

Controlled Goods Program

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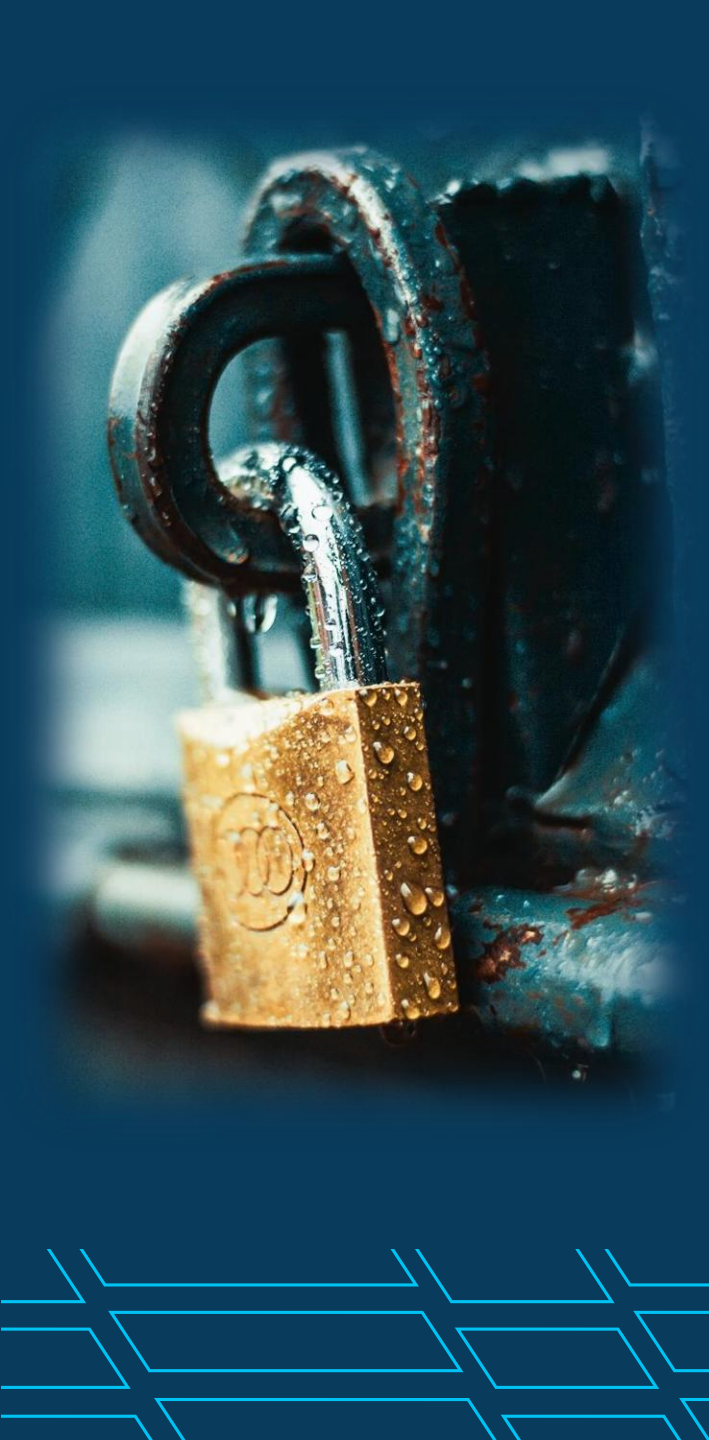
Public Services and
Procurement Canada

Services publics et
Approvisionnement Canada

Canada

Agenda

- Overview of the program
- What are controlled goods
- Who needs/ doesn't need to register
- Examine/ Possess/ Transfer
- Key roles in the program
- How to register
- Considerations, conditions and compliance
- How to contact us
- Questions



Overview

- The Controlled Goods Program (CGP) is a domestic industrial security program that regulates the examination, possession or transfer of controlled goods within Canada.
- Maintains Canada's exemptions for the license-free transfer of certain U.S. International Traffic in Arms Regulations (ITAR) controlled defense articles.
 - In 2020, the Canadian exemption was one of the most frequently used ITAR exemptions and accounted for close to \$1.2 billion CAD in trade.
 - In collaboration with industry and federal government partners, the program prevents the proliferation of controlled goods.

Types and Characteristics of Controlled Goods

- Scope of Controlled Goods
 - Controlled goods are primarily goods, including some components and associated technical data, which have a military or national security significance.
- Technical Data and Assistance
 - Technical data like blueprints and digital schematics, plus technical assistance, are also considered controlled goods.
- Exclusions from Control
 - Commercial off-the-shelf items and publicly available information typically fall outside controlled goods regulations.
- Strategic Importance
 - Controlled goods have strategic value and require careful handling to prevent national security risks.

Controlled Goods List (CGL)

- The Controlled Goods List, provided in the Schedule to the Defence Production Act (DPA) known as the ‘Schedule’, is Canada's domestic controlled goods list.
- The program provides a Guide to the Schedule to the *Defence Production Act*.
- the CGL is composed of:
 - ITAR-controlled “defense articles” listed on the United States Munitions List (USML) and goods made from ITAR-controlled technical data.
 - A specific subset of Global Affairs Canada’s Export Control List, including Group 2 (Munitions List), Group 5 (Item 5504 Strategic Goods & Technologies) and Group 6 (Missile Technology Control Regime List).

Who needs to register?

Individuals and organizations must register in the Controlled Goods Program before they can:

- Examine, possess or transfer controlled goods in Canada.
- Transfer controlled goods outside of Canada.
 - Registration is required before getting an export permit from Global Affairs Canada.
- Receive bid solicitation documents **containing** controlled goods or controlled technology.

Registration with the Controlled Goods Program does not provide you with business. It's to meet a legal requirement in order to examine, possess or transfer controlled goods in Canada.

During registration, applicants must demonstrate this need.

Told you need to register?

- Obtain the details of the controlled goods from the individual or organization informing you of your need to register.

Will you be examining, possessing or transferring controlled goods?

Examine	Possess	Transfer
means to consider in detail or subject to analysis in order to discover essential features or meaning.	means either actual possession, where the person has direct physical control over a controlled good at a given time, or constructive possession, where the person has the power and the intention at a given time to exercise control over a controlled good either directly or through another person or persons.	means, with respect to a controlled good, to dispose of it or disclose its content in any manner. This also includes the transfer of knowledge.

Applying to the Controlled Goods Program

1

Determine who will fill the roles of the

- Authorized Individual
- Designated Official

2

Gather the required documents

3

Complete the required forms

4

Submit the entire package

Determine who will be the Authorized Individual and Designated Official

Authorized Individual

- Only 1 per organization
- Signs the **Application for registration** on behalf of the organization
- Program communicates important information impacting your organization's registration with this individual
- Authorizes, in writing, any change requests to your organization's registration
- There must be an authorized individual on file at all times



Designated Official

- One per 150 employees + 1 backup
- Canadian citizen or has permanent resident status in Canada
- Lives in Canada
- Role will require them to :
 - Conduct security assessments of your employees/ domestic students
 - Determine the risk these individuals pose to the controlled goods
 - Submit exemption requests to the program
- Required to complete training and exam



Complete and gather the required documents and forms

Company		
✓ Application for registration (PWGSC-TPSGC 1452) ✓ Proof of business in Canada Optional, but recommended: - Supporting documentation regarding justification for registration, such as a contract, an RFP or a third-party email / letter - Organizational chart for the business ownership		
Owners of 20% + voting shares/interests	Authorized Individual	Designated Official(s)
✓ <u>Security assessment application form</u> (PWGSC-TPSGC 1452) ✓ Proof of citizenship or permanent residency status ✓ Proof of residence ✓ Photo ID ✓ <u>Criminal record check</u>	✓ <u>Security assessment application form</u> (PWGSC-TPSGC 1452) ✓ Proof of citizenship or permanent residency status ✓ Proof of residence ✓ Photo ID ✓ <u>Criminal record check</u>	✓ <u>Security assessment application form</u> (PWGSC-TPSGC 1452) ✓ Proof of citizenship or permanent residency status ✓ Proof of residence ✓ Photo ID ✓ <u>Criminal record check</u>

Tips and tricks for registration

- Nominate the proper person for the role of Designated Official.
- Obtaining the criminal record check results from the RCMP may take time. Get this done as quickly as possible.
- Do not submit your applications without the criminal record **results**.
- Ensure to read and follow the instructions contained in the application.
- Unless otherwise noted, all fields in the forms are required. If a section does not apply, indicate “N/A”. Do not leave text fields blank.

Submitting applications

Mail / Courier

Public Services and Procurement Canada

Controlled Goods Program

Program Management and Learning
Division

Mail stop 37

130-161 Goldenrod Driveway

Ottawa, ON K1A 0S5

E-mail : dmc-cgd@tpsgc-pwgsc.gc.ca

Facsimile : (613) 948-1722



Considerations and implications

While there are no fees to register with the Controlled Goods Program, there will be time and costs to maintaining compliance with the program's requirements and laws, including:

- Staying apprised on the *Controlled Goods Regulations* and program requirements.
- Establishing and implementing a security plan to safeguard the controlled goods.
- Developing and providing training programs in respect of the secure handling of controlled goods to your employees.
- Providing briefings to visitors and temporary workers on the secure handling of controlled goods.
- Performing security assessments of all employees that require access to controlled goods.
 - Cost to obtaining criminal record results and possibly credit reports.
- Completing required training and exam for Designated Officials.
- Submitting Bi-annual security assessment reports.
- Reporting security breaches.
- Keeping and maintaining records of controlled goods and their transfers.
- Keeping and maintaining records of security assessments.
- Advising the program of any change in any of the information contained in or accompanying the application for registration.
- Renewing your registration in a timely manner.



Compliance and Enforcement

- The program conducts inspections to ensure that controlled goods are safeguarded while in the custody of the private sector.
 - Inspectors can detain or remove any controlled goods from a registrant's site.
 - Suspension and revocation from the program can be imposed in situations whereby there is an undue risk of the unauthorized transfer of controlled goods.
- The program investigates allegations of unauthorized access to controlled goods and refers potentially serious violations of the act and regulations to the RCMP for criminal investigation.

Contact us

Controlled Goods Program

Email: dmc-cgd@tpsgc-pwgsc.gc.ca

Telephone: 1-866-368-4646



<https://www.canada.ca/en/public-services-procurement/services/industrial-security/controlled-goods.html>

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