

Tracking Federal Regulatory Initiatives

Regulatory Affairs

VOL. 3, No. 29

August 9, 1997

Circulate to:	HIGHLIGHTS
1.	Proposed Regulations
2.	Requirement for passenger vehicles and equipment leaving Newfoundland by ferry to be inspected for plant diseases proposed. 1
3.	Copyright rules amendments proposed 2
4.	Various agricultural and fish inspection fee changes proposed 3-4
5.	New railway interswitching regulations proposed 5
	Coverage of casinos under money laundering rules proposed 7
	Export restrictions, higher duties for Myanmar goods proposed 11

Proposed Regulations for Pre-Publication in Part I, Canada Gazette	Statutory Authority & Regulatory Plan Listing
---	--

Plant Protection Regulations, Newfoundland Amendment (I.D. No. 97002)

The proposed amendment would require a person proposing to take used conveyances (e.g., passenger vehicles) and equipment off Newfoundland by ferry to present the used conveyances and equipment to an inspector of the Canadian Food Inspection Agency, for an inspection to determine whether the equipment is or is likely to be infested with a plant disease (e.g., golden nematode).

The amendment would authorize the charging of fees (to be established under a separate Ministerial fee Order) for such inspection services at the two Newfoundland inspection centres at Port-aux-Basques and Argientia ferry terminals.

The Agency has not held any consultations on the amendments.

Contact: Dr. Jean Hollebhone, Director, Plant Protection Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel: 613-225-2342, extension 4316; Fax: 613-228-6606.

Plant Protection Act, S.C., 1990, c. 22

Not included in Regulatory Plan

To be published in Canada Gazette August 9, 1997

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority & Regulatory Plan Listing

Copyright Rules, amendment; Copyright Fees Order, repeal

The current Copyright Rules are repealed in their entirety and replaced with new regulations called the *Copyright Regulations*.

The changes reflect a number of events:

- the repeal of the compulsory licensing regimes for books in order to meet the harmonization obligations under the North American Free Trade Agreement (NAFTA). The former royalty system and Forms 1-8 in the Copyright Rules have been repealed.
- the move to cost recovery for all fees for services provided by the Copyright Office. The Copyright Fees Order is repealed and the fees are instead incorporated as a Schedule to the Regulations. The fees are being increased.
- the passage of Bill C-32, *An Act to amend the Copyright Act*. The new Regulations set out a modernized copyright registration process administered by the Copyright Office. The Copyright Office will now cover registration of performer's performances, sound recordings, and communication signals. With regard to the registration process, other changes include:
- the elimination of the mandatory use of approved application forms and instead permits applicants to provide necessary information in a form they find convenient;
- the provision of names and addresses of parties involved registrations of an assignment of copyright or a licence granting an interest in copyright, along with a description of the interest being transferred and the title and registration number, where applicable.
- the ability of the Copyright Office to close pending applications where there has been a lengthy period of inactivity and where the Office has sent to the applicant a notice of intention to close the file. Once a file is closed in this manner, it cannot be reactivated except by a new application.

The proposed fees set out in the Tariff of Fees Schedule include:

- a fee of \$65 for accepting an application for registration of a copyright under sections 55 and 56 of the Act, accepting for registration an assignment or licence of a copyright pursuant to section 57 of the Act, processing a request for accelerated action on an application for registration of a copyright or for registration of an assignment, licence or other document, or correcting a clerical error in any instrument of record including, without further fee, issuing a corrected certificate of registration of copyright, pursuant to section 61 of the Act, or processing a request to include in the Register of Copyrights any other document affecting a copyright.
- a fee of \$35 for the certificate certifying a copy of a document;
- a fee of \$50 for each page for certifying a copy of a document;
- a fee of \$50 for providing copies of or extracts from the Register of Copyrights, or copies of certificates, licences or other documents, for each page.

The draft regulations were sent to some three dozen companies or individuals who make, or represent clients who make, regular use copyright registration. Comments were generally favourable.

Contact: Linda Steingarten, Registrar of Copyrights Phase I, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel: 819-997-1657; e-mail: Steingarten.linda@ic.gc.ca.

Copyright Act, sections 59 and 62

IC/94-6-I

To be published in Canada Gazette August 9, 1997

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority & Regulatory Plan Listing

Agriculture and Agri-Food Administrative Monetary Penalties Regulations

The proposed regulations set out the situations where monetary penalties ranging from \$100 to \$6,000 could be imposed. The regulations would classify various offences (minor, serious or very serious) under various schedules.

The proposed regulations would also authorize compliance agreements with persons who commit violations. These compliance agreements may provide for administrative monetary penalties to be reduced or cancelled where persons agree to take appropriate steps to ensure future compliance, including monetary expenditures.

Contact: Reg Gatenby, Chief, Legislation, Regulatory Affairs Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel: 613-225-2342; Fax: 613-228-6634.

Agriculture and Agri-Food Administrative Monetary Penalties Act, subsection 4(1)

Not included in Regulatory Plan

To be published in Canada Gazette August 9, 1997

Dairy Products Fees Order, amendment; Fresh Fruit and Vegetable Fees Order, amendment; Honey Fees Order, amendment; Maple Products Fees Order, amendment; Processed Products Fees Order, amendment

The proposed amending Orders would revise cost recovery fees for various agricultural and food inspection services by the Canadian Food Inspection Agency.

For example,

- a new fee is proposed for compliance assistance, to help a client meet the requirements of the Dairy Products Regulations (the greater of \$107.30 per hour and \$26.82 per quarter hour);
- the fee for each document request by an exporter of dairy products will increase to \$20 from the current \$18.70.
- fresh fruit and vegetable fees will increase;
- the only fee change for honey and maple products will be the new compliance assistance fee (the greater of \$87 and \$21.75 per quarter hour);
- for imported processed food products, the fee for the verification of an import declaration will increase to \$14 per shipment from the current \$11.

Contact: R. Carberry, Acting Director, Dairy, Fruit and Vegetable Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel: 613-225-2342, ext. 4727; Fax: 613-228-0607; e-mail: rcarberry@em.agr.ca.

Financial Administration Act, paragraphs 19(1)(b) and 19.1(b); Order in Council P.C. 1995-325

Not included in Regulatory Plan

To be published in Canada Gazette August 9, 1997

Egg and Processed Egg Fees Order, amendment

The proposed Orders would revise existing fees and create new fees for various inspection services by the Canadian Food Inspection Agency.

For example,

- the fee for each shipment of shell eggs destined for the table market would increase to \$104 per shipment from \$88;
- the fees for an annual fee for inspection services in registered shell egg stations are being increased substantially (e.g., to \$18,390 per year from \$14,040 for an average weekly grading volume of 30,001 or more boxes);
- the hourly fee for inspection of shell eggs moving within Canada or inspected on request, and verification of the breaking of shell eggs in registered processed egg stations on behalf of the Canadian Egg Marketing Agency, would increase to \$57 from \$52.22;

Contact: Dr. M. F. Baker, Director, Meat and Poultry Products Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel: 613-225-2342, ext. 4646; Fax: 613-228-6636.

Financial Administration Act, paragraphs 19(1)(b) and 19.1(b); Order in Council P.C. 1995-325

Not included in Regulatory Plan

To be published in Canada Gazette August 9, 1997

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority & Regulatory Plan Listing

National Animal Health Program Cost Recovery Fees Order, amendment

The proposed amendment revises the fees for services relating to the import and export of animals, animal embryos and animal semen, by the Canadian Food Inspection Agency.

Also proposed is a fee for the operation of an enhanced national Equine Infectious Anemia (EIA) program. The fee will be imposed on accredited laboratories for each EIA test they perform; a similar fee has been added to the proposed fees for the export and import inspection of horses where the test is carried out in departmental laboratories. The fee for each EIA test performed by an approved laboratory would be \$2.

The proposed cost recovery fees would generate some \$5-million in revenue each year. The fees will be reviewed annually.

The fees are detailed in Parts I through VIII to the proposed Order.

Contact: Dr. Brian Evans, Director, Animal Health Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel: 613-225-2342, ext. 4601; Fax: 613-228-6631; e-mail: bevans@em.agr.ca.

Fish Inspection - Imports (I.D. No. 97008/97009)

The proposed amendment would establish the inspection requirements and fees for imported fish and fish products.

More specifically, the amendments would:

- require that importers of canned and ready-to-eat fish products maintain adequate records of the processes used to produce the products;
- ban the import of any species of highly-toxic, tropical marine puffer fish of the family Tetraodontidae;
- extend the Quality Management Program in place for the domestic fish processing to the import sector of the industry through the creation of a new importer licensing regime featuring quality management program import licences which will allow importers to conduct their own inspections of the fish;
- impose a revenue neutral fee charged on each kilogram of fish imported.

Other proposed new fees would include:

- a \$5,000 fee for the issuance of a shared or enhanced Quality Management Program import (QMPi) licence;
- a \$1,000 fee for each inspection to determine whether a suspended or revoked import licence should be reinstated; and
- the retention of a \$30 fee for inspections of fish intended for further processing at federally-registered plants (all other licence fees are being replaced by the per kilogram fee
- per kilogram fees for basic, shared and enhanced licences as follows: ready-to-eat products, \$0.15, \$0.5, and \$0.002 respectively; canned products, \$0.02, \$0.005, and \$0.002 respectively; for fresh fish, raw molluscan shellfish and other products, \$0.01, \$0.005, and \$0.002 respectively.

Contact: D. Rideout, Director General, Fish Inspection Directorate, Department of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel: 613-990-0412; Fax: 613-993-4220.

Financial Administration Act, paragraphs 19(1)(b) and 19.1(b); Order in Council P.C. 1995-325

Not included in Regulatory Plan

To be published in Canada Gazette August 9, 1997

Fish Inspection Act, S.C., 1997, c.6, s. 53

F&O/95-12

Published in Canada Gazette August 2, 1997

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority & Regulatory Plan Listing

Export Control List, amendment; Import Control List, amendment; General Export Permit No. 37 - CWC Toxic Chemicals and Precursors to the United States; General Import Permit No. 108 - CWC Toxic Chemicals and Precursors to the United States

Group 7 of the Export Control List (ECL) is being amended to ensure that the three Schedules of chemicals and precursors identified in the Chemical Weapons Convention (CWC) are controlled. Parallel changes would be made to the Import Control List.

The General import and export permits allow controlled import into and export from Canada of the chemicals.

More specifically, Items 7001 to 7006 are being added to the ECL and export permits will be required for their export to all destinations, as follows:

- Schedule 1 (ECL Items 7001 and 7002) - Chemicals known to be chemical warfare agents and some of their key precursors;
- Schedule 2 (ECL Items 7003 and 71304) - Chemicals and compounds that are key precursors to chemical warfare but that have some commercial utility;
- Schedule 3 (ECL Items 7005 and 71306) - Chemicals that can be used for the production of chemical warfare agents, but that are produced in large quantities for commercial use.

The same chemicals and precursors would be subject to import controls under the Import Control List Item 74.

Contact: Thomas E. Jones, Deputy Director (Technology), Export Controls Division, Export and Import Controls Bureau, Foreign Affairs and International Trade Canada, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2. Tel: 613-996-0197; Fax: 613-996-9933.

Railway Interswitching Regulations, amendment

The proposed amendments to section 9 and the schedule to the Regulations contain the revised interswitching rates that would replace the interim rates for 1997 published in Part II of the Canada Gazette on January 22, 1997. The proposed rates would recast interswitching operations using the most current data available.

The changes would also allow the rates to be amended from time to time, based on changes in railway costs or circumstances, by amending the schedule to the Regulations (reference to the rates in section 9 would be deleted).

Also deleted is a reference to the rates as being maximum rates.

More specifically, section 9 is replaced with the following:

“9. Where a siding is located wholly or partly within the interswitching distance zone 4 and the point of connection with the siding is more than 40 km from an interchange along the line of track of a terminal carrier, the interswitching rate for each car is increased for each kilometre over 40 km by an amount equal to the rate per kilometre set out in column IV or V, as the case may be, of item 4 of the schedule.”

In the Schedule, the proposed rates for Zone 4 for Column IV and V would be \$4.20 (additional rate per kilometre for interswitching a car) and \$1.60 (additional rate per kilometre for interswitching a car in a car block) respectively.

Contact: Michel Maisonneuve, Senior Investigations Officer, Rail and Marine Complaints and Audit Services Directorate, Rail and Marine Branch, Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9. Tel: 819-953-2235; Fax: 819-953-5564.

Export and Import Permits Act, paragraph 3(d) and section 6

Not included in Regulatory Plan

Published in Canada Gazette August 2, 1997

Canadian Transportation Act, paragraph 128(1)(b)

NTA/R1-I

Published in Canada Gazette August 2, 1997

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority
&
Regulatory Plan Listing

Regulations amending the Board of Steamship Inspection of Scale of Fees

Canada Shipping Act,
sections 314, 408 and 658

This regulatory amendment proposes to standardize existing fees, increase some existing fees, and make some editorial modifications to clarify and enhance the Regulations; the new fees and fee changes would be effective November 1, 1997.

TC/96/R-2-M

In addition, the amendment provides for the introduction of a number of new fees for services previously provided free of charge and for new services now being provided as a result of recent policy initiatives such as new pollution prevention requirements.

Published in Canada
Gazette August 2, 1997

Not all fee rates are being revised. For example, rates under Part II of the Regulations dealing with first and periodical inspections of ships have not been increased.

Among the fee changes are increases:

- to \$400 from \$338 the fee payable for inspection of a ship outside Canada for each day or part thereof that an inspector is outside Canada to make the inspection (paragraph 9(b) of this amendment);
- to \$25 from \$14 the fee payable for each additional test beyond three that is made at one visit, for the inspection or testing of materials used in the construction of hulls, machinery, equipment or cargo gear (paragraph 20Co) of this amendment); and
- to \$500 from \$462 the standby fee payable for inspectors for each calendar day or portion thereof that the inspector is on call or made available, at the request of a shipyard operator, shipowner or ship operator, or an authorized representative thereof (section 29 of this amendment).

Among the new fees proposed are:

- A fee for the first inspection and each annual, quadrennial or quinquennial inspection of an unmanned, non-self-propelled ship, including deck cargo barges and barges that carry oil in bulk. The fee consists of a flat fee component plus a component based on gross tonnage (paragraphs 10(1)(c) and 10(2)(c); 12(1)(c) and 12(2)(c) of this amendment).
- A fee for the re-inspection of a passenger ship, a non-passenger ship or an unmanned, non-self-propelled ship, including deck cargo barges and barges that carry oil in bulk, that was registered in Canada, then registered elsewhere than in Canada and is then again registered in Canada. The fee consists of a flat fee component plus a component based on gross tonnage (section 10.1 of this amendment).
- A fee reduced by 90% for the inspection of a non-Canadian ship which is authorized to operate in the coasting trade and is in full compliance with the requirements of the International Maritime Organization Conventions to which Canada is a signatory, where the inspection is requested for the issuance of a letter of compliance and where the period of operation for that ship is seven days or less (subsection 14(2) of this amendment).
- A fee of \$400 payable for a second and each subsequent visit made by an inspector, where the inspection is required to verify that a defect that was identified during a Canadian Port State Control Inspection and that did not warrant the issuance of a detention order has been corrected, so that a non-Canadian ship can proceed on a voyage from any place in Canada (subsection 17.2 of this amendment).

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority
&
Regulatory Plan Listing

- A fee of \$400 payable for each visit made by an inspector where the inspection is required to verify that a defect identified in a Port State Control Inspection Report has been corrected in accordance with the time provisions set out in that Report (subsection 17.3 of this amendment).
- A fee of \$400 payable for the initial issuance, and a fee of \$200 payable for each renewal, of a certificate of approval for structural or outfitting components or for safety equipment (section 21.1 of this amendment).

The proposed Regulations would set pollution prevention fees.

The existing fees generate annual revenues of approximately \$3.6 million and these increases would generate in the order of an additional \$2 million when the fees have been in effect for a full fiscal year. The current cost of providing these services is in the order of approximately \$17.7 million. The proposed fee increases will raise the cost recovery level to approximately 30% from 20%.

Contact: Dan Cogliati, Director, Cost Recovery, Department of Transport, Place de Ville, Tower C, 22nd Floor, Ottawa, Ontario, K1A 0N5. Tel: 613-993-5769; Fax: 613-991-4410.

Proceeds of Crime (Money Laundering) Regulations, amendment

The proposed amendments would update the Regulations which came into effect March 26, 1993, to reflect experience and changing money laundering practices.

More specifically, the proposed amendments would:

- expand the kinds of records that must be kept (e.g., names of persons on currency transaction tickets, recording the identification documents of clients), to exempt certain records from the requirement (e.g., internally created debit memos) and to allow certain records to be kept in electronic form.
- modify client identification procedures through an exemption from having to verify the identity of certain persons which pose little risk in terms of money laundering. In particular, verification of identity would no longer be required where a person has reasonable grounds to believe that an account holder is the government of Canada or of a province, a Canadian educational institution or a Canadian hospital, a Canadian municipality or other public body performing a function of government in Canada. As well, verification of identity would no longer be required where a person has reasonable grounds to believe that the account holder is a large publicly traded corporation, having a minimum net worth of \$75 million and whose shares are traded on a Canadian stock exchange.
- to allow, in recognition of developments in alternative financial service delivery, such as Internet banking, in relation to the opening of accounts, deposit-taking institutions to ascertain the identification of a client by confirming that a cheque drawn by the client on his or her account at a Canadian financial institution has cleared. The amendment would provide flexibility for dealing with a situation where there is not any face-to-face contact between a financial institution and its client, while at the same time provide the assurance that the identification of that client in-person has been ascertained by another Canadian financial institution.
- to bring casinos under the regulations and to require casinos to maintain records in respect of customer accounts and large cash transactions (i.e., \$10,000 or more). Casinos would also be required to verify the identity of account holders and customers carrying out large cash transactions.

Contact: Richard Lalonde, Senior Project Leader, Financial Sector Division, Department of Finance, L'Esplanade Laurier, 140 O'Connor Street, 20th Floor, East Tower, Ottawa, Ontario, K1A 0G5. Tel: 613-995-1814.

*Proceeds of Crime
(Money Laundering) Act,*
section 5

FIN/95-21-I

Published in Canada
Gazette August 2, 1997

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority & Regulatory Plan Listing

Ship's Tonnage Survey and Measurement Fees Regulations, amendment

This regulatory amendment would change certain fees, delete the references to Panama Canal documentation (in light of the adoption of the International Conference on Tonnage Measurement of Ships 1969) and make editorial changes for consistency in English and French. The fees changes would be effective Nov. 1, 1997.

These revisions include:

- editorial changes to clarify sections 3 and 5, and the headings of the columns to Schedule I of this regulation, regarding the charging for the survey and measurement of the tonnage of a ship (section 3) and the charging for the survey and remeasurement of the tonnage of the ship where a ship undergoes alterations above or below the upper deck.
- where a ship undergoes alterations above the upper deck, decrease the fee payable for the survey and remeasurement of the tonnage of the ship to the lesser of \$400 from \$425, and the fee set out in the relevant table.
- delete the \$90 fee for the inspection of minor alterations to a ship, as all alterations are now included in the revised wording to section 5.
- increase to the full fee from 4/5 of the fee, based on the gross tonnage of a ship, for the issuance of a Suez Canal Special Tonnage Certificate.
- increase to \$100 from \$40 the fee for the issuance of a statement of limitation of liability tonnage for a Canadian or a British ship.

The revised fees are expected to generate less than \$1,000 in incremental revenue. Contact: Dan Cogliati, Director, Cost Recovery, Transport Canada, Place de Ville, Tower C, 22nd Floor, Ottawa, Ontario, K1A 0N5. Tel: 613-993-5769; Fax: 613-991-4410.

Ships Registry Fees Tariff, amendment

This regulatory amendment proposes to revise and increase some of the existing fees and introduce fees for services currently provided without charge.

The proposed revisions to the existing fees for fees pertaining to ship registration would:

- revise the fee payable for the registration of a ship from one based on gross tonnage to a flat rate of \$200 payable on application for the processing of an application for the first registry of a ship;
- increase to \$300 from \$200, the additional fee payable for the registration of a foreign-built commercial ship over 15 tons gross tonnage;
- increase to \$100 from \$75, the additional fee payable for the registration of a foreign-built commercial ship not over 15 tons gross tonnage or for a pleasure yacht;
- increase the fee for the registration of alteration to a ship to \$100 from \$75;
- increase the fee for the issuance of a certificate of deletion of registry to \$50 from \$25.

For fees pertaining to transfer, transmission and mortgage, the proposals would:

- revise the fee payable for any transfer or transmission of a Canadian ship from one based on gross tonnage to a flat rate of \$125; and
- revise the fee payable for a mortgage of a Canadian ship from one based on gross tonnage to a flat rate of \$150 payable on registration, for the registration of a mortgage and its discharge.

For fees pertaining to change of name, the proposals would revise the fee for the change of name of a Canadian ship from one based on gross tonnage to a flat rate of \$250.

Canada Shipping Act,
section 105

TC/96/R-2-M

Published in Canada
Gazette August 2, 1997

Canada Shipping Act,
section 80

TC/96/R-2-M

Published in Canada
Gazette August 2, 1997

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority
&
Regulatory Plan Listing

New fees would:

- introduce a fee of \$125, payable in advance, for each additional period of 12 months or less where a ship is not registered within 12 months after the date of the application;
- introduce a fee of \$200 payable on application, for the processing of an application for registry anew of a ship;
- introduce a fee of \$200 payable on application, for the processing of an application for the registry of a ship that was registered in Canada, then registered elsewhere than in Canada and is about to be registered in Canada again;
- introduce a fee of \$125 for the transfer of registry of a Canadian ship to a new port of registry;
- introduce a fee of \$25 for the recording of a vessel that is about to be built, or is being built or equipped in Canada;
- introduce a fee of \$100 for the granting of a pass for an unregistered ship;
- introduce a fee of \$150 payable on the recording, for the recording of a builder's mortgage and its discharge;
- introduce a fee of \$150 payable on the production of the instrument effecting the transfer, for the transfer of a registered mortgage of a ship;
- introduce a fee of \$40 for a dispensation under section 77 of the *Canada Shipping Act* or a special direction of the Minister under subsection 83(2) of the *Canada Shipping Act*;
- introduce a fee of \$10 for the witnessing of a declaration, referred to in subsection 78(1) of the *Canada Shipping Act*, before a registrar who is a commissioner for oaths.

In addition to any other fee payable under this Tariff, and subject to the minimums set out, a fee per hour or fraction of an hour ranging from \$70 to \$99 is proposed where a service referred to in this Tariff, including the travelling time related to the service, is provided by a registrar outside core hours.

Contact: Dan Cogliati, Director, Cost Recovery, Transport Canada, Place de Ville, Tower C, 22nd Floor, Ottawa, Ontario, K1A 0N5. Tel: 613-993-5769; Fax: 613-991-4410.

Port Wardens Tariff, amendment

This regulatory amendment would change certain fees for certain port warden services. These revisions, to be effective November 1, 1997:

- increase to \$135 from \$90 per visit, the fee for the grain survey of the condition of any ship before the loading of cargo and any statement made in respect thereof;
- increase to \$40 from \$20 per tank surveyed, the fee for a grain survey or examination described in items 6, 7, or 8 of the Tariff, for a tanker loading grain or a bulk carrier loading grain in wing tanks, which is in addition to the fees set out under those items;
- for Timber Deck Cargo Surveys, introduce a fee of \$135 for each issuance of a certificate in relation to timber deck cargoes; and
- for Concentrate Surveys, introduce a fee of \$135 for a certificate of approval of the stowage of concentrates on board a ship.

Contact: Dan Cogliati, Director, Cost Recovery, Transport Canada, Place de Ville, Tower C, 22nd Floor, Ottawa, Ontario, K1A 0N5. Tel: 613-993-5769; Fax: 613-991-4410.

Canada Shipping Act,
subsections 408(4) and
529(1)

TC/96/R-2-M

Published in Canada
Gazette August 2, 1997

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory Authority & Regulatory Plan Listing

Tariff of Fees of Shipping Masters, amendment

This regulatory amendment would double the fees for a number of services performed by shipping masters.

For every seaman engaged or discharged, for every desertion certified, for every death recorded, for the endorsement of Articles or logbooks, and for the inspection and registry of Articles, the proposed fee would increase from \$5 to \$10.

The fee for the preparation of new Articles would increase from \$10 to \$20.

The revised fees would come into effect November 1, 1997.

Contact: Dan Cogliati, Director, Cost Recovery, Transport Canada, Place de Ville, Tower C, 22nd Floor, Ottawa, Ontario, K1A 0N5. Tel: 613-993-5769; Fax: 613-991-4410.

Canada Shipping Act,
subsections 408(4) and
529(1)

TC/96/R-2-M

Published in Canada
Gazette August 2, 1997

Canadian Aviation Regulations (Part I), amendment

This regulatory amendment would establish increase, reduce or eliminate existing fees for aviation regulatory services and create some new fees, effective November 1, 1997.

The proposed regulations also set out a transition regime to handle the calculation of fees for applications made on or before November 1, 1997.

The fees established in the Schedule (Sections 104.01, 104.02 and 104.03) to the regulations cover aircraft registration, aircraft leasing, personnel licensing and training, aeronautical product approvals, maintenance and manufacturing, air operations, and general fees.

As a result of the initial consultations and comments received, a number of revisions have been made to the proposals.

These revisions include:

- changing flat fees to hourly fees with a maximum cap, for many aeronautical product approvals. This was done to respond to concerns that the costs of aeronautical product approvals is highly variable and not conducive to recovery by use of flat fees per approval.
- reducing the examination fees. Entry-level examination fees were considered to be too high and could be a deterrent to new applicants wanting to enter the aviation industry as either a pilot or an aircraft maintenance engineer.

using graduated scales of fees according to the size of the applicable operation.

The use of single flat fees for the recovery of many of the maintenance and manufacturing services as well as some air operator services were considered inappropriate for both large and small operations, being particularly burdensome on the small operations.

Contact: Dan Cogliati, Director, Cost Recovery, Transport Canada, Place de Ville, Tower C, 22nd Floor, Ottawa, Ontario, K1A 0N5. Tel: 613-993-5769; Fax: 613-991-4410.

Aeronautics Act, subsection
4.4(2)

TC/R-3-M

Published in Canada
Gazette August 2, 1997

Health of Animals Regulations, amendment (Northwest Project)

These amendments would make a number of changes to reduce import restrictions.

More specifically, the amendments would:

- allow the importation of untested feeder cattle from qualifying parts of the U.S. into approved Canadian feedlots. The feeders are imported under a permit which sets out conditions designed to minimize the risk of spreading disease into the national Canadian cattle herd.
- allow sheep and goats to be imported from the United States under the provisions put in place for cattle in October 1995, that is on the basis of the "risk" posed by their state of origin.

Health of Animals Act,
subsection 64(1)

AGR/97-40-I

Published in Canada
Gazette August 2, 1997

Proposed Regulations for Pre-Publication in Part I, Canada Gazette

Statutory Authority
&
Regulatory Plan Listing

- simplify the current wording of the regulations to require anyone collecting animal semen or operating an animal semen production centre must have a permit.

The changes would set out the requirements that need to be met to qualify for the above relaxation of restrictions.

Contact: Dr. P. Greenwood, Animal Health Division, Canadian Food Inspection Agency, 59 Camelot Drive, Nepean, Ontario, K1A 0Y9. Tel: 613-225-2342; Fax: 613-228-6630.

Exempt from Pre-Publication and Approved

Statutory Authority
&
Regulatory Plan Listing

Area Control List (Myanmar), amendment (SOR/97-397, OIC 1997-1105)

Export and Import Permits Act, section 6

The amendment adds Myanmar (formerly Burma) to the list of countries to which the exportation of goods is not permitted without the requirement of obtaining an export permit. The change is the result of the deteriorating human rights situation in Myanmar.

Not included in Regulatory Plan

All export permit applications will be reviewed on a case-by-case basis and permits for humanitarian goods, including food, clothing, medicines, medical supplies, information material, casual gifts and personal effects belonging to persons leaving Canada for Myanmar, will generally be approved. Permits for other goods will generally be denied.

To be published in Canada Gazette August 20, 1997

Several alternatives were examined to sanction the Government of Myanmar, though no other option has the potential to send an immediate message that Canada supports the series of actions taken by other nations against Myanmar Government's oppressive policies, including violence against civilians and forcible conscription. These other alternatives, including regulation under the Special Economic Measures Act, continue to be examined and may be implemented in future.

The inclusion of Myanmar on the Area Control List may create an additional burden of time and paper processing on residents of Canada wishing to export goods to Myanmar. For the years 1993 to 1996, domestic exports to Myanmar amounted to \$5.7 million of which \$2.9 million were for special trade associated with religious, educational and scientific institutions as well as low value transactions. For those years, the Department of Foreign Affairs and International Trade issued three (3) export permits for goods controlled by the Export Control List.

The amendment comes into effect August 5, 1997.

Contact: Roger V. Lucy, Deputy Director, Export Controls Division, Export and Import Controls Bureau, Department of Foreign Affairs and International Trade, Lester B. Pearson Building, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2.

General Preferential Tariff Withdrawal Order Burma (Myanmar) (SOR/97-398, OIC 1997-1106)

Customs Tariff, sections 36 and 38

This Order withdraws the benefit of the General Preferential Tariff (GPT) and the Least Developed Developing Country (LDDC) tariff treatments from Burma (Myanmar).

Fin/97-5

The Order comes into effect August 5, 1997.

Contact: Ian Currie, International Trade Policy Division, Department of Finance, Ottawa, Ontario, K1A 0G5. Tel: 613-992-3567.

To be published in Canada Gazette August 20, 1997

Exempt from Pre-Publication and Approved

Statutory Authority & Regulatory Plan Listing

Canadian Wheat Board Regulations, amendment (SOR/97-396, OIC 1997-1090)

The amendment sets the initial “sums certain” to be paid by The Canadian Wheat Board for the base grades of wheat, amber durum wheat and designated barley delivered in the 1997/98 crop year, effective August 1, 1997.

The initial payments for the 1997-98 crop are decreased (compared to the previous year) by \$60 per metric tonne for base grades of wheat, increased by \$9 for amber durum wheat, decreased by \$42 for barley, and decreased by \$31 per metric tonne for designated barley.

Contact: Craig Fulton, Commerce Officer, Grains and Oilseeds Division, International Markets Bureau, Market and Industry Services Branch, Agriculture and Agri-Food Canada, 930 Carling Ave., Ottawa, Ontario, K1A 0C5. Tel: 613-759-7698; Fax: 613-759-7499.

Canadian Wheat Board Act, subparagraph 32(1)(b)(i)

Not included in Regulatory Plan

To be published in *Canada Gazette* August 20, 1997

Ministerial Orders Approved

Statutory Authority & Regulatory Plan Listing

Rules amending Certain Standing Orders Made Under the Royal Canadian Mounted Police Act (Miscellaneous Program) (SOR/97-395)

The amendment would replace paragraph 3(c) of the Commissioner’s Standing Orders (Grievances), 1990, with the following:

“(c) in the case of a grievance in respect of a stoppage of pay or allowances pursuant to section 2 of the R.C.P. Stoppage of Pay and Allowances Regulations, a deputy commissioner;”

The amendment would also amend paragraph 3(c.2) of the Standing Orders to add the word “or” at the end of subparagraph (ii) and by repealing subparagraph (iii).

The changes come into force July 30, 1997.

Royal Canadian Mounted Police Act, paragraph 36(a)

Not included in Regulatory Plan

To be published in *Canada Gazette* August 20, 1997

Regulatory Affairs

ISSN 1201-0716

© 1997 J-K Carruthers Ltd.



9 771201 071007

Editor: Mary Ferguson

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of the publisher.

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. Visit our Web Pages at www.carruthers.com.