



**IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT
ON TECHNICAL BARRIERS TO TRADE**

COMMUNICATION FROM CANADA

Revision

The following statement under Article 15.2 of the Agreement on Technical Barriers to Trade has been received from the delegation of Canada.

1.1. Global Affairs Canada retains overall responsibility on behalf of the Government of Canada for the implementation of the WTO Agreement on Technical Barriers to Trade ("TBT Agreement"). Representations concerning Canadian implementation of the Agreement and requests for consultation should be directed to:

Global Affairs Canada
Technical Barriers and Regulations Division
111 Sussex Drive
Ottawa, Ontario
Canada K1A 0G2
Tel.: +(343) 203-4243
Fax.: +(613) 943-0346
Email: tpb@international.gc.ca
Website: <http://www.international.gc.ca>

1.2. Under Canada's federal constitutional system, governmental powers (legislative, executive and judicial) relating to technical regulations are shared among the federal government and provincial governments.

1.3. The Cabinet Directive on Regulation (the "Directive"), which came into effect on 1 September 2018, replacing the previous Cabinet Directive on Regulatory Management, dated 1 April 2012, sets out the Government of Canada's expectations and requirements in the development, management, and review of federal regulations. The Directive supports the Government of Canada's commitment to ensure that regulations protect the health, safety, security, social and economic well-being of Canadians, and the environment. It also confirms a life cycle approach to regulation, recognizing that attention must be given not only to regulatory development and analysis, but also to the implementation, review and results of regulations. Key analytical requirements enshrined in the Directive include early and frequent engagement with Canadians, regulatory alignment and cooperation both domestically and internationally to reduce unnecessary barriers to industry and trade, and regular reviews of the regulatory stock to ensure that regulations continue to achieve their intended policy objectives. The Directive also introduces several new requirements in line with government priorities, including applying Gender-Based Analysis Plus, environmental impact analysis, and the assessment of modern treaty implications on Indigenous Peoples. The Directive is supported by four new policies approved by the President of the Treasury Board (<https://www.canada.ca/en/treasury-board-secretariat/services/federal-regulatory-management/guidelines-tools.html>). The Directive, and its associated policies, apply to all regulations that are or will be registered as such under section 6 of the Statutory Instruments Act, made by or with the approval of the Governor in Council, the Treasury Board, or a minister of the Crown (refer to Section 2: Scope of application for more information;

<https://www.canada.ca/en/treasury-board-secretariat/services/federal-regulatory-management/guidelines-tools/cabinet-directive-regulation.html#toc2>).

1.4. The Treasury Board of Canada Secretariat is responsible for ensuring that the analysis provided by departments, agencies, and entities to which the Directive applies is consistent with the commitments and directions set out in the Directive, and that the analysis effectively supports Cabinet decision making. The Department of Justice and the Legal Bureau of Global Affairs Canada are responsible for advising on the effect of Canada's international legal obligations, including their implementation in domestic law. The federal Trade Law Bureau of Global Affairs Canada, is responsible for advising departments and agencies on Canada's trade law obligations.

1.5. Federal departments and agencies are to comply with the Directive, its associated policies, and its operational requirements, as listed on the Treasury Board of Canada Secretariat's website (<https://www.canada.ca/en/treasury-board-secretariat/services/federal-regulatory-management/guidelines-tools.html>). Among other requirements, the Directive establishes the responsibility of departments and agencies to seek advice and comply with Canada's international commitments outlined in trade agreements, international agreements, and other mechanisms, including the TBT Agreement, and the Agreement on the Application of Sanitary and Phytosanitary Measures ("SPS Agreement").

1.6. The Directive explicitly states that departments and agencies are to publish regulatory proposals in the Canada Gazette, Part I, to allow for a public comment period, and to then take the comments received into consideration. A minimum comment period of 70 days is required for proposals for new and changed technical regulations that may have a significant effect on international trade.

1.7. The Standards Council of Canada (SCC) is Canada's National Accreditation Body and National Standards Body and reports to the Canadian Parliament through the Ministry of Innovation, Science and Economic Development. The SCC accredits standards development organizations and conformity assessment bodies, including testing and calibration laboratories, inspection bodies, personnel certifiers, as well as organizations that certify conformity of products, processes, systems and services. Additionally, the SCC is the only monitoring authority in Canada that grants recognition to the Organisation of Economic Co-operation and Development (OECD) Good Laboratory Practice (GLP) program. The SCC is responsible for the oversight of Canada's national standardization network, which includes organizations and individuals involved in voluntary standards development, promotion and implementation in Canada. Federal, Provincial and Territorial regulatory departments and agencies are encouraged to use of the SCC's accreditation for standards and conformity assessment as the basis for regulations. Annex 3 of the TBT Agreement is incorporated into the SCC's Requirements & Guidance documents for the accreditation of standards development organizations. The work programmes of the ten standards development organisations accredited by the SCC are available directly from each organization at: <https://www.scc.ca/en/accreditation/standards/directory-of-accredited-standards-development-organizations>.

1.8. Global Affairs Canada functions as Canada's Enquiry Point and Notification Authority, a responsibility previously carried out by the Standards Council of Canada. Principal responsibilities of the Enquiry Point and Notification Authority include: responding to technical enquiries from other Members regarding domestic regulations, standards and conformity assessment procedures as well as fulfilling notification obligations under the TBT Agreement. Canada's Enquiry Point and Notification Authority can be reached at the following address:

Canada's Enquiry Point and Notification Authority
Global Affairs Canada
Technical Barriers and Regulations Division
111 Sussex Drive
Ottawa, Ontario
Canada K1A 0G2
Tel.: +(343) 203-4273
Fax.: +(613) 943-0346
Email: ENQUIRYPPOINT@international.gc.ca (English)
POINTDINFORMATION@international.gc.ca (French)
Website: <http://www.international.gc.ca>

1.9. The Cabinet Directive on Regulation and its Annex are available in English and French at:

<https://www.canada.ca/en/treasury-board-secretariat/services/federal-regulatory-management/guidelines-tools/cabinet-directive-regulation.html>

<https://www.canada.ca/fr/secretariat-conseil-tresor/services/gestion-reglementation-federale/lignes-directrices-outils/directive-cabinet-reglementation.html>

http://members.wto.org/crnattachments/2019/TBT/CAN/19_0870_00_e.pdf

http://members.wto.org/crnattachments/2019/TBT/CAN/19_0870_00_f.pdf
