NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** CANADA  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:**  Health Canada  **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:**  Canada's Notification Authority and Enquiry Point  Technical Barriers and Regulations Division  Global Affairs Canada  111 Sussex Drive  Ottawa, Ontario, K1A 0G2  Canada  Telephone: (343)203-4273  Fax: (613) 943-0346  E-mail: [enquirypoint@international.gc.ca](mailto:enquirypoint@international.gc.ca) |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Pest Control Products |
| **5.** | **Title, number of pages and language(s) of the notified document:** Regulations Amending the Pest Control Products Regulations (Protection of Test Data); (28 page(s), in English and French) |
| **6.** | **Description of content:** Under the authority of the Pest Control Products Act, Health Canada's Pest Management Regulatory Agency (PMRA) is proposing to amend the Pest Control Products Regulations to clarify data compensation provisions in the post market context (re-evaluations and special reviews).  These proposed amendments would provide clarity for regulated parties on issues of concern to them, such as: which party could trigger formal negotiation and binding arbitration process; when and how to trigger such processes; and when and how lists of data for which compensation may be payable would be made available. Minor changes are also being proposed to the regulations to clarify the data protection provisions, for example, to distinguish registrants that hold data that could be compensated for from registrant who are relying on their data, a proposed definition of "data holder" is included. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** The primary objective of the proposed regulatory amendments is to clarify data protection provisions for re-evaluations and special reviews by specifying a process under which registrants who are data holders and registrants who are relying on the data of data holders could establish compensation payable, by clarifying what data is subject to compensation, and when to initiate negotiations and binding arbitration (if necessary). |
| **8.** | **Relevant documents:**  Canada Gazette, Part I, 11 June 2022, pages 3129-3156 (available in English and in French) <https://www.gazette.gc.ca/rp-pr/p1/2022/2022-06-11/pdf/g1-15624.pdf> |
| **9.** | **Proposed date of adoption:** On the date they are published in the Canada Gazette, Part II.  **Proposed date of entry into force:** 6 months after they are published in the Canada Gazette, Part II. |
| **10.** | **Final date for comments:** 25 August 2022 |
| **11.** | **Texts available from: National enquiry point [****X]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  The electronic version of the regulatory text can be found at:  <https://www.gazette.gc.ca/rp-pr/p1/2022/2022-06-11/html/reg4-eng.html> (English)  <https://www.gazette.gc.ca/rp-pr/p1/2022/2022-06-11/html/reg4-fra.html> (French) |