

Ottawa, June 12, 2002

In Brief

SUBJECT

TARIFF CLASSIFICATION, SAMPLING, AND TESTING OF RAW SUGAR

This Memorandum has been updated to clarify requirements for sampling of raw sugar (paragraph 5) and sampling procedures (paragaraph 7(b)).

Ottawa, June 12, 2002

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TARIFF CLASSIFICATION, SAMPLING, AND TESTING OF RAW SUGAR

This Memorandum explains the guidelines and procedures which are to be applied to the tariff classification, sampling, and testing of raw sugar.

**GUIDELINES AND
GENERAL INFORMATION**

Tariff Classification

1. This Memorandum applies to “raw sugar” of subheadings 1701.11 and 1701.12 which is defined in the Subheading Note as “sugar whose content of sucrose by weight, in the dry state, corresponds to a polarimeter reading of less than 99.5^o.”
2. For tariff classification, Canada uses the “settlement polarization” to indicate the polarization of sugar.
3. The term “settlement polarization” refers to the average of the polarization determinations of the buyer and the seller, as measured according to the International Commission for Uniform Methods of Sugar Analysis (ICUMSA), specified in the *Determination of the Tariff Classification of Sugar, Molasses and Sugar Syrup Regulations*.
4. The “settlement polarization” is the industry-accepted means of price settlement for all raw sugar transactions. In cases where opposing measurements differ by 0.25^o, an independent (third party) measurement is taken and the average of the two closest measurements is accepted. This is an internationally accepted practice.
5. Sugar of a polarization of less than 99.0^o when imported from a country entitled to the benefits of the General Preferential Tariff, will generally not require sampling for testing purposes. Sampling and testing will only be required in the case where there is doubt as to whether the sugar is raw, that is where the polarization of the sugar is 99.0^o or more.
6. To ensure compliance with these requirements, the Canada Customs and Revenue Agency (CCRA) reserves the right to take samples for analysis. In the case of discrepancies, tariff classification will be based on the CCRA laboratory analysis.

Sampling Procedures

7. The following procedures must be observed when sugar is sampled for testing:
 - (a) Samples are taken at the time the sugar is weighed. A customs officer must be present to secure the samples at that time.
 - (b) The samples taken from the shipment for the determination of the “settlement polarization” is split and a 200-gram portion is submitted to the CCRA so that it receives an identical sample to that which the buyer and the seller use to determine the “settlement polarization.” In cases where an importation consists of two or more differently marked lots, and each lot is weighed and sampled separately for accounting purposes, a separate sample representing each lot is to be submitted to the CCRA. Samples are sealed in air- and moisture-proof containers.
 - (c) Each container is identified with the name of the vessel or conveyance, the lot number, the date the sample was taken, and the transaction number of the accounting document.

(d) The customs officer forwards the samples to the laboratory by courier, documented on Form Y15, *Request to Laboratory and Scientific Services Directorate*. Testing of sugar samples is given a high priority.

(e) A portion of each sample is stored by the laboratory until the appeal periods have expired.

8. Any questions concerning this matter should be directed to:

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REFERENCES

ISSUING OFFICE –

Food, Chemicals, Plastics and Rubber
Tariff Classification and International
Nomenclature Division
Trade Policy and Interpretation Directorate

LEGISLATIVE REFERENCES –

Customs Act, sections 99 and 164
*Determination of the Tariff Classification of Sugar,
Molasses and Sugar Syrup Regulations*, SOR/86-951
*Regulations Amending the Determination of the
Tariff Classification of Sugar, Molasses and
Sugar Syrup Regulations*, SOR/98-241
Customs Tariff, Chapter 17

SUPERSEDED MEMORANDA “D” –

D10-2-3, May 24, 2000

HEADQUARTERS FILE –

N/A

OTHER REFERENCES –

N/A

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are available in both official languages.

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