

WORLD TRADE ORGANIZATION

G/TBT/N/CAN/96

13 April 2004

(04-1655)

Committee on Technical Barriers to Trade

Original: English/
French

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: <u>CANADA</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Department of Transport Name and address (including telephone and fax numbers, e-mail and web-site addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Canadian Enquiry Point, 200-270 Albert Street, Ottawa, Ontario, Canada, K1P 6N7 Tel.: +1 613 238 3222, Fax.: +1 613 569 7808, E-mail: info@scc.ca
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [X], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Marine Transportation Security (ICS: 47.020)
5.	Title, number of pages and language(s) of the notified document: Proposed Marine Transportation Security Regulations (pages 1036-1119; English and French)
6.	Description of content: In December 2002, in response to the events of September 11, 2001, the International Maritime Organization adopted the <i>International Ship and Port Facility Security Code</i> (ISPS Code) and amendments to the <i>International Convention for the Safety of Life at Sea, 1974</i> (SOLAS Convention). These documents significantly enhance the international framework for the deterrence, prevention and detection of acts that threaten security in the marine transportation sector. All International Maritime Organization Contracting Governments, including Canada, are required to have adopted the ISPS Code by 1 July 2004, and have the necessary national regulations in place. The proposed <i>Marine Transportation Security Regulations</i> would introduce new security requirements for the marine transportation industry. They would be made under section 5 of the <i>Marine Transportation Security Act</i> (MTSA), and would implement all Part A (mandatory) and most of Part B (guidance) provisions of the ISPS Code. This is consistent with the approach of Canada's major trading partners. They would also implement other provisions determined to be necessary based on risk assessments and the need to ensure the unimpeded flow of Canadian maritime trade. <u>Contents of the proposed Regulations</u> The proposed Regulations would affect vessels in Canada and Canadian ships outside Canada that engage on voyages between a port in one country and a port in another country and that:

- Are more than 100 tons gross tonnage;
- carry more than 12 passengers;
- are 8 metres or more in length and are engaged in towing a barge astern or alongside or in pushing a barge, if the barge is carrying dangerous goods, other than products, substances or organisms identified in Class 4 of the schedule to the *Transportation of Dangerous Goods Act, 1992*, in bulk; or
- are barges being towed astern or alongside or being pushed and are carrying dangerous goods, other than products, substances or organisms identified in Class 4 of the schedule to the *Transportation of Dangerous Goods Act, 1992*, in bulk.

Although SOLAS Convention standards require only vessels of 500 tons gross tonnage or more, or carrying more than 12 passengers, and engaged on international voyages that are not operating solely on the Great Lakes and St. Lawrence Seaway to be regulated, Canada has made an assessment of threat and risk and has determined that 100 tons gross tonnage is a more appropriate threshold for the purpose of marine security. This is necessary for security reasons, but will also support the competitiveness of Canada's marine transportation system. For similar reasons, the proposed Regulations would apply to vessels operating solely on the Great Lakes and St. Lawrence Seaway and where barges carrying certain dangerous goods are involved.

Marine facilities that interface with vessels to which the proposed Regulations apply would also be regulated under the proposed Regulations.

7. Objective and rationale, including the nature of urgent problems where applicable: National security requirements

8. Relevant documents: Canada Gazette, Part I, 3 April 2004

9. Proposed date of adoption: } 1 July 2004
Proposed date of entry into force: }

10. Final date for comments: 3 May 2004

11. Texts available from: National enquiry point [X] or address, telephone and fax numbers, e-mail and web-site addresses, if available of the other body: The electronic version of the regulatory text can be downloaded at:
<http://canadagazette.gc.ca/partI/2004/20040403/pdf/g1-13814.pdf>