



eManifest- Regulatory Update

BCCC- May 2014

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Regulatory Process

There are numerous steps prescribed by the Treasury Board Secretariat (TBS) in order to develop and implement regulatory amendments. The process is outlined below:

1. **Review and analyze existing regulations** in order to determine required amendments.
2. **Draft proposed regulatory amendments**, present and discuss with CBSA legal, and make any recommended changes to the proposed amendments.
3. **Create a Triage document** outlining specific regulatory changes, including section numbers and affected parties.
4. **Submit Triage to the TBS.**
5. **Regulatory Impact Analysis Statement (RIAS) document to be created** and submitted to the TBS (if changes are rated “high-impact”, a **Cost-Benefit Analysis (CBA) document** is also required to be submitted).
6. **A CBA was required and approximately 4-6 months is normally needed** for completion, depending on the level of impact.



Regulatory Process- continued

7. **Drafting instructions are to be created** and submitted to the Department of Justice (DoJ) regulatory drafters.
8. **Numerous meetings may occur between the DoJ, CBSA legal and the CBSA** in order to revise the drafting instructions (in this scenario, meetings for necessary revisions occurred every 4-6 weeks for a period of almost 2 years).
9. **The DoJ “blue-stamps” the changes** (approves the drafting instructions after all revisions are completed).
10. **A Communications Plan is created and approved** by Senior Management/ Communications
11. **Departmental approval is required- Minister’s signature**
12. **Signed regulatory amendments package submission is then presented to Privy Council Office (PCO).**
13. **The regulatory amendment package is presented at a Treasury Board meeting** (meetings are dependent on Parliament being in session).
14. **The regulatory amendment package is then able to be published in Part I of the *Canada Gazette* (Pre-Publication)-** to occur 10 days after TBS consideration of the regulatory amendments.



Regulatory Process- continued

15. **The consultation period then begins** – a 30-day period for public comments.
16. **The CBSA then reviews and conducts any necessary revisions** of the regulatory amendments, or the RIAS document, (if required by nature of public comments). These adjustments will be done in consultation with TBS and DoJ.
17. **Departmental approval is again required-** Minister's signature
18. **The regulatory amendment package again requires “blue-stamps”** from the DoJ.
19. **Signed regulatory amendment package submission is then again presented to Privy Council Office (PCO)**
20. **The regulatory amendment package is again presented at a Treasury Board meeting** (meetings are dependent on Parliament being in session).
21. **The registration of the regulations** can then occur along with their **publication in Part II of the *Canada Gazette***. This is the mandatory “coming into force” date.



Current Status of the eManifest regulatory amendments

- The CBSA has completed steps 1-16 in the regulatory amendment process.
- The 30-day consultation period ended on March 17, 2014.
- The CBSA received approximately 85 submissions from external and internal parties, all of which contain numerous questions and comments.
- Many clients used the regulatory submission process as an opportunity to voice concerns about issues that are not directly related to the published regulatory amendments.
- The CBSA is now focused on formulating responses to all parties that submitted questions or comments. As this is estimated to be a lengthy process, we ask that everyone remain mindful that responses will be provided as possible, in the timeliness that is possible based on the volume of questions received and that the team will be heavily engaged in this process.
- Additionally, all responses will be reviewed thoroughly prior to dissemination.



Current Status of the eManifest regulatory amendments

- Once client responses are reviewed (step 16 completed) the CBSA will continue with the remaining steps as described above.
- At this time, the CBSA does not have an anticipated “coming into force” mandatory date, however the Agency has committed to provide all stakeholders a minimum of 45 days’ notice of the “coming into force date.”
- The “coming into force” date will be communicated through various venues such as emails to current EDI clients and committee members (eSPN, BCCC, etc.), website postings, communiques, etc.
- The CBSA thanks the early adopters of eManifest and recommends that all other clients who have not yet begun transmitting start as soon as possible as the “coming into force date” will occur in the near future.



Thank you.