



Ottawa, July 4, 2013

# MEMORANDUM D10-14-63

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## **In Brief**

### **TARIFF CLASSIFICATION OF LIVE CHICKS OF THE SPECIES GALLUS DOMESTICUS**

This memorandum outlines the administrative policy of the Canada Border Services Agency regarding the tariff classification of live fowls of the species *Gallus domesticus* weighing not more than 185 grams, for these purposes referred to as “chicks”.





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## TARIFF CLASSIFICATION OF LIVE CHICKS OF THE SPECIES *GALLUS DOMESTICUS*

The purpose of this memorandum is to provide information on the tariff classification of live fowls of the species *Gallus domesticus* weighing not more than 185 grams, for these purposes referred to as “chicks”.

### LEGISLATION

#### *Customs Tariff*

Note 1 to Section I

Any reference in this Section to a particular genus or species of an animal, except where the context otherwise requires, includes a reference to the young of that genus or species.

Heading 01.05

Live poultry, that is to say, fowls of the species *Gallus domesticus*, ducks, geese, turkeys and guinea fowls.

- Weighing not more than 185 g:

0105.11 -- Fowls of the species *Gallus domesticus*

0105.11.10 --- For breeding purposes

--- Broilers for domestic production:

0105.11.21 ---- Within access commitment

0105.11.22 ---- Over access commitment

0105.11.90 --- Other

### Explanatory Notes to the Harmonized Commodity Description and Coding System

Heading 01.05

This heading covers only live domestic birds of the kinds specified in the heading. Fowls of the species *Gallus domesticus* include chickens and capons. Other live birds (e.g., partridges, pheasants, pigeons, wild ducks, wild geese) are excluded (heading 01.06).

Subheading Explanatory Note.

Subheadings 0105.11, 0105.12, 0105.13, 0105.14 and 0105.15

For the purposes of subheadings 0105.11, 0105.12, 0105.13, 0105.14 and 0105.15, the specified weight limit relates to the weight of each bird.

## GUIDELINES AND GENERAL INFORMATION

1. The *Customs Tariff* refers to chicken as “Fowls of the species *Gallus domesticus*”.
2. Chicks may only be imported into Canada from the United States of America (USA), and they must have been resident in the USA since hatching.
3. The Canadian Food Inspection Agency (CFIA) requires all importers of chicks to present a United States Department of Agriculture Official Zoosanitary Export Certificate for Poultry - Form VS 17-6 (Certificate for Poultry or Hatching Eggs for Export).

### Tariff Classification of Live Chicks of the Species *Gallus Domesticus*

4. Chicks are classified according to the purpose for which they are imported.
5. They can be imported to be raised:
  - (a) to lay eggs (breeding chicks);
  - (b) for their meat (broiler chicks); or
  - (c) as show birds (show chicks).

#### Breeding Chicks

6. Breeding chicks are classified under tariff item 0105.11.10.
7. It makes no difference whether the eggs produced by breeding chicks are sold for consumption or hatched to produce more chickens. Neither does the eventual use of those second generation chicks impact the classification of the chicks being imported.
8. That breeding chicks may eventually be used for meat once they are no longer used to produce eggs has no impact on their classification at time of importation.

#### Broiler Chicks

9. Commercial importations of broiler chicks are classified under either tariff item 0105.11.21 (within access commitment) or 0105.11.22 (over access commitment), as appropriate.
10. In order to be classified under tariff item 0105.11.21 broiler chicks must be accompanied by an import permit issued by Foreign Affairs and International Trade Canada (FAITC) under section 8.3 of the *Export and Import*

*Permits Act*. Such import permits are only issued to commercial importers operating a federally-registered hatchery.

11. Non-commercial importations of broiler chicks are in all cases classified under tariff item 0105.11.22 (over access commitment).

#### **Show Chicks**

12. Show chicks are classified under tariff item 0105.11.90.

13. These include, but are not limited to, breeds such as Araucanas, Rhode Island Reds and Silkies, as well as various “fancy feathered” breeds.

14. Such breeds may also be imported as breeding chicks or as broiler chicks; classification is determined by the declared use.

#### **Additional Information**

15. For more information on the CFIA requirements, please consult the Automated Import Reference System on the CFIA Web site.

16. The *Export and Import Permits Act* can be found on the Justice Canada Web site.

17. Refer to CBSA Memorandum D10-18-1, *Tariff Rate Quotas, for information on tariff rate quotas*.

18. For information regarding “within access” permit requirements for the commercial importation of broiler chicks, refer to the FAITC Notice No. 794, “Items 94 and 95 - Broiler Hatching Eggs and Chicks for Chicken Production”, which can be found on the FAITC Web site.

19. For certainty regarding the tariff classification of a product, importers may request an advance ruling for tariff classification. Details on how to make such a request are found in CBSA Memorandum D11-11-3, *Advance Rulings for Tariff Classification*, which may be found on the CBSA Web site.

20. 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**.

**REFERENCES**

<p><b>ISSUING OFFICE –</b> Trade Programs Directorate</p>	<p><b>HEADQUARTERS FILE –</b> HS 0105.11-0</p>
<p><b>LEGISLATIVE REFERENCES –</b> <i>Customs Tariff</i> <i>Export and Import Permits Act</i></p>	<p><b>OTHER REFERENCES –</b> Explanatory Notes to the Harmonized Commodity Description and Coding System D10-18-1, D11-11-3</p>
<p><b>SUPERSEDED MEMORANDA “D” –</b> N/A</p>	

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