

UNCLASSIFIED

DATE:

File No. : 1307-403 / 376465

MEMORANDUM FOR THE MINISTER

**APPROVAL AND TABLING OF STATEMENT OF REASONS:
DEFERRAL OF THE COMING INTO FORCE OF THE
FIREARMS MARKING REGULATIONS**

(Signature Required)

ISSUE

Statements of Reasons pertaining to the *Firearms Marking Regulations* to be approved and tabled at your earliest convenience in both the Senate and the House of Commons, in accordance with section 119 of the *Firearms Act*.

BACKGROUND

s.69(1)(g) re (c)

Regulations amending the coming into force date of the *Firearms Marking Regulations* from December 1, 2010 to December 1, 2012, were approved by Treasury Board

Section 118 of the *Firearms Act* requires the Minister of Public Safety to lay proposed regulations made pursuant to the Act for consideration before each House of Parliament. However, section 119 of the Act allows you to make regulations without laying them before Parliament if you are of the opinion that, pursuant to subsection 119(2), the amendments to an existing regulation are immaterial or insubstantial.

For such amendments, subsection 119(4) of the Act requires that a Statement of Reasons be tabled before each House of Parliament, indicating how the determination was made that the amendments are immaterial or insubstantial.

CONSIDERATIONS

The change made to the Regulations is considered immaterial and insubstantial, given that it merely defers the coming into force date for two additional years, from December 1, 2010 until December 1, 2012, and is consistent with past interpretations of recent deferrals.

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- 2 -

While there is no statutory time limit for the tabling of the Statement of Reasons under the *Firearms Act*, established precedent has been to do so as soon as possible in the interests of transparency.

Enclosed for your information and signature are materials in preparation for the tabling of the Statement of Reasons, including:

- Letters to the Clerks of the Senate and the House of Commons, in both official languages, regarding the *Regulations Amending the Firearms Marking Regulations* (**TAB A**);
- Statement of Reasons – *Regulations Amending the Firearms Marking Regulations*, in both official languages (**TAB B**);
- A statement for tabling in the House of Commons, in both official languages, should you wish to table the Statement of Reasons during a sitting of the House of Commons (**TAB C**); and
- A Question Period Note (**TAB D**).

Parliamentary Affairs has retained the necessary copies for tabling.

RECOMMENDATION

It is recommended that you sign the enclosed letters to the Clerks of the House of Commons and the Senate to table the Statement of Reasons under the *Firearms Act* before each House of Parliament at your earliest convenience.

Should you require additional information, please do not hesitate to contact me or Mr. Richard Wex, Assistant Deputy Minister, Law Enforcement and Policing Branch, at 613-990-2703.

William V. Baker

Enclosures: (4)

Ms. Audrey O'Brien
Clerk of the House of Commons
Centre Block, Room 228-N
House of Commons
Ottawa, Ontario K1A 0A6

Dear Ms. O'Brien:

I enclose herewith, in both official languages, the Statement of Reasons – Opinion that section 118 of the *Firearms Act* should not be applicable to the *Regulations Amending the Firearms Marking Regulations*, to be tabled in the House of Commons in accordance with section 119 of the *Firearms Act*.

Yours sincerely,

Vic Toews, P.C., Q.C., M.P.

Enclosure: (1)

Madame Audrey O'Brien
Greffière de la Chambre des communes
Édifice du Centre, pièce 228-N
Chambre des communes
Ottawa (Ontario) K1A 0A6

Madame,

Je joins à la présente, dans les deux langues officielles, la Déclaration énonçant les justificatifs – Opinion selon laquelle l'article 118 de la *Loi sur les armes à feu* ne devrait pas s'appliquer au *Règlement modifiant le Règlement sur le marquage des armes à feu*, qui doit être déposée devant la Chambre des communes, conformément à l'article 119 de la *Loi sur les armes à feu*.

Veuillez agréer, Madame, l'expression de mes sentiments distingués.

Vic Toews, c.p., c.r., député

Pièce jointe : (1)

Mr. Gary W. O'Brien
Clerk of the Senate and Clerk of the Parliaments
Centre Block, Room 185-S
Senate of Canada
Ottawa, Ontario K1A 0A4

Dear Mr. O'Brien:

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Yours sincerely,

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Sénat du Canada
Ottawa (Ontario) K1A 0A4

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Veuillez agréer, Monsieur, l'expression de mes sentiments distingués.

Vic Toews, c.p., c.r., député

Pièce jointe : (1)

**Statement of Reasons – Opinion that section 118 of the *Firearms Act* should
not be applicable to the *Regulations Amending the Firearms Marking
Regulations***

The changes made to the *Firearms Marking Regulations* are so immaterial and insubstantial that section 118 of the *Firearms Act* should not be applicable to the *Regulations Amending the Firearms Marking Regulations* made under section 117 of the Act because these regulations simply defer the coming into force of the *Firearms Marking Regulations* for an additional two-year period, until December 1, 2012.

The Regulatory Impact Analysis Statement for the *Regulations Amending the Firearms Marking Regulations* provides an explanation of the reasons for the amendment and is attached, along with the text of the Gazetted version of the above-noted amending regulations.

Given the immaterial and insubstantial changes proposed in the *Regulations Amending the Firearms Marking Regulations*, the Minister of Public Safety recommended that His Excellency the Governor General in Council make the above-noted Regulations, in accordance with section 119 of the *Firearms Act*.

Déclaration énonçant les justificatifs – Opinion selon laquelle l'article 118 de la *Loi sur les armes à feu* ne devrait pas s'appliquer au *Règlement modifiant le Règlement sur le marquage des armes à feu*

Les modifications apportées au règlement actuel sont si peu notables que l'article 118 de la Loi sur les armes à feu ne devrait pas s'appliquer au règlement susmentionné pris en vertu de l'article 117 de la Loi, parce que ce règlement ne fait que reporter l'entrée en vigueur du Règlement pour une période additionnelle de deux ans, jusqu'au 1^{er} décembre 2012.

Vous trouverez, ci-joint, le Résumé de l'étude d'impact de la réglementation pour le règlement susmentionné, lequel fournit une explication complète des justificatifs des modifications, et le texte du règlement susmentionné déjà publié dans la Gazette du Canada.

Étant donné que le règlement modificatif ne propose aucune modification de fond notable, le ministre de la Sécurité publique recommande à Son Excellence le gouverneur général en conseil prenne le règlement susmentionné, conformément à l'article 119 de la *Loi sur les armes à feu*.

STATEMENT BY THE MINISTER OF PUBLIC SAFETY

TABLING OF STATEMENT OF REASONS – OPINION THAT SECTION 118 OF THE *FIREARMS ACT SHOULD NOT BE APPLICABLE*

Mr. Speaker, pursuant to Standing Order 32(2), I have the pleasure to table, in both official languages, statement of reasons outlining my opinion that section 118 of the *Firearms Act* should not be applicable to the *Regulations Amending the Firearms Marking Regulations*.

Question Period Note

FIREARMS MARKINGS

ISSUE: *Firearms Marking Regulations* deferred to come into force December 1, 2012.

BACKGROUND:

The *Firearms Marking Regulations* establish requirements for the marking of firearms being imported to Canada by individuals and businesses and for the marking of all firearms manufactured in Canada. These Regulations respond to obligations undertaken by Canada as a signatory to the *Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials* (CIFTA) since 1997, and the *United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition* (UN Firearms Protocol) since 2002. The purpose of the treaties is to reduce firearms trafficking and fight transnational organized crime through a variety of measures, including the marking of firearms to help trace crime guns.

The Regulations would require the stamping or engraving of a country code, "CA" or "Canada," and either, in the case of newly manufactured firearms, the name of the manufacturer and serial number, or with respect to imported firearms, the last two digits of the year of importation on all firearms.

Implementation of the *Firearms Marking Regulations* was initially set for April 1, 2006. Following representations from firearms stakeholders, especially firearms importers, implementation was deferred until December 1, 2007, and deferred again until December 1, 2009.

During the two-year deferral period leading up to December 1, 2009, an independent study was undertaken to look at the effectiveness of markings from a law enforcement perspective, the various marking technologies available, and the implications for the Canadian firearms industry and users. The study found that:

- the presence of markings help to expedite law enforcement tracing efforts by focussing investigations;
- different marking technologies exist, with stamping among the least costly and most tamper resistant; and,
- implementation of the regulations is not expected to have a significant impact on Canadian manufacturers or large Canadian importers bringing the majority of firearms into Canada, since it is expected that these businesses could make arrangements to have markings made at the time of manufacture. However, it was not possible to verify this view, or to conclusively determine the financial impact on individuals and small importing businesses.

The study focused on marking options that met the requirements of the current Regulations (i.e., markings to be made by stamping or engraving). As such, it did not examine other options, including a proposal from the firearms industry to place the information required by international treaties on adhesive metallic strips. Since amending the Regulations to require the application of metallic strips first came to consideration in September 2009, a number of program design and implementation issues could not be resolved prior to December 1, 2009, the scheduled coming into force date of the Regulations. Consequently, the Regulations were deferred to come into force on December 1, 2010.

Investigation of the viability of the industry proposal is ongoing. The resolution of a number of issues remains outstanding, for example relating to the relative ease of the removal of the adhesive strips and the impacts on tracing.

CURRENT STATUS:

The Regulations are deferred until December 1, 2012.

The deferral permits further examination of program design and implementation issues associated with the current and alternative marking regulations, in order to determine a marking scheme which would enable Canada to meet international obligations, contribute to public safety, minimize costs to the Canadian firearms industry and firearms owners, and facilitate law enforcement tracing efforts.

FIREARMS MARKINGS

PROPOSED RESPONSE:

- The *Firearms Marking Regulations* set the marking requirements for firearms that are newly imported into Canada or manufactured in this country.
- The Regulations have been deferred to come into force on December 1, 2012.
- It is important that we have further examination to arrive at a marking scheme that contributes to public safety, meets international requirements, assists law enforcement to trace efficiently and addresses the concerns of the firearms industry.

CONTACTS:

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Approved by (ADM level only)
Richard Wex

Tel. no.
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(613) 859-9826

MARQUAGE DES ARMES À FEU

RÉPONSE SUGGÉRÉE :

- **Le Règlement sur le marquage des armes à feu définit les exigences relatives au marquage pour les armes à feu nouvellement importées au Canada ou fabriquées dans ce pays.**
- **L'entrée en vigueur du Règlement a été reportée. Elle doit maintenant avoir lieu le 1^{er} décembre 2012.**
- **Il est important de mettre en place un régime de marquage qui contribue à la sécurité publique, satisfait aux exigences internationales, aide les responsables de l'application de la loi à mener un dépistage efficace et calme les préoccupations de l'industrie des armes à feu.**

PERSONNE-RESSOURCE :	Numéro de tél. 613-991-3307	Approuvé par (échelon du SMA seulement) Richard Wex	Numéro de tél. 613-990-2703 613-859-9826
Préparé par Suzing Hum			

NOTES FOR 4-MINUTE SPEECH

RESPONSE TO A QUESTION FROM
HONOURABLE MARLENE JENNINGS
MEMBER FOR NOTRE-DAME-DE-GRACE--LACHINE
REGARDING FIREARMS MARKINGS

Protecting our communities and helping the law enforcement officers who work every day to ensure our safety are important for the Government.

To accomplish these goals it is necessary to work on a number of fronts to prevent crimes from happening, to solve them when they do, to penalize them when they occur and to assist those who have been victimized. We have and continue to take action in all of these areas.

This Government provides \$24 million annually to enable victims of crime to access services they need.

To have a gun control system that will enhance public safety, we invest \$7 million every year to strengthen the front-end screening of first-time firearms license applicants. This helps to keep firearms out of the hands of people who should never have them.

We have put measures in place that see more front-line police on Canadian streets to fight crime. And, there are now mandatory minimum sentences for those who commit serious firearms crimes.

The *Firearms Marking Regulations*, to which the Honourable Member is referring, would require that all firearms manufactured in this country or imported into Canada be stamped or engraved with specific information and data.

This regulation for the marking of firearms is one measure that some say would help law enforcement combat gun crime and the trafficking and smuggling of firearms. At the same time, the Canadian firearms industry and especially importing businesses are deeply concerned about the unknown and possibly high costs that would result if the *Firearms Marking Regulations* were to come into force.

The Government is aware of these conflicting points of view and they deserve all of our consideration. For this reason, it has been necessary for the Regulations to be deferred from coming into force. The deferral allows the opportunity to examine issues related to what would be required to mark firearms under the current Regulations and under an alternative marking

scheme.

In examining any potential marking regime for firearms, it is critical that a number of basic criteria are met. The marking requirements must contribute to public safety. They need to be able to assist law enforcement in tracing crime guns. The marking requirements have to be such that costs are minimized for the Canadian firearms industry and for individual firearms owners. Finally, of equal importance, is the need to have a markings scheme for firearms that would permit Canada to meet the requirements of two international agreements, namely the Firearms Protocol of the United Nations and the Inter-American Convention, called CIFTA, of the Organization of American States.

The Government is committed to supporting those measures that will reduce firearms crimes and keep communities safe across this country. We must balance this with a need to continue to strive for a firearms system that is fair, effective and efficient.

NOTES FOR 1-MINUTE SPEECH

**RESPONSE TO A QUESTION FROM
HONOURABLE MARLENE JENNINGS
MEMBER FOR NOTRE-DAME-DE-GRACE--LACHINE
REGARDING FIREARMS MARKINGS**

Keeping Canadians safe, assisting victims and supporting the police who strive to protect the many communities across this country are important priorities for this Government.

The Honourable Member insists that the Government is ignoring the wishes of police associations, victims and women's groups. This is clearly not an accurate assertion.

For example, the Government listened to those who have been victimized. There is now \$24 million set

aside each year so that services are available to assist victims with their needs.

The Government listened to concerned Canadians and women's groups so there is now each year an amount of \$7 million that can be used to carefully check those who want to have a firearms licence for the first time.

The Government listened to communities across this country and to the police, so that federal contributions were made to help municipalities have the police presence that they require.

Regarding the *Firearms Marking Regulations*, this measure requires our further consideration. There

are a number of perspectives to consider which differs from police associations to firearms business representatives and individual firearms owners across Canada. Before bringing a Regulation into force, the Government needs to ensure that it will serve Canadians well without being onerous. We are especially mindful that for this Regulation, it is important to find a way for marking newly manufactured and imported firearms that strikes a balance on a number of fronts--contributes to public safety, assists law enforcement, meets international obligations and minimizes costs to the Canadian firearms industry.

**Pages 21 to / à 23
are withheld pursuant to section
sont retenues en vertu de l'article**

69(1)(e)

**of the Access to Information
de la Loi sur l'accès à l'information**

Public Safety Sécurité publique
Canada Canada

Deputy Minister Sous-ministre

Ottawa, Canada K1A 0P8

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DATE: JAN 14 2011

File No. : 1307-403 / 376465

MEMORANDUM FOR THE MINISTER

**APPROVAL AND TABLING OF STATEMENT OF REASONS:
DEFERRAL OF THE COMING INTO FORCE OF THE
FIREARMS MARKING REGULATIONS**

(Signature Required)

ISSUE

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BACKGROUND

s.69(1)(g) re (c)

Regulations amending the coming into force date of the *Firearms Marking Regulations* from December 1, 2010 to December 1, 2012, were approved by Treasury Board

Section 118 of the *Firearms Act* requires the Minister of Public Safety to lay proposed regulations made pursuant to the Act for consideration before each House of Parliament. However, section 119 of the *Act* allows you to make regulations without laying them before Parliament if you are of the opinion that, pursuant to subsection 119(2), the amendments to an existing regulation are immaterial or insubstantial.

For such amendments, subsection 119(4) of the *Act* requires that a Statement of Reasons be tabled before each House of Parliament, indicating how the determination was made that the amendments are immaterial or insubstantial.

CONSIDERATIONS

The change made to the Regulations is considered immaterial and insubstantial, given that it merely defers the coming into force date for two additional years, from December 1, 2010 until December 1, 2012, and is consistent with past interpretations of recent deferrals.

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While there is no statutory time limit for the tabling of the Statement of Reasons under the *Firearms Act*, established precedent has been to do so as soon as possible in the interests of transparency.

Enclosed for your information and signature are materials in preparation for the tabling of the Statement of Reasons, including:

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- Statement of Reasons – *Regulations Amending the Firearms Marking Regulations*, in both official languages (**TAB B**);
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- A Question Period Note (**TAB D**).

Parliamentary Affairs has retained the necessary copies for tabling.

RECOMMENDATION

It is recommended that you sign the enclosed letters to the Clerks of the House of Commons and the Senate to table the Statement of Reasons under the *Firearms Act* before each House of Parliament at your earliest convenience.

Should you require additional information, please do not hesitate to contact me or Mr. Richard Wex, Assistant Deputy Minister, Law Enforcement and Policing Branch, at 613-990-2703.

Original signed by
William V. Baker
a signé l'original

William V. Baker

Enclosures: (4)

Minister of Public Safety



Ministre de la Sécurité publique

Ottawa, Canada K1A 0P8

Ms. Audrey O'Brien
Clerk of the House of Commons
Centre Block, Room 228-N
House of Commons
Ottawa, Ontario K1A 0A6

Dear Ms. O'Brien:

I enclose herewith, in both official languages, the Statement of Reasons – Opinion that section 118 of the *Firearms Act* should not be applicable to the *Regulations Amending the Firearms Marking Regulations*, to be tabled in the House of Commons in accordance with section 119 of the *Firearms Act*.

Yours sincerely,

Vic Toews, P.C., Q.C., M.P.

Enclosure: (1)

Canada

000026



Ministre de la Sécurité publique

Minister of Public Safety

Ottawa, Canada K1A 0P8

Madame Audrey O'Brien
Greffière de la Chambre des communes
Édifice du Centre, pièce 228-N
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Ottawa (Ontario) K1A 0A6

Madame,

Je joins à la présente, dans les deux langues officielles, la Déclaration énonçant les justificatifs – Opinion selon laquelle l'article 118 de la *Loi sur les armes à feu* ne devrait pas s'appliquer au *Règlement modifiant le Règlement sur le marquage des armes à feu*, qui doit être déposée devant la Chambre des communes, conformément à l'article 119 de la *Loi sur les armes à feu*.

Veuillez agréer, Madame, l'expression de mes sentiments distingués.

Vic Toews, c.p., c.r., député

Pièce jointe : (1)

Canada

000027

Minister of Public Safety

Ministre de la Sécurité publique

Ottawa, Canada K1A 0P8



Mr. Gary W. O'Brien
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Centre Block, Room 185-S
Senate of Canada
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Dear Mr. O'Brien:

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Enclosure: (1)

Canada

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Ministre de la Sécurité publique

Minister of Public Safety

Ottawa, Canada K1A 0P8

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Canada

000029

**Statement of Reasons – Opinion that section 118 of the *Firearms Act* should
not be applicable to the *Regulations Amending the Firearms Marking
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The changes made to the *Firearms Marking Regulations* are so immaterial and insubstantial that section 118 of the *Firearms Act* should not be applicable to the *Regulations Amending the Firearms Marking Regulations* made under section 117 of the Act because these regulations simply defer the coming into force of the *Firearms Marking Regulations* for an additional two-year period, until December 1, 2012.

The Regulatory Impact Analysis Statement for the *Regulations Amending the Firearms Marking Regulations* provides an explanation of the reasons for the amendment and is attached, along with the text of the Gazetted version of the above-noted amending regulations.

Given the immaterial and insubstantial changes proposed in the *Regulations Amending the Firearms Marking Regulations*, the Minister of Public Safety recommended that His Excellency the Governor General in Council make the above-noted Regulations, in accordance with section 119 of the *Firearms Act*.

Déclaration énonçant les justificatifs – Opinion selon laquelle l'article 118 de la *Loi sur les armes à feu* ne devrait pas s'appliquer au *Règlement modifiant le Règlement sur le marquage des armes à feu*

Les modifications apportées au règlement actuel sont si peu notables que l'article 118 de la Loi sur les armes à feu ne devrait pas s'appliquer au règlement susmentionné pris en vertu de l'article 117 de la Loi, parce que ce règlement ne fait que reporter l'entrée en vigueur du Règlement pour une période additionnelle de deux ans, jusqu'au 1^{er} décembre 2012.

Vous trouverez, ci-joint, le Résumé de l'étude d'impact de la réglementation pour le règlement susmentionné, lequel fournit une explication complète des justificatifs des modifications, et le texte du règlement susmentionné déjà publié dans la Gazette du Canada.

Étant donné que le règlement modificatif ne propose aucune modification de fond notable, le ministre de la Sécurité publique recommande à Son Excellence le gouverneur général en conseil prenne le règlement susmentionné, conformément à l'article 119 de la *Loi sur les armes à feu*.

STATEMENT BY THE MINISTER OF PUBLIC SAFETY

TABLING OF STATEMENT OF REASONS – OPINION THAT SECTION 118 OF THE FIREARMS ACT SHOULD NOT BE APPLICABLE

Mr. Speaker, pursuant to Standing Order 32(2), I have the pleasure to table, in both official languages, statement of reasons outlining my opinion that section 118 of the *Firearms Act* should not be applicable to the *Regulations Amending the Firearms Marking Regulations*.

2010-12-08 Canada Gazette Part II, Vol. 144, No. 25 Gazette du Canada Partie II, Vol. 144, n° 25 SOR/DORS/2010-276

Registration
SOR/2010-276 November 26, 2010

FIREARMS ACT

Regulations Amending the Firearms Marking Regulations

P.C. 2010-1497 November 26, 2010

Whereas the Minister of Public Safety and Emergency Preparedness is of the opinion that the change made to the *Firearms Marking Regulations*^a by the annexed *Regulations Amending the Firearms Marking Regulations* is so immaterial and insubstantial that section 118 of the *Firearms Act*^b should not be applicable in the circumstances;

And whereas the Minister of Public Safety and Emergency Preparedness will, in accordance with subsection 119(4) of that Act, have a statement of the reasons why he formed that opinion laid before each House of Parliament;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of Public Safety and Emergency Preparedness, pursuant to section 117^c of the *Firearms Act*^b, hereby makes the annexed *Regulations Amending the Firearms Marking Regulations*.

REGULATIONS AMENDING THE FIREARMS MARKING REGULATIONS

AMENDMENT

1. Section 6 of the *Firearms Marking Regulations*^d is replaced by the following:

6. These Regulations come into force on December 1, 2012.

COMING INTO FORCE

2. These Regulations come into force on the day on which they are registered.

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Regulations.)

Executive summary

Issue: Deferral of the coming into force of the *Firearms Marking Regulations* for two years until December 1, 2012.

Description: The marking of firearms is one of several requirements of the *Inter-American Convention Against the*

Enregistrement
DORS/2010-276 Le 26 novembre 2010

LOI SUR LES ARMES À FEU

Règlement modifiant le Règlement sur le marquage des armes à feu

C.P. 2010-1497 Le 26 novembre 2010

Attendu que le ministre de la Sécurité publique et de la Protection civile estime que l'obligation de dépôt prévue à l'article 118 de la *Loi sur les armes à feu*^a ne s'applique pas au *Règlement modifiant le Règlement sur le marquage des armes à feu*, ci-après, parce qu'il n'apporte pas de modification de fond notable au *Règlement sur le marquage des armes à feu*^b;

Attendu que, conformément au paragraphe 119(4) de cette loi, le ministre de la Sécurité publique et de la Protection civile fera déposer devant chaque chambre du Parlement une déclaration énonçant les justificatifs sur lesquels il se fonde,

À ces causes, sur recommandation du ministre de la Sécurité publique et de la Protection civile et en vertu de l'article 117^c de la *Loi sur les armes à feu*^a. Son Excellence le Gouverneur général en conseil prend le *Règlement modifiant le Règlement sur le marquage des armes à feu*, ci-après.

RÈGLEMENT MODIFIANT LE RÈGLEMENT SUR LE MARQUAGE DES ARMES À FEU

MODIFICATION

1. L'article 6 du *Règlement sur le marquage des armes à feu*^d est remplacé par ce qui suit :

6. Le présent règlement entre en vigueur le 1^{er} décembre 2012.

ENTRÉE EN VIGUEUR

2. Le présent règlement entre en vigueur à la date de son enregistrement.

RÉSUMÉ DE L'ÉTUDE D'IMPACT DE LA RÉGLEMENTATION

(Ce résumé ne fait pas partie du Règlement.)

Résumé

Question : La mesure vise à reporter de deux ans l'entrée en vigueur du *Règlement sur le marquage des armes à feu*, soit au 1^{er} décembre 2012.

Description : Le marquage des armes à feu est l'une de nombreuses exigences de la *Convention interaméricaine contre la*

^a SOR/2004-275

^b S.C. 1995, c. 39

^c S.C. 2003, c. 22, par. 224(c.38)

^d SOR/2004-275

^a L.C. 1995, ch. 39

^b DORS/2004-275

^c L.C. 2003, ch. 22, al. 224(c.38)

^d DORS/2004-275

Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA), and the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition* (UN Firearms Protocol). In order to comply with these international agreements which Canada has signed but not ratified, regulations are required for the marking of firearms. The deferral would permit further examination of the current and alternative regulatory schemes for the marking of firearms.

Cost-benefit statement: The deferral of the coming into force of the Regulations has no significant cost implications.

Business and consumer impacts: By continuing the status quo, the proposal defers introduction of additional yet to be determined costs to importers and manufacturers, as they do not, at this time, need to procure technology or make arrangements explicitly for the purpose of marking of firearms.

Domestic and international coordination and cooperation: International agreements on marking firearms were signed in 1997 (CIFTA) and 2002 (UN Firearms Protocol). The *Firearms Marking Regulations* are consistent with the requirements included in these Treaties.

fabrication et le trafic illicite d'armes à feu, de munitions, d'explosifs et d'autres matériels connexes (le protocole des NU sur les armes à feu). Pour se conformer aux accords internationaux que le Canada a signés mais n'a pas encore ratifiés, il doit prendre un règlement sur le marquage des armes à feu. Le report permettrait d'examiner plus à fond le régime réglementaire actuel de marquage des armes à feu et d'autres solutions possibles.

Énoncé des coûts et avantages : Le report de l'entrée en vigueur du Règlement n'a pas d'incidence importante sur les coûts.

Incidences sur les entreprises et les consommateurs : En maintenant le statu quo, la mesure proposée reporte l'introduction de coûts additionnels non encore déterminés pour les importateurs et les fabricants, étant donné qu'ils n'ont pas, pour le moment, à se procurer la technologie ni à prendre des mesures pour le marquage des armes à feu.

Coordination et coopération à l'échelle nationale et internationale : Des accords internationaux sur le marquage des armes à feu ont été signés en 1997 (CIFTA) et en 2002 (Protocole des NU sur les armes à feu). Le *Règlement sur le marquage des armes à feu* est conforme aux exigences prévues dans ces traités.

Issue

Deferral of the coming into force of the *Firearms Marking Regulations* for two years until December 1, 2012.

Objectives

The deferral would permit further examination of program design and implementation issues associated with the current and alternative marking regulations, in order to determine a marking scheme which would enable Canada to meet international obligations, contribute to public safety, minimize costs to the Canadian firearms industry and firearms owners, and facilitate law enforcement tracing efforts.

Description

The Regulations amend the coming into force date of the *Firearms Marking Regulations* SOR/2009-313, from December 1, 2010 to December 1, 2012.

Canada has signed, but not ratified, the *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials* (CIFTA) [1997], and the *Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition* (UN Firearms Protocol) [2002]. The marking of firearms is one of several requirements of these international treaties. In order to comply with these international agreements, Canada requires regulations for the marking of firearms.

The Regulations, drafted to respond to the international treaties, were approved by the Governor in Council in 2004 but not implemented. The current Regulations require the stamping or

Question

La mesure vise à reporter de deux ans l'entrée en vigueur du *Règlement sur le marquage des armes à feu*, soit au 1^{er} décembre 2012.

Objectifs

Le report permettrait d'examiner à fond des questions relatives à la conception et à la mise en œuvre du régime de marquage au moyen des solutions actuellement prévues au Règlement ou d'autres solutions, afin de trouver un régime de marquage qui permettra au Canada de satisfaire aux obligations internationales, de contribuer à la sécurité publique, de réduire les coûts qui incombent à l'industrie canadienne des armes à feu et aux propriétaires d'armes à feu au Canada et de faciliter le travail des forces de l'ordre pour trouver la provenance des armes à feu.

Description

Le Règlement modifie la date d'entrée en vigueur du *Règlement sur le marquage des armes à feu* DORS/2009-313, du 1^{er} décembre 2010 au 1^{er} décembre 2012.

Le Canada a signé, mais n'a pas ratifié, la *Convention interaméricaine contre la fabrication et le trafic illicites des armes à feu, des munitions, explosifs et autres matériels connexes* (CIFTA) [1997] ainsi que le *Protocole contre la fabrication et le trafic illicites d'armes à feu, de leurs pièces, éléments et munitions, additionnel à la Convention des Nations Unies contre la criminalité transnationale organisée* (le Protocole des NU sur les armes à feu) [2002]. Le marquage des armes à feu est l'une des exigences de ces traités internationaux. Pour se conformer à ces accords internationaux, le Canada doit prendre un règlement sur le marquage des armes à feu.

Le Règlement, rédigé en vue de satisfaire aux obligations des traités internationaux, a été approuvé par le gouverneur en conseil en 2004, mais n'a pas été mis en vigueur. Le règlement actuel

engraving of a country code, "CA" or "Canada," and either, in the case of newly manufactured firearms, the name of the manufacturer and serial number, or with respect to imported firearms, the last two digits of the year of importation on all firearms. The Regulations also provide specifications with respect to the depth, size and placement of the markings on the firearms.

Originally set to come into force on April 1, 2006, implementation of the *Firearms Marking Regulations* was deferred to December 1, 2007, and again to December 1, 2009, in response to requests from firearms associations and businesses, particularly firearms importers, for time to comply with requirements.

During the two-year deferral period leading up to December 1, 2009, an independent study was undertaken to look at the effectiveness of markings from a law enforcement perspective, the various marking technologies available, and the implications for the Canadian firearms industry and users. The study found that

- the presence of markings help to expedite law enforcement tracing efforts by focusing investigations;
- different marking technologies exist, with stamping among the least costly and most tamper resistant; and
- implementation of the Regulations is not expected to have a significant impact on Canadian manufacturers, or large Canadian importers bringing the majority of firearms into Canada, since it is expected that these businesses could make arrangements to have markings made at the time of manufacture. However, it was not possible to verify this view, or to conclusively determine the financial impact on individuals and small importing businesses.

The study focused on marking options that met the requirements of the current Regulations (i.e. markings to be made by stamping or engraving). As such, it did not examine other options, including a proposal from the firearms industry to place the information required by international treaties on adhesive metallic strips. Since amending the Regulations to require the application of metallic strips first came to consideration in September 2009, a number of program design and implementation issues could not be resolved prior to December 1, 2009, the scheduled coming into force date of the Regulations. Consequently, the Regulations were deferred to come into force on December 1, 2010.

Investigation of the viability of the industry proposal is ongoing. A two-year deferral to December 1, 2012, would provide the opportunity to further analyze marking options employing existing adhesive strip technologies, particularly with respect to their durability, resistance to tampering and cost implications. This deferral would also permit the cost of marking under the current Regulations to be confirmed.

Regulatory and non-regulatory options considered

In developing the regulatory proposal to require adhesive metallic strip markings, the resolution of a number of program

requiert l'estampage ou la gravure du code de pays « CA » ou « Canada », et soit, dans le cas d'une nouvelle arme à feu fabriquée, le nom de son fabricant et son numéro de série, soit, dans le cas d'une arme à feu importée, les deux derniers chiffres de l'année d'importation. Le Règlement fournit également les spécifications concernant la profondeur et la hauteur des caractères des marques ainsi que l'emplacement des marques sur les armes à feu.

Initialement, il était prévu que le *Règlement sur le marquage des armes à feu* entrerait en vigueur le 1^{er} avril 2006. Cette date d'entrée en vigueur a été reportée au 1^{er} décembre 2007, puis au 1^{er} décembre 2009 à la suite de demandes d'entreprises et d'intervenants du secteur des armes à feu, tout particulièrement les importateurs d'armes à feu, qu'on leur accorde du temps pour se conformer aux exigences.

Au cours de la période de report de deux ans allant jusqu'au 1^{er} décembre 2009, une étude indépendante a été menée sur l'efficacité du marquage, du point de vue des forces de l'ordre, sur les diverses technologies de marquage disponibles et sur les répercussions du marquage sur les utilisateurs et l'industrie des armes à feu au Canada. L'étude a révélé ce qui suit :

- la présence de marques facilite le travail des forces de l'ordre pour trouver la provenance des armes à feu en circonscrivant la portée de l'enquête;
- il existe diverses technologies de marquage; l'estampage est l'une des moins coûteuses et des plus difficiles à altérer;
- l'entrée en vigueur du Règlement ne devrait pas avoir d'incidence importante sur les fabricants d'armes à feu canadiens ou sur les grandes entreprises à l'origine de l'importation de la majorité des armes à feu importées au Canada chaque année, car on est d'avis que ces entreprises pourront prendre des dispositions nécessaires pour assurer le marquage au cours du processus de fabrication. Cependant, il n'a pas été possible de vérifier ce point ni de déterminer avec certitude quelle sera l'incidence financière de cette mesure sur les particuliers et les petites entreprises d'importation.

L'étude a porté sur les options de marquage qui satisfont aux exigences du règlement actuel (c'est-à-dire l'estampage ou la gravure). Certaines autres options n'ont pas été examinées, notamment une proposition de l'industrie des armes à feu d'inscrire l'information requise, aux termes des traités internationaux, sur des bandes métalliques adhésives. Depuis que l'on a envisagé, en septembre 2009, la possibilité de modifier le Règlement en vue d'exiger l'application de bandes métalliques adhésives, un certain nombre de questions relatives à la conception et à la mise en œuvre de cette option n'ont pu être résolues avant le 1^{er} décembre 2009, date prévue de l'entrée en vigueur du Règlement. Cette date d'entrée en vigueur a donc été reportée au 1^{er} décembre 2010.

Une étude sur l'applicabilité de la proposition de l'industrie est en cours. Un report de deux ans, jusqu'au 1^{er} décembre 2012, permettrait de poursuivre l'analyse des options de marquage au moyen de la technologie existante des bandes adhésives, tout particulièrement en ce qui concerne la permanence du marquage et sa résistance à l'altération ainsi que les répercussions sur les coûts. Le report permettrait également de déterminer ce qu'il en coûterait pour effectuer le marquage conformément au règlement actuel.

Options réglementaires et non réglementaires considérées

Dans le cadre de l'élaboration d'un projet de texte réglementaire prévoyant le marquage sur bande métallique adhésive, un

design and implementation issues remains outstanding, for example relating to the relative ease of removal of the strips and the impacts on tracing.

Benefits and costs

The deferral of the coming into force of the Regulations has no significant cost implications. By continuing the status quo, the proposal defers introduction of additional yet to be determined costs to importers and manufacturers, as they do not, at this time, need to procure technology or make arrangements explicitly for the purpose of marking of firearms.

Rationale

The deferral to December 1, 2012, would permit further examination of program design and implementation issues associated with the current and alternative marking regulations. The proposed marking regime would need to contribute to public safety, enable Canada to meet international obligations, facilitate law enforcement tracing efforts, and minimize costs to the Canadian firearms industry and firearms owners.

Consultation

Consultations were undertaken with key stakeholders in conjunction with the independent study. Correspondence from the general public and advice from the Canadian Firearms Advisory Committee have been received.

Stakeholder reaction to the Regulations has been mixed. Those representing firearms importers have suggested that the implementation of the Regulations could have significant negative cost implications to the industry, as they anticipate that manufacturers exporting firearms to Canada would be unwilling, given Canada's small share of the global market, to introduce the Canada specific markings (i.e. "CA" and year of import). As a result, they foresee Canadian importers being responsible for ensuring that the markings are applied, requiring these businesses to either acquire marking technology or make arrangements for another company to apply markings, resulting in increases to the retail price of the firearm.

Law enforcement and a number of provincial governments support implementing the Regulations as they are now drafted, recognizing that additional markings support the more timely, effective tracing of crime guns. The marking information could enable law enforcement to more quickly establish the origin of firearms and combat the trafficking and smuggling of firearms and other gun crimes.

Implementation, enforcement and service standards

Communication efforts will focus on informing stakeholders and interested parties of the deferral of the Regulations, with affected client groups being notified through bulletins from the RCMP Canadian Firearms Program. Updated Web site materials and information for distribution through the 1-800 public inquiry line will also be prepared. Other media relations will be handled on a response basis.

certain nombre de questions relatives à la conception et à la mise en œuvre de ce régime de marquage n'ont pas été réglées, par exemple les questions quant à la facilité relative d'enlever les bandes adhésives et quelles en seraient les répercussions sur la recherche de la provenance des armes à feu.

Avantages et coûts

Le report de l'entrée en vigueur du Règlement n'a pas d'incidences importantes en matière de coûts. En maintenant le statu quo, la proposition reporte l'introduction de coûts additionnels, non encore déterminés, pour les importateurs et les fabricants, car ils n'ont pas, pour le moment, à se procurer la technologie ni à prendre des dispositions pour le marquage des armes à feu.

Justification

Le report au 1^{er} décembre 2012 permettrait un examen exhaustif des questions relatives à la conception et à la mise en œuvre du régime de marquage en ce qui concerne les solutions de marquages actuellement prévues au Règlement et d'autres solutions qui n'y sont pas prévues. Le régime de marquage proposé devrait contribuer à la sécurité publique, permettre au Canada de satisfaire aux obligations internationales, de faciliter le travail des forces de l'ordre pour trouver la provenance d'armes à feu et de réduire au minimum les coûts incombant à l'industrie canadienne des armes à feu et aux Canadiens propriétaires d'armes à feu.

Consultation

Des consultations ont été tenues auprès des principaux intervenants dans le cadre de l'étude indépendante. Le grand public a fait parvenir des lettres et le Comité consultatif canadien sur les armes à feu a fourni des conseils sur le sujet.

Les réactions des intervenants à l'égard du Règlement sont partagées. Les représentants des importateurs d'armes à feu ont laissé entendre que le Règlement pourrait avoir des conséquences financières négatives importantes sur l'industrie, vu que les fabricants exportateurs d'armes à feu au Canada ne seraient pas disposés, étant donné la faible part que représente le marché canadien par rapport au marché mondial, à apposer les marques spécifiques demandées par le Canada (c'est-à-dire « CA » et l'année d'importation). Les importateurs canadiens seraient donc tenus de veiller à ce que les marques soient apposées. Pour ce faire, ils devraient soit prendre des dispositions pour qu'une autre compagnie les appose, soit se procurer la technologie de marquage et le faire eux-mêmes.

Les forces de l'ordre et un certain nombre de gouvernements provinciaux appuient l'adoption du Règlement dans sa version actuelle, étant donné que le marquage supplémentaire permettra de trouver plus facilement, et en temps opportun, la provenance des armes à feu. L'information fournie par le marquage pourrait permettre aux forces de l'ordre de trouver plus rapidement l'origine des armes à feu et de s'attaquer au trafic et à la contrebande d'armes à feu.

Mise en œuvre, application et normes de service

Des communications à l'intention des intervenants et des parties intéressées les informeront du report du Règlement. Les groupes de clients concernés seront mis au courant par le truchement de bulletins émanant du Programme canadien des armes à feu de la GRC. Des documents à jour seront diffusés sur le Web et de l'information sera communiquée par l'entremise de la ligne d'information sans frais. D'autres communications avec les médias se feront de façon ponctuelle.

2010-12-08 *Canada Gazette Part II*, Vol. 144, No. 25 *Gazette du Canada Partie II*, Vol. 144, n° 25 SOR/DORS/2010-276

The amendment defers the coming into force date of a measure that has not yet been implemented. As a result, no other implementation, enforcement or service standard issues have been identified.

Contact

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La mesure reporte la date d'entrée en vigueur d'une mesure non encore en vigueur. Par conséquent, aucune autre question relative à la mise en œuvre, à l'exécution ou aux normes de service n'a été relevée.

Personne-ressource

Division des armes à feu et de la politique opérationnelle
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Date: December 30, 2010

Classification: UNCLASSIFIED

Agency: Public Safety Canada

QUESTION PERIOD NOTE

Question Period Note

FIREARMS MARKINGS

ISSUE: Firearms Marking Regulations deferred to come into force December 1, 2012.

BACKGROUND:

The *Firearms Marking Regulations* establish requirements for the marking of firearms being imported to Canada by individuals and businesses and for the marking of all firearms manufactured in Canada. These Regulations respond to obligations undertaken by Canada as a signatory to the *Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials* (CIFTA) since 1997, and the *United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition* (UN Firearms Protocol) since 2002. The purpose of the treaties is to reduce firearms trafficking and fight transnational organized crime through a variety of measures, including the marking of firearms to help trace crime guns.

The Regulations would require the stamping or engraving of a country code, "CA" or "Canada," and either, in the case of newly manufactured firearms, the name of the manufacturer and serial number, or with respect to imported firearms, the last two digits of the year of importation on all firearms.

Implementation of the *Firearms Marking Regulations* was initially set for April 1, 2006. Following representations from firearms stakeholders, especially firearms importers, implementation was deferred until December 1, 2007, and deferred again until December 1, 2009.

During the two-year deferral period leading up to December 1, 2009, an independent study was undertaken to look at the effectiveness of markings from a law enforcement perspective, the various marking technologies available, and the implications for the Canadian firearms industry and users. The study found that:

- the presence of markings help to expedite law enforcement tracing efforts by focussing investigations;
- different marking technologies exist, with stamping among the least costly and most tamper resistant; and,
- implementation of the regulations is not expected to have a significant impact on Canadian manufacturers or large Canadian importers bringing the majority of firearms into Canada, since it is expected that these businesses could make arrangements to have markings made at the time of manufacture. However, it was not possible to verify this view, or to conclusively determine the financial impact on individuals and small importing businesses.

The study focused on marking options that met the requirements of the current Regulations (i.e., markings to be made by stamping or engraving). As such, it did not examine other options, including a proposal from the firearms industry to place the information required by international treaties on adhesive metallic strips. Since amending the Regulations to require the application of metallic strips first came to consideration in September 2009, a number of program design and implementation issues could not be resolved prior to December 1, 2009, the scheduled coming into force date of the Regulations. Consequently, the Regulations were deferred to come into force on December 1, 2010.

Investigation of the viability of the industry proposal is ongoing. The resolution of a number of issues remains outstanding, for example relating to the relative ease of the removal of the adhesive strips and the impacts on tracing.

CURRENT STATUS:

The Regulations are deferred until December 1, 2012.

The deferral permits further examination of program design and implementation issues associated with the current and alternative marking regulations, in order to determine a marking scheme which would enable Canada to meet international obligations, contribute to public safety, minimize costs to the Canadian firearms industry and firearms owners, and facilitate law enforcement tracing efforts.

FIREARMS MARKINGS

PROPOSED RESPONSE:

- The *Firearms Marking Regulations* set the marking requirements for firearms that are newly imported into Canada or manufactured in this country.
- The Regulations have been deferred to come into force on December 1, 2012.
- It is important that we have further examination to arrive at a marking scheme that contributes to public safety, meets international requirements, assists law enforcement to trace efficiently and addresses the concerns of the firearms industry.

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MARQUAGE DES ARMES À FEU

RÉPONSE SUGGÉRÉE :

- Le *Règlement sur le marquage des armes à feu* définit les exigences relatives au marquage pour les armes à feu nouvellement importées au Canada ou fabriquées dans ce pays.
- L'entrée en vigueur du Règlement a été reportée. Elle doit maintenant avoir lieu le 1^{er} décembre 2012.
- Il est important de mettre en place un régime de marquage qui contribue à la sécurité publique, satisfait aux exigences internationales, aide les responsables de l'application de la loi à mener un dépistage efficace et calme les préoccupations de l'industrie des armes à feu.

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Préparé par Suzing Hum			

**Pages 41 to / à 82
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69(1)(e)

**of the Access to Information
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