Tracking Federal Regulatory Initiatives

Regulatory Affairs

VOL. 3, No. 1 **January 10, 1997**

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Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority & Regulatory Plan Listing

Gasoline Regulations, amendments

The proposed amendment would extend for one year the current exemption of certain categories of high-performance competition vehicles from the restriction on the use of leaded gasoline, to December 31, 1997.

This exemption period will give time for the Minister of Environment to meet with key representatives of the racing industry to reach agreement on actions they are prepared to take to reduce and minimize the exposure of spectators and people in surrounding neighbourhoods to lead. This will also give time for the Canadian Government to link Canadian and American studies of the health effects of alternatives to lead and to have the Commission for Environmental Cooperation develop a plan of action for the reduction or elimination of leaded fuel in Canada, the United States and Mexico.

Contact: Lynne Patenaude, Commercial Chemicals Evaluation Branch, Toxics Pollution Prevention Directorate, Environmental Protection Service, Ottawa, Ontario, K1A 0H3. Tel: 819-953-1671; Arthur Sheffield, Chief, Regulatory & Economic Assessment Branch, Regulatory Affairs and Program Integration Directorate, Department of the Environment, Ottawa, Ontario, K1A 0H3. Tel: 819-953-1172.

Canadian Environmental Protection Act, sections 46 and 47

NRCan/96-94-33-L

Published in Canada Gazette December 28, 1996

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Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority & Regulatory Plan Listing

Humanitarian Designated Classes Regulations

Immigration Act, subsection 6(8) and section 114

CIC/95-12-M

Published in Canada Gazette Jan. 4, 1997

The proposed regulations have two purposes:

- to provide a regulatory basis for the selection overseas of persons identified as requiring humanitarian consideration and to replace the many different mechanisms now in place. As part of these regulations two new designated classes, the source country classes and the country asylum class, are created. These two classes, together with Convention refugees selected abroad, comprise the Resettlement from Abroad Class.
- to amend those sections of the *Immigration Regulations, 1978* which govern the Private Sponsorship of Refugees Program. These amendments support the introduction of the Resettlement from Abroad Class (RAC).

RAC regulations apply to persons overseas identified as requiring humanitarian consideration and replace the many different mechanisms now in place. The class is comprised of the following three categories: Convention refugee, Asylum Country and Source Country.

The selection of Convention refugees continues as under previous regulations.

The Country of Asylum category includes those suffering from massive violations of human rights. Persons selected under this category are required to be outside of their country of citizenship or habitual residence and must be sponsored under the Private Sponsorship of Refugees Program. There is no schedule of countries for this category.

The Source Country category includes those residing in their country of citizenship or habitual residence. The class includes those who have suffered serious deprivation of their civil rights and have been detained or imprisoned as a consequence. The closest parallel for this category under the regulations is the Political Prisoners and Oppressed Persons Designated Class, which currently applies only to nationals of Guatemala and El Salvador. Persons who qualify may be selected either under government assistance or private sponsorship. A schedule of countries whose nationals would be admissible for Source Country consideration will be created.

The proposed Regulations would come into force March 1, 1997, for one year.

Contact: Gilles Pelletier, Director, Resettlement Division, Citizenship and Immigration Canada, Journal Tower South, 17th Floor, 365 Laurier Avenue West, Ottawa, Ontario K1A 1Ll. Tel: 613-957-5837; Fax: 613-957-5836.

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Processed Products Regulations, amendment (SOR/97-17, OIC 1996-1920)

Canada Agricultural Products Act

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

The Regulations are being amended to extend their expiry date to January 1, 1999.

Earlier, the expiry date had been set at Jan. 1, 1997 in anticipation of a new set of regulations; these revised regulations are now not expected to be completed until sometime later in 1997.

Contact: Don Crosby, Chief of Legislation, Dairy, Fruit and Vegetable Division, Food Production and Inspection Branch, Agriculture and Agri-Food Canada, 59 Camelot Drive, Nepean, Ontario K1A 0Y9. Tel: 613-952-8000, ext. 4724; Fax: 613-993-8511; e-mail: dcrosby@em.agr.ca.

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Import Control List, amendment (SOR/97-18, OIC 1996-1921); Export Control List, amendment (SOR/97-19, OIC 1996-1922)

Export and Import Permits Act, section 6

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

These amendments to the two lists remove references to the "Convention on International Trade in Endangered Species of Wild Fauna and Flora" as enforcement of that agreement was assumed by Environment Canada pursuant to the implementation of new legislation.

As well, the Import Control List is amended to reflect changes already made to the *Customs Tariff*, including changes to various tariff item numbers for certain types of pasta. The amendment also provides for a new heading in chapter 98 of the *Customs Tariff* for travellers.

Comments can be provided until March 1, 1997, since these changes were not pre-published.

Contact: Michel R. Bélanger, Deputy Director, Trade Controls Policy Division (EPM), Export and Import Controls Bureau, Department of Foreign Affairs and International Trade, P.O. Box 481, Station "A", Ottawa, Ontario, K1N 9K6. Tel: 613-995-2744.

Great Lakes Navigation Certificate Fees Regulations, repeal (SOR/97-20, OIC 1996-1986)

Financial Administration Act, paragraph 19(1)(a)

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

These regulations, which prescribe fees for the examination of the qualifications of a person applying for the issue of a Great Lakes Navigation Certificate, are no longer necessary following the repeal in 1995 of the *Great Lakes Navigation Safety Regulations*.

The repeal goes into effect on December 19, 1996.

Contact: D. Dagenais, Marine Regulatory Coordinator and Analyst, Transport Canada, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel: 613-990-3092.

Order Designating the Canadian Investment and Savings as Part of the Public Service of Canada (SOR/97-24, OIC 1996-2005)

Financial Administration Act, sections 11, 12 and 13; *Public Service Staff Relations Act*, section 4

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

The Order revokes Order in Council P.C. 1995-1296; changes the name "Canada Retail Debt Agency" to "Canada Investment and Savings"; and replaces the previous name with the new name on Part II of Schedule I of the *Public Service Staff Relations Act*.

The regulations come into force on December 19, 1996.

Heading 98.26 Customs Duty Order (SOR/97-25, OIC 1996-1924)

Customs Tariff, Note 20 to Chapter 98

FIN/96-6

Published in Canada Gazette January 8, 1997

This Order establishes the tariff items under heading 98.26, and the rates of duty under each tariff item.

Heading 98.26 is designed to simplify the classification and assessment of low value goods that travellers import for their personal use, enabling self-assessment by travellers. This in turn allows travellers to use alternate facilitated clearance and collection systems being established by Revenue Canada across the country.

The Order comes into effect on January 1, 1997.

Contact: Patricia A. Sagar, Tariffs Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-995-5886.

Exempt from Pre-Publication and Approved	Statutory Authority & Regulatory Plan Listing
Technical Amendments Order (Customs Tariff), No. 7 (SOR/97-26, OIC 1996-1925) This Order amends Schedules I and II of the *Customs Tariff*, the *Customs Duties Reduction or Removal Order, 1988*, the *Chemicals and Plastics Reduction or Removal Order*, the *Harmonized System Conversion Order, 1996*, the *Canadian Retailers Duty Remission Order, 1993*, and the *Safeguard Surtax Regulations, 1995-1*, to correct minor technical errors and to make changes related to the *Harmonized System Conversion Order, 1996*. Contact: Wendy Calder, Tariffs Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-996-0169.	*Customs Tariff*, sections 12.1, 60.01, 62, 68 and 101 FIN/96-15 Published in Canada Gazette January 8, 1997
Customs Duties Reduction or Removal Order, 1988, amendment (SOR/97-27, OIC 1996-1926) This Order introduces six new temporary tariff codes and amends one existing code; the changes are designed to rectify structural problems in the and/or to assist Canadian manufacturers to compete more effectively with imports by providing Free or reduced rates of duty on inputs. The changes will result in some $2,785,000 in foregone revenues. Contact: Deborah Hoeg, Tariffs Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-996-7099.	*Customs Tariff*, paragraph 68.1 FIN/96-15 Published in Canada Gazette January 8, 1997
Income Tax Regulations, amendment (SOR/97-28, OIC 1996-1927) This amendment removes **Air Canada** and **Canadian National Railway Company** from Section 7100 of the Regulations, now that they have been privatized. Added to the section is **Canada Lands Company Limited**. Section 7100 prescribes listed federal corporations as taxable and therefore provides an exception to the paragraph 149(1)(d) exemption for federal Crown Corporations from tax under Part I of the *Income Tax Act*. The deletion of Air Canada and the addition of **Canada Lands Company Limited** are effective November 1, 1995; the deletion of **Canadian National Railway Company** is effective starting January 1, 1996. Contact: Robin O. Maley, Department of Finance, 17th Floor, East Tower, L'Esplanade Laurier, 140 O'Connor Street, Ottawa, Ontario, K1A 0G5. Tel: 613-992-4859.	*Income Tax Act*, section 221 FIN/96-32-M Published in Canada Gazette January 8, 1997
Food and Drug Regulations, amendment (Schedule No. 1052) (SOR/97-29, OIC 1996-1928) This amendment will extend the use of gellan gum in unstandardized beverages (soft drinks and fruit juice-based drinks) to a maximum level of 0.08% and in unstandardized snack foods to a maximum of 0.1%. Gellan gum is already permitted as a food additive in calorie-reduced margarine, French dressing, salad dressing and a variety of unstandardized foods. The amendment comes into force on December 19, 1996. Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Health Canada, Room 200, Health Protection Building, Postal Locator 0702C, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel: 613-957-1828; Fax: 613-941-3537.	*Food and Drugs Act*, subsection 30(1) HCan/R-33-I Published in Canada Gazette January 8, 1997

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Food and Drug Regulations, amendment (Schedule No. 1025) (SOR/97-30, OIC 1996-1929)

Food and Drugs Act, subsection 30(1)

HCan/R-33-I

Published in Canada Gazette January 8, 1997

This amendment permits the use of the sequestering agent "calcium disodium EDTA" in soft drinks and ready-to-drink teas up to 33 parts per million (ppm). It also clarifies that the permitted levels of use for this food additive are calculated in the anhydrous form.

Calcium disodium EDTA is already permitted as a sequestering agent in a variety of foods including malt beverages.

The amendment comes into force on December 19, 1996.

Contact: Director, Bureau of Food Regulatory, International and Interagency Affairs, Health Canada, Room 200, Health Protection Building, Postal Locator 0702C, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel: 613-957-1828; Fax: 613-941-3537.

Employment Insurance Regulations, amendment (Schedule No. 1025) (SOR/97-31, OIC 1996-1930)

Employment Insurance Act, subsection 30(1)

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

The amendments represent clarifications and fine-tuning of existing measures in the Regulations; the changes deal principally with the new hourly system of insurability and entitlement.

The changes include:

- clarifications on how to apply the new hourly system of insurability (sections 9.1, 10, 10.1 and 10.2);
- clarification on the time periods to which insurable earnings must be attached so that a claimant's weekly benefit rate can be calculated (sections 22, 22.1, 23 and 24);
- changes to restore the long-standing practice of accepting premiums from union officials who hold elective office (section 6);
- clarification that a week will be included in a claimant's rate calculation period used to calculate the person's weekly benefit rate if there are insurable earnings in the week even if the prescribed conditions (e.g., a week of EI benefits or workers' compensation payments) also exist in it (section 12);
- establishing a limit (a cap of the equivalent of a 65% benefit rate) for the amount of separation payments (principally vacation pay and wages in lieu of notice) that may be insured and counted towards a claimant's weekly benefit rate (section 24.1);
- clarification of the department's authority to control the entry into Canada of applications for benefits and SIN cards (sections 55.1 and 89.1); and
- transitional provisions on how weeks of insured employment and insurable earnings from 1996 will be integrated into claims under the new hourly system of entitlement.

Contact: Glenn Ramsay, Senior Policy Advisor, Policy and Legislation Development, Insurance, Human Resources Development Canada, 140 Promenade du Portage, 11th Floor, Ottawa, Ontario, K1A 0J9. Tel: 819-994-6044; Fax: 819-953-9381.

Yukon Quartz Mining Act Work Relief Regulations (1979), amendment (SOR/97-32, OIC 1996-1931)

Yukon Quartz Mining Act, section 55

INAC/R-3-L; INAC/95-11-R-L

Published in Canada Gazette January 8, 1997

This amendment extends for two years, until Dec. 31, 1998, the period in which work need not be done nor payment made in lieu thereof on mineral claims in specified areas of the Yukon withdrawn for park, land claim, conservation and other purposes.

Contact: John Hodgkinson, Chief, Mining Legislation and Resource Management, Department of Indian Affairs and Northern Development, 10 Wellington Street, Ottawa, Ontario, K1A 0H4. Tel: 819-994-6434.

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Insurable Earnings and Collection of Premiums Regulations (SOR/97-33, OIC 1996-1932)

Employment Insurance Act, subsection 108

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

These Regulations, which replace the *Unemployment Insurance Collection of Premiums Regulations*, provide the rules for the determination of insurable earnings and the preparation of tables used by employers in determining employers' and employees' premiums.

The regulations also provide the rules for determining who is an employer in certain circumstances and for determining the interest rate that will be charged on unpaid amounts and paid on refunds.

Contact: D.C. Burnett, Legislative Policy Division, 875 Heron Road, Ottawa, Ontario, K1A 0L8. Tel: 613-957-2076.

Canada Pension Plan Regulations (Schedules VII and VIII), amendment (SOR/97-34, OIC 1996-1933)

Canada Pension Plan, paragraph 7(1)(f)

RC/R-20-L

Published in Canada Gazette January 8, 1997

The amendments will permit employees of the Government of Senegal to earn pension benefits under the Canada Pension Plan. Contributions will be made by the employees and the Senegal government.

More specifically, these changes amend Schedule VII to include Senegal and amend Schedule VIII to exclude from pensionable employment the employment by that country of a person who is exempt from Canadian income tax because of 149(1)(a) or (b) of the Income Tax Act or who is a citizen of Senegal and who is not permanently resident in Canada.

Contact: D.C. Burnett, Legislative Policy Division, 875 Heron Road, Ottawa, Ontario, K1A 0L8. Tel: 613-957-2076.

Children's Special Allowance Regulations, amendment (SOR/97-35, OIC 1996-1934)

Children's Special Allowance Act, section 13

RC/R-31-L

Published in Canada Gazette January 8, 1997

The amendments are of a housekeeping nature and respond to comments from the Standing Joint Committee for the Scrutiny of Regulations.

The changes include the repeal of subsection 4(3) and replacements for paragraph 6(2)(c) and section 9. The regulations come into force on December 19, 1996.

Contact: Richard Montroy, Legislative Policy Division, 875 Heron Road, Ottawa, Ontario, K1A 0L8. Tel: 613-952-6479.

Canada Lands Surveys Examinations Regulations, amendment (SOR/97-36, OIC 1996-1935)

Canada Lands Surveys Act, subsection 6(3)

NRCan/95-35-I

Published in Canada Gazette January 8, 1997

The amendments are of a housekeeping nature and respond to comments from the Standing Joint Committee for the Scrutiny of Regulations.

More specifically, subsection 8(1) is removed and references to the subsection elsewhere in the regulations are amended.

The amendment eliminates a duplication between subsections 8(1) and 8(2).

The regulations come into force on December 19, 1996.

Contact: P.I.R. Sauvé, Secretary, Board of Examiners for Canada Lands Surveyors, Department of Natural Resources, 615 Booth Street, Room 549, Ottawa, Ontario, K1A 0E9. Tel: 613-995-4403.

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Regulations prescribing territory for the purposes of the definition "country" in the Customs Tariff (SOR/97-61, OIC 1996-2073); Regulations Defining Certain Expressions for the Purposes of the Customs Tariff (SOR/97-62, OIC 1996-2074); CIFTA Rules of Origin Regulations (SOR/97-63, OIC 1996-2075); CIFTA Tariff Preference Regulations (SOR/97-64, OIC 1996-2076); CIFTA Rules of Origin for Casual Goods Regulations (SOR/97-65, OIC 1996-2077); Canadian International Trade Tribunal Regulations, amendment (SOR/97-66, OIC 1996-2078); Canadian International Trade Tribunal Rules, amendment (SOR/97-67, OIC 1996-2079)

Customs Tariff, Subsection 2(3), Section 58.4, Paragraph 13(2)(a.1), Subsection 13(2); *Canadian International Trade Tribunal Act*, Section 40, Subsection 39(1)

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

The regulatory amendments implement portions of the Free Trade Agreement between Canada and Israel (CIFTA), signed on July 31, 1996, and the extension of CIFTA benefits to the West Bank and Gaza.

In summary:

The revisions to the *Customs Tariff* provide for preferential rates of duty on goods originating in Israel, the West Bank and Gaza.

The *Regulations Prescribing a Territory for the Purposes of the Definition "Country" in the Customs Tariff* prescribe the territory comprising the West Bank and Gaza as a country within the meaning of the Customs Tariff, thereby enabling the Governor in Council to make regulations for determining when goods originate in Israel or another CIFTA beneficiary.

The *Regulations Defining Certain Expressions for the Purposes of the Customs Tariff* define the phrases "Israel or another CIFTA beneficiary" and "imported from Israel or another CIFTA beneficiary" for the purposes of the Customs Tariff. These expressions are used throughout the legislation and regulations implementing the CIFTA.

The *CIFTA Rules of Origin Regulations* set out the conditions under which goods and materials are considered to originate in Canada, Israel or another CIFTA beneficiary. There are three basic ways in which goods can originate for the purposes of the Regulations:

- Goods may be wholly obtained or entirely produced within the CIFTA territory - this generally refers to goods in primary form such as live animals born and raised in the territory or raw vegetables harvested in the territory.
- Goods may be manufactured entirely of originating materials - this generally refers to goods in manufactured form produced entirely from inputs that have satisfied the product-specific rules of origin discussed under 3. below.
- Goods may be manufactured using non-originating materials - in this case, reference must be had to the detailed product specific rules contained in Schedule I to the Regulations, set out in sequential order based on the Harmonized Commodity Description and Coding System. (These rules must also be referred to when determining whether a good has been produced entirely from originating materials in 2. above.) The product-specific rules require that, in order for a good to be considered originating, non-originating materials used in its manufacture must have undergone the specified change in tariff classification in the process of being incorporated into the good.

The *CIFTA Tariff Preference Regulations* set out the additional conditions which goods originating in the CIFTA territory must satisfy in order to be entitled to a tariff preference when imported into Canada. These additional conditions refer to compliance with the relevant proof of origin requirements established by regulations made under the Customs Act and production of documents showing the conditions under which the good was shipped to Canada.

The *CIFTA Rules of Origin for Casual Goods Regulations* establish the conditions under which goods acquired in Israel, the West Bank or Gaza by travellers are considered originating and therefore entitled to preferential tariff treatment. Basically, where travellers acquire goods in the CIFTA territory and the goods are either marked made in Israel, the West Bank or Gaza, or not marked to the contrary, the traveller can claim CIFTA tariff preference on importation of the goods into Canada.

The *Regulations Amending the Canadian International Trade Tribunal Regulations* and the *Rules Amending the Canadian International Trade Tribunal Rules* make changes to the regulations and rules consequential upon the amendments to the Canadian International Trade Tribunal Act.

The regulations come into force on January 1, 1997.

Contact: Paul Murphy, Tariffs Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-992-1533; Michel Bergeron, International Economic Relations, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-992-0763; Derrick Smith, Origin Determination Directorate, Department of National Revenue, Ottawa, Ontario, K1A 0L5. Tel: 613-952-7141.

Proof of Origin of Imported Goods Regulations, amendment (SOR/97-68, OIC 1996-2080)

Customs Act, section 35.1, paragraph 164(1)(i) and subsection 164(1.1)

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

The regulatory amendments implement portions of the Free Trade Agreement between Canada and Israel (CIFTA), signed on July 31, 1996, and the extension of CIFTA benefits to the West Bank and Gaza.

More specifically, these regulations stipulate the types of documentation that importers must provide in order to claim the benefits of the various preferential tariff treatments that are applicable to imported goods.

New provisions of these Regulations spell out the proof of origin requirements contained in Articles 5.1 to 5.4 of the CIFTA. The new sections generally parallel the requirements of North American Free Trade Agreement (NAFTA), but take into account the other official languages that may be used by CIFTA exporters when completing the proof of origin form.

These amendments also prescribe the time and place for providing proof of origin for the purposes of claiming the benefit of the preferential tariff treatment under CIFTA.

Contact: W.A. Claypole, Director, Origin Determination Directorate, Department of National Revenue, 6th Floor, Connaught Building, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6980; Fax: 613-954-2224.

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Refund of Duties Regulations, amendment (SOR/97-69, OIC 1996-2081); Imported Goods Records Regulations, amendment (SOR/97-70, OIC 1996-2082); Exporters' and Producers' Records Regulations (revision) (SOR/97-71, OIC 1997-2083; NAFTA and CIFTA Advance Ruling Regulations (previously known as the NAFTA Advance Rulings Regulations) (SOR/97-72, OIC 1996-2084); NAFTA and CIFTA Certification of Origin Regulations (previously known as the NAFTA Certification of Origin Regulations) (SOR/97-73, OIC 1996-2085); CIFTA Tariff Item No. 9827.00.00 Accounting Regulations (SOR/97-74, OIC 1996-2086); and CIFTA Verification of Origin Regulations (SOR/97-75, OIC 1996-2087)

Customs Act, Paragraph 74(3)(b), subsection 75(1) and paragraph 164(1)(i); Subsection 40(1); Subsection 97.2(1), paragraph 164(1)(i) and subsection 164(1.1); Section 43.1, paragraphs 164(1)(i) and (j) and subsection 164(1.1); Subsections 97.01(1) and 97.11(1), paragraph 164(1)(i) and subsection 164(1.1); Subsections 32(1) and (2) and paragraph 164(1)(i); and Section 42.5, subsection 42.6(1) and paragraph 164(1)(i)

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

The regulatory amendments implement portions of the Free Trade Agreement between Canada and Israel (CIFTA), signed on July 31, 1996, and the extension of CIFTA benefits to the West Bank and Gaza.

The following Regulations have been amended or revised to reflect the amended provisions of the *Customs Act* and to implement commitments made by Canada in the Agreement:

The *Refund of Duties Regulations* are amended to implement some of Canada's obligations under Article 5.2 of the CIFTA. They allow importers of goods from Israel or another CIFTA beneficiary to claim a refund of duties, within two years after the goods were accounted for, in situations where preferential tariff treatment was not claimed at the time of accounting owing to the absence of a valid Certificate of Origin.

The *Imported Goods Records Regulations* describe the kinds of records that Canadian importers must retain. The Regulations were amended to include the requirement to retain all records that relate to any application for an advance ruling made under section 43.1 of the *Customs Act* with respect to the importation of commercial goods. This amendment is necessary for the implementation of Canada's obligations under Article 5.5 of the CIFTA.

The *Exporters' and Producers' Records Regulations* are revised to describe the kind of records that Canadian exporters and producers must retain. A number of changes made to these Regulations implement Canada's obligations under Article 5.5 of the CIFTA. They describe the types of records that must be retained by Canadian exporters who sign Certificates of Origin, and also permit these records to be retained on computer-readable media. The general retention period of six years is also carried into the CIFTA provisions. A substantive change to section 8 of these Regulations is intended to spell out the full provision of Article 506 of North American Free Trade Agreement (NAFTA) with respect to the requirements that must be met in order for an origin verification visit to be made in Canada by Customs officials from the United States or Mexico. This change is intended to address concerns raised by the Standing Joint Committee for the Scrutiny of Regulations (SJC). The revision to these Regulations also corrects some minor technical errors that have been noted by the SJC.

The following regulations constitute replacements for previous NAFTA regulations and have been modified to make provision for the CIFTA:

The *NAFTA and CIFTA Advance Rulings Regulations* are revised to continue to maintain Canada's obligations under Article 509 of NAFTA, while extending the program of departmental advance rulings to Canadian importers of goods from Israel or another CIFTA beneficiary and to exporters and producers in Israel or another

CIFTA beneficiary. The new provisions for the CIFTA are necessary for the implementation of Article 5.8 of the Agreement. The availability of advance rulings will provide greater certainty to traders inside and outside Canada with respect to the eligibility of their goods for preferential tariff treatment under CIFTA or NAFTA.

The *NAFTA and CIFTA Certification of Origin Regulations* are revised to cover some of Canada's obligations under Article 501 of the NAFTA and Article 5.1 of the CIFTA. They set out the basic criteria for Canadian exporters to complete Certificates of Origin under NAFTA and make provision for Certificates of Origin under CIFTA.

The following are new regulations designed solely as a result of the CIFTA:

The *CIFTA Tariff Item 9827.00.00 Accounting Regulations* outline the documentary requirements for goods that are returned to Canada from Israel or another CIFTA beneficiary, having been exported to the latter for non-warranty repair or alteration. The invoice requirements are similar to the provisions under the NAFTA. These Regulations implement some of Canada's obligations under Article 2.2 and Annex 2.2.3 of the CIFTA.

The documentary requirements for goods exported for warranty repair are covered by the revised *Importation of Goods Exported for Repair Under Warranty (Tariff Item No. 9820.00.00) Regulations*, made pursuant to the Customs Tariff.

The *CIFTA Verification of Origin Regulations* implement Canada's obligations under Article 5.6 of the CIFTA. These Regulations describe the process and conditions that apply with respect to verifications of origin of goods in Israel or another CIFTA beneficiary. Such activities may include sending a questionnaire to the exporter or producer of the goods or may take the form of a verification visit. Under a new provision of the *Customs Act*, the Minister may designate persons within a class of persons to act on behalf of officers of the Canadian customs administration to conduct verification activities. In this context, officials of the customs administration of Israel or another CIFTA beneficiary may be required to conduct verification activities for Canadian officials.

Contact: W.A. Claypole, Director, Origin Determination Directorate, Department of National Revenue, 6th Floor, Connaught Building, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6980; Fax: 613-954-2224.

Provincial Airlines Ltd. Remission Order (SI/97-4, OIC 1996-1981)

Financial Administration Act, subsection 23(2)
Not included in Regulatory Plan
Published in Canada Gazette January 8, 1997

The Order remits $439,263, representing the ascertained forfeiture demanded from Provincial Airlines Ltd. pursuant to paragraph 133(1) of the *Customs Act* on June 20, 1996.

Reproduction of Federal Law Order (SI/97-5, OIC 1996-1995)

Prerogative

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

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Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Order Authorizing the Minister of Industry to Enter into an Agreement Governing Financial Assistance to MIL Davie Inc. (SI/97-6, OIC 1996-1996)

The Order permits the Minister of Industry to remit a debt of $4,491,000 arising from an agreement governing financial assistance with **MIL Davie Inc**., provided that the Minister enters into a Termination Agreement with the Government of Quebec through the **Société générale de financement** (SGF), incorporating conditions set out in the Order.

Financial Administration Act, section 23(2.1)

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

Pre-Published and Approved No comments or changes

Statutory Authority & Regulatory Plan Listing

Laurentian Pilotage Authority Pilot Boat Tariff Regulations, 1997 (SOR/97-5; OIC 1996-1908)

The regulations establish charges for the use of pilot boats at Les Escaoumins, Quebec, Trois-Rivières, Sorel, Lanorie, Pointe-aux-Trembles, Montreal-Est/Longue-Pointe, and Vickers. The effective date is Jan. 1, 1997.

The regulations also repeal The Laurentian Pilotage Authority Pilot Boat Tariff Regulations (SOR/95-583).

The charge at Les Escoumins decrease by 3.1%. At Quebec, the regular charges increase by 5.5% and by 3.6% in respect of tug operators in the winter. At Trois-Rivieres, the increase is 2%, while at Sorel, Lanoraie and the port of Montreal, there is no increase. The Authority adds 4.8% to the operator's charge to cover its own administration, i.e., invoicing, collecting the charges from the users, bookkeeping and paying the operators.

Contact: Jean-Claude Michaud, Chairman, Laurentian Pilotage Authority, P.O. Box 680, Tour de la Bourse, Montreal, Quebec, H4Z 1J9. Tel: 514-496-1501; Fax: 514-496-2409.

Pilotage Act, paragraph 33(1)(e)

TC/97-L

Published in Canada Gazette January 8, 1997

Pre-Published and Approved With comments or changes

Statutory Authority & Regulatory Plan Listing

Feeds Regulations (SOR/97-6, OIC 1996-1909), Fertilizers Regulations (SOR/97-7, OIC 1996-1910), Health of Animals Regulations (SOR/97-8, OIC 1996-1911), Seeds Regulations (SOR/97-9, OIC 1996-1912), amendments (Environmental Assessment of Biotechnology Field Releases)

These amendments clarify that the *Feeds Act, Fertilizers Act, Health of Animals Act*, and *Seeds Acts* contain the authority to allow Agriculture and Agri-Food Canada to conduct environmental assessments prior to field releases (or trials) of products and to put in place procedures for notification and environmental assessments of products under these Acts.

These amendments also clarify for stakeholders in the agriculture and agri-food sector and the public that field releases meet appropriate standards for environmental and human safety and are considered equivalent to standards under the *Canadian Environmental Protection Act* (CEPA).

Feeds Act, Fertilizers Act, Health of Animals Act, Seeds Act

AGR/95-16-I, AGR/94-15-I, AGR/94-20-I, AGR/94-44-I

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Pre-Published and Approved With comments or changes

Statutory Authority & Regulatory Plan Listing

The proposals were prepublished in the Canada Gazette Part I on August 17, 1996 (See *Regulatory Affairs*, V. 2, No. 31, pp. 4-5); a large number of comments were received, most of them not resulting in changes to the final package of regulations. (See below.)

This package is the second of two Agriculture and Agri-Food Canada packages of regulatory amendments on biotechnology. The first package added the *Canadian Environmental Protection Act* definition of biotechnology to the *Feeds Regulations*, *Fertilizers Regulations*, *Health of Animals Regulations*, *Pest Control Products Regulations* and *Seeds Regulations* and clarified that Agriculture and Agri-Food Canada has the authority to regulate agricultural products of biotechnology.

The specific proposed changes include the following:

- Amendments to the *Seeds Regulations* to provide regulatory authority for both confined and unconfined releases (releases on an unrestricted basis with no conditions of confinement) into the environment of all plants with novel traits, including forest trees. Once all health and environmental safety questions with respect to an unconfined release are addressed by a developer, authorization would be granted for a release of a particular plant with a particular novel trait. At this point, the developer would no longer, except under certain circumstances, be subject to these amendments with respect to this plant and would be able to, in most cases, grow the plant in any quantity or in any location without notifying Agriculture and Agri-Food Canada.
- Amendments to the *Feeds Regulations* will apply to all novel feeds (feeds that are not listed in regulatory schedules IV or V of the *Feeds Regulations* or are not substantially equivalent to feeds used presently in Canada) intended for livestock that are released outside of contained facilities. These include feeds derived from plants with novel traits, and from microbes or fermentation products used as feeds. In the past, domestic researchers have not been required to notify Agriculture and AgriFood Canada regarding field releases of feeds, provided they could ensure safe disposal of all experimental materials. Now field releases of novel feeds must be notified and assessed. Releases of imported experimental feeds will continue to be subject to notification and assessment.
- The amendments to the *Fertilizers Regulations* will apply to all unregistered and novel supplements (substances that improve the physical condition of the soil or aid plant growth or crop yields), whether they are products of biotechnology or are chemical in origin. All developers of supplements will be subject to regulation if there is potential for exposure of the supplement to the environment. Researchers in government or universities who were conducting field releases into the environment will no longer be exempt from notification, resulting in an increase in the number of applications for field releases.
- Amendments to the *Health of Animals Regulations* will permit field releases of veterinary biologics outside of laboratory containment facilities or confinement, after an environmental assessment has been conducted. Researchers and developers of veterinary biologics will be required to notify and obtain a permit from Agriculture and Agri-Food Canada before releasing or field testing the veterinary biologic. These regulations will require all modified live organisms, including genetically modified organisms to go through this process. Microbes not represented for use as a veterinary biologic are not covered under this regulation. Once any veterinary biologic is treated in such a matter so as to destroy its use as a veterinary biologic, it is no longer covered under the regulation.

For both microbial fertilizer supplements and novel feeds, the incremental cost of preparing a package of information for an environmental release is estimated to be between $3,000 and $5,000. Depending on the properties and safety of the product, additional information and testing could be required, ranging in cost from $1,500 to $1.5 million per application.

For unconfined releases of plants with novel traits the additional cost of supplying the information is dependent on the characterization of the plant that is necessary. It could range from the cost of collecting and formatting the information, in cases where the plant is already well characterized, to an estimated cost of $50,000 and higher, where more information is necessary. The amendments set out a flexible approach based on safety and the notion of what is novel could regularly change based on new scientific information. Once an authorization has been granted for a novel trait within a particular plant species, that novel trait/plant combination would no longer be considered novel and thus not be subject to the regulations.

For veterinary biologics not exempted from regulation, if the applicant has produced the safety information on target and non-target species, which is generally done prior to the testing of a product in the environment, the only cost to developers will be to compile the information and submit it according to required format and guidelines – estimated at $500 - $5,000 depending on the complexity of the data.

These amendments will impose costs on some university or government researchers who have not in the past been subject to notification or assessment requirements. Researchers conducting basic research outside of a contained facility will now have to prove safety to the environment before they can release that product.

The proposed regulations do not include several things requested by developers, among them an appeal process for negative decisions, a requirement that decisions on assessments be made within 60 to 90 days, nor a request by Quebec of notice to provinces of releases of plants with novel traits. The proposals do, however, drop a requirement for public notification of field releases of agricultural products of biotechnology into the environment, recognizing the costs of such notices.

Among the changes made to the prepublished proposed regulations are:

- a clarification of the Information Requirements sections of the various regulations, whereby the Minister determines if certain information is not required for a decision on the release of a product (under the Decision of the Minister section. Information may be omitted if the Minister agrees with the written scientific rationale of the person providing the information.
- A paragraph has been added to the New Information Requirements sections of the regulations to clarify that if new information demonstrates that the risk to the environment is less than was previously determined, that the Minister may change, remove or maintain conditions of release.

Thirty-eight comments were received from various groups, including:

- concerns about the use of the word “toxic” as well as the definition of “novel trait” (no changes made);
- concerns about the perceived conflict of interest for Agriculture Canada in being both regulator and promoter of biotechnology (no change made);
- requests to pre-publish decision documents on releases, for public comments (no change made);
- a request for a decision on environmental assessments by the Minister within 60 days, and deemed approval if not received within that time frame (rejected).

Contact: Bart Bilmer, Biotechnology Strategies and Coordination Office, Food Production and Inspection Branch, 59 Camelot Drive, Ottawa, Ontario, K1A 0Y9. Tel: 613-952-8000; Fax: 613-941-9421.

Registration of Storage Tank Systems for Petroleum Products and Allied Petroleum Products on Federal Lands Regulations (SOR/97-10; OIC 1996-1913)

Canadian Environmental Protection Act, Section 54(1)

EC/94-12

Published in Canada Gazette October 5, 1996

The regulations require owners of federally and privately-owned storage tank systems, containing petroleum or allied petroleum products, located on federal lands to be registered and to provide specified information to the government.

The proposed regulations were prepublished in the Canada Gazette Part I on October 5, 1996 (see *Regulatory Affairs* v. 2, No. 39, pp. 3-4, October 14, 1996). As a result of comments, some minor changes were made and the effective date changed to August 1, 1997.

More specifically, in the first year of the program, owners will be required to register, whether in-use or abandoned:

- outside aboveground storage tank systems having a single or total capacity of greater than 4,000 litres; and
- all underground storage tank systems.

In subsequent years, registration will be required only for:

- new outside above-ground storage tank systems having a single or total capacity greater than 4,000 litres;
- new underground storage tank systems; and
- changes in ownership, alterations, replacement or withdrawal-from-service of an existing storage tank systems.

In addition, each federal department that controls the federal land on which a storage tank system(s) is located, will be required to maintain a consolidated record of all registered storage tank systems on those lands and provide annual compliance status reports either to Environment Canada or in Part III of the annual departmental Main Estimates.

The registration program would provide Environment Canada and other federal departments with the following information:

- location and year of installation;
- ownership, operator and type of facility;
- current status (in-service, temporarily out-of-service or abandoned);
- design capacity and contents;
- construction; and
- measures for spill, leak and corrosion protection.

Costs to the Canadian government in the first year of the program are estimated to be $400,000 ($1995), with annual costs of some $250,000 ($1995).

Contacts: Ross White, Oil, Gas and Energy Division, Air Pollution Prevention Directorate, Department of the Environment, Hull, Quebec, K1A 0H3. Tel: 819-953-1125; Fax: 819-953-8903; Arthur Sheffield, Chief, Regulatory & Economic Assessment Branch, Regulatory Affairs and Program Integration Directorate, Department of the Environment, Ottawa, Ontario, K1A 0H3. Tel: 819-953-1172; Fax: 819-997-2769.

Pre-Published and Approved
With comments or changes

Statutory Authority & Regulatory Plan Listing

Credit Information (Insurance Companies) Regulations (SOR/97-11, OIC 1996-1914)

Insurance Companies Act, sections 489 and 607

OSFI/92-1-M

Published in Canada Gazette January 8, 1997

These regulations address the use and distribution by an insurance company of protected types of credit information.

They were prepublished in the Canada Gazette Part I on May 25, 1995 and earlier on February 22, 1992. They are part of a 1992 restructuring of the legislation for financial institutions.

Contact: Karl Adamsons, Manager, Legislation, Legislation and Pensions Division, Office of the Superintendent of Financial Institutions, 255 Albert Street, Ottawa, Ontario K1A 0H2. Tel: 613-990-9960; Fax: 613-998-6718.

Food and Drug Regulations, amendment (Schedule No. 624: Establishment Licensing Framework) (SOR/97-12, OIC 1996-1915)

Food and Drugs Act, subsection 30(1)

HCan/95-2-M

Published in Canada Gazette January 8, 1997

This amendment introduces an establishment licensing framework and uniform good manufacturing requirements for all drugs in Division lA of the *Food and Drug Regulations*. Details were prepublished in the Canada Gazette Part I on August 10, 1996 (see *Regulatory Affairs*, v. 2, No. 30, August 12, 1996, pp. 2-4 for details).

The amendment provides for a comprehensive risk management process under which annual licences will be required for persons carrying on the following business: fabricator; packager; operating a testing laboratory; importer; distributor; and wholesaler.

As a result of consultations and a Business Impact Test, a number of concerns were raised, including:

- requests for third part accredited inspectors (Health Canada will review this option in future)
- recommendation that Canada accept the U.S. cGMP's from U.S. sites (Health Canada doesn't want the extensive detail contained in the U.S. cGMP reports; Canada is negotiating Mutual Recognition Agreements (MRAs) with the European Union, the U.S., and Japan, and New Zealand and Australia have indicated an interest in negotiating an MRA.)
- concerns from small companies that the proposed regulatory environment and cost recovery would impose costs of 15% of total company sales (Health Canada has modified the framework to in a number of respects)

Among the many changes made in the final regulations are:

- an exemption from the framework for investigational new drugs, dilute veterinary drug premixes, medical feeds, as well as for wholesalers of veterinary drug premixes
- pharmacists, practitioners or persons under the supervision of a practitioner will not be subject to licensing if they are compounding drugs or importing drugs which are not commercially available, for the treatment of a patient pursuant to a prescription;
- an exemption for drug wholesalers from C.02.011 and C.02.012(c) of the *Food and Drug Regulations*;
- an exemption from unnecessary retesting for products imported under an MRA;
- a requirement that changes to the information that would result in an amendment in Canada be reported for the foreign source through the importer.

Under the new regulations, the licence specifies the categories of drugs (e.g., pharmaceuticals, vaccines, blood and blood components, narcotics, and drugs listed in Schedules D, C, G or F of the Act or Regulations), and dosage form classes (e.g., parenteral, tablet, capsule, solution, suspension, aerosol, powder, suppository, medical gas, veterinary premix or medical feed) or non dosage form class (e.g., bulk intermediaries of Schedule C or D drugs), on which the establishment is authorized to conduct the licensed activity. As risk is particular to product types and forms, the proposal will differentiate among the specific but not the general conditions that must be met to obtain and hold such licences.

A person is required to obtain a licence to fabricate parenteral or suspension pharmaceuticals at a specific site. Under this licence, products may be added or discontinued without requiring an amendment to the license, provided that they fall within the dosage form classes for which the license was issued.

The amendment includes persons involved in activities related to medicated feeds, herbals, homeopathics and veterinary drugs as they all fall within the definition of pharmaceutical in the new regulation.

The licensing framework provides flexibility in the control of firms found out of compliance with Good Manufacturing Practice (GMP) requirements, by allowing suspension of licensing for only those operations or product types which are non-compliant. For example, a licence could therefore be suspended for the fabrication of parenterals until the specific problem has been resolved while fabrication of suspensions would not be restricted.

The framework ensures that products are produced, packaged and labelled, imported, stored, tested and distributed according to applicable GMP requirements sufficient to ensure the safety and quality of all drug products. The responsibility for the adequacy of the various processes will rest with the fabricator, packager and labeller, importer, distributor, wholesaler or testing laboratory, as appropriate.

In order for a licence to be granted, manufacturers of all drugs must meet the requirements for GMP set out in Division 2 of the *Food and Drug Regulations*. The current regulations do not provide persons handling biological or radiopharmaceutical drugs with a concise set of regulatory requirements respecting these activities. All drugs are placed on a common regulatory basis, with clearly defined regulatory requirements.

The amendment introduces new administrative requirements related to licensing. The submission of pertinent information would be required as part of the licence application for all persons who conduct any of the activities covered.

Overall, the amendments impact some 2,000 establishments, including some 1,200 pharmaceutical fabricators, packagers or distributors, some 450 drug importers and wholesalers, and some 250 veterinary drug fabricators.

Contact: Lauraine Begin, Risk Management and Regulatory Affairs Division, Bureau of Drug Policy and Coordination, Drugs Directorate, Health Protection Building, Address Locator 0702B1, Tunney's Pasture, Ottawa, Ontario, K1A 0L2. Tel: 613-957-0372; Fax: 613-941-6458.

Pre-Published and Approved
With comments or changes

Statutory Authority & Regulatory Plan Listing

St. Lawrence Seaway Regulations, amendments (SOR/97-13, OIC 1996-1916)

The St. Lawrence Seaway Authority Act, R.S.C. 1985, c. S-2, s. 20(1)

TC/95-24-L

Published in Canada Gazette January 8, 1997

The amendments allow vessels with a beam width in excess of 23.2 meters to apply for transit, thereby increasing the number of vessels capable of using the Seaway and permitting the transportation of greater quantities of goods through the use of larger vessels.

The amendments also require more precise data on dangerous cargos as part of load plans and material safety data sheets provided by vessel operators. The availability of this data would allow faster responses in emergency situations.

The changes increase the amount of tolls to be collected and prevent a drop in tolls should vessel size not be increased.

Consultations with the Great Lakes Pilotage Authority, Ltd., The Shipping Federation of Canada and the Canadian Shipowners Association produced no objections.

The proposed amendments were prepublished in the Canada Gazette Part I on Nov. 4, 1995 (See *Regulatory Affairs* v. 1, No. 1, Oct. 30, 1995, p. 1); minor changes were made to address comments received.

Contact: Norman B. Willans, Counsel, The St. Lawrence Seaway Authority, Constitution Square, Suite 1400, 360 Albert Street, Ottawa, Ontario, K1R 7X7. Tel: 613-598-4605

Motor Vehicle Safety Regulations, amendment (Section 206: Door Locks and Door Retention Components) (SOR/97-14, OIC 1996-1917)

Motor Vehicle Safety Act, S.C., 1993, c. 16

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

The amendment establishes new safety standards for latches, hinges, and locks of rear doors, for passenger cars, station wagons, and vans with a gross vehicle weight rating of less than 4536 kg, designed to ensure, to the extent possible, that the latches and locks of hatches, tailgates, and rear van doors will not open and that their hinges will hold the door in place in the event of a collision.

With the growing popularity of motor vehicles that open at the rear and a high probability of death associated with being ejected from a vehicle, it has become necessary to extend the requirements of section 206 to the latches, hinges, and locks of hatches, tailgates, and rear doors.

The amendment, which comes into effect Sept. 1, 1997, incorporates, by reference, into the *Motor Vehicle Safety Regulations*, a Technical Standards Document entitled "Door Locks and Door Retention Components"; it reproduces the Federal Motor Vehicle Safety Standard 206 of the United States almost without change and specifies the requirements for the door locks and door retention components of all types of hinged doors. The section incorporating the TSD (section 206) expires September 1, 2002.

The proposal was prepublished in Canada Gazette Part I on May 11, 1996 (see *Regulatory Affairs* v. 2, No. 18, May 6, 1996, pp. 5-6). During the consultation period following prepublication, the U.S. government introduced a two-year phase-in period. The same phase-in period has been adopted for Canada. Under the phase-in, 60% of a manufacturer's passenger cars and multipurpose vehicles produced between Sept. 1, 1997 and Sept, 1, 1998 must meet the new requirements and 100% must comply after Sept. 1, 1998. Future changes to the U.S. TSD 206 will be prepublished in the Canada Gazette and come into force six months later.

Contact: Dan Davis, Road Safety and Motor Vehicle Regulation Directorate, Department of Transport, 344 Slater Street, Ottawa, Ontario, K1A 0N5. Tel: 613-998-1958; Fax: 613-998-4831.

Pre-Published and Approved With comments or changes

Statutory Authority & Regulatory Plan Listing

Ship Station Radio Regulations, amendment (SOR/97-15, OIC 1996-1918); Emergency Position Indicating Buoy Regulations, repeal (SOR/97-16, OIC 1996-1919)

Canada Shipping Act, subsections 338(1) a and 339(1), sections 342 and 657b*; Arctic Waters Pollution Prevention Act*, section 12

TC/94-57

Published in Canada Gazette January 8, 1997

Since Emergency Position Indicating Buoy (EPIBs) are no longer commercially available, the *EPIB Regulations* are repealed and its Class I EPIRB provisions transferred to the *Ship Station Radio Regulations*.

Due to enhanced satellite technology, the Class I EPIRB has several safety features and advantages as compared to the EPIB which have, in fact, lead to the EPIB becoming obsolete. In the case of a distress situation, the Class I EPIRB improves a mariner's safety by providing a far greater reliability in the transmission and reception of the distress signal. Furthermore, since the signal can be used to identify the ship in distress and to determine its location, the speed and effectiveness of rescue will be greatly enhanced.

In the transfer of these Class I EPIRB provisions, some minor changes would be made to the application to simplify the regulatory text. In addition, the regulations concerning emergency position indicating radiobeacons (EPIRBs) are amended to apply to tugs. More specifically, this initiative provides a closing date by which time tugs will have had to replace their EPIBs with Class I EPIRBs. In addition, all tugs of 20 metres or more engaged on any voyage beyond a home-trade voyage, Class IV, or a minor waters voyage, will be required to carry a Class I EPIRB. In the past, tugs engaged on certain limited voyages outside sheltered waters were excluded from the application of the EPIB Regulations.

It is estimated that 50 - 60 tugs will have to replace their EPIB with a Class I EPIRB as most tugs have already made the transition. The cost of purchasing a Class I EPIRB is approximately $1,600.

The regulations were prepublished in the Canada Gazette Part I on October 12, 1996 (see Regulatory Affairs v. 2, No. 39, October 14, 1996, pp. 5-6). As a result, several minor changes were made in the final version. The changes come into effect Jan. 1, 1997.

Contact: R.P. Turner, AMBC-E, Marine Surveyor, Ship Equipment, Marine Safety, Department of Transport, Canada Building, 344 Slater Street, Ottawa, Ontario, K1A 0N7. Tel: 613-991-3134; Fax: 613-991-5670.

Pacific Pilotage Tariff Regulations, amendment (SOR/97-21, OIC 1996-2002)

Pilotage Act, section 33

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

The changes increase pilotage tariffs in all areas in and around British Columbia, including an increase of 3.25% in pilotage tariffs in all areas, with the exception of the Sand Heads and Cape Beale launch charges, along with a 3.25% increase in travel-related tariffs. The port to port definition is amended to include ships departing an anchorage in one port and entering another port. The port to port charge is to be $480 per occurrence.

The port to port charge definition would encompass 12% of the coastal trips and is intended to parallel the Authority's tariff revenue with the payments made to the British Columbia Coast Pilots Ltd.

The regulations, prepublished in the Canada Gazette Part I on Nov. 9, 1996 (see *Regulatory Affairs*, v. 2, No. 44, 1996, pp. 1-2) come into effect Jan. 1, 1997.

Contact: D. B. McLennan, Chairman, Pacific Pilotage Authority, 1199 West Hastings Street, Suite 300, Vancouver, British Columbia, V6E 4G9. Tel: 604-666-6771; Fax: 604-666-1647.

Pre-Published and Approved
With comments or changes

Statutory Authority & Regulatory Plan Listing

Citizenship Regulations, 1993, amendment (SOR/97-23, OIC 1996-2004); Immigration Act Fees Regulations, amendment (Cost Recovery Phase 7) (SOR/97-22, OIC 1996-2003)

Immigration Act, section 114; *Financial Administration Act*, paragraph 19(1)(a); *Citizenship Act*, section 27

CIC/96/R-1-M; CIC/96/R-2-M

Published in Canada Gazette January 8, 1997

The changes increase certain processing fees, eliminate maximum rates for most services, eliminate two existing exemptions from visitor visa fees, drop fees for two services no longer provided by Citizenship and Immigration Canada, clarify exemptions for certain fee exemptions, and simplify the fee schedule.

The amendments come into effect Jan. 2, 1997; a copy of the Regulatory Impact Analysis Statement (RIAS) was prepublished in the Canada Gazette Part I on November 16, 1996 (see Regulatory Affairs v. 2, No. 44, Nov. 16, 1996, p, 4).

More specifically, the amendments:

- simplify the current fee schedule by establishing uniform fees for processes which require similar resources to provide similar outputs. As an example, applications for adult and minor grants of citizenship, retention, resumption and renunciation of citizenship are currently processed as five discrete business lines with separate fees; all these services are consolidated for revenue collection purposes by establishing a uniform fee of $100 for all applicants. The simplification is also important in light of the recent award of a contract to the National Bank of Canada to collect revenue for CIC services in Canada, effective April 1, 1997.
- increase the processing fee for visitor services and some other services subject to user fees. The proposed regulations set out the increases in an Appendix.
- eliminate maximum rates for all services with the exception of visitor visas for tourists and employment authorizations for group of performing artists and staff. Maximum/family rates were introduced on April 1, 1991 in the second phase of a multi-year initiative, to keep the fees for services affordable even for large families. Only 1.56% of all applications for visitor services submitted in 1995/96 benefited from these preferential rates. Therefore, the elimination of maximum rates will have minimal impact on applicants.
- eliminate two existing exemptions from visitor visa fees. Persons who require a visitor visa, who are part of an organized tour group from the United States, and who will be in Canada less than 48 hours will now be required to pay the processing fee for a visitor visa. Members of a group of performing artists and staff who require visitor visas in addition to employment authorizations will now be required to pay the visitor visa fee.
- eliminate fees for two services not provided by Citizenship and Immigration Canada. The responsibility for providing a copy of a transcript of an inquiry now rests with the Immigration and Refugee Board; therefore the fee for Transcript of Inquiry is eliminated. The fee for a Permanent Resident Document has also been eliminated. This document was not introduced as planned
- clarify the original intent of a certain fee exemption and accommodate the provisions of international agreements. The amendments would reflect that persons who submitted their application either in Canada and abroad, and who wish to remain or be granted early admission are exempt from the Minister's Permit fee until such time as an inadmissibility is identified. The amendment grants a fee exemption to dependents of a visiting forces officer and American officials (including preclearance personnel) stationed in Canada when applying for a visitor extension, student authorization or an employment authorization.

Pre-Published and Approved With comments or changes

Statutory Authority & Regulatory Plan Listing

The amendments grant a fee exemption to Human Resources Development Canada when requesting immigration statistical data for policy determination and analysis.

Contact: R. Eales, Chief, Cost Recovery and Revenue Generation, Financial Planning, Analysis and Reporting, Finance and Administration, Citizenship and Immigration Canada, Journal Tower North, 4th Floor, 300 Slater Street, Ottawa, Ontario K1A 1L1. Tel: 613-957-9192.

Import Control List, amendment (SOR/96-408)

Export and Import Permits Act, subsection 5.1(1) and section 6

Not included in Regulatory Plan

To be published in Canada Gazette Aug. 21, 1996

The amendment keeps carbon and specialty steel products on the Import Control List for another three years, starting September 1, 1996.

The current control on carbon and specialty steel ends Aug. 31, 1996; it was extended by two years by Order in Council P.C./94-1352 on August 16, 1994 (See *Orders in Council* Vol. 15, No. 30, p. 5), effective September 1, 1994, ensuring that import monitoring of these products continued.

The proposal was prepublished in the Canada Gazette on June 29, 1996 (see *Regulatory Affairs*, Vol. 2, No. 25, p. 2, June 25, 1996).

Added to the Import Control List are:

- carbon steel products, including semi-finished products (ingots, blooms, billets, slabs and sheet bars), plate, sheets and strip, wire rods, wire and wire products, railway-type products, bars, structural shapes and units, pipes and tubes;
- specialty steel products, including stainless flat-rolled products (sheet, strip and plate), stainless steel bar, stainless steel pipe and tube, stainless steel wire and wire products, alloy tool steel, mold steel and high-speed steel.

Contact: Special Trade Policy Division (EPM), Export and Import Controls Bureau, Department of Foreign Affairs and International Trade, P.O. Box 481, Station “A”, Ottawa, Ontario, KIN 9K6.

Great Lakes Pilotage Tariff Regulations, amendment (SOR/96-409)

Pilotage Act, section 33

Not included in Regulatory Plan

To be published in Canada Gazette Aug. 21, 1996

The amendment increases tariff rates at the Port of Churchill by 10% in each of 1996 and 1997. The Great Lakes Pilotage Authority had originally proposed, by way of a notice in the Canada Gazette on Feb. 10, 1996, to increase tariffs by 10% for five consecutive years, starting in 1996. Four objections were filed with the National Transportation Agency and the NTA subsequently recommended only the two year tariff increase.

The new fees will generate an estimated $2,500 in extra fees in 1996 and in 1997.

Contact: R.G. Armstrong, Chairman, Great Lakes Pilotage Authority, Ltd., P.O. Box 95, Cornwall, Ontario, K6H 5R9. Tel: 613-933-2991; Fax: 613-932-3793.

Ministerial Orders Approved

Statutory Authority & Regulatory Plan Listing

Canadian Chicken Licensing Regulations, amendment (SOR/97-1)

Farm Products Agencies Act, paragraph 22(1)(f)

Not included in Regulatory Plan

To be published in Canada Gazette January 8, 1997

These amendments provide for the licensing of persons engaged in the export of chicken raised by producers under periodic export quotas.

The amendments include conditions of licence, annual fees ($50 for various licences), an export commitment form, and a table listing full live weight coefficients for determining the live weight equivalent of chickens marketed.

The regulations came into effect December 16, 1996.

Ministerial Orders Approved

Statutory Authority & Regulatory Plan Listing

Public Service Superannuation Regulations, amendment (SOR/97-2)

Public Service Superannuation Act, paragraph 42.1(1)(v.3); *Financial Administration Act*, paragraph 7(2)(a)

Not included in Regulatory Plan

To be published in Canada Gazette January 8, 1997

These amendments include a provision allowing for the calculation of interest on a return of contributions to be prescribed by regulation.

After January 1, 1997, interest will be determined on a quarterly basis rather than on an annual basis; interest will be based on the rate of interest earned by the Superannuation Account; and the interest will be based on the date of payment of the return of contributions rather than the date of termination of employment.

The new method for calculating interest reflects the provisions for interest credits to the Superannuation Account, to meet the minimum requirements of the Pension Benefits Standards Act, 1985.

The regulations come into effect January 1, 1997.

Contact: Joanne Lee, Director, Pensions Legislation Development Group, Pensions Division, L'Esplanade Laurier, West Tower, Ottawa, Ontario, K1A 0R5. Tel: 613-952-3233.

Pacific Harbour Dues Tariff By-law, amendment (SOR/97-3)

Canada Ports Corporation Act, section 27

TC/93-18

To be published in Canada Gazette January 8, 1997

This Order authorizes the Vancouver Port Corporation to change harbour dues for Vancouver harbour from time to time until January 1, 1997 at a rate not to exceed 4% per year.

More specifically, the by-law amends Schedule I to establish a rate of $0.730 for each gross ton, for each time a vessel comes into Vancouver harbour.

The regulations come into effect January 1, 1997.

Contact: Warren D. McCrimmon, Director, Legal Services and Corporation Secretary, Vancouver Port Corporation, 1900 - 200 Granville Street, Vancouver, B.C., V6C 2P9. Tel: 604-666-2821.

Canadian Egg Marketing Agency Quota Regulations, 1986, amendment (SOR/97-4)

Farm Products Agencies Act, paragraph 22(1)(f); *Canadian Egg Marketing Agency Proclamation*, section 2, Part II

Not included in Regulatory Plan

To be published in Canada Gazette January 8, 1997

This amendment establishes the number of dozens of eggs that producers may market during the 12-month period commencing December 29, 1996.

More specifically, the amendment sets the following quotas by province, in dozens of eggs: Ontario, 181,682,253 dozen eggs; Quebec, 79,161,433; Nova Scotia, 18,545,897; New Brunswick, 9,905,516; Manitoba, 54,263,991; British Columbia, 58,533,858; Prince Edward Island, 2,759,995; Saskatchewan, 22,547,221; Alberta, 40,918,777; and Newfoundland, 7,944,278.

The regulations came into effect December 17, 1996.

Contact: Canadian Egg Marketing Agency, Suite 1900, 320 Queen Street, Ottawa, Ontario, K1R 5A3. Tel: 613-238-2514; Fax: 613-238-1967.

Allocation Methods Order, amendments: Cheese and Cheese Products, Ice Cream, Yogurt, Powdered Buttermilk and Concentrated Milk (SOR/97-37); Chicken and Chicken Products (SOR/97-38); and Turkey and Turkey Products (SOR/97-39)

Export and Import Permits Act, section 6.2(2)(a)

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

These Orders are amended in parallel to changes in the Import Control List (SOR/97-18), above.

These Orders come into force December 19, 1996. Comments can be provided until March 1, 1997, since these changes were not prepublished.

Contact: Michel R. Bélanger, Deputy Director, Trade Controls Policy Division (EPM), Export and Import Controls Bureau, Department of Foreign Affairs and International Trade, P.O. Box 481, Station "A", Ottawa, Ontario, K1N 9K6. Tel: 613-995-2744.

Ministerial Orders Approved

Statutory Authority & Regulatory Plan Listing

Orders Amending General Import Permits: No. 1 - Dairy Products for Personal Use (SOR/97-40); No. 2 - Chickens and Chicken Products for Personal Use (SOR/97-41); No. 3 - Wheat and Wheat Products for Personal Use (SOR/97-42); No. 7 - Turkeys and Turkey Products for Personal Use (SOR/97-43); No. 8 - Eggs for Personal Use (SOR/97-44); No. 13 - Beef and Veal for Personal Use (SOR/97-45); No. 14 - Margarine for Personal Use (SOR/97-46); No. 20 - Wheat and Wheat Products and Barley and Barley Products (SOR/97-47); and No. 100 - Eligible Agricultural Goods (SOR/97-48)

Export and Import Permits Act, section 10

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

These Orders are amended in parallel to changes in the Import Control List (SOR/97-18), above.

These Orders come into force December 19, 1996. Comments can be provided until March 1, 1997, since these changes were not prepublished.

Contact: Michel R. Bélanger, Deputy Director, Trade Controls Policy Division (EPM), Export and Import Controls Bureau, Department of Foreign Affairs and International Trade, P.O. Box 481, Station "A", Ottawa, Ontario, K1N 9K6. Tel: 613-995-2744.

Settlers' Effects Regulations, amendment (SOR/97-49)

Customs Tariff, tariff item No. 9807.00.00 of Schedule I

Not included in Regulatory Plan

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The amendment reduces the quantity of loose tobacco (to 200 grams) and tobacco sticks (200) that settlers to Canada may import free of duty when they first arrive in Canada.

These regulations come into force December 19, 1996.

Contact: R.P. Choquette, Travellers Directorate, Revenue Canada, 191 Laurier Avenue, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6372; Fax: 613-998-5584.

Canadian Egg Marketing Levies Order, amendment (SOR/97-50)

Farm Products Agencies Act, paragraph 22(1)(f); *Canadian Egg Marketing Agency Proclamation*, section 10 of Part II

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

The amendments set the levies to be paid by producers engaged in the provinces in the marketing of eggs in interprovincial or export trade. The expiration date of the Order is also extended to April 19, 1997.

More specifically, the levies per dozen eggs are for producers in: Ontario, $0.133; Quebec, $0.135; Nova Scotia, $0.137; New Brunswick, $0.132; Manitoba, $0.154; British Columbia, $0.134; Prince Edward Island, $0.139; Saskatchewan, $0.138; Alberta, $0.130; and Newfoundland, $0.132

The amended regulations came into force on December 20, 1996, except section 1, which comes into force December 29, 1996.

Domestic Substances List, amendments (SOR/97-52; SOR/97-53)

Canadian Environmental Protection Act, subsection 25 (1)

Not included in Regulatory Plan

Published in Canada Gazette January 8, 1997

The two amendments add 59 and 25 substances respectively to Part I of the List and 61 substances to Part II of the Domestic Substances List (DSL).

The Orders come into effect on December 20, 1996.

Substances that are not on the DSL will require notification and assessment, as prescribed by these Regulations, before they can be manufactured in or imported into Canada.

Contacts: Daniel Dubé, Head, New Substances Notification Section, New Substances Division, Commercial Chemicals Evaluation Branch, Department of the Environment, Hull, Quebec, K1A 0H3. Tel: 819-997-3203; Arthur Sheffield, Chief, Economic Assessment Branch, Response Assessment Directorate, Department of the Environment, Hull, Quebec K1A 0H3. Tel: 819-953-1172.

Ministerial Orders Approved	Statutory Authority & Regulatory Plan Listing
Canadian Chicken Marketing Quota Regulations, 1990, amendment (SOR/97-54) These amendments provide for the allocation of periodic export quotas on behalf of the Canadian Chicken Marketing Agency by provincial commodity boards for the period January 19, 1997 through March 15, 1997. The amended regulations came into force on December 23, 1996.	*Farm Products Agencies Act*, paragraph 22(1)(f); *Canadian Chicken Marketing Agency Proclamation*, subsection 6(1) of the Schedule Not included in Regulatory Plan Published in Canada Gazette January 8, 1997
Canadian Chicken Marketing Levies Order, amendments (SOR/97-55 and SOR/97-56) The first amendment provides for a marketing levy payable by processors under specified circumstances. The second amendment extends the expiration date of the Order to December 31, 1997. The amended regulations came into force on December 23, 1996.	*Farm Products Agencies Act*, paragraph 22(1)(f); *Canadian Chicken Marketing Agency Proclamation*, section 12 of the Schedule Not included in Regulatory Plan Published in Canada Gazette January 8, 1997
General Import Permits No. 80 - Carbon Steel (SOR/97-57); and General Import Permits No. 81 - Specialty Steel Products (SOR/97-58) These amendments remove the reference to South Africa, update the name of the Department and division that importers must report to, remove the name of a company (American Motors (Canada) Inc.) no longer doing business, and revise the names of the permits to reflect revised drafting conventions. The permits have also been amended to allow Canadian goods returned to be imported under the authority of a General Import Permit. To qualify for this treatment, the goods must be returned without having been advanced in value or improved in condition by any means. These Orders come into force December 23, 1996. Comments can be provided until March 1, 1997, since these changes were not prepublished. Contact: Michel R. Bélanger, Deputy Director, Trade Controls Policy Division (EPM), Export and Import Controls Bureau, Department of Foreign Affairs and International Trade, P.O. Box 481, Station "A", Ottawa, Ontario, K1N 9K6. Tel: 613-995-2744.	*Export and Import Permits Act*, subsection 8(1.1) Not included in Regulatory Plan Published in Canada Gazette January 8, 1997
NAFTA and CIFTA Importation of Goods Exported for Repair under Warranty (Tariff Item No. 9820.00.00) Regulations (SOR/97-76) These Regulations, formerly known as the NAFTA Importation of Goods Exported for Repair under Warranty (Tariff Item 9820.00.00) Regulations, describe the information that must be presented to Customs at the time goods are accounted for, where they have been exported for warranty repair to the United States, Mexico, Israel or another CIFTA beneficiary. The information is necessary to take advantage of the free rates of duty provided under CIFTA and NAFTA. Contact: W.A. Claypole, Director, Origin Determination Directorate, Department of National Revenue, 6th Floor, Connaught Building, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6980; Fax: 613-954-2224.	Customs Tariff, Note 19 of Chapter 98 and tariff item No. 9820.00.00 of Schedule I Not included in Regulatory Plan Published in Canada Gazette January 8, 1997

Ministerial Orders Approved

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Import Control List, amendment (SOR/97-59); Order Specifying Limits on the Annual Aggregate Quantity of Goods of Tariff Item No. 0603.10.21 that are entitled to the Benefit of the Canada-Israel Free Trade Agreement Tariff (SOR/97-60); General Import Permit No. 193 - Roses (SOR/97-77); General Import Permit No. 1 - Dairy Products for Personal Use, amendment (SOR/97-78); General Import Permit No. 100 - Eligible Agricultural Goods, amendment (SOR/97-79); and General Import Permit No. 6 - Roses for Personal Use (SOR/97-80)

Export and Import Permits Act, paragraphs 5(1)(a), (d), and (e), sections 5.3 and 6; subsection 8(1.1)

Not included in Regulatory Plan

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The Orders amend existing Items 128 and 133 for rules of origin purposes; and adds cut roses and rose buds, fresh, suitable for bouquets or ornamental purposes, that are imported from Israel or another beneficiary of the Canada- Israel Free Trade Agreement (CIFTA). The limit for roses is 90,000 dozen each calendar year.

The General Import Permit No. 193 allows residents of Canada to import cut roses and rosebuds from Israel at the lower CIFTA rate of duty as long as the quota has not been reached. Permits 100 and 6 allow importation of roses at a higher MFN rate or up to two dozen for personal use, respectively.

The Dairy Products for Personal Use GIP is modified consequentially to the CIFTA implementation.

The Orders come into force January 1, 1997. Comments can be provided until March 1, 1997, since these changes were not prepublished.

Contact: Charles Kaine, Deputy Director, Trade Controls Policy Division (EPM), Export and Import Controls Bureau, Department of Foreign Affairs and International Trade, P.O. Box 481, Station “A”, Ottawa, Ontario, K1N 9K6. Tel: 613-995-7766.

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