

Tracking Federal Regulatory Initiatives

Regulatory Affairs

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Circulate to:	HIGHLIGHTS
1.	Exempt from Pre-Publication and Approved
2.	Tariff Simplification Regulations and Orders approved. 1-23
3.	Certain Fabric and Apparel Remission Orders Extended 18
4.	Ministerial Orders, Approved
5.	Tariff Simplification Orders approved 23-27

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<p>Technical Amendments Order (Customs Tariff), No. 9 (SOR/98-22) (OIC 1997-1992); Remission Order in Respect of Goods Under the Customs Duties Reduction or Removal Order, 1988 (SOR/98-23) (OIC 1997-1993)</p> <p>The Technical Amendments Order amends Schedules I and II of the <i>Customs Tariff</i>, the <i>Customs Duties Reduction or Removal Order, 1988</i>, the <i>Order Respecting the Remission of Customs Duties on Grinding Beads</i>, and the <i>Tailored Collar Shirts Remission Order, 1997</i>, to correct minor technical errors (i.e. numerical, typographical, translation or transposition errors) identified by the Department of Finance, the Department of National Revenue, and the Standing Joint Committee for the Scrutiny of Regulations.</p> <p>The <i>Remission Order in Respect of Goods Under the Customs Duties Reduction or Removal Order, 1988</i> grants the remission of customs duties on certain tariff codes which are amended in the <i>Technical Amendments Order (Customs Tariff), No. 9</i>, in order to maintain the policy intent of the legislation.</p> <p>Contact: Brian Roos International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-996-5538.</p>	<p><i>Customs Tariff</i>, sections 12.1, 62, 68 and 101</p> <p>Not included in Regulatory Plan</p> <p>Published in Canada Gazette January 21, 1998</p>

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Order Amending the Import Control List (SOR/98-24, OIC 1997-1994)

These amendments are consequential to changes being made to simplify the Customs Tariff*. They reflect changes to the reference to the schedule in the *Customs Tariff* and changes to the numbering of certain tariff items, including various poultry products, dairy products, wheat and barley products and cut roses.

The amended regulations are being made consequential to the new legislation and will come into force on January 1, 1998

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

Export and Import Permits Act, section 6

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***NOTE: Most of the Tariff-related changes listed in this issue relate to a major overhaul and simplification of the Customs Tariff system that came into effect January 1, 1998. The new simplified *Customs Tariff* (Bill C-11) was scheduled to come into effect on January 1, 1998; the amended Regulations and Orders are being made consequential to the new legislation and come into force on January 1, 1998.**

The simplification of the tariff systems was released in draft on March 23, 1996 for public comment. This proposal incorporated previous tariff simplification measures made public since 1994 through a series of seven separate rounds of formal public consultations, and reflected comments from interested parties. It also included new proposals developed in the consolidation of the single tariff schedule to the *Customs Tariff*, as well as revisions to the Customs Tariff legislative text. Subsequently, the 1997 Federal Budget announced that legislation would be tabled shortly to introduce a new simplified *Customs Tariff*.

On April 22, 1997, a Notice of Ways and Means Motion was tabled in Parliament announcing the introduction of the new Tariff effective January 1, 1998. However, as Parliament was dissolved shortly thereafter for the federal election, a new Notice was tabled on October 7, 1997. This left insufficient time to go through the normal process of prepublishing the proposed changes, seeking comments, and making changes before the final versions of the Regulations and Orders were approved. Due to the lack of prepublication, comments can be made until March 1, 1998; amendments to the regulations resulting from the comments will be made during 1998.

Order Amending the Export Control List (SOR/98-25, OIC 1997-1995); Issuance of Certificates Regulations, amendment (SOR/98-26, OIC 1997-1996)

The first amendment replaces Item 5201 of Group 5 of the schedule to the *Export Control List* with the following: "5201. Peanut butter that is classified under tariff item No. 2008.11.10 in the List of Tariff Provisions set out in the schedule to the Customs Tariff. (All destinations)"

In the second amendment, the definitions "apparel goods", "fabric and made-up goods" and "spun yarn" in section 2 of the *Issuance of Certificates Regulations* are amended by replacing the expression "of Schedule I" with the expression "in the List of Tariff Provisions set out in the schedule".

The Orders come into force on January 1, 1998.

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

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Order Amending the 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/98-27, OIC 1997-1997)

The title of the 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 is replaced by "Order Specifying Limits on the Annual Aggregate Quantity of Roses of Tariff Item No. 0603.10.11 that are Entitled to the Canada-Israel Agreement Tariff".

Section 1 of the Order is replaced by the following:

"1. The aggregate quantity of roses of tariff item No. 0603.10.11 that are entitled to the benefit of the Canada-Israel Agreement Tariff is limited to 90,000 dozen in a calendar year."

The Order comes into force on January 1, 1998.

Contact: Deborah E.M. Hoeg, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel:613-996-7099.

Export and Import Permits Act, section 51

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Regulations Amending Certain Instruments Made Under the Customs Tariff (Tariff Simplification) (SOR/98-28, OIC 1997-1998)

These amendments are technical in nature and consist primarily of: tariff item conversions, amendments to references to schedules in the prior *Customs Tariff*, changes in terminology, and other similar editorial changes. The changes relate to the new simplified *Customs Tariff* and come into effect January 1, 1998.

More specifically, the changes include:

- *Order Repealing Certain Regulations and Orders under the Customs Tariff (Tariff Simplification)* - this Order revokes certain Regulations, Orders and Remission Orders that are no longer effective under the provisions of the new Customs Tariff.
- *Order Repealing Certain Orders made under the Financial Administration Act (Tariff Simplification)* - this Order revokes certain Remission Orders that are no longer effective under the provisions of the new Customs Tariff.
- *Remission Order Respecting Imports of Goods Originating in Commonwealth Developing Countries* - this Order minimizes instances of tariff rate increases on certain commodities of key trade interest resulting from the termination of the British Preferential Tariff (BPT) treatment. The Order maintains tariff rates equivalent to the former BPT rates of duty for goods imported in significant quantities (i.e. average imports of \$10,000 or more per year during the period 1993-95) from Commonwealth developing countries until such time as the BPT preferences have been overtaken by the final Uruguay Round Most-Favoured-Nation (MFN) rate reductions by 2004, at the latest. In this manner, importers of goods subject to the longer MFN rate reduction categories will not face higher rates until such time as they are able to take advantage of the final lower MFN rates, thereby ensuring that these importers are treated equitably vis-a-vis importers of goods on which the final lower MFN rates were implemented in 1995 or 1998. Eligibility for these rates is subject to rules of origin and direct shipment conditions that previously governed entitlement to the BPT.

Customs Tariff, section 16, subsection 19(1), sections 34 and 49, subsections 68(6), 73(9) and 74(3), sections 106 and 115 and paragraphs 132(1)(k) and (p)

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- *Order Respecting the Remission of a Portion of the Customs Duties and Excise Taxes on Imports of Certain Woolen Fabrics* - Supplementary Note 1 to Section XI of the current Customs Tariff authorizes the Deputy Minister of National Revenue to set, effective July 1 of every year, maximum Most-Favoured-Nation Tariff (MFN) and British Preferential Tariff (BPT) rates of duty on imports of certain woolen fabrics. As a result of the termination of the BPT in the context of the tariff simplification initiative, Supplementary Note 1 has been revised in the simplified *Customs Tariff* to maintain this long-standing practice and to avoid tariff rate increases on woolen fabrics sourced from countries previously eligible for the BPT. The revised Note enables the Deputy Minister of National Revenue to set, effective July 1 of every year, the maximum MFN rate as well as a maximum rate for imports of qualifying fabrics from Commonwealth countries. The purpose of this Order is to maintain, by remission, rates equivalent to the MFN and BPT rates set on July 1, 1997, pursuant to Supplementary Note 1 until June 30, 1998, at which time the Deputy Minister of National Revenue will have authority pursuant to the revised Supplementary Note to introduce the maximum rates for the following year.
- *Regulations Respecting the Customs Duty Payable on Certain Woolen Fabrics Originating in Commonwealth Countries* - these regulations are required to complement revisions to Supplementary Note I of Section XI of the *Customs Tariff* resulting from the termination of the British Preferential Tariff (BPT) treatment in the context of the tariff simplification initiative. To minimize instances of tariff rate increases as a result of the BPT termination, Supplementary Note I was revised to maintain BPT equivalent rates of duty on imports of certain woolen fabrics from Commonwealth countries. The *Commonwealth Countries Woolen Fabrics Regulations* restrict eligibility to the BPT equivalent rates to countries previously entitled to the BPT and maintain the rules of origin and direct shipment requirements that were previously imposed under the BPT.
- *Most-Favoured-Nation Tariff Rules of Origin Regulations* - the authority under which rules of origin requirements for Most-Favoured-Nation (MFN) Tariff treatment are established has been incorporated under a general authority (Section 16(2)) of the new *Customs Tariff*. At the same time, the British Preferential Tariff (BPT) is being discontinued. This Order does not change the substance of the MFN rules and deletes reference to BPT rules. It also continues the requirement that to qualify for MFN treatment, goods must be shipped directly from a country entitled to MFN treatment. The direct shipment requirements are defined in Sections 17 and 18 of the new Tariff.
- *General Preferential Tariff and Least Developed Country Tariff Rules of Origin Regulations* - the authority under which the rules of origin requirements for General Preferential and Least Developed Country Tariff treatments are established has been incorporated under a general authority (Section 16(2)) in the simplified *Customs Tariff*. These Regulations maintain the substance of the previous Order, including the requirement that goods must be shipped directly from the last beneficiary country in which work has been performed on the goods. The direct shipment requirements are defined in Sections 17 and 18 of the new Tariff.

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- *Australia Tariff and New Zealand Tariff Rules of Origin Regulations* - the authority under which the rules of origin requirements for both Australia and New Zealand preferential tariff treatments are established has been incorporated under a general authority (Section 16(2)) in the simplified *Customs Tariff*. Minor updates have been made.
- *Commonwealth Caribbean Countries Tariff Rules of Origin Regulations* - the authority under which the rules of origin requirements for the Commonwealth Caribbean Countries Tariff treatment (CARIBCAN) are established has been incorporated under a general authority (Section 16(2)) of the simplified *Customs Tariff*. These Regulations, pursuant to this new enabling authority, maintain the substance of the previous Order, including the requirement that goods must be shipped directly from the last beneficiary country in which work has been performed on the goods. The direct shipment requirements are defined in Sections 17 and 18 of the new Tariff.
- *Mexico Deemed Direct Shipment (General Preferential Tariff) Regulations* - these regulations allow goods to be transshipped through the United States without the normal documentary requirements but with sufficient shipping documents to satisfy the Minister of National Revenue that the goods would have otherwise qualified for the General Preferential Tariff treatment. This had previously been accomplished through a remission Order.
- *Regulations Exempting Certain Goods From the Application of Subsection 118(1) of the Customs Tariff* - subsection 118(1) of the simplified *Customs Tariff* requires that persons granted duty relief on imported goods report to Customs and pay any applicable duties should they fail to comply with the conditions under which duty relief was granted. Subsection 118(4) provides the Governor in Council with the authority to make regulations on the recommendation of: a) the Minister of National Revenue with respect to the time limits for the application of subsection 118(1); and, b) the Minister of Finance concerning the circumstances in which certain goods are exempted from the application of subsection 118(1). Under the current Customs Tariff, the Minister of National Revenue is responsible for making recommendations to the Governor in Council on both of these matters. As a result of this division of responsibility, new regulations, on the recommendation of the Minister of Finance, are required to prescribe the circumstances in which certain goods are exempted from the application of subsection 118(1) of the simplified Customs Tariff. These regulations essentially replicate the current regulations recommended by the Minister of National Revenue. The only exemption provision that has not been incorporated into these new regulations is one relating to temporarily imported goods that are destroyed prior to their exportation. This provision has been incorporated directly into the simplified *Customs Tariff* in relation to tariff item 9993.00.00.
- *Rules Amending the Canadian International Trade Tribunal Rules* - these amendments to the *Canadian International Trade Tribunal Rules* are technical in nature and are required to ensure consistency with the structure and terminology of the new simplified *Customs Tariff*.

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- *Order Designating Certain Countries and Military Service Agencies for the Purposes of Tariff Item No. 9810.00.00* - section 132(h)(i) of the simplified *Customs Tariff* replaces the authority currently in tariff item 9810.00.00 that allows the Minister of National Revenue to recommend the designation of certain foreign countries which are either NATO members or eligible for British Preferential Treatment, as well as military service institutions, to import duty-free arms, munitions, military stores and other goods used at Canadian defence establishments. This authority is being transferred to the Minister of Finance and, with the deletion of the British Preferential Tariff, expanded to cover all countries to ensure that the current benefits can be maintained.
- *Prison Manufactured or Produced Goods Regulations* - tariff item 9897.00.00 of the *Customs Tariff* prohibits the importation of goods manufactured or produced wholly or in part by prison labour. Under established policy, importation of such goods is allowed if they are imported by non-residents or by residents for their own personal use. Such an exemption, provided for by Order under the recommendation of the Minister of National Revenue, will not be done under the authority of the Minister of Finance.
- *Order Amending Certain Remission Orders Made Under the Financial Administration Act (Tariff Simplification)* - the amendment make technical changes to a number of Orders made pursuant to the *Financial Administration Act* for the purpose of ensuring consistency with the new *Customs Tariff*.
- *Used or Second-hand Motor Vehicles Tariff Exclusion Regulations* - these regulations specify the general circumstances under which used or second-hand motor vehicles can be imported and thereby exempted from the prohibition on the importation of used vehicles provided for in tariff item 9897.00.00. Under the Canada-United States Free Trade Agreement, there is no prohibition on used vehicles imported from the United States.
- *Motor Vehicles Tariff Order, 1998* - under the Canada-U.S. Automotive Products Trade Agreement (the Auto Pact), Canada provides duty-free entry for motor vehicles, articles and automotive parts imported by or on behalf of eligible automotive manufacturers, subject to these companies meeting certain conditions. This Order, 1998 contains the technical changes required as a result of the new Tariff, while maintaining the current policy with respect to the Auto Pact.
- *Order Amending the List of Tariff Provisions set out in the schedule to the Customs Tariff* - this Ministerial Order amends the List of Tariff Provisions in the new *Customs Tariff* to delete certain tariff provisions that are redundant as a result of the Motor Vehicle Tariff Order, 1998.

Contact: Deborah E.M. Hoeg, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel:613-996-7099.

Order Repealing Certain Regulations and Orders Under the Customs Tariff (Tariff Simplification) (SOR/98-29, OIC 1997-1999)

The Order repeals a number of Regulations and Orders as a result of the new simplified *Customs Tariff*, effective January 1, 1998.

Terminated are: *Automotive Parts Tariff Reduction Order 1966; Handicraft Goods Order; Tariff Treatment Accorded Certain Products of Australia; Preferential Tariff Treatment to Certain Countries; Sports Equipment Regulations; Most-Favoured-Nation Tariff Extension of Benefit Order - German Democratic Republic; Soluble Coffee Direct Shipment Condition Exemption Order; Duty Removal Regulations for Specified Ships; Duty Removal Regulations for Specified Ships No. 2;*

Customs Tariff, section 115

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Terminated are: *Used Goods and Less Than Prime Quality Goods Regulations; Customs Duties Reduction or Removal Order, 1988; Chemicals and Plastics Duties Reduction or Removal Order, 1988; Used Foundry Patterns and Related Jigs and Fixtures Remission Order, No. 2; S.S. Aquarama Remission Order; United States Tariff Rules of Origin Regulations; M/S Lion Queen Duties Removal Regulations; Specialty Yarns and Fabrics for Apparel Remission Order; Certain Tropical Products Remission Order; Most-Favoured-Nation Tariff Extension of Benefit Order - Kingdom of Saudi Arabia; Most-Favoured-Nation Tariff Extension of Benefit Order - Hungary and Poland; Pointe Shoes or Block Toe Shoes Remission Order, 1991; General Preferential Tariff Extension of Benefit Order - Namibia; British Preferential Tariff Extension of Benefit Order - Namibia; Yugoslavia General Preferential Tariff Withdrawal Order; Most-Favoured-Nation Tariff Extension of Benefit Order (Armenia, Estonia, Latvia, Lithuania, Russian Federation and Ukraine); Most-Favoured-Nation Tariff Extension of Benefit Order (Slovenia); General Preferential Tariff Extension of Benefit Order (Armenia, Estonia, Latvia, Lithuania, Russian Federation and Ukraine); General Preferential Tariff Extension of Benefit Order (Slovenia); Vessels in International Transportation Duty Removal Regulations; China Customs Duty Remission Order; Soluble Coffee General Preferential Tariff Remission Order; Defence Supplies Remission Order; Most-Favoured-Nation Tariff Extension of Benefit Order (Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tadjikistan, Uzbekistan and Turkmenistan); General Preferential Tariff Extension of Benefit Order (Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tadjikistan, Uzbekistan and Turkmenistan); D.V. Balmoral Sea Remission Order; Least Developed Developing Countries Order (Cambodia, Liberia, Madagascar, Mozambique, Solomon Islands, Zaire and Zambia); Designers' Samples Remission Order, 1993; General Preferential Tariff Extension of Benefit Order (the Republic of South Africa); General Preferential Tariff Extension of Benefit Order (the Czech Republic and the Slovak Republic); Most-Favoured-Nation Tariff Extension of Benefit Order to Mongolia; Electrical Power Transformer Remission Order, 1995; Dry Pasta Order, 1996; Most-Favoured-Nation Tariff Extension of Benefit Order (Eritrea); General Preferential Tariff Extension of Benefit Order (Eritrea); Least Developed Developing Countries Order (Angola, Eritrea and Botswana); Most-Favoured-Nation Tariff Extension of Benefit Order (Andorra, Monaco, San Marino and Vatican City (The Holy See)); Heading No. 98.26 Customs Duty Order, 1997; Most-Favoured-Nation Tariff Extension of Benefit Order (the Republic of Croatia); General Preferential Tariff Extension of Benefit Order (the Republic of Croatia) Societe de Cogeneration Kingsey Turbine Remission Order; and General Preferential Tariff Withdrawal Order - Burma (Myanmar).*

Remission Order Respecting Imports of Goods Originating in Commonwealth Developing Countries (SOR/98-30, OIC 1997-2001); Order Respecting the Remission of a Portion of the Customs Duties and Excise Taxes on Imports of Woolen Fabrics (SOR/98-31, OIC 1997-2002); Regulations Respecting the Customs Duty Payable on Woolen Fabrics Originating in Commonwealth Countries (SOR/98-32, OIC 1997-2003).

The Orders and Regulations, which come into effect January 1, 1998, relate to remissions and customs duties on goods originating in Commonwealth Developing countries; on imports of woolen fabrics from Commonwealth countries; and on duty payable on woolen fabrics originating in commonwealth countries.

Customs Tariff, subsection 17(2), section 115 and paragraph 132(1)(c)

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Most-Favoured-Nation Tariff Rules of Origin Regulations (SOR/98-33, OIC 1997-2004); General Preferential Tariff and Least Developed Country Tariff Rules of Origin Regulations (SOR/98-34, OIC 1997-2005); Australia Tariff and New Zealand Tariff Rules of Origin Regulations (SOR/98-35, OIC 1997-2006); Commonwealth Caribbean Countries Tariff Rules of Origin Regulations (SOR/98-36, OIC 1997-2007)

The Regulations, which come into effect January 1, 1998, redefine the rules of origin under the simplified Tariff, including defining the requirements for goods to benefit under the specified special tariff treatment. The Regulations also repeal earlier versions.

More specifically, the following are repealed:

- The *Most-Favoured-Nation Tariff* and *British Preferential Tariff Rules of Origin Regulations*;
- The *General Preferential Tariff and Least Developed Developing Countries Rules of Origin Regulations*;
- The *New Zealand and Australia Rules of Origin Regulations*; and
- The *Caribbean Rules of Origin Regulations*.

Mexico Deemed Direct Shipment (General Preferential Tariff) Regulations (SOR/98-37, OIC 1997-2008)

The Regulations, which come into effect January 1, 1998, deem goods which are the product of Mexico to have been shipped direct to Canada as long as they are imported in accordance with section 32 of the *Customs Act*, are transshipped through a U.S. port on the Mexico-U.S. border and then to a consignee in a specified Canadian border, and are supported by the appropriate document required by the Minister of National Revenue.

The Regulations repeal the *Mexico Direct Shipment Condition Exemption Order*.

Regulations Exempting Certain Goods from the Application of Subsection 118(1) of the Customs Tariff (SOR/98-38, OIC 1997-2009)

The Regulations, which come into effect January 1, 1998, exempts from subsection 118(1) of the *Customs Tariff* those goods imported into Canada that are consumer in response to an emergency.

Also exempt are imported goods that are temporarily diverted to use other than that for which they were released; in this case the exemption lasts for the period during which the goods are used in response to the emergency.

Emergency is defined to include a medical emergency, a fire, a flood or any disaster that threatens life, property or the environment.

Canadian International Trade Tribunal Rules, amendment (SOR/98-39, OIC 1997-2010)

The amendment provides new language for paragraph 84(c) and paragraphs 89(a) and (b) of the current rules.

The first change relates to inquiries relating to the importation of goods entitled to the United States Tariff, the Mexico Tariff, the Mexico-United States Tariff, the Canada-Israel Free Trade Agreement Tariff or the Chile Tariff.

Customs Tariff, subsection 16(2)

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Customs Tariff, subsection 17(2)

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Customs Tariff, paragraph 118(4)(b)

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Canadian International Trade Tribunal Act, subsection 39(1)

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The second change relates to written complaints to the Tribunal by domestic producers of goods about injury or threatened injury being caused by like or directly competitive goods being imported under the General Preferential Tariff, the Least Developed Country Tariff or the Commonwealth Caribbean Countries Tariff.

The amended rules come into effect January 1, 1998.

Order Designating Certain Countries and Military Service Agencies for the Purposes of Tariff Item No. 9810.00.00 (SOR/98-40, OIC 1997-2011)

The Order, which comes into effect January 1, 1998, designates the following countries for the purposes of tariff item No. 9810.00.00 of the Customs Tariff: Australia; Belgium; Denmark; France; Germany; Ghana; Greece; Iceland; India; Italy; Jamaica; Luxembourg; Netherlands; New Zealand; Norway; Pakistan; Portugal; Sri Lanka; Trinidad and Tobago; Turkey; United Kingdom; and the United States of America.

The Order also designates the following military service agencies for the purposes of tariff item No. 9810.00.00 of the Customs Tariff: German Air Force Tactical Training Command, Goose Bay, Labrador, Newfoundland; Post Exchanges - AC & W Sites authorized by the Minister of National Revenue; Royal Air Force Detachment, Goose Bay, Labrador, Newfoundland; United States Military Services Agencies at Goose Bay Airport, Labrador, Newfoundland; and United States Property Accountability Office, Headquarters ADC Detachment No. 1, Ottawa, Ontario.

Prison Manufactured or Produced Goods Regulations, 1998 (SOR/98-41, OIC 1997-2012)

The Regulations, which come into force January 1, 1998, amend tariff item 9897.00.00 to exclude goods manufactured or produced wholly or in part by prison labour, on the condition that the goods are imported solely for personal use and not for sale or for any business or occupational use, by a non-resident of Canada; or a resident of Canada, reporting the goods at the time of his or her return to Canada.

The Regulations repeal the *Prison Manufactured or Produced Goods Regulations*.

Used or Second-hand Motor Vehicles Regulations, 1998 (SOR/98-42, OIC 1997-2014)

The Regulations, which come into force January 1, 1998, sets out those categories of motor vehicles which are excluded from the application of tariff item No. 9897.00.00.

The Regulations repeal the *Used or Second-hand Motor Vehicles Regulations*.

Motor Vehicles Tariff Order, 1998 (SOR/98-43, OIC 1997-2015)

The Order, which come into force January 1, 1998, amends the list of Tariff Provisions set out in the Schedule to the Customs Tariff by adding certain automobiles of heading No. 87.02 or 87.03, specified commercial vehicles of heading No. 87.01, 87.03, 87.04 or 87.05, buses of heading No. 87.02, and articles, excluding tires and tubes, for use as original equipment, parts of accessories in the manufacture of the above vehicles.

Customs Tariff, paragraph 132(1)(g)

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Customs Tariff, subsection 17(2)

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Customs Tariff, subparagraph 132(1)(m)(ii)

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Customs Tariff, subsection 14(2) and section 16

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In all cases, the vehicles must meet conditions set out in the schedule (section 2) to the Tariff Order in order to qualify for the reduced rate of duty under tariff items 9954.00.00 to 9957.00.00.

The Regulations repeal the *Used or Second-hand Motor Vehicles Regulations*.

Determination, Re-determination and Further Re-determination of Origin, Tariff Classification and Value for Duty Regulations (SOR/98-44, OIC 1997-2016); Verification of Origin, Tariff Classification and Value for Duty of Imported Goods Regulations (Non-Free Trade Partners) (SOR/98-45, OIC 1997-2017); Prescribed Classes of Persons in Respect of Diversion of Imported Goods Regulations (SOR/98-46, OIC 1997-2018); Tariff Items Nos. 9971.00.00 and 9992.00.00 Accounting Regulations (SOR/98-47, OIC 1997-2019); Refund of Duties Regulations (SOR/98-48, OIC 1997-2020); NAFTA Marking Determination, Re-determination and Further Re-determination Regulations (SOR/98-49, OIC 1997-2021); Diversion of imported Goods Exemption Regulations (SOR/98-50, OIC 1997-2022); Regulations Repealing Certain Regulations under the Customs Act (SOR/98-51, OIC 1997-2023)

Customs Act, subsections 57.2(4), 60(2), 63(2), paragraph 164(1)(i)

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The following new or revised regulations, all flowing from the Tariff Simplification exercise, include changes necessitated by the move to a single level of appeal against any departmental determinations or redeterminations of origin, tariff classification or value for duty, as well as by the shift towards a full self-assessment regime for the importing community.

More specifically:

Determination, Re-determination and Re-determination of Origin, Tariff Classification and Value for Duty Regulations: these new Regulations, which are being made as a direct result of changes to sections 57.1 to 64 of the *Customs Act*, set out a number of requirements pertaining to the new single level of appeal that will now apply to decisions made by the Department relating to the origin, tariff classification and value for duty of imported goods. The Regulations prescribe a time limit of up to five years after the date a determination has been made under section 58 of the Act, within which a further re-determination may be initiated by the Department with respect to origin, tariff classification or value for duty. The extra time permitted beyond the four year limit specified under section 59 applies only if, after an audit or verification, a refund is granted or there is a self-adjustment by the importer. The regulations specify who is entitled to receive a notice from the Department concerning determination, redetermination or further re-determination, whether any such actions are initiated by the Department or by a person entitled to file a request with the Deputy Minister.

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- *Determination, Re-determination and Re-determination of Origin, Tariff Classification and Value for Duty Regulations* (continued): the term “prescribed persons” will include the importer, the owner of the goods at the time of release, the person liable for payment of the duties or the person who accounted for the goods. It will also encompass the foreign exporter of goods imported into Canada, in the case of any formal decision relating to origin. The regulations also prescribe the persons who are obliged to pay whatever duties may be owing as a result of the various types of formal decisions that may be taken by the Department with respect to imported goods. A person who receives a notice of determination, re-determination or further redetermination (other than a foreign exporter) will be required to pay the amount owing as duties as a result of any such a decision, but will still have the option to provide security as an alternative to full payment. For cases where the amounts of duties paid are in excess of what is required by a formal decision of the Department, the Regulations specify that a person who was given notice of a determination, re-determination or further re-determination by the Department (other than a foreign exporter) is to be given a refund of any duties, or duties and interest.
- *Verification of Origin, Tariff Classification and Value for Duty of Imported Goods Regulations (Non-Free Trade Partners)*: these new Regulations outline the methods for conducting verifications of origin, tariff classification and value for duty with respect to goods imported from countries that are not parties to free trade agreements with Canada. Such methods may include verification visits in Canada, questionnaires to the importers or owners of the goods or to anyone else who may have accounted for the goods, reviews of written responses from such persons, and reviews of other information or samples that may pertain to the goods. These Regulations are tied directly to Revenue Canada’s move to a complete importer self-assessment system.
- *Prescribed Classes of Persons in Respect of Diversion of Imported Goods Regulations*: these new Regulations prescribe the additional classes of persons, aside from the importer or owner of the imported goods, who are expected to inform the Department within 90 days after becoming aware of any error in the tariff classification or declared value for duty on the original import accounting documents and to pay whatever amount may be owing as duties and interest as a result of the necessary correction. These prescribed classes include persons who purchase or otherwise acquire the goods after the date of accounting and persons who sell or otherwise dispose of the goods subsequent to importation. These Regulations will assist in dealing with situations in which goods are sold or disposed of for uses other than those declared to the Department at the time of importation. The provisions governing diversions of goods to other, nondeclared uses subsequent to importation, including the classes of persons expected to report changes of use, were previously covered by section 88 of the *Customs Act*.
- *Tariff Items Nos. 9971.00.00 and 9992.00.00 Accounting Regulations*: these new Regulations replace the *NAFTA (Tariff Item Nos. 9821.00.00 and 9822.00.00) Accounting Regulations* and the *CIFTA and CCFTA Tariff Item No. 9827.00.00 Accounting Regulations*; they specify the documentary requirements for all goods, including vessels, returned to Canada after having been repaired in the United States, Mexico, Chile or in Israel or another CIFTA beneficiary.

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- *Refund of Duties Regulations*: these revised Regulations set out the requirements for evidence in support of refund applications in various situations and also explain the calculation of the amounts of duties to be refunded in each circumstance. With these changes, the Regulations now encompass refund situations stemming from clerical or typographical errors, duties that have been overpaid or paid due to an error in a determination by the Department, situations where goods have been sold or otherwise disposed of or used in compliance with conditions set out in a tariff item in the List of Tariff Provisions contained in the Schedule to the Customs Tariff, and for certain other reasons. These additions all conform to amendments that have been made to subsection 74(1) of the *Customs Act*, in which above-noted provisions are reflected in paragraphs 74(1)(d) to (g). Nearly half of the sections of these Regulations have also been renumbered, but no other changes have been made.
- *NAFTA Marking Determination, Re-determination and Further Re-determination Regulations*: these revised Regulations now include a reference to the fact that it must be an officer designated by the Minister who may carry out the determination, re-determination and further redetermination of the marking of imported goods and provide notice of any decision taken as a result of an initial determination. For a re-determination or further redetermination of marking that has been initiated by Revenue Canada, notice of the decision must also be given by the Deputy Minister to the importer, the foreign exporter and the producer of the goods.
- *Diversion of Imported Goods Exemption Regulations*: these revised Regulations prescribe emergency use as being one for which an exemption from the application of the change of end-use provisions of subsection 32.2(6) of the *Customs Act* is applicable. As a result, a correction to the declaration of the tariff classification of the goods is not required as long as the goods are used in or are intended to be used in response to the emergency situation. Also the provisions in the former *Diversion of Imported Goods Time Limits and Exemption Regulations* respecting the time limits for the reporting of goods diverted to other uses has been moved to section 32.2 of the *Customs Act* and no longer appear in the Regulations. Previously, the provisions of subsection 32.2(6) of the Act were found in the former section 89 of the Act, while the authority for these Regulations was under the former section 94. Accordingly, other than a change in the legislative references now found in sections 2 and 3 of the Regulations, the only other changes are to format and style.
- *Regulations Repealing Certain Regulations under the Customs Act*: these Regulations repeal two regulations: *The Re-determination and Re-appraisal of Goods Regulations*, made under the pre-1986 *Customs Act*; and the *Requests for Redetermination or Re-appraisal Regulations*, which were supposed to be repealed at the time the North American Free Trade Agreement.

The move to the single-level of internal appeal is expected to result in significantly lower costs for both Revenue Canada and the importing community, and should prove to be much less time-consuming than the old two-level appeal process.

Contact: Gerry Patterson, Manager, Legislation Development, Tariff Policy and Interpretation Directorate, Customs and Trade Administration Branch, Department of National Revenue, 7th Floor, Connaught Building, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6891; Fax: 613-952-2093.

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Proof of Origin of Imported Regulations under the Customs Act (SOR/98-52, OIC 1997-2024)

These revised Regulations correct a number of legislative references resulting from the introduction of the new *Customs Tariff* and amendments to the *Customs Act*. As well, they contain changes that streamline the circumstances in which proof of origin must be furnished.

The revised requirement now calls for proof of origin to be furnished at the time of accounting, at the time a refund application is filed under section 74 of the *Customs Act*, or at any time when it is requested by an officer.

In addition, these Regulations reflect the fact that the new *Customs Tariff* contains no references to the old British Preferential Tariff (BPT), either in the main body or in List of Tariff Provisions. Therefore, the proof of origin requirements for importations from BPT countries are no longer relevant in this context and have been removed.

Contact: Gerry Patterson, Manager, Legislation Development, Tariff Policy and Interpretation Directorate, Customs and Trade Administration Branch, Department of National Revenue, 7th Floor, Connaught Building, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6891; Fax: 613-952-2093.

Regulations Amending Certain Regulations under the Customs Act (Tariff Simplification - Miscellaneous Program) (SOR/98-53, OIC 1997-2025)

These Regulations amend a number of regulations under the *Customs Act*, in order to correct their legislative references. These changes have been necessitated by the passage of Bill C-11, which includes a complete revision to the Customs Tariff, together with a new List of Tariff Provisions that is now the sole schedule to that Act.

All of the amendments are of a minor technical nature and reflect no substantive changes to the various instruments. They are, however, integral to the Tariff Simplification exercise and are needed in order to keep the legislative references current. This will prevent some confusion on the part of the importing community that might otherwise result if these amendments were not carried out.

Changed are the:

- *Submission of Samples of Fabrics for Importation Regulations*;
- *Reporting of Imported Goods Regulations*;
- *Imported Goods Records Regulations*;
- *Accounting for Imported Goods and Payment of Duties Regulations*;
- *Customs Sufferance Warehouses Regulations*;
- *NAFTA Prescribed Class of Goods Regulations*;
- *Free Trade Agreement Advance Rulings Regulations*; and
- *NAFTA and CCFTA Verification of Origin Regulations*.

Contact: Gerry Patterson, Manager, Legislation Development, Tariff Policy and Interpretation Directorate, Customs and Trade Administration Branch, Department of National Revenue, 7th Floor, Connaught Building, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6891; Fax: 613-952-2093.

Customs Act, section 35.1, paragraph 164(1)(i)

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Customs Act, sections 12, 30 and 32; subsections 35.02(4), 40(3) and 42.4(2), section 43.1, subsection 147.1(14), paragraphs 164(1)(d), (i) and (j); and subsections 164(1.1) and (1.2)

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Goods Imported and Exported Refund and Drawback Regulations, amendment (SOR/98-54, OIC 1997-2026); Duties Relief Regulations, amendment (SOR/98-55, OIC 1997-2027); Refund of Duties on Obsolete or Surplus Goods Regulations (SOR/98-56, OIC 1997-2028); Goods Imported by Designated Foreign Countries, Military Service Agencies and Institutions (Tariff Item No. 9810.00.00) Regulations (SOR/98-57, OIC 1997-2029); Temporary Importation (Tariff Item No. 9993.00.00) Regulations (SOR/98-58, OIC 1997-2030); Time Limit for the Application of Subsection 118(1) of the Customs Tariff Regulations (SOR/98-59, OIC 1997-2031); Order Amending the Scientific or Exploratory Expeditions Remission Order, 1994 (SOR/98-60, OIC 1997-2032); Returning Persons Exemption Regulations (SOR/98-61, OIC 1997-2033)

Customs Tariff, subsections 89(3), 113(3) and (4); subparagraph 99(d)i); *Customs Act*, subsection 12(2) and paragraph 164(1)(i)

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The following regulatory revisions or amendments, made pursuant to different provisions of the new *Customs Tariff*, reflect various changes to the legislative provisions under the Tariff Simplification initiative:

- *Regulations Amending the Goods Imported and Exported Refund and Drawback Regulations*: these amendments make appropriate changes to the legislative references of the new *Customs Tariff*. Since the former legislative provisions pertaining to customs duty remission for machinery, including automotive machinery, are not carried into the new Act, the previous references in the Regulations to the time limits on applications for refunds in relation to remissions of customs duties on machinery have been deleted.
- *Regulations Amending the Duties Relief Regulations*: these amending Regulations serve only to make suitable changes in the Duties Relief Regulations to the legislative references in the new Customs Tariff.
- *Refund of Duties on Obsolete or Surplus Goods Regulations*: these new Regulations replace section 5 of the former *Home Consumption Drawback and Refund of Duties on obsolete and Surplus Goods Regulations*. Since the provisions governing home consumption drawbacks in the previous Customs Tariff have been eliminated by the new legislation, the old regulations are being repealed under a separate instrument pursuant to the previous Act. The new Regulations continue the provisions concerning applications for refund of duties on obsolete and surplus goods, but do not entail any change of policy in relation to such articles or materials.
- *Goods Imported by Designated Foreign Countries, Military Service Agencies and Institutions (Tariff Item No. 9810.00.00) Regulations*: these new Regulations encompass the provisions of the old *Goods imported by Designated NATO Countries and Agencies Regulations*, which were originally made under provisions of the pre-1988 Customs Tariff. The only provisions of the old regulations that will be carried into the new instrument pertain to the certificates that must be presented to a customs officer in order for goods to qualify for importation under Tariff Item No. 9810.00.00. Other provisions of the old instrument that related to the requirements for completing customs documents and the specific forms involved do not fall within the purview of the legislative authority used to make the new Regulations. As well, any references in the old instrument to the relief of sales and excise taxes have been dropped, since they, too, are beyond the scope of the legislative authority for this instrument.

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- *Temporary Importation (Tariff Item No. 9993.00.00) Regulations*: these new Regulations consolidate into one instrument the conditions governing the customs duty relief for temporary importations of goods that previously appeared in six different regulations made under various provisions of the former *Customs Tariff*, as well as provisions that appeared in several different remission orders made under the *Customs Tariff* and the *Financial Administration Act*. These Regulations are much broader in scope than the regulations and remission orders that they replace, because the new Tariff Item 9993.00.00 consolidates and extends the benefit of customs duty relief for temporary importation to all goods, with a few specific exceptions. Importantly, these Regulations eliminate the “1/60th” rate for paying customs duties on certain temporarily imported goods. Under the “1/60th rate”, duties were payable on 1/60th of the total value for duty of the goods for each month the goods remained in Canada. These new Regulations provide for a full refund of the security paid in relation to customs duties, except where the security requirement is waived, for any goods that qualify for duty-free admission under Tariff Item No. 9993.00.00 and which are exported from Canada within eighteen months or other approved period.
- *Time Limit for the Application of Subsection 118(1) of the Customs Tariff Regulations*: these Regulations replace a portion of the *Exemption from the Application of Subsection 103(1) of the Customs Tariff Regulations* that dealt with the time limit within which a customs officer must be notified of any change-of condition that may negate the relief of customs duties under the *Customs Tariff* or a remission order for customs duties under the *Financial Administration Act* with respect to a particular importation. The previous six year time limit that pertains to this reporting requirement applies from the day on which the goods are released from customs control and is the same as the time limit that was prescribed by the previous *Exemption from the Application of Subsection 103(1) of the Customs Tariff Regulations*.
- *Order Amending the Scientific or Exploratory Expeditions Remission Order, 1994*: this amending order removes from the *Scientific or Exploratory Expeditions Remission Order, 1994*, all customs duty relief, while retaining GST and excise tax relief. The customs duty relief previously granted by this order will continue under tariff items 9906.00.00 and 9993.00.00 in the List of Tariff Provisions set out in the schedule to the revised *Customs Tariff*.
- *Returning Persons Exemption Regulations*: these Regulations, which replace an instrument previously made by the Minister of National Revenue under the outgoing legislation, are being re-enacted by the Governor in Council under the new Customs Tariff. However, aside from necessary corrections to legislative references, no policy changes are made.

For importers and customs brokers, the consolidation and broadening of the conditions governing customs duty relief for temporary importations under Tariff Item No. 9993.00.00 should result in reduced costs of compliance. For many importers, these changes should result in improved cash flows, as a result of the elimination of the “1/60th” provision that applied to payment of customs duties on certain goods.

Contact: Gerry Patterson, Manager, Legislation Development, Tariff Policy and Interpretation Directorate, Customs and Trade Administration Branch, Department of National Revenue, 7th Floor, Connaught Building, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6891; Fax: 613-952-2093.

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Regulations Amending Certain Instruments Made under the Customs Tariff (Tariff Simplification - Miscellaneous Program) (SOR/98-62, OIC 1997-2034)

These amendments are of a minor technical nature and reflect no substantive changes to the various instruments. The changes include changes in the long title of some of the instruments.

The changes are part of the Tariff Simplification exercise and are needed in order to keep the legislative references current. This will prevent some confusion on the part of the importing community that might otherwise result if these amendments were not carried out.

The instruments amended are:

- *Importation of Periodicals Regulations;*
- *Tariff Item No. 9805.00.00 Exemption Order;*
- *Temporary Importation of Conveyances by Residents of Canada Regulations;*
- *Non-residents' Temporary Importation of Baggage and Conveyances Regulations;*
- *Tariff Item No. 9807.00.00 Exemption Order;*
- *Definition of "Settler" for the Purpose of Tariff Item No. 9807.00.00 Regulations;*
- *Manufactured Tobacco Imported for Further Manufacture Remission Order;*
and
- *Exported Motor Vehicles Drawback Regulations.*

Contact: Gerry Patterson, Manager, Legislation Development, Tariff Policy and Interpretation Directorate, Customs and Trade Administration Branch, Department of National Revenue, 7th Floor, Connaught Building, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6891; Fax: 613-952-2093.

Regulations Amending Certain Regulations and Orders Made under the Customs Tariff, No. 1 (SOR/98-63, OIC 1997-2035)

These Regulations repeal a number of instruments, as part of the Tariff Simplification exercise.

The instruments repealed are:

- *British Preferential Tariff Direct Shipment Without Transshipment Exemption Order:* with the elimination of the British Preferential Tariff (BPT) Treatment from the List of Tariff Provisions set out in the schedule to the *Customs Tariff*, the authority to make this exemption order is also being removed. However, it is expected that the Minister of Finance will recommend a remission order under the *Financial Administration Act* that will preserve partial or full customs duty remission for a number of goods originating in BPT countries.
- *Codes 2000 to 2012 Drawback Regulations:* the goods formerly subject to drawback under the provision of concessionary codes 2000 to 2012 in Schedule II to the old *Customs Tariff* will now be granted full duty relief under tariff item No. 9903.00.00 in the List of Tariff Provisions set out in the schedule to the new *Customs Tariff*.
- *Components and Systems for Testing Purposes by Stern Laboratories Inc. Remission Order;*

Customs Tariff, subsection 113(4), section 115, paragraphs 133(b), (d), (e), (g), (h) and (i) and section 134

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Customs Tariff, subsection 113(4), section 115, paragraphs 133(b), (d), (e), (g), (h) and (i) and section 134

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- *Exemption from the Application of Subsection 103(1) of the Customs Tariff Regulations:* these Regulations previously dealt with certain exceptions to the reporting requirements for goods imported completely or partially relieved from customs duty under particular terms or conditions but diverted to other uses. However, the circumstances under which certain goods will remain exempt from the reporting and repayment requirements by importers in breach of the conditions of importation will be carried into new regulations. Those new regulations may be made by the Governor in Council, but on the recommendation of the Minister of Finance (instead of the Minister of National Revenue), under paragraph 118(4)(b) of the new *Customs Tariff*. However, new regulations to be made by the Governor in Council on the recommendation of the Minister of National Revenue will prescribe the six year time limit that applies to the reporting requirements.
- *Home Consumption Drawback and Refund of Duties on Obsolete or Surplus Goods Regulations:* with the provisions governing home consumption drawbacks in the outgoing Customs Tariff to be eliminated by the promulgation of the new legislation, these Regulations must be repealed through a separate instrument under the previous Act. A new instrument, to be made by the Governor in Council under the new *Customs Tariff*, will continue the previous regulatory provisions on applications for refund of duties on obsolete and surplus goods.
- *International Commercial Transportation (Tariff Item 70200-1) Regulations:* these Regulations dealt with the terms and conditions applicable to vehicles, aircraft or water-borne craft engaged in the international commercial transportation of passengers and goods. In the new *Customs Tariff*, Tariff Item No. 9801.10.00 in the List of Tariff Provisions will include all of the terms and conditions previously dealt with in these Regulations. Any future regulations to prescribe conditions for classifying goods under this tariff item may be made by the Governor in Council by virtue of revised regulation-making authority in section 133 of the new legislation.
- *Manufacturer's Statement Regulations:* these Regulations prescribed certain information to be contained in a written statement submitted to a designated officer by a manufacturer of Canadian goods when the manufacturer complained to Revenue Canada about imported used goods and goods of less than prime quality being brought into Canada by other companies; these Regulations are now redundant.
- *Substantial Quantity of Goods Percentage Order, 1987:* this Order set the minimum percentage of the quantity available from Canadian production that would be necessary for any goods to be regarded as being "of a class or kind made in Canada". Where less than 10% of a particular type of goods was available from Canadian manufacture or production, such goods were deemed to be of a class or kind not made in Canada; where such goods were imported, they were normally subject to a low rate of customs duty or were completely duty free. Under the new Customs Tariff, the "made in Canada" criterion is eliminated, thereby eliminating the need for this Order.

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- *Used Aircraft Exemption Regulations 1981; Used Aircraft Exemption Regulations, 1983; Used or Second-Hand Aircraft Tariff Exemption Regulations*: these three instruments were promulgated so as to permit certain otherwise prohibited used aircraft to be imported into Canada. Under the new Customs Tariff, regulations concerning exemptions from the prohibiting provisions of Tariff Item No. 9897.00.00 may be made by the Governor in Council, but on the recommendation of the Minister of Finance. Accordingly, all three of the above instruments must now be repealed.
- *Used Motor Vehicles Exemption Regulations, 1988--1; Used Motor Vehicles Exemption Regulations, 1988--2; Used Motor Vehicles Exemption Regulations, 1988--3; Used Motor Vehicles Exemption Regulations, 1990--1; Used Motor Vehicles Exemption Regulations, 1991--1; Used Motor Vehicles Exemption Regulations, 1992--1; Used Motor Vehicles Exemption Regulations, 1993--1*: these instruments permitted the importation of specific used motor vehicles that would otherwise have been subject to the prohibited goods provisions of tariff code 9963 of Schedule VII to the Customs Tariff. These instruments have all been fully utilized and do not need to be retained in any form.
- *Used or Second-Hand Motor Vehicle Regulations*: these Regulations may be replaced by a new instrument under the incoming Customs Tariff, to be made by the Governor in Council on the recommendation of the minister of Finance. However, some of the provisions of these Regulations will now be covered by the exceptions under Tariff Item 9897.00.00 in the List of Tariff Provisions in the Schedule to the new legislation.
- *Order in Council P.C. 1990-1908 of August 28, 1990*: referred to as the "Designated NATO Countries and Agencies Order", this Order designated the individual NATO countries whose military forces, when stationed in Canada, were entitled to the benefits of Tariff Item 9810.00.00 in the Customs Tariff. Under the incoming legislation, a similar order will be made by the Governor in Council, but on the recommendation of the Minister of Finance.

Contact: Gerry Patterson, Manager, Legislation Development, Tariff Policy and Interpretation Directorate, Customs and Trade Administration Branch, Department of National Revenue, 7th Floor, Connaught Building, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6891; Fax: 613-952-2093.

Outerwear Greige Fabrics Remission Order, 1998 (SOR/98-86, OIC 1998-2054); Shirting Fabrics Remission Order, 1998 (SOR/98-87, OIC 1998-2055); Outerwear Apparel Remission Order, 1998 (SOR/98-88, OIC 1998-2056); Blouses, Shirts and Co-ordinates Remission Order, 1998 (SOR/98-89, OIC 1998-2057); Outerwear Fabrics Remission Order, 1998 (SOR/98-90, OIC 1998-2058)

These five Orders provide assistance to Canadian producers of certain apparel products, and fabrics to make the finished goods, until December 31, 2004.

Under the Orders, those producers who received benefits in 1995 under the five existing duty remissions would be allowed to import certain quantities of apparel or fabrics duty-free to complement products that these manufacturers make in Canada. Annual remission benefits for each individual recipient will be restricted to amounts it received in 1995. The remission Orders will help Canadian apparel and fabric manufacturers face the pressures of increased import competition as quotas are liberalized and eventually eliminated in 2005 under the WTO.

Customs Tariff, section 101

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For all importers, quotas are being eliminated immediately on certain women's blouses, shirts and co-ordinates. Quotas on all remaining women's blouses and shirts will be eliminated by January 1, 2004. Importers will also have an immediate increase in access to winter outerwear (10% increase in units in Category II goods) from all WTO countries and the immediate elimination of quotas on babies' snow-suits and on rainwear.

The remission benefits, which amount to about \$18 million in duty savings annually on imported women's blouses, shirt and coordinates, \$5 million on outerwear apparel, \$2 million on finished and greige outerwear fabrics and \$2 million on shirting fabrics, should spill over to Canadian distributors and be reflected in lower prices to consumers. Quota liberalization should also help to place some downward pressure on the prices of these apparel products.

The Order comes into force on December 29, 1997.

Contact: Osborne Todd, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-996-6479; e-mail: Todd.Osborne@fin.gc.ca.

Order Repealing Certain Orders Made under the Financial Administration Act (Tariff Simplification) (SI/98-5, OIC 1998-2000)

Financial Administration Act, subsection 23(2)

The following orders are repealed:

- *Carbon Fibres and Filaments Remission Order*;
- *Military Surveillance System Equipment Remission Order*;
- *Computer Parts & Semiconductor Remission Order, 1987*;
- *Toyota Remission Order, 1988*;
- *Honda Remission Order, 1988*; and
- *Hyundai Remission Order, 1988-2*.

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The Order comes into force on January 1, 1998.

Order Amending Certain Remission Orders Made under the Financial Administration Act (Tariff Simplification) (SI/98-6, OIC 1998-2013)

Financial Administration Act, subsection 23(2)

The following orders are amended:

- *Specified Commercial Vehicles, Universal Carrier Remission Order*;
- *Representational Gifts Remission Order*;
- *Cruiser Remission Order*;
- *Paccar Canada Limited Remission Order*;
- *Front End Wheel Loader Remission Order*
- *Repair Abroad of Canadian Civil Aircraft, Canadian Aircraft Engines and Flight Simulators Remission Order*; and
- *Visiting Forces Personnel Remission Order*.

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The Order comes into force on January 1, 1998.

Order Amending the Advertising Material Remission Order (SI/98-7, OIC 1998-2036)

Financial Administration Act, subsection 23(2)

This Order is amended to reflect the new *Customs Tariff*. The relief from customs duties formerly granted by this order has been moved to Tariff Item No. 44911.10.10 of the List of Tariff Provisions of the schedule to the *Customs Tariff*. However, the order is being retained for the purposes of GST and excise tax relief.

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The Order comes into force on January 1, 1998.

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Charitable Goods Remission Order (SI/98-8, OIC 1998-2037)

This order is revised to reflect the new *Customs Tariff*. The former *Charitable Goods and Official Uniform Dress of Militia Remission Order* provided for relief from customs duties on charitable goods and official uniform dress of militia, and relief from GST and excise tax on charitable goods only. The relief from customs duties has been moved to Tariff Item Nos. 9815.00.00 and 9939.00.00 of the List of Tariff Provisions of the schedule to the Customs Tariff. Therefore, the Order is revised to provide for the relief of GST, excise tax and customs duties imposed under section 21 of the *Customs Tariff* on charitable goods only.

The Order comes into force on January 1, 1998.

Financial Administration Act, subsection 23(2)

Not included in Regulatory Plan

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Order Amending the Coffin or Casket Remission Order (SI/98-9, OIC 1998-2038)

This Order is amended to reflect the new *Customs Tariff*. The relief from customs duties formerly granted by this Order has been moved to Tariff Item No. 9832.00.00 of the List of Tariff Provisions of the schedule to the *Customs Tariff*. However, the order is being retained for the purposes of GST and excise tax relief.

The Order comes into force on January 1, 1998.

Financial Administration Act, subsection 23(2)

Not included in Regulatory Plan

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Order Amending the Commercial Samples Remission Order (SI/98-10, OIC 1998-2039)

This Order is amended to reflect the new *Customs Tariff*. The relief from customs duties formerly granted by this Order has been moved to Tariff Item No. 9993.00.00 of the List of Tariff Provisions of the schedule to the *Customs Tariff*. However, the Order is being retained for the purposes of relief of GST, excise tax and customs duties imposed under section 21 of the Customs Tariff.

The Order comes into force on January 1, 1998.

Financial Administration Act, subsection 23(2)

Not included in Regulatory Plan

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Order Amending the Defence Production and Development Sharing Remission Order (SI/98-11, OIC 1998-2040)

This Order is amended to reflect the new *Customs Tariff*. The relief from customs duties formerly granted by this order has been moved to Tariff Item No. 9982.00.00 of the List of Tariff Provisions of the schedule to the *Customs Tariff*. However, the order is being retained for the purposes of excise tax relief.

The Order comes into force on January 1, 1998.

Financial Administration Act, subsection 23(2)

Not included in Regulatory Plan

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Order Amending the Exposed and Processed Film and Recorded Video Tape Remission Order (SI/98-12, OIC 1998-2041)

This Order is amended to reflect the new *Customs Tariff*. The relief from customs duties formerly granted by this order has been moved to Tariff Item No. 9831.00.00 of the List of Tariff Provisions of the schedule to the *Customs Tariff*. However, the order is being retained for the purposes of GST relief.

The Order comes into force on January 1, 1998.

Financial Administration Act, subsection 23(2)

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Order Amending the Foreign Organizations Remission Order (SI/98-13, OIC 1998-2042)

This order is amended to reflect the new *Customs Tariff*. The relief from customs duties formerly granted by this Order has been moved to Tariff Item Nos. 9830.00.00 and 9993.00.00 of the List of Tariff Provisions of the schedule to the *Customs Tariff*. However, the Order is being retained for the purposes of GST and excise tax relief.

The Order comes into force on January 1, 1998.

Financial Administration Act, subsection 23(2)

Not included in Regulatory Plan

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Order Amending the Goods for Emergency Use Remission Order (SI/98-14, OIC 1998-2043); Order Amending the Goods Imported for Certificate Remission Order (SI/98-15, OIC 1998-2044); Order Amending the Merchandise for Photographic Layouts Remission Order (SI/98-16, OIC 1998-2045); Order Amending the Side Shows and Concessions Remission Order (SI/98-19, OIC 1998-2048)

These Orders are amended to reflect the new *Customs Tariff*. The relief from customs duties formerly granted by these Orders has been moved to Tariff Item No. 9993.00.00 of the List of Tariff Provisions of the schedule to the *Customs Tariff*. However, the Orders are being retained for the purposes of GST and excise tax relief.

The Orders come into force on January 1, 1998.

Financial Administration Act, subsection 23(2)

Not included in Regulatory Plan

Published in Canada Gazette January 21, 1998

Order Amending the Passover Products Remission Order (SI/98-17, OIC 1998-2046)

This Order is amended to reflect the new *Customs Tariff*. The relief from customs duties formerly granted by this Order has been moved to Tariff Item No. 9905.00.00 of the List of Tariff Provisions of the schedule to the *Customs Tariff*. However, the Order is being retained for the purposes of GST and excise tax relief.

The Order comes into force on January 1, 1998.

Financial Administration Act, subsection 23(2)

Not included in Regulatory Plan

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Order Amending the Samples of Negligible Value Remission Order (SI/98-18, OIC 1998-2047)

This Order is amended to reflect the new *Customs Tariff*. The relief from customs duties formerly granted by this order has been moved to Tariff Item No. 9991.00.00 of the List of Tariff Provisions of the schedule to the *Customs Tariff*. However, the Order is being retained for the purposes of relief of GST, excise tax and customs duties imposed under section 21 of the *Customs Tariff*.

The Order comes into force on January 1, 1998.

Financial Administration Act, subsection 23(2)

Not included in Regulatory Plan

Published in Canada Gazette January 21, 1998

Order Amending the Seasonal Residents' Remission Order, 1991 (SI/98-20, OIC 1998-2049)

This Order is amended to reflect the new *Customs Tariff*. The relief from customs duties formerly granted by this Order has been moved to Tariff Item No. 9829.00.00 of the List of Tariff Provisions of the schedule to the *Customs Tariff*. However, the Order is being retained for the purposes of GST and excise tax relief.

The Order comes into force on January 1, 1998.

Financial Administration Act, subsection 23(2)

Not included in Regulatory Plan

Published in Canada Gazette January 21, 1998

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Order Amending the Certain Remission Orders made under the Financial Administration Act (Tariff Simplification) (SI/98-21, OIC 1998-2050)

This Order amends the *Courier Imports Remission Order* and the *Postal Imports Remission Order* to effect changes to legislative references. These changes have been necessitated by the passage of Bill C-11, which includes a complete revision to the *Customs Tariff*, together with a new List of Tariff Provisions that is now the only schedule to that Act.

The amendments are of a minor technical nature and reflect no substantive changes to the various instruments. They are however, integral to the Tariff Simplification exercise and are needed to keep the legislative references current.

The Order comes into force on January 1, 1998.

Financial Administration Act, subsection 23(2)

Not included in Regulatory Plan

Published in Canada Gazette January 21, 1998

Order Repealing Certain Orders made under the Financial Administration Act, No. 1 (SI/98-22, OIC 1998-2051)

This repeal order eliminates a number of standing remission orders.

Most of the remission orders are being fully repealed with no provision for continued tax relief or for the continuation of customs duty relief in the revised Customs Tariff.

However, the railway rolling stock covered by the Railway Rolling Stock remission orders will continue to enjoy customs duty relief under Tariff Item No. 9801.20.00 in the List of Tariff Provisions set out in the schedule to the new *Customs Tariff*.

The Remission Orders being repealed are:

- *Automotive Machinery and Equipment Remission Order, 1992-1;*
- *BER-VAC Incorporated Remission Order;*
- *Damaged Goods Remission Order;*
- *Defective Spare Parts of Aircraft (Air Jamaica) Remission Order, 1987;*
- *Goods Not As Ordered Remission Order;*
- *Railway Rolling Stock (Canadian Domestic Service) Remission Order No. 2;*
- *Railway Rolling Stock (international Service) Remission Order No. 3;*
- *Railway Rolling Stock (International Service) Remission Order No. 4;*
- *TIR Carnet Remission Order;* and
- *United States Bases in Newfoundland Remission Order.*

The Order comes into force on January 1, 1998.

Financial Administration Act, subsection 23(2)

Not included in Regulatory Plan

Published in Canada Gazette January 21, 1998

Order Repealing Certain Orders made under the Financial Administration Act, No. 2 (SI/98-23, OIC 1998-2052)

This Repeal Order eliminates a number of standing remission orders. These Orders, which were never formally registered or published in Part II of the Canada Gazette, provided remission of customs duty and, in a few cases, relief of excise taxes, on goods imported for a variety of purposes. However, these orders have not been used for several years and are no longer needed.

Although the resulting administrative savings for Revenue Canada will be minimal, this repeal order is considered important from a general "housekeeping" perspective.

Financial Administration Act, subsection 23(2)

Not included in Regulatory Plan

Published in Canada Gazette January 21, 1998

Exempt from Pre-Publication and Approved

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The Remission Orders being repealed are:

- *Order in Council P.C. 1955-1/350 of March 12, 1955;*
- *Order in Council P.C. 1968-24/185 of February 1, 1968;*
- *Order in Council P.C. 1968-23/1710 of September 17, 1968;*
- *Order in Council P.C. 1963-15/1854 of December 20, 1963;*
- *Order in Council P.C. 1967-27/1778 of September 21, 1967;*
- *Order in Council P.C. 1981-4/3401 of December 3, 1981;* and
- *Order in Council P.C. 1953-18/894 of June 9, 1953.*

The Order comes into force on January 1, 1998.

Ministerial Orders Approved

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Order amending the List of Tariff Provisions set out in the Schedule to the Customs Tariff (SOR/98-21)

The Order repeals Tariff item Nos. 9954.00.00, 9955.00.00, 9956.00.00 and 9957.00.00 in the List of Tariff Provisions set out in the schedule to the Customs Tariff are repealed.

The Order comes into force on January 1, 1998.

Customs Tariff, section 138

Not included in Regulatory Plan
Published in Canada
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Order Amending the General Import Permit No. 100 - Eligible Agricultural Goods (SOR/98-64); Order Amending the General Import Permit No. 20 - Wheat and Wheat Products and Barley and Barley Products (SOR/98-65); Order Amending the General Import Permit No. 13 - Beef and Veal for Personal Use (SOR/98-66); Order Amending the General Import Permit No. 3 - Wheat and Wheat Products and Barley and Barley Products for Personal Use (SOR/98-67); Order Amending General Import Permit No. 80 - Carbon Steel (SOR/98-68); Order Amending General Import Permit No. 2 - Chickens and Chicken Products for Personal Use (SOR/98-69); Order Amending the General Import Permit No. 1 - Dairy Products for Personal Use (SOR/98-70); Order Amending the General Export Permit No. Ex. 31 - Peanut Butter (SOR/98-75); Order Amending the General Import Permit No. 193 - Roses (SOR/98-76); Order Amending the General Import Permit No. 81 - Specialty Steel Products (SOR/98-77); Order Amending the General Import Permit No. 14 - Margarine for Personal Use (SOR/98-79); Order Amending the General Import Permit No. 8 - Eggs for Personal Use (SOR/98-80); Order Amending the General Import Permit No. 6 - Roses for Personal Use (SOR/98-81); Order Amending the General Import Permit No. 7 - Turkeys and Turkey Products for Personal Use (SOR/98-82)

These amendments correct the references in the above Orders in light of Tariff Simplification, including notably including a reference to the List of Tariff Provisions set out in the new *Customs Tariff*.

Export and Import Permits Act, section 10

Not included in Regulatory Plan

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The changes come into effect January 1, 1998.

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.

Order Amending the Allocation Methods Order - Hatching Eggs, Live Broilers, Eggs and Egg Products (SOR/98-71); Order Amending the Allocation Method Order - Chicken and Chicken Products (SOR/98-72); Order Amending the Allocation Method Order (Beef and Veal) (SOR/98-73); Order Amending the Allocation Methods Order - Cheese and Cheese Products, Ice Cream, Yogurt, Powdered Buttermilk and Concentrated Milk (SOR/98-74); Order Amending the Allocation Method Order - Turkey and Turkey Products, (SOR/98-78)

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

Not included in Regulatory Plan

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These amendments correct the references in the above Orders in light of Tariff Simplification, including notably including a reference to the List of Tariff Provisions set out in the new Customs Tariff.

The changes come into effect January 1, 1998.

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.

Regulations Amending Certain Regulations made under the Customs Tariff and the Excise Act (Tariff Simplification - Miscellaneous Program) (SOR/98-83)

Customs Tariff, section 127.1; *Excise Act*, subsection 150(1)

Not included in Regulatory Plan

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These Regulations amend one regulation (*Marking of Imported Goods Regulations*) under the Customs Tariff and one under the Excise Act (*Distillery Departmental Regulations*), in order to effect changes to legislative references. These changes have been necessitated by the passage of Bill C-11, a simplified *Customs Tariff*.

The amendments are of a minor technical nature and reflect no substantive changes to the two instruments. The changes come into effect January 1, 1998.

Contact: Gerry Patterson, Manager, Legislation Development, Tariff Policy and Interpretation Directorate, Customs and Trade Administration Branch, Department of National Revenue, 7th Floor, Connaught Building, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6891; Fax: 613-952-2093.

Regulations Repealing Certain Regulations Made under the Customs Tariff, No. 2 (SOR/98-84)

Customs Tariff, notes 11, 14, 18 and 19 of Chapter 98, heading No. 98.04 and tariff item Nos. 9807.00.00, 9813.00.00, 9814.00.00, 9818.00.00 and 9820.00.00 of Schedule I, codes 2460, 2465 to 2470, 2955 and 2999 of Schedule II

Not included in Regulatory Plan

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These Regulations repeal a number of instruments, as part of the Tariff Simplification exercise.

The instruments repealed are:

- *Code 2999 Packing Containers Regulations*: these Regulations deemed that refillable cylinders for liquefied gases and acetylene gases that are not returned to the country of export are not packing containers for the purposes of Concessionary Code 2999 in Schedule II to outgoing Customs Tariff. The provisions of this Code will now appear under tariff heading 7310.10.11 in the List of Tariff Provisions in the schedule to the incoming legislation. However, since the authority to make the Regulations is not being transferred to the incoming legislation, these Regulations must now be repealed.

Ministerial Orders Approved

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- *Display Goods Temporary Importation Regulations*: these Regulations, which set conditions for the temporary importation of display goods for conventions or public exhibitions, will be replaced by new, more comprehensive regulations under the new *Customs Tariff*. The new regulations will set the conditions for temporary importations qualifying under the new Tariff Item No. 9993.00.00.
- *Handicrafts Import Code 2955 Regulations*: these Regulations, which set the conditions under which goods may qualify under the provisions of Concessionary Code 2955 of Schedule II to the outgoing Customs Tariff, are now redundant because of the implementation of the new legislation. The provisions of Code 2955 have been moved to new Tariff Item No. 9987.00.00 in the List of Tariff Provisions in the Schedule to the new legislation. That Tariff Item also contains the authority to require a certificate in a form prescribed by the Minister of National Revenue.
- *Importation of Goods Once Exported from Canada Regulations*: these Regulations, which set conditions for goods to qualify for importation under Tariff Item Nos. 9813.00.00 and 9814.00.00, must be repealed under the authority of the outgoing legislation because the authority to make them is not fully replicated in the incoming Customs Tariff. Under the new legislation, the Governor in Council may make regulations prescribing conditions for classifying goods under Tariff Item Nos. 9813.00.00 and 9814.00.00. The regulatory authority of the Minister of National Revenue under section 129 of the new Act pertains only to containers qualifying as goods returned to Canada under Tariff Item Nos. 9813.00.00 or 9814.00.00.
- *Importation of Motor Vehicle Parts (Code 2460) Regulations*: these Regulations were designed to facilitate the determination of whether or not the British Commonwealth Content Qualifications were met, for the purposes of the British Preferential Tariff (BPT). They set out the terms and conditions manufacturers had to fulfill and provided detailed guidelines on the manner of computing the “factory cost of production”, based on general accounting principles. However, since most of the concessionary code authorities to make these Regulations are not being converted to tariff items in the new legislation, and because of the discontinuance of the BPT under the new legislation, these Regulations are being eliminated.
- *Museum and Other Exhibits Import Regulations*: these Regulations, which spelled out the certificate requirements for goods to qualify under Tariff Item No. 9818.00.00 of the outgoing legislation, are redundant with the passage of the new *Customs Tariff*. Tariff Item No. 9818.00.00 is continued in the new legislation, with the certificate requirement included in the wording of that provision. The certificate itself will now be prescribed directly by the Minister of National Revenue, instead of by regulation.
- *NAFTA and CCFTA Commercial Samples of Negligible Value (Tariff Item No. 9824.00.00) Regulations*: the contents of these Regulations, which set out the accounting requirements for low-value commercial samples imported from the United States, Mexico or Chile under Tariff Item No. 9824.00.00, will now appear under new Tariff Item No. 9990.00.00 in the List of Tariff Provisions set out in the Schedule to the new Customs Tariff.

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- *NAFTA and CCFTA Temporary Admission of Commercial Samples and Advertising Films (Tariff Item Nos. 9823.70.00 and 9823.80.00) Regulations:* the contents of these Regulations set out the conditions and documentary requirements respecting commercial samples and advertising films imported from the United States, Mexico or Chile that qualified for duty free importation under Tariff Items 9823.70.00 and 9823.80.00 in the outgoing legislation. The contents of the tariff items and these Regulations will now be covered by the provisions of new Tariff Item No. 9993.00.00 and the Temporary Importation (Tariff Item No, 9993.00.00) Regulations. The latter instrument will encompass provisions which have, until now, appeared in six separate regulations under the Customs Tariff and, also, in several remission orders.
- *NAFTA and CCFTA Temporary Admission of Conveyances or Containers (Tariff Item No. 9823.90.00) Regulations:* the contents of these Regulations will now appear in under new Tariff Item No. 9801.10.00 in the List of Tariff Provisions set out in the Schedule to the new Customs Tariff. Any new regulations that may be needed in the future to prescribe the conditions for classifying goods under that Tariff Item will be made under section 133 of the new legislation.
- *NAFTA and CCFTA Temporary Admission of Goods (Tariff item Nos. 9823.10.00, 9823.20.00, 9823.30.00, 9823.40.00 and 9823.50.00) Regulations:* the contents of these Regulations set out the conditions and documentary requirements respecting certain professional equipment imported from the United States, Mexico or Chile that qualified for duty free importation under Tariff Items 9823.10.00, 9823.20.00, 9823.30.00, 9823.40.00 and 9823.50.00 in the outgoing legislation. The contents of the tariff items and these Regulations will now be covered by the provisions of new Tariff Item No. 9993.00.00 and the Temporary Importation (Tariff Item No. 9993.00.00) Regulations.
- *NAFTA and CCFTA Temporary Admission of Goods (Tariff -Item No. 9823.60.00) Regulations:* the contents of these Regulations set out the conditions and documentary requirements respecting display or demonstration goods imported from the United States, Mexico or Chile that qualified for duty free importation under Tariff Item 9823.60.00 in the outgoing legislation. The contents of the tariff item and these Regulations will now be covered by the provisions of new Tariff Item No. 9993.00.00 and the *Temporary Importation (Tariff Item No. 9993.00.00) Regulations*.
- *NAFTA Importation of Goods Exported for Repair Under Warranty (Tariff Item No. 9820.00.00) Regulations:* these Regulations are now redundant, since the provisions of the new Tariff Item No. 9992.00.00 will deal with all goods exported to the United States, Mexico, Chile or to Israel or another CIFTA beneficiary for repairs of any kind. Also, there are no specific provisions under the new legislation for regulations governing the accounting documentation for goods imported under Tariff Item No. 9992.00.00. Such provisions will be covered entirely by the *Tariff item Nos. 9971.00.00 and 9992.00.00 Accounting Regulations*, to be made under the *Customs Act*.
- *Returning Persons Exemption Regulations:* these Regulations, which set the conditions for goods to qualify under the various tariff items under heading no. 98.04 of Chapter 98 of the *Customs Tariff*, are being repealed under the outgoing legislation, but are being re-enacted as Governor in Council regulations under section 133 of the new legislation.

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- *Railway Rolling Stock Temporary Use Regulations*: the contents of these Regulations, which set the value for duty for certain railway rolling stock imported from the United States for temporary use within Canada, will now be redundant. The contents of Concessionary Code 2338 in Schedule II to the outgoing Customs Tariff will be converted to the new Tariff Item 9801.20.00 in the List of Tariff Provisions in the Schedule to the new legislation. Any new regulations that may be needed in the future to prescribe the conditions for classifying goods under that Tariff Item will be made by the Governor in Council under section 133 of the new legislation.
- *Settlers' Effects Regulations*: these Regulations, which set the quantity limits for alcohol and tobacco products that may accompany a settler or immigrant to Canada at the time of first arrival, are being replaced by the revised provisions of Tariff Item No. 9807.00.00 in the List of Tariff Provisions set out in the Schedule to the new *Customs Tariff*. That tariff item will define the term "goods" to include alcohol and tobacco products within the limits set out in its provisions. Future regulations pertaining to the provisions of that tariff item may be enacted by the Governor in Council on the recommendation of the Minister of National Revenue.

Contact: Gerry Patterson, Manager, Legislation Development, Tariff Policy and Interpretation Directorate, Customs and Trade Administration Branch, Department of National Revenue, 7th Floor, Connaught Building, Ottawa, Ontario, K1A 0L5. Tel: 613-954-6891; Fax: 613-952-2093.

Technical Amendments Order (Customs Tariff) 1998-1 (SOR/98-85)

The Technical Amendments Order (Customs Tariff) 1998-1 makes amendments to the List of Tariff Provisions set out in the Schedule to the *Customs Tariff*. The amendments correct minor technical errors (i.e. transcriptional or numerical) identified by the Department of Finance.

The changes come into effect January 1, 1998.

Contact: Deborah Hoeg, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-996-7099.

Customs Tariff, section
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Please send any questions or comments c/o the Editor, J-K Carruthers Ltd., R.R. #1, Perth, Ontario, K7H 3C3, Telephone (613) 267-3890, Fax (613) 267-6727. www.carruthers.com