the Promotion of Trade,
Agribusiness and Food Safety

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This document was prepared by the Interamerican Program for the Promotion of Trade, Agribusiness, and Food Safety, with headquarters in Miami, FL, and supported by the Directorate for Agribusiness Development of IICA. The primary author is Daniel Rodríguez Saenz, Agribusiness Specialist for IICA, who counted with the support of Eugenie Gamboa, bachelor in Business Administration with emphasis in International Trade and an intern at the Interamerican Program for the Promotion of Trade, Agribusiness, and Food Safety. Mr. Quentin B. Kubicek, Agricultural Health & Food Safety Specialist for IICA assisted in editing the English version.

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The Inter-American Institute for Cooperation on Agriculture (IICA) through the activities of the Area for Agribusiness Development helps its country members to identify and to take advantage of market opportunities, also helps in the strengthening of public and private institutions for the development and promotion of agribusinesses.

In January 2004, thanks to the efforts of this Strategic Area, IICA set in motion the Interamerican Program for the Promotion of Trade, Agribusiness and Food Safety, with headquarters in Miami, FL, USA.

This initiative was created as response to the mandate of providing technical cooperation to strengthen the entrepreneurial capacities of the small and medium size agro-entrepreneurs in IICA member countries, it was also created to provide cooperation in the identification of market opportunities and with the aim to provide useful information to facilitate the decision making process to enhance trade.

The activities conducted until this day, by the Directorate for Agribusiness Development and the Interamerican Program for the Promotion of Trade, Agribusiness and Food Safety, have identified a set of specific needs common to all the medium and small size agro-entrepreneurs in the Americas. The most important topics identified, are analyzed and presented under the general title of Agribusiness Series. The objective of this Series is to contribute to enhance the competitive position of these agro-entrepreneurs. The section "Export Handbooks" contains a series of documents focused to provide instruments to facilitate the decision making process to successfully access the international markets.

This document entitled "The Canadian Market: Guide to identify the primary official requirements to import fresh and processed agricultural products", contains general information about each one of these requirements and facilitates the access to the official information generated by the Government of Canada. As such, this is an informative document, that does not intent to present and exhaustive analysis of all the aspects included in the current legislature, but rather be a guide document to allow the access to more detailed information for all agro-exporters, and at the

same time, allow them to know, in a expedited fashion, all the requirements that could affect the success of their companies where exporting to Canada.

The document was prepared based on information that is presented over the web by different official institutions. We would like to warn the reader and users of this guide that all official requirements could suffer constant modifications, therefore it is recommended to visit the official sources before any definitive action be taken.

To facilitate the access to the official information presented in this document, the Inter-American Program for the Promotion of Trade, Agribusiness and Food Safety, by way of its information system www.infoagro.net/agronegocios, put to the service of all the readers an electronic search system to help them to identify and access the specific requirements for the products that you want to export. Additionally to the information regarding to the Canadian Market, visiting this system you can find information regarding requirements for the United States of the America and The European Union.

This document has been prepared by Mr. Daniel Rodriguez Saenz, Agribusiness Specialist assigned to the Directorate for Agribusiness Development, who counted with the help and support of Ms. Eugenie Gamboa, intern at the Interamerican Program for the Promotion of Trade, Agribusiness and Food Safety. Mr. Quntin B. Kubicek, Agricultural Health & Food Safety Specialist assisted in editing the English version.

We hope that this guide will become an instrument of permanent consultation for the small and medium agro-entrepreneurs. We also hope to contribute to the strengthening of their competitiveness and to the improvement of their conditions of livelihood.

Sincerely,

Miguel Garcia Winder

*Director for Agribusiness Development
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INTRODUCTION

Importing food into Canada is subject to the fulfillment of diverse laws and regulations destined to protect human, animal, and plant health, as well as to guarantee that certain minimum requirements of quality and food safety are met.

This guide tries to present in a concise, fast, and comprehensive manner the primary requirements imposed by Canadian legislation for the import of fresh fruits and vegetables and processed agricultural products, and facilitate the fulfillment of these requirements by small and medium sized agro-entrepreneurs of the Americas. This guide also intends to support the efforts of those public institutions and agricultural organizations within the private sector, whose primary functions include export promotions.

To reach this objective, the guide has been structured as follows:

The first section refers to the requirements that all fresh products must meet before they can be introduced in the Canadian market. The information presented here will allow you to identify the existing legislation regarding plant protection; maximum residue limits of pesticides allowed in food; grades and quality standards; labeling of pre-packed products; pre-established packages; inspection certificates; import licenses; and sale confirmation.

The second section is dedicated to the requirements that must be met by processed foods. In this section the reader will find information regarding food labeling requirements, food additives, low acid products in hermetically sealed containers, and food contaminants.

Finally, the third section presents other elements that play an important role in the identification of opportunities to access the Canadian market. The reader will specifically find information regarding the shipment of samples, market tests, trade marks, wood packaging, tariffs and organic products.



I. REQUIREMENTS FOR THE IMPORTATION OF FRESH PRODUCTS

Before exporting, producers/exporters of fresh products should be sure that their product meets the corresponding Canadian legislation. In this section information regarding plant protection, maximum residue limits of pesticides allowed in food, marketing norms, labeling, packaging, inspection certification, import licenses, sales confirmations and “Ministerial Exceptions” are presented.

PLANT PROTECTION

The Plant Protection Division of the Canadian Food Inspection Agency (CFIA) has an objective to protect the agricultural and forestry sectors of Canada, by preventing the importation and dissemination of plant pests and diseases; as well as controlling and eradicating plant pests and diseases in Canada.

To comply with this objective, the entrance of some fruits, vegetables, roots and tubers from other countries is subject to the presentation of a phytosanitary certificate or an import permit. For those products that are going to be imported for the first time, and that may present a plant pest risk, the CFIA may request a plant pest risk evaluation and can prohibit the importation of the product until the results of of this evaluation are available.

To avoid delays or rejection at the border, it is recommended that exporters request their Canadian importers to get in contact with the Plant Protection Division of CFIA to determine if the product can or cannot enter Canada and under what conditions.

Additional information on this topic is available at the following internet address:

<http://www.inspection.gc.ca/english/plaveg/heaproe.shtml>

MAXIMUM RESIDUE LIMITS FOR PESTICIDES PRESENT IN FOOD

The Pest Management Regulatory Agency (PMRA) of Health Canada, is the agency responsible for establishing the maximum residue limits (MRL) for pesticides that can be present in domestic or imported food products. If residues above the MRL are found the product is considered adulterated, and its sale is prohibited.

At the following internet address the reader will find additional information including the MRL for registered pesticides:

<http://www.pmra-arla.gc.ca/english/legis/maxres-e.html>

It is important to highlight that some pesticides that may have registration for use in other countries may not be registered in Canada. For these pesticides Canada has a zero tolerance.

GRADES AND QUALITY STANDARDS

Grades and Quality Standards act as legal instruments to establish a common criterion that allow the classification of some fruits and vegetables in different commercial categories. These parameters are defined in the Canada Agricultural Products Standard Act, known as Fresh Fruit and Vegetable Regulations.

Currently, there are quality standards for the following products: apples, apricots, blueberries, cranberries, cherries, crabapples, grapes, pears, plums,

rhubarbs, strawberries, beets, Brussels sprouts, cabbage, carrots, cauliflowers, celery, sweet corn, cucumbers, lettuces, onions, parsnips, potatoes, rutabaga, field and green house tomatoes.

The Canada Agricultural Products Standard Act as well as the grades for the above products, are available to the reader at the following internet address:

<http://laws.justice.gc.ca/en/C-0.4/C.R.C.-c.285/index.html>

LABELING OF FRESH PRODUCTS

The Fresh Fruits and Vegetable Regulation define the label requirements for pre-packed food products and the packaging material used in this type of products. Following are examples of the labeling requirements:

Pre-Packed Fresh Products

- The information must be presented in both English and French, since they both are official languages of Canada.
- Common name and variety for the product.
- Net quantity, by number, weight or volume. In Canada the metric system is the system officially in use.
- Name and address of the producer or the person that markets the product in Canada.
- Quality grade, if applicable.
- Country of Origin (with the legend "Product of.....")

Packaging of Fresh Products

- Product common name.
- Net Quantity.
- Quality grade, if applicable.
- Full name and address of the producers or product packager.
- Country of Origin (with the legend: "Product of.....").
- The information can be presented in English or French.

Further information on this topic is available at the following internet address:

<http://laws.justice.gc.ca/en/C-0.4/C.R.C.-c.285/index.html>

PREDETERMINED PACKAGING

The Fresh Fruits and Vegetable Regulation define standard container net weight and volume capacity for prepackaged produce. Imported produce, for which a grade exists, shall not be marketed in containers that have a capacity exceeding a net weight greater than 25 kg net weight for apples; greater than 50 kg net weight for any other imported produce.; and greater than 100 kg for potatoes.

To obtain more information on standard container net weight and volume capacity the reader should visit the following internet address:

<http://laws.justice.gc.ca/en/C-0.4/C.R.C.-c.285/index.html>

INSPECTION CERTIFICATE

A person may request to have produce inspected for the purposes of compliance with the requirements of the Fresh Fruit and Vegetable Regulations. The inspection certificate is valid for the purposes of marketing in import or interprovincial trade. Among the aspects that are inspected are quality, labeling, packaging, and being free of plant pests and diseases. Once the inspection is conducted and approved, CFIA will issue a certificate of inspection, and this becomes an indispensable requisite to be able to import the product into Canada.

Apples, onions, and potatoes need to be inspected by CFIA, with the objective to determine if the product meets the minimum requirements to be imported into Canada.

IMPORT LICENSES

The Canadian legislation determines that, in order for a product to be imported into the Canada, a Canadian importer must have an import license issued by CFIA, or be a member of the Fruit and Vegetable Dispute Resolution Corporation (DRC).

The DRC is a private, non for profit organization, formed by the association of commercial produce and transportation companies that market their products in North America. The DRC offers a forum where members can resolve trading disputes. Its decision are binding and enforceable is dedicated to offer a service for the just, efficient, and economic resolution of controversies, which are of obligatory nature. The DRC has three member categories: (1) regular members are those companies whose business headquarters are located in North America (Canada, Mexico or the United States of America), (2) associate members are those companies whose business headquarters are located outside North America, and (3) transportation members whose business headquarters are located in North America. To obtain more information with regard to this organization, this Guide recommends the reader access the following internet address:

<http://www.fvdrc.com/sp/main-s.htm>

SALES CONFIRMATION

In Canada, the sale of produce via consignment is prohibited. In order to allow the entrance of fresh produce into Canada; it is obligatory for the importer to present a Confirmation of Sale document. Among the information that is required, it is noteworthy to indicate the product description, sales details, name and addresses of the buyer and the seller, and evidence that the buyer has acquired the produce or has the intention to do so. The objective of this requirement is to protect the stability and fairness of the Canadian market. In the following internet address you can find the formulary in PDF format:

<http://www.inspection.gc.ca/english/for/pdf/c3885e.pdf>

MINISTERIAL EXCEPTIONS

Those products that do not meet the minimum grade requirement; comply with the inspection certificate; or do not meet the pre-established container size and correct labeling may be imported only if they have a previous approval by CFIA. This approval is known as "Ministerial Exception". In case that an exporter could be assisted by having a "Ministerial Exception" this Guide recommends that the exporter establish contact with a Canadian importer and request that he/she obtains this exception directly in Canada.



II. REQUIREMENTS FOR THE IMPORTATION OF PROCESSED PRODUCTS

All food products that are marketed in Canada must comply with the health and safety requirements established by CFIA. CFIA prohibits the commercialization of adulterated or incorrectly labeled food and regulates the additives and colorants that can be used.

To guarantee the safety and health of food, CFIA established regulations pertinent to labeling, the use of additives, low acid products in hermetically sealed containers and contaminant elements.

LABELING

The Consumer Packaging and Labeling Act (R.S. 1985, c C-38) define the labeling requirements for processed food that is commercialized in Canada. A summary of the general labeling requirements, followed by the nutritional labeling requirements, nutrient content statements and health claims are presented in the following sections.

General Labeling. All the information presented in the labels should be easy to read and presented in a clear and visible manner. Since Canada, recognizes both French and English as their official languages, all information must be written in both languages. With regard to measurement units, these must respond to the international metric system. The elements that need to be considered for the general labeling are the following:

- Common product name.
- Declaration of the net quantity.
- Name and address of the manufacturer, packager, or distributor.
- Ingredient list, listed in descending order according to the quantity present in the food.

- Shelf life: A declaration of “Best-before”, is required for all products that have a useful life span equal or less than 90 days.
- Country of origin.
- Nutritional table.

For further information as to how each one of the elements indicated above needs to be presented, this Guide recommends the reader access the labeling guide for processed products prepared by CFIA at the following internet address:

<http://www.inspection.gc.ca/english/fssa/labeti/guide/toce.shtml>

Nutritional Labeling. The amendments made to the Food and Drug Act established that, as of December 12th, 2005, it is obligatory to present nutritional information on the label of pre-packed food products. The components that need to be included in this information are the following:

- Portion
- Calories
- Fat
- Saturated fat
- Trans fatty acids
- Sum of saturated fat plus trans fatty acids
- Cholesterol
- Sodium
- Carbohydrates
- Fiber
- Sugars
- Proteins
- Vitamin A
- Vitamin C
- Calcium
- Iron

To know how to calculate, declare and present each of these elements this Guide recommends the reader study the section related to nutritional labeling in the labeling guide published by CFIA, which can be obtained at the following internet address:

<http://www.inspection.gc.ca/english/fssa/labeti/guide/tab5e.shtml>

Nutrient Content Statement. These are affirmations or expressions that describe directly or indirectly the level of a nutrient in a single food or in a group of food products. These apply for food sold at the retail level and in restaurants or other food services. In Canada, the use of nutrient content statements is limited to the use of only those statements approved by the CFIA, according to the Food and Drugs Act.

Approved affirmations are classified in four groups: affirmations with regard to the content of nutrients, affirmations on the content of vitamins and minerals, affirmations on nutrient quantities, and affirmations about nutrition implications, for example, affirmations related to the diet. For each one of these groups, the Food and Drugs Act defines how they must be presented, the units that must be used and offer examples of how to utilize each one of them.

For further information on this topic this Guide recommends the reader access the following internet address:

<http://www.inspection.gc.ca/english/fssa/labeti/guide/ch7e.shtml>

Health Statements Related to the Diet. These are statements that describe the characteristics of a diet that can reduce the risk of contracting a disease related with food ingestion, for example, osteoporosis. These statements are based on scientific evidence and only those health statements previously approved by CFIA can be used on the label. Current regulations allow statements on the following relationships:

- A diet low in sodium and high in potassium and the reduction of the risk for hypertension;
- An adequate diet in calcium and vitamin D and the reduction of osteoporosis;
- A diet low in saturated fat and trans fatty acids and the risk of hearth diseases;

- A diet rich in vegetables and fruits and the reduction of the risk for some types of cancer;
- Carbohydrates with minimum fermentation from chewing gum, hard candies and breath freshener and the reduction of risk of dental cavities.

Additionally, the Food and Drugs Act defines the relationship between certain nutrients and their biological function, for example, Vitamin A that helps in the proper development of bones and teeth.

The list of nutrients and their effect in biological functions; the conditions that must be met by the food and how to present the health statements associated with the diet are available to the reader at the following internet address:

<http://www.inspection.gc.ca/english/fssa/labeti/guide/ch8e.shtml>

FOOD ADDITIVES

The use of additives in food is controlled by CFIA by way of the regulations for food and medicine. Before additives, such as synthetic colorants, can be used in food they must be certified by the Health Products and Food Branch of the Canadian Ministry of Health (Health Canada). For a list of permitted substances this Guide recommends the reader review division 16 of the Departmental Consolidation of the Food and Drugs Act and the Food and Drug Regulations available at the following internet address:

http://www.hc-sc.gc.ca/fn-an/legislation/acts-lois/fda-lad/index_e.html

Health Canada requirements and the list of permissible food additives can be different to those of other countries. Food products that contain

non-allowed additives can be rejected at the point of entrance in Canada.

LOW ACID PRODUCTS IN HERMETICALLY SEALED CONTAINERS

Low acid foods are food products, other than alcoholic beverages, that have a pH greater than 4.6 and have a water activity greater than 0.85. When these food products are packaged in containers that prevent the entrance of microorganisms and air, they are considered to be low acid foods packaged in hermetically sealed containers (LAFHSC).

These types of products, if incorrectly treated or packaged, can create the perfect environment for the growth of microorganisms that can be responsible for deadly diseases such as botulism. For this reason the Food and Drug Regulations in division 27, establishes specific requirements for these products with the goal of preventing and controlling any threat to public health.

Requirements for LAFHSC are available to the reader at the following internet address:

http://www.hc-sc.gc.ca/fn-an/legislation/acts-lois/fda-lad/index_e.html

CONTAMINANTS

Contaminants are substances that have not been intentionally added to food. They can get into the food during the production phase as well as during packaging, transportation, storage, or they can be the result of environmental contamination. Since contamination has normally a negative impact in the quality of food, and can present a threat to human health, the Food and Drugs Regulations of Health Canada, in division 15, regulates the substances that can be in food product,

the maximum permissible limits, and those food products in which the contaminants can be present. This information can be accessed at the following internet address:

http://www.hc-sc.gc.ca/fn-an/legislation/acts-lois/fda-lad/index_e.html



III. OTHER IMPORTANT ASPECTS TO BE CONSIDERED

Other elements that play an important role in helping identify opportunities for food products from Latin America and the Caribbean to access the Canadian market are presented in this section. The reader will specifically find information relative to the shipment of samples, market trials, trade marks, wood packaging, tariffs and permit concessions and arbitration. Additionally, a brief reference for the requirements for those products that wish to be marketed as organic is presented.

SHIPMENT OF SAMPLES

In Canada, the entrance of samples for research, evaluation, or presentation in a commercial event are permitted as long as the products are not offered for commercial sale. For meat, dairy, poultry, eggs, fruits, and vegetables it is recommended that the importer secure an import permit and declare that these products would not be offered for sale.

MARKET TRIALS

Canadian legislation establishes that products that have not been sold before in the Canadian market can apply for a “Food under market trial” condition. This condition allows the product not to have to comply with the bilingual labeling requirements and the standardized packaging size for a period of up to 12 months. This condition is valid for food products that have not been previously sold in Canada and are substantially different to

any other product currently in the market. The application for this condition needs to be done by the importer.

TRADE MARKS

A trade mark is a word, symbol, design, or a combination of these that is used to distinguish a product or service from a person or organization in the market. Registering a trade mark is important, since it is evidence of the exclusive property within a country, in this case, in Canada. A trade mark allows greater property protection.

In Canada, the responsible entity for issuing trade marks is the Trade Mark Office within the Intellectual Property office of Industry Canada. The reader may obtain further information on trade marks at the following internet address:

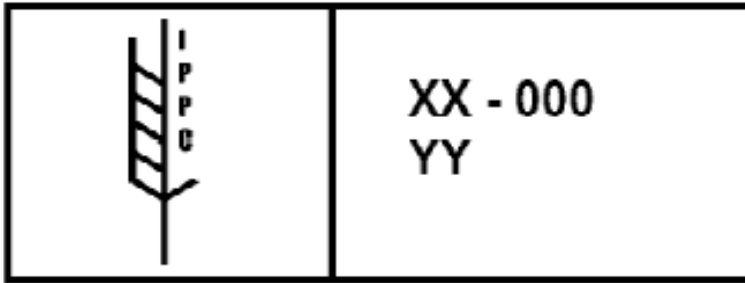
http://www.strategis.ic.gc.ca/sc_mrksv/cipo/tm/tm_main-e.html?icservices=e_tra .

WOOD PACKAGING

As of September 16th, 2005, all wood material used in packaging must be treated to prevent pest infestations. Treated wood must bear a mark that confirms treatment recommended by the International Plant Protection Convention's International Standards for Phytosanitary Measures (ISPM) Number 15. ISPM 15 regulates the use of wood pallets used in international trade.

ISPM 15 recommends two treatments: heat treatment or fumigation with methyl bromide.

With regard to the mark, all wood packaging must contain the following seal:



- The symbol at the left represents the symbol for the International Plant Protection Convention (IPPC)
- XX, represents the country code where the wood was treated
- 000, is the number assigned to the wood packaging producer by the National Organization for Plant Protection
- YY, represents the type of treatment used (Heat Treatment = HT, fumigation with Methyl Bromide = MB)

The implementation of this requirement will take place in three phases:

- Phase 1. From September 16th, 2005 to January 31st, 2006. During this phase information with regard to meeting the requirements will be made as well as to posting of notifications into those wood packaging materials that do not comply with this ruling.
- Phase 2. From February 1st, 2006 to July 4th, 2006. Rejection of product that is not packaged in pallets or boxes that comply with the regulation will start and posting of notifications of non-compliance in those wood products used for the packaging that are different to boxes or pallets.
- Phase 3. Beginning July 5th, 2006. Rejection of shipments which wood packaging does not comply with the normative, this includes boxes, pallets, and any other wood packaging material that has been used.

ISPM 15 establishes that any container that is made using wood packaging material and that does not meet the treatment and labeling criteria of ISPM 15 will be returned to the country of origin. This implies that if a single pallet, within a container is not properly treated and marked, all the contents of the container will be returned to the country of origin.

To identify companies that treat wood packaging materials according to the regulations established in ISMP #15, the reader should contact their national plant protection organization which in Latin America and the Caribbean are typically located in the ministries of agriculture.

More information on this topic, approved treatments, and marking of wood packaging material can be obtained at the following internet address:

<http://www.inspection.gc.ca/english/plaveg/for/cwpc/wdpkge.shtml>

TARIFFS

Tariffs are fiscal charges that governments impose as a percentage of the value of the product to be imported. In some cases, particularly with respect to agricultural products, special tariffs are applied and in some cases they are expressed as a fix amount per fixed quantity or volume of imported product.

In Canada, tariffs are only applied to imported produce which would compete with Canadian produce grown at a commercial level. There are temporal tariffs that are only applied in the season when the Canadian products are ready to come into the market. Temporal tariffs are eliminated when Canadian production ends or when the national offer is smaller than the demand.

For further information on this topic this Guide recommends the reader access the following internet address:

<http://www.cbsa-asfc.gc.ca/general/publications/tariff2004/tablewithamendments-e.html>

ORGANIC PRODUCTS

The importation and sale of organically grown products in Canada is regulated by the same rules and principles as conventional products. However, any product that is labeled or wishes to be marketed as organic, must comply with the Organic National Standard of Canada. This standard defines the production process, processing, packaging, label, storage and distribution requirements. For more information on this standard the reader should access the information at the following internet address:

http://www.pwgsc.gc.ca/cgsb/032_310/standard-e.html

Additionally, in order to guarantee the integrity of the products that are marketed provincially, the Quebec Province has established a system of certification for organic products. This requirement demands that in order to be able to market a product as organic in the province of Quebec the certifying agency in the country of origin needs to be recognized by the Council for Agrifood Denominations of Quebec (Conseil des appellations agroalimentaires du Québec, CAAQ). Information on the specific requirements requested by the Québec Province, can be obtained at the following internet address:

<http://www.caaq.org/en/home.asp>

IV. LIST OF REQUIREMENTS THAT NEED TO BE MET BY THE EXPORTERS ACCORDING TO THE TYPE OF PRODUCT

To facilitate the identification and fulfillment of the primary requirements to export to the Canadian market, following are a list of the actions that must be taken according to the type of product.

FRESH PRODUCT EXPORTERS

The exporters of fresh agricultural products must be sure that they comply with the following aspects:

1. Be sure that the products are free of organisms that represent a plant health risk in Canada.
2. Be sure that the products do not exceed the maximum limits of pesticide residues permissible in food.
3. Verify the existence of grade and quality standards, and in case that they exist, be sure to comply with them.
4. Meet all the requirements established in the legislation regarding standard packaging.
5. Be sure of having a certificate of inspection.
6. Be sure that the importer has an importing license.
7. Be sure the importer has a sales confirmation.

8. Be sure that the wood packaging complies with the IPPC's ISPM 15.
9. Identify the tariffs that the product needs to pay at the time of entrance into Canada.
10. Identify the possible existence of quotas for the importation of the product into the Canadian market.
11. Trade mark your product, in the case of being interested in selling them under your own brand.
12. Meet the requirements with regard to organic products, in the case these products will be sold under this denomination.

PROCESSED PRODUCTS EXPORTERS

Exporters of processed food products must be sure to comply with the following:

1. Be sure to meet all food safety standards.
2. Meet all labeling requirements.
3. Meet with all food additives regulations.
4. Meet with all the regulations for low acid products in hermetically sealed containers.
5. Meet with all the requirements to prevent food contamination.
6. Be sure that the wood packaging materials comply with IPPC's ISPM 15 standard.
7. Meet all the requirements for organic products, in the case that the products will be sold under this denomination.

8. Identify the tariffs that the product needs to pay at the time of entrance into Canada.
9. Identify the possible existence of quotas for the importation of the product into the Canadian market.
10. Trade mark your product, in the case of being interested in selling them under your own brand.