



## firm profile

McMillan is a modern and ambitious business law firm serving public, private and not-for-profit clients across key industries in Canada, the United States and internationally. With recognized expertise and acknowledged leadership in major business sectors, we provide solutions-oriented legal advice through our offices in Vancouver, Calgary, Toronto, Ottawa, Montréal and Hong Kong. Our firm values – respect, teamwork, commitment, client service and professional excellence – are at the heart of McMillan’s commitment to serve our clients, our local communities and the legal profession. For more information, please visit our website at [www.mcmillan.ca](http://www.mcmillan.ca).

## contacts

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## import and export controls and permits

### overview

Controls on the import and export of many goods, technologies and services are enacted to protect citizens and businesses from a variety of potential threats—from preventing the proliferation of weapons to protecting industries that are particularly vulnerable to foreign competitors.

These controls help Canada to fulfil its international obligations and to benefit from its international agreements. When countries act counter to these obligations and agreements, and diplomatic efforts are inappropriate or fail to reach a satisfactory resolution, governmental bodies may elect to impose trade or economic sanctions on offending parties. These sanctions may be imposed under the authority of the *United Nations Act* (UN Act), *Special Economic Measures Act* (SEMA), *Freezing Assets of Corrupt Foreign Officials Act* (FACFOA) and their regulations.

In Canada, the *Export and Import Permits Act* (EIPA) and its regulations govern the trade of products. They are complex regulations that differ greatly from one business category to the next—from food to military goods to information technology. Breaches can subject importers and exporters—as well as their officers, directors and agents—to significant penalties including fines and imprisonment.

McMillan's International Trade Group advises clients on their rights and obligations under the EIPA, helping them navigate the system with confidence. Our lawyers help clients understand the impact of the regime on their businesses and activities, anticipate challenges before they happen or deal with issues effectively when they arise.

McMillan professionals help clients lead by:

- Advising on whether the EIPA, UN Act, SEMA, FACFOA and their regulations apply to and impact their contemplated or actual business operations and specific transactions
- Preparing and submitting requests to obtain binding rulings from government agencies to clarify whether proposed transactions are either controlled or restricted and require permits to authorize them
- Seeking permits to import or export controlled goods, technology and services
- Advising on how to mitigate exposure to penalties in the case of breaches
- Representing them in audits and litigation proceedings, and, where appropriate, negotiating settlements