

Tracking Federal Regulatory Initiatives

Regulatory Affairs

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Proposed Regulations for Pre-Publication in Part I, Canada Gazette	Statutory Authority
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Cradles Regulations (Withdrawal)

Health Canada has announced its intention to withdraw proposed amendments to the *Cribs and Cradles Regulations* of the *Hazardous Products Act* that were pre-published in the Canada Gazette, Part I on February 26, 1994.

These proposed amendments, which were primarily intended to reduce the risk of falls that cause head injuries by eliminating toe-holds that potentially allow children to climb out of cribs, are now believed to be no longer needed due to the evolution in the design of cribs.

The overall issue of falls associated with cribs remains under investigation.

Contact: Yves Fortin, Department of Health, Product Safety Bureau, Jeanne-Mance Building, 12th Floor, Tunney's Pasture, Address Locator 1912A, Ottawa, Ontario, K1A 0K9. Tel: 613-952-6260.

Hazardous Products Act

Published in the Canada Gazette Part I on May 1, 1999

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory
Authority

Agricultural Marketing Programs Regulations

The proposed Regulations would be the initial regulations defining the Advance Payments Program.

More specifically, the proposed Regulations would define:

- the circumstances under which a producer ceases to own or be responsible for marketing a crop;
- the formula for establishing the administrator's percentage liability and the Government's percentage liability;
- the method of attributing amounts issued to cooperatives back to the individuals involved;
- the limits for cash repayments by producers without proof of sale; and
- the conditions that must be met by the administrator before receiving payment on the guarantee.

Under the Advance Payments Program (AMPA), producer groups give farmers a cash advance at or after harvest in order to facilitate cash flow, thus allowing producers to wait until prices are more favourable before selling their crops. AMPA guarantees the repayment of the cash advance so the producer organization can obtain the financing needed to provide cash advances to their members. To be eligible for an advance, a producer must continuously own the crop in storage and be responsible for marketing it.

Contact: Rosser Lloyd, National Marketing Programs, Market and Industry Services Branch, Agriculture and Agri-Food Canada, 2200 Walkley Road, Ottawa, Ontario, K1A 0C5. Tel: 613-759-6303; Fax: 613-759-6315.

Agricultural Marketing Programs Act, subsection 40(1)

Published in the Canada Gazette Part I on May 8, 1999

Inclusion List Regulations, amendment; Exclusion List Regulations, amendment; Law List Regulations, amendment; Comprehensive Study List Regulations, amendment

The proposed Regulations would change the applicability of *The Canadian Environmental Assessment Act* in terms of the projects which are subject to environmental assessments by federal authorities.

More specifically:

- the proposed amendments to the *Inclusion List Regulations* make 17 additions to the list, ten of which are specific to National Parks. For example, the following would require environmental assessments: removal of natural objects in a national park; activities that would change a water management regime in a national park; unplanned use of an all-terrain vehicle in a national park, except for park management purposes; alteration of shorelines.
- the proposed amendments to the *Exclusion List Regulations* make four additions to the list as well as thirteen modifications to items on the list;
- the proposed amendments to the *The Comprehensive Study List Regulations*, which identify major projects that are automatically subject to a more extensive EA called a comprehensive study, adds definitions and makes seven modifications that clarify the application of the Regulations;
- the proposed changes to the *Law List Regulations* include consequential amendments required because of changes already made, or in progress, to other federal statutes and regulations now cited in regulations, as well, two other changes; and
- the proposals also include various changes designed to make the Act more efficient to administer.

Canadian Environmental Assessment Act, paragraph 59(b)

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Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory
Authority

Contact: Jim Clarke, Director, Legislative and Regulatory Affairs, Canadian Environmental Assessment Agency, Fontaine Building, 14th Floor, 200 Sacré-Coeur Boulevard, Hull, Quebec, K1A 0H3. Tel: 819-997-2253; Fax: 819-953-8592.

Contraventions Regulations, amendment

The proposed Regulations would add two new parts to the Regulations, and amend existing contraventions in two other parts of the Regulations.

More specifically, the amendments would designate 27 new offences under the *Competency of Operators of Pleasure Craft Regulations* and the *Tobacco Act*.

As a result of recent amendments to the *Boating Restriction Regulations* and to the *Small Vessel Regulations*, new contraventions would be added and others amended.

Contact: Jean-Pierre Baribeau, Legal Counsel, Contraventions Project, East Memorial Building, Department of Justice, 284 Wellington, Ottawa, Ontario, K1A 0H8. Tel: 613-941-4880; Fax: 613-998-1175; e-mail: jean.baribeau@justice.x400.gc.ca

Contraventions Act, subsection 20(1)

Published in the Canada Gazette Part I on May 8, 1999

Laurentian Pilotage Authority Regulations, amendment

The proposed Regulations would repeal certain definitions and add or modify others to ensure consistency with the terminology in these Regulations and in the *Canada Shipping Act* and to utilize terms currently used by the marine industry.

More specifically, the proposals would:

- repeal the term “part of a district”, allowing candidates for a licence or pilotage certificate to be examined for a specific area or waterway as opposed to having to be examined taking into account all the navigable waters within a district lying between one pilot boarding station and another.
- amend the current ship limitations for holders of Class B and C licences and pilotage certificates, based on a ship’s length and deadweight tonnage. This initiative provides Class B and C holders with the experience of piloting more ships and larger ships which were previously piloted by more senior Class holders. In addition to enhancing the knowledge and training base for these Class B and C holders, this provision provides the Authority with greater flexibility in the dispatching of its pilots, thereby improving service efficiency, particularly in peak traffic periods.
- amend subsection 20(2) to reflect changes to subsection 15(5) and address the qualifying number of trips and pilotage assignments for Class C licensed holders in District Nos. 1 and 2.

Contact: Jean-Claude Michaud, Chairman, Laurentian Pilotage Authority, 715 Victoria Square, Montréal, Quebec, H2Y 2H7. Tel: 514-283-6320; Fax: 514-496-2409.

Pilotage Act, subsection 20(1)

Published in the Canada Gazette Part I on May 8, 1999

Order Adding a Toxic Substance to Schedule I and to Part II of Schedule II to the Canadian Environmental Protection Act

The proposed Order would impose a number of restrictions on the substance “tributyltetradecylphosphonium chloride”.

More specifically, the Order would add the substance to the List of Toxic Substances in Schedule I and to the List of Toxic Substance Requiring Export Notification, in Schedule II, Part II. By adding this substance in Schedule II, a person shall give an export notice before exporting the substance in a manner consistent with the *Toxic Substances Export Notification Regulations*.

In addition, Canada would implement the UNEP “Prior Informed Consent” (PIC) procedure for banned and severely restricted chemicals.

Canadian Environmental Protection Act, section 34

Published in the Canada Gazette Part I on May 15, 1999

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory
Authority

To prevent its entry in the Canadian environment, the Order would prohibit its use, processing, sale, offering for sale and import into Canada. To ensure that the manufacture of the substance will not result in immediate or long term harmful effects to the environment, this regulation will also specify conditions under which the substance can be manufactured for export markets. The Regulations do not apply to the manufacture, processing, sale, offering for sale and import for uses of the substance covered under the *Pest Control Products Act*.

Contact: Director, Commercial Chemicals Evaluation Branch, Toxic Pollution Prevention Directorate, Department of the Environment, Place Vincent Massey, Ottawa, Ontario K1A 0H3, or Director, Bureau of Chemicals Hazards, Environmental Health Centre, Department of Health, Tunney's Pasture, Ottawa, Ontario, K1A 0L2.

Private Buoy Regulations

The proposed Regulations set conditions and standards for the placement of buoys for private use or for use in connection with private facilities.

The proposed regulations would replace the existing regulations. In support of safety on the waterways, the Canada Coast Guard will establish more efficient procedures which will allow for more immediate removal of private buoys that create a hazard by interfering with or misleading mariners and more timely response to technical and system improvement, by removing, from the Regulations, the current specifications for private buoy usage and markings. Those specifications will be replaced by a reference to the Canadian Aids to Navigation System (TP 968).

Contact: Mrs. L. Denis, Standards Officer, Marine Navigation Services, Canadian Coast Guard, Department of Fisheries and Oceans, 200 Kent Street, Ottawa, Ontario, K1A 0E6. Tel: 613-990-3491; Fax: 613-998-8428.

Order Amending Schedules I and IV to the Controlled Drugs and Substances Act (1075); Narcotic Control Regulations (1075), amendment; and Food and Drug Regulations (1075 - Additions to Schedule F), amendment

Health Canada proposes to make changes to the following schedules for four drugs: Schedules I and IV of the *Controlled Drugs and Substances Act (CDSA)*; the Schedule to the *Narcotic Control Regulations*; and Schedule F to the *Food and Drug Regulations*.

The four drugs are:

- Remifentanyl hydrochloride, an ultra short-acting agent indicated for use as an opioid analgesic adjunct for the induction and maintenance of general anaesthesia. Remifentanyl hydrochloride, which belongs to a class of narcotics which has high potential for abuse, is recommended for addition to item 16 of Schedule I to the Controlled Drugs and Substances Act (CDSA). The proposal also includes a recommendation to add remifentanyl hydrochloride to the Schedule to the *Narcotic Control Regulations*.
- Nalmefene hydrochloride, an opioid antagonist indicated for use as a treatment for complete or partial reversal of opioid drug effects and in the treatment of opioid overdose. Nalmefene hydrochloride is recommended for exemption from Schedule I to the CDSA, from the regulatory controls currently imposed on opioids listed on Schedule I to the CDSA, for exemption from the Schedule to the *Narcotic Control Regulations*, and for addition to Part I of Schedule F to the *Food and Drugs Regulations*.

Canada Shipping Act,
sections 519 and 562

Published in the Canada
Gazette Part I on May 15,
1999

*Controlled Drugs and
Substances Act*, section
60, subsection 55(1);
Food and Drugs Act, sub-
section 30(1)

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1999

Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory
Authority

- Olanzapine, a benzodiazepine indicated for use in the acute and maintenance treatment of schizophrenia and related psychotic disorders. Olanzapine, which belongs to a class of drugs known as benzodiazepines, is recommended for exemption from Schedule IV to the CDSA and for addition to Part I of Schedule F to the *Food and Drugs Regulations*. The Therapeutic Products Programme is proposing *Regulations Respecting Benzodiazepines and Other Targeted Substances* and the removal of their exemption from the application of the CDSA. It is proposed that most benzodiazepines, except for olanzapine, will be subject to the regulatory controls imposed by the *Regulations Respecting Benzodiazepines and Other Targeted Substances*.
- Naltrexone, an opioid antagonist indicated for use in the treatment of addictions to opiate drugs. Naltrexone is recommended for exemption from the Schedule to the *Narcotic Control Regulations*. Naltrexone was added to Schedule F to the *Food and Drug Regulations* on May 7, 1996, and was exempted from Schedule I to the CDSA on May 14, 1997.

Contact: Joan Korol, Therapeutic Products Programme, Department of Health, Tower B, 2nd Floor, 1600 Scott Street, Address Locator 3102C5, Ottawa, Ontario, K1A 1B6. Fax: 613-941-6458; e-mail: joan_korol@hc-sc.gc.ca.

Food and Drug Regulations (1051 - Schedule F), amendment

This amendment proposes to add 23 new drug substances to Schedule F to the *Food and Drug Regulations*. At the same time, amendments are proposed to current Schedule F listings to correct spelling errors and the omission of the drug cyclophosphamide in the French version of Schedule F to the Regulations.

The drug substances to be added to Schedule F are as follows:

- Amfebutamone and its salts. Amfebutamone, also known as bupropion, is an antidepressant that is indicated for the symptomatic relief of depressive illness.
- Anagrelide and its salts. Anagrelide is a platelet-reducing agent that is indicated in the management of patients with thrombocytosis at risk of thrombotic complications.
- Brimonidine and its salts. Brimonidine tartrate ophthalmic solution is indicated for the control of intraocular pressure in patients with chronic open-angle glaucoma and to control the post-operative intraocular pressure spikes in patients undergoing laser ocular surgery.
- Carbetocin and its salts. Carbetocin is a long-acting analogue of the pituitary hormone oxytocin that is used to stimulate contractions of the postpartum uterus to prevent uterine atony and postpartum hemorrhage. Carbetocin is to be administered intravenously as part of a major surgical procedure for the prevention of potentially serious complications of obstetrical delivery.
- Cerivastatin and its salts. Cerivastatin is one of a new class of lipid-lowering compounds that reduce the production of cholesterol in the body. The drug is indicated for use with diet to reduce elevated total cholesterol and low density lipoprotein cholesterol (LDL) levels in patients with primary hypercholesterolemia.
- Emedastine and its salts. Emedastine difumarate is a benzimidazole derivative developed for the treatment of allergic conjunctivitis.
- Fosfomycin and its salts. Fosfomycin tromethamine is an antibacterial indicated for single dose oral therapy in women with uncomplicated urinary tract infections.

Food and Drugs Act, sub-section 30(1)

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Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory
Authority

- Irbesartan and its salts. Irbesartan is an angiotensin II AT1 receptor blocker used in the treatment of essential hypertension.
- Montelukast and its salts. Montelukast is a new leukotriene receptor antagonist indicated for the prophylaxis and chronic treatment of asthma, including prevention of day and nighttime symptoms in adult and pediatric patients six years of age and older.
- Nadroparin and its salts. Nadroparin is a low molecular weight heparin that is used for the pre-operative prophylaxis of thromboembolic disorders (particularly deep vein thrombosis and pulmonary embolism).
- Naratriptan and its salts. Naratriptan hydrochloride is an indole derivative that is used in the acute treatment of migraine headache attacks with or without aura.
- Nelfinavir and its salts. Nelfinavir mesylate is an inhibitor of the human immunodeficiency virus (HIV) protease that is used for the treatment of HIV infection in combination with reverse transcriptase inhibitor nucleoside analogues.
- Pramipexole and its salts. Pramipexole is a new non-ergot dopamine agonist indicated for the symptomatic treatment of Parkinson's disease.
- Quetiapine and its salts. Quetiapine is a new antipsychotic agent that is indicated for the acute treatment of schizophrenia.
- Raloxifene and its salts. Raloxifene hydrochloride is a selective estrogen receptor modulator that is indicated for the prevention of osteoporosis in post-menopausal women.
- Rivastigmine and its salts. Rivastigmine tartrate is an anticholinesterase indicated for the symptomatic treatment of patients with mild to moderate Alzheimer's disease.
- Tamsulosin and its salts. Tamsulosin is the first of a new class of drugs indicated for the treatment of the signs and symptoms of benign prostatic hyperplasia.
- Tizanidine and its salts. Tizanidine is an imidazoline derivative, which acts as an agonist at alpha2 adrenergic receptor sites. This drug is used for the management of increased muscle tone associated with spasticity.
- Tolcapone is used for the treatment of Parkinson's disease.
- Tolterodine and its salts. Tolterodine is a competitive muscarinic receptor antagonist used in the management of symptoms of overactive bladders, characterized by urgency, frequency and urge incontinence.
- Toremifene and its salts. Toremifene is used for the treatment of hormone-dependent metastatic breast cancer in postmenopausal women.
- Valsartan and its salts and derivatives. Valsartan is an angiotensin II AT1 receptor blocker used in the treatment of mild to moderate essential hypertension.

Contact: Julie Gervais, Policy Division, Bureau of Policy and Coordination, Therapeutic Products Programme, Tower B, 1600 Scott Street, Address Locator: 3102C5, Ottawa, Ontario, K1A 1B6. Tel: 613-952-3601; Fax: 613-941-6458; e-mail: julie_gervais@hc-sc.gc.ca

Food and Drug Regulations (1146 - Schedule F), amendment

This amendment would update Schedule F to require prescription status for six new drug substances being added to Part I. In addition, amendments would correct the spelling of dimethyl sulfoxide in the French version of Part I of Schedule F.

The drug substances to be added to Schedule F are as follows:

- Betaine and its salts, an anti-homocysteine agent indicated for the treatment of homocystinuria.

Food and Drugs Act, subsection 30

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Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

Statutory
Authority

- Candesartan and its salts and derivatives, an angiotensin II AT1 receptor blocker indicated for the treatment of hypertension.
- Capecitabine and its salts and derivatives, an antineoplastic agent indicated for the treatment of metastatic carcinoma of the breast that has progressed or recurred following therapy with anthracyclines and/or taxanes.
- Clopidogrel and its salts, a platelet aggregation inhibitor indicated for the secondary prevention of vascular ischemic events in patients with a history of symptomatic atherosclerotic disease.
- Delavirdine and its salts, an inhibitor of Human Immunodeficiency Virus 1 reverse transcriptase indicated for use in combination with the reverse transcriptase inhibitor nucleoside analogues for the treatment of human immunodeficiency virus (HIV)-1 infection when antiretroviral therapy is warranted.
- Grepafloxacin and its salts and derivatives, an oral fluoroquinolone antibiotic indicated for the treatment of infections caused by susceptible bacteria.

Contact: Karolyn Lui, Policy Division, Bureau of Policy and Coordination, Therapeutic Products Programme, Tower B, 2nd Floor, 1600 Scott Street, Holland Cross, Address Locator 3102C5, Ottawa, Ontario, K1A 1B6. Tel: 613-941-3693; Fax: 613-941-6458; e-mail: karolyn_lui@hc-sc.gc.ca

Notifiable Transactions Regulations, amendment

This proposed amendments would enable business persons to quickly determine what information has to be provided under the *Competition Act*, if they can benefit from the exemption for asset securitization transactions, and how to proceed with the conversion into Canadian dollars of assets and revenues reported in foreign currencies.

Information required from parties to specified proposed transactions is set out in the Regulations instead of the Act as was previously the case. The information required (short and long forms) has been updated to include basic information needed to assess the impact of a proposed transaction on competition.

New provisions exempt from the application of Part IX of the Act asset securitization transactions, a new category of transaction that has emerged since the Regulations came into force. This type of transaction often meets the thresholds for notification, but does not generally raise any competition issues. The change reduces the regulatory burden on business.

New provisions specify the basis for converting assets and revenues reported in foreign currency into Canadian dollars. This will assist in the calculation of aggregate value of assets and gross revenue from sales.

A reference to subsection 110(6) of the Act is added to sections 10 and 11 of the Regulations to take into account the new provision of the Act relating to the acquisition of an interest in a combination.

Contact: Don Mercer, Assistant Deputy Commissioner, Amendments Unit, Competition Bureau, Industry Canada, Place du Portage, Phase I, 21st Floor, 50 Victoria Street, Hull, Quebec, K1A 0C9. Tel: 819-997-2868; Fax: 819-953-8535; e-mail: mercer.don@ic.gc.ca

Competition Act, subsection 124(1)

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Proposed Regulations

for Pre-Publication in Part I, Canada Gazette

**Statutory
Authority**

Statutory Instruments Regulations amendment

The proposed amendments would change subsections 15(2) and 22(3) of the Regulations in order to exempt from publication, inspection and the making of copies of, remission orders made under section 115 of the *Customs Tariff* for the remission of anti-dumping and countervailing duties levied under the *Special Import Measures Act* (SIMA) on any dumped or subsidized goods that are the subject of a report to the Minister of Finance under section 45 of the SIMA where those orders contain information that is derived from information that is treated as confidential under section 49 of the Canadian International Trade Tribunal Act.

These exemptions are considered necessary in order to ensure that anti-dumping and countervailing duty remission orders made on the recommendation of the Minister of Finance, that include confidential pricing information relating to certain imported goods, are not made publicly accessible in order to avoid serious harm to importers in the competitive marketplace through the release of the confidential information relating to their prices.

With respect to the pre-conditions set out in the Act for an exemption under subsection 15(2) of the Regulations, any remission order exempted would affect or likely affect only a limited number of persons which are the importers eligible for the remission of duties authorized by the Orders. These importers would have been identified and likely participated in the initial SIMA section 42 Canadian International Trade Tribunal injury inquiry and in the SIMA section 45 public interest inquiry.

The Department of Finance has undertaken to take reasonable steps for the purpose of bringing the purport of any remission order exempted by the amendment to the Regulations to the notice of the importers that are likely to be affected by them. Contact: Jacques Desjardins, Deputy Chief Legislative Counsel (Regulations), Department of Justice, 284 Wellington Street, Ottawa, Ontario, K1A 0H8. Tel: 613-957-0087; Fax: 613-941-1193.

Statutory Instruments Act, subparagraphs 20(c)(ii) and (d)(iii)

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Exempt from Pre-Publication and Approved

**Statutory
Authority**

Manitoba Fishery Regulations, 1987, amendment (SOR/99-189, OIC 1999-730)

This amendment makes it possible to use the Internet to provide notification of the intention to vary the close times, fishing quotas or limits on the size or weight of fish under the Regulations. It also adds to the list of notification methods the options of posting variation orders publishing them in the annual Manitoba's Anglers Guide or Commercial Harvest Schedule.

The amendments establish a new quota of one walleye over 70 cm per year in part of the Winnipeg River. The new quota is necessary because of the heavy pressure on the stock of these fish.

Also, two bodies of water are being added to the list of High Quality Management Waters. These are waters where lower fishing quotas are maintained to allow for the continuation of enhanced fishing opportunities into the future.

Fisheries Act, section 43

To be published in Canada Gazette May 12, 1999

Exempt from Pre-Publication and Approved

Statutory Authority

Finally, a number of housekeeping amendments are being made to correct minor typographical errors and to correct several errors in schedule references.

Contact: Sherman Fraser, Fisheries Branch, Manitoba Department of Natural Resources, Box 20, 200 Saulteaux Crescent, Winnipeg, Manitoba R3J 3W3. Tel: 204-945-7806.

Canada Pension Plan Investment Board Regulations (SOR/99-190, OIC 1999-731)

*Canada Pension Plan
Investment Board Act,*
section 53

The Regulations set out certain investment parameters for the CPP Investment Board.

Most of parameters are drawn from the *Pension Benefits Standards Act (PBSA)*, which sets out the normal prudential constraints applicable to all federal and some provincial private and public sector pension plans.

The Regulations also detail other aspects of the federal-provincial agreement (provincial access to a portion of CPP funds and passive investment in domestic equity) and set out certain disclosure requirements for the Investment Board.

The CPP Investment Board was established to manage the prudent investment of CPP funds in a diversified portfolio of securities.

In addition to what is set out in the PBSA, these Regulations require that the Board include a statement on the use of options, futures and other derivatives and its financial risk management policies.

The regulations provide that provinces have access to 50 per cent of new CPP funds that the Board chooses to invest in bonds until December 31, 2000. Thereafter, this percentage will be consistent with the percentage of bond holdings allocated to provincial and municipal bonds by Canadian pension funds generally. In accordance with the federal/provincial agreement, this access will be at market rates.

To ensure a high degree of transparency and accountability, the Board will be required by regulation to include in its Annual Report, in addition to the information required by the PBSA Regulations, the following: the total compensation awarded to the Board's directors and the top five most highly compensated executive officers of the Board; a statement of the corporate governance practices of the board of directors; the results of a special examination where one has been undertaken in that year.

The Regulations provide the Board with the authority to use derivatives for limited purposes only i.e., to offset the risk associated with an existing investment or group of investments, or as an alternative to investing in the underlying asset.

Contact: Wayne Foster Chief, Pensions and Investment Policy, Financial Markets Division, Department of Finance, L'Esplanade Laurier 140 O'Connor Street, 19th Floor, East Tower, Ottawa, Ontario, K1A 0G5. Tel: 613-996-0317.

Order Amending the Area Control List (SOR/99-201, OIC 1999-797); Order Canceling General Export Permit No. Ex. 11-Libya (SOR/99-202, OIC 1999-798)

*Export and Import Per-
mits Act,* section 6

This regulatory change removes Libya from the *Area Control List (ACL)* so that export permits for goods destined to that country will be required only for goods on the *Export Control List*. Its aim is to restore the status quo prior to the imposition of sanctions on Libya. This change is urgent to ensure that exporters are not disadvantaged.

To be published in Can-
ada Gazette May 12, 1999

Exempt from Pre-Publication and Approved

Statutory Authority

At the same time, General Export Permit No. Ex. 11-Libya, (GEP 11), which permits the export to Libya of certain goods only, is to be cancelled as it will no longer be required with the removal of Libya from the ACL.

This regulatory change also adds the Federal Republic of Yugoslavia to the Area Control List. The aim is to control the export of any goods destined to Federal Republic of Yugoslavia, specifically to ensure that exports of petroleum and petroleum products to that country will not occur, but also to control other products should the situation so dictate. This is urgent given, the Kosovo crisis.

Contact: Roger V. Lucy, Deputy Director (Permits and Enforcement), Export Controls Division, Export and Import Controls Bureau, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2. Tel: 613-992-9167; Fax: 613-996-9933.

Lionaird Capital Corp. Remission Order (SI/99-45, OIC 1999-737)

This Order remits amounts payable under the *Income Tax Act* as a result of the acquisition of non-qualified investments (notes issued by Lionaird Capital Corp.) by registered retirement savings plans or income funds since the taxpayers did their best to ascertain the eligibility of the investments which they allege are now worthless.

Financial Administration Act, subsection 23(2)

To be published in Canada Gazette May 12, 1999

AECB Cost Recovery Fees Remission Order, 1997 (SI/99-47, OIC 1999-743)

This Order provides authority for the remission of portions of fees paid for licences or approvals under the *Atomic Energy Control Act* under certain circumstances.

Financial Administration Act, subsection 23(2.1)

To be published in Canada Gazette May 12, 1999

More specifically, this Order applies where:

- a licence is cancelled prior to the expiry of its term or the term of the licence is reduced;
- the status of the facility or activity changes and the fee prescribed for the changed status is less than the fee prescribed for the status prior to the change; or
- the fee for the licence is reduced through new or amended fees regulations.

It is estimated that future remissions under this Order will average about \$300,000 per annum.

Pre-Published and Approved No comments or changes

Statutory Authority

Canada Pension Plan Regulations, amendment (SOR/99-192, OIC 1999-739); Old Age Security Regulations, amendment (SOR/99-193, OIC 1999-740)

These amendments are consequential to recent changes under Bill C-2, *An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts*, being chapter 40 of the Statutes of Canada, 1997, which received Royal Assent on December 18, 1997.

Canada Pension Plan, subsections 42(1), 65(2) and (3), 66(2.1), 104(1) and 104.01(2), paragraph 89(1)(a); *Old Age Security Act*, subsection 33.01(2), 36(2) and 37(2.1), paragraphs 34(a) and (m)

The enactment established the Canada Pension Plan Investment Board and made amendments to the contribution, benefit and funding provisions of the Plan.

To be published in Canada Gazette May 12, 1999

Pre-Published and Approved No comments or changes

Statutory
Authority

In addition, a number of minor changes included provisions dealing with the restricted cancellation of retirement benefits in favour of disability benefits, interprogram set-offs against Human Resources Development programs and reimbursement to provinces, municipalities and administrators of disability income programs. The *Canada Pension Plan (CPP)* and *Old Age Security Act (OAS)* have also been amended to modernize the protection of information provisions by creating a comprehensive information protection and disclosure code.

Most of the regulatory amendments pertain to minor changes described in this paragraph.

For example:

- The new legislation provides that over-payments may be recovered from any amounts payable to an individual under any Act or program administered by the Minister of Human Resources Development. Section 42 of the *Canada Pension Plan Regulations* and section 27.2 of the *Old Age Security Regulations* are therefore amended to conform to the amendments made to both Acts.
- The Canada Pension Plan allows the Minister to reimburse a provincial or municipal authority or administrators of disability income programs for any advance, assistance or welfare payment they provide for a month for which someone is subsequently found entitled to CPP benefits. Prior to Bill C-2, the reimbursement was limited to months after a client signed a consent form. Bill C-2 removed that limitation and reimbursement may now be made from the later of the month of commencement of the CPP benefit or the month the advance, assistance or welfare payment commenced, regardless of when the consent form was signed. Sections 76 and 76.1 of the *Canada Pension Plan Regulations* are amended to conform to the amendments made to the Act and to qualify the consent as being irrevocable.
- The *Old Age Security Act* also allows the Minister to reimburse a provincial or municipal authority for any advance, assistance or welfare payment they provide for a month for which someone is subsequently found entitled to OAS benefits. Like CPP, prior to Bill C-2, the OAS reimbursement was limited to months after a client signed a consent form. Similarly, Bill C-2 removed that limitation in the *Old Age Security Act* and reimbursement may now be made from the later of the month of commencement of the OAS benefit or the month the advance, assistance or welfare payment commenced, regardless of when the consent form was signed. Section 28.1 of the *Old Age Security Regulations* is therefore amended to conform to the changes made to the Act and to qualify the consent as being irrevocable.
- Minor amendments are made to sections 37 and 60 of the *Canada Pension Plan Regulations* and sections 2 and 28.1 of the *Old Age Security Regulations* to ensure consistency with the relevant provisions of both Acts.

Contact: Heather Bordeleau, Acting Director, Legislation Development Division, Programs Directorate, Income Security Programs, Human Resources Development Canada, Place Vanier, Tower B, 8th Floor, Vanier, Ontario, K1A 0L1. Tel: 613-957-1626; Fax: 613-991-9119.

Pre-Published and Approved No comments or changes

Statutory Authority

Port Authorities Works Interim Regulations (SOR/99-195, OIC 1999-742)

This Regulations preserve, on an interim basis, the current regulatory regime for wharves, dredging and other marine works when the new *Canada Marine Act* (CMA) comes into effect.

The port administrations that will be affected are Halifax, Montreal, Prince Rupert, Quebec, Saguenay, Saint John, Sept-Îles, St. John's, Trois-Rivières and Vancouver.

The Interim Regulations require port authorities for the above-mentioned ports, prior to undertaking marine works, to assess the impact of the works on navigation in the port and prepare a report. The Interim Regulations also require the port authority to take all appropriate measures if the report indicates that the works would have an adverse effect on safety or navigation.

The Interim Regulations preserve the status quo and provide greater certainty to port authorities until new permanent operations regulations under the CMA can be completed. The operations regulations are currently being prepared by Transport Canada and are expected to be completed later this year. It is expected that the operations regulations will deal with marine works in more detail.

Contact: Bruce Bowie, Executive Director, Marine Policy Reform, Place de Ville, Tower C, 20th Floor, 330 Sparks Street, Ottawa, Ontario, K1A 0N5. Tel: 613-998-0702; Fax: 613-993-7001.

Canada Marine Act, subsection 30(1)

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Pacific Pilotage Tariff Regulations, amendment (SOR/99-199, OIC 1999-779)

The amendment approves an increase in the port-to-port charges to reflect the actual costs associated in providing this pilotage service.

The amendment also implements a pilot boat replacement charge, with revenues to be deposited in a contingency fund towards the future replacement of pilotage boats.

The increase in port-to-port charges will produce an estimated additional \$110,000 in revenue annually. The pilot boat replacement charge will generate an estimated \$200,000 per annum.

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

Pilotage Act, subsection 34(1)

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Pre-Published and Approved With comments or changes

Statutory Authority

Status of the Artist Act Professional Category Regulations (SOR/99-191, OIC 1999-736)

The amendments prescribe certain categories of professional self-employed artists who will be entitled to benefit from the provisions of the *Status of the Artist Act*. This Act provides a legal framework for collective bargaining between self-employed artists and producers within the federal jurisdiction.

The *Status of the Artist Act* (S.C., 1992, c. 33) explicitly defines certain categories of self-employed professionals who fall within its jurisdiction. These categories include authors, directors and performers of artistic works.

Status of the Artist Act, subparagraph 6(2)(b)(iii) and section 56

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Statutory
Authority

The Act also empowers the Governor in Council to make regulations to include other categories of artists within the coverage provided by the Act, namely those who contribute to the creation of any production in the performing arts, music, dance and variety entertainment, film, radio and television, video, sound-recording, dubbing or the recording of commercials, arts and crafts, and visual arts.

More specifically, the following are prescribed as professional categories for the purposes of subparagraph 6(2)(b)(iii): category 1, camera work, lighting and sound design; category 2, costumes, coiffure and make-up design; category 3, set design; category 4, arranging, and orchestrating; and category 5, research for audiovisual productions, editing and continuity.

Following comments received after the proposed regulations were prepublished in the Canada Gazette on September 5, 1998, the department decided to make a minor change to the text by deleting the activity of "music copying" from category 4.

Contact: Sylvia Garcia Soria, Senior Industry Research Officer, Federal Mediation and Conciliation Service, Human Resources Development Canada, Place du Portage, Phase II, Ottawa, Ontario, K1A 0J2. Tel: 819-953-7852; Fax: 819-953-1028.

Regulations Prescribing Cinematographic Works for the Purposes of Section 17 of the Copyright Act (SOR/99-194, OIC 1999-741)

These Regulations prescribe the types of cinematographic works in which this right to remuneration is available.

These Regulations also provide that the right to remuneration is available only if the contract governing the embodiment of the performer's performance has been concluded on or after the date on which these Regulations come into force.

An amendment of the *Copyright Act* provides for new rights for performers. Among these is a right to remuneration in respect of cinematographic works embodying their performances.

More specifically, subsection 17(2) provides that where there is an agreement between the performer and the producer of the cinematographic work, governing the embodiment of the performance in the work and which includes a right to remuneration for the reproduction or other uses of the work, the performer may collect the residuals or remuneration from the other party (the producer), a subsequent assignee or any other person who subsequently owns a copyright in the work, and who exploits the work either through its reproduction, its performance in public or its broadcast to the public. Subsection 17(3) limits the application of this right by providing that it may only be exercised when the performer's performance is embodied in a prescribed cinematographic work.

Contact: Suzie Beaulieu, Legal Policy Analyst, Intellectual Property Policy Directorate, Industry Canada, 235 Queen Street, 5th Floor West, Ottawa, Ontario K1A 0H5. Tel: 613-952-2377, or Michelle L. Boudreau, Policy Analyst, Copyright Policy and Economic Planning, Department of Canadian Heritage, 15 Eddy Street, 4th Floor, Hull, Quebec K1A 0M5. Tel: 819-997-5990.

Copyright Act, subsections 17(3) and 62(1)

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Ministerial Orders Approved

Statutory Authority

Proclamation Amending the Canadian Egg Marketing Agency Proclamation (SOR/99-186)

The amendments to Part I of the Proclamation allow the Northwest Territories (NWT) Egg Producers to become a member of the Canadian Egg Marketing Agency, and to Part II of the Proclamation, will provide for an initial quota allocation to the NWT for 2,725,000 dozens of eggs under terms similar to those which exist for member provinces with less than two percent market share.

Contact: Keith Wilkinson, Director, Domestic Policy and Programmes, National Farm Products Council Tel: 613-995-6752; Fax: 613-995-2097.

Farm Products Agencies Act, paragraph 17(2)(c)

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Canadian Egg Marketing Agency Quota Regulations, 1986, amendment (SOR/99-187)

These amendments reflect the amendment made to the Canadian Egg Marketing Agency Proclamation to include the Northwest Territories and update the names of certain provincial commodity boards.

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

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Canadian Egg Marketing Levies Order, amendment (SOR/99-188)

These amendments amend the existing levy order to reflect the amendment of the Canadian Egg Marketing Agency Proclamation to include the Northwest Territories and update the names of certain provincial commodity boards.

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

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Pari-Mutuel Betting Supervision Regulations, amendment (SOR/99-196)

This amendment adds the drugs, atipamezole and meloxicam, which have recently entered the Canadian marketplace, to the Schedule of prohibited drugs in the Regulations.

Contact: Lydia Brooks, Analytical Program Officer, Canadian Pari-Mutuel Agency, Agriculture and Agri-Food Canada, P.O. Box 5904, LCD Merivale, Ottawa, Ontario, K2C 3X7. Tel: 613-946-0893; Fax: 613-952-7466; e-mail: lbrooks@em.agr.ca

Criminal Code, subsection 204(9)

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Domestic Substances List, amendment (SOR/99-197); Domestic Substances List, amendment (SOR/99-198)

The first amendment deletes 63428-90-0, 68002-44-8, 68909-81-9, 152923-47-2, 152923-49-4, and 152923-54-1 from Part III of the Non-domestic Substances List.

The second amendment adds 8068-03-9 T, 22766-82-1 T, 28430-15-1 T, 36621-48-4 N, 43011-20-7 T, 46728-75-0 N, 68153-38-8 T, 68400-06-6 T, 68400-67-9 T, 85005-23-8 T, 156559-16-9 T, 177367-19-0 N, 195074-23-8 N to Part I of the Domestic Substances List and deletes 130905-59-8 N; deletes 22766-82-1 T, 28430-15-1 T, 36621-48-4 N, 43011-20-7 T, 46728-75-0 N, 68153-38-8 T, 68400-06-6 T, 68400-67-9 T, 156559-16-9 T from Part I of the Non-domestic Substances List; and adds 13 substances to Part II of the Domestic Substances List.

Contacts: Martin Sirois, A/Head, New Substances Notification Section, New Substances Division, Commercial Chemicals Evaluation Branch, Department of the Environment, Hull, Quebec, K1A 0H3. Tel: 819-953-9348; Arthur Sheffield, A/Director, Regulatory and Economic Assessment, Regulatory Affairs and Program Integration Directorate, Department of the Environment, Hull, Quebec, K1A 0H3. Tel: 819-953-1172.

Canadian Environmental Protection Act, subsection 30(1)

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Ministerial Orders Approved

Statutory Authority

Order Amending General Export Permit No. 12-United States Origin Goods (SOR/99-203)

Export and Import Permits Act, subsection 10(1)

This amendment adds Libya to the list of countries to which export of USA origin goods are not authorized under General Export Permit No. 12.

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The amendment complements the Order removing Libya from the Area Control List (ACL) by ensuring that individual export permits will still be required for USA origin goods destined to that country. Its aim is to prevent Canada from being used as a route by which embargoed USA origin goods might be diverted to Libya.

Contact: Roger V. Lucy, Deputy Director (Permits and Enforcement), Export Controls Division, Export and Import Controls Bureau, 125 Sussex Drive, Ottawa, Ontario, K1A 0G2. Tel: 613-992-9167; Fax: 613-996-9933.

Regulatory Affairs

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