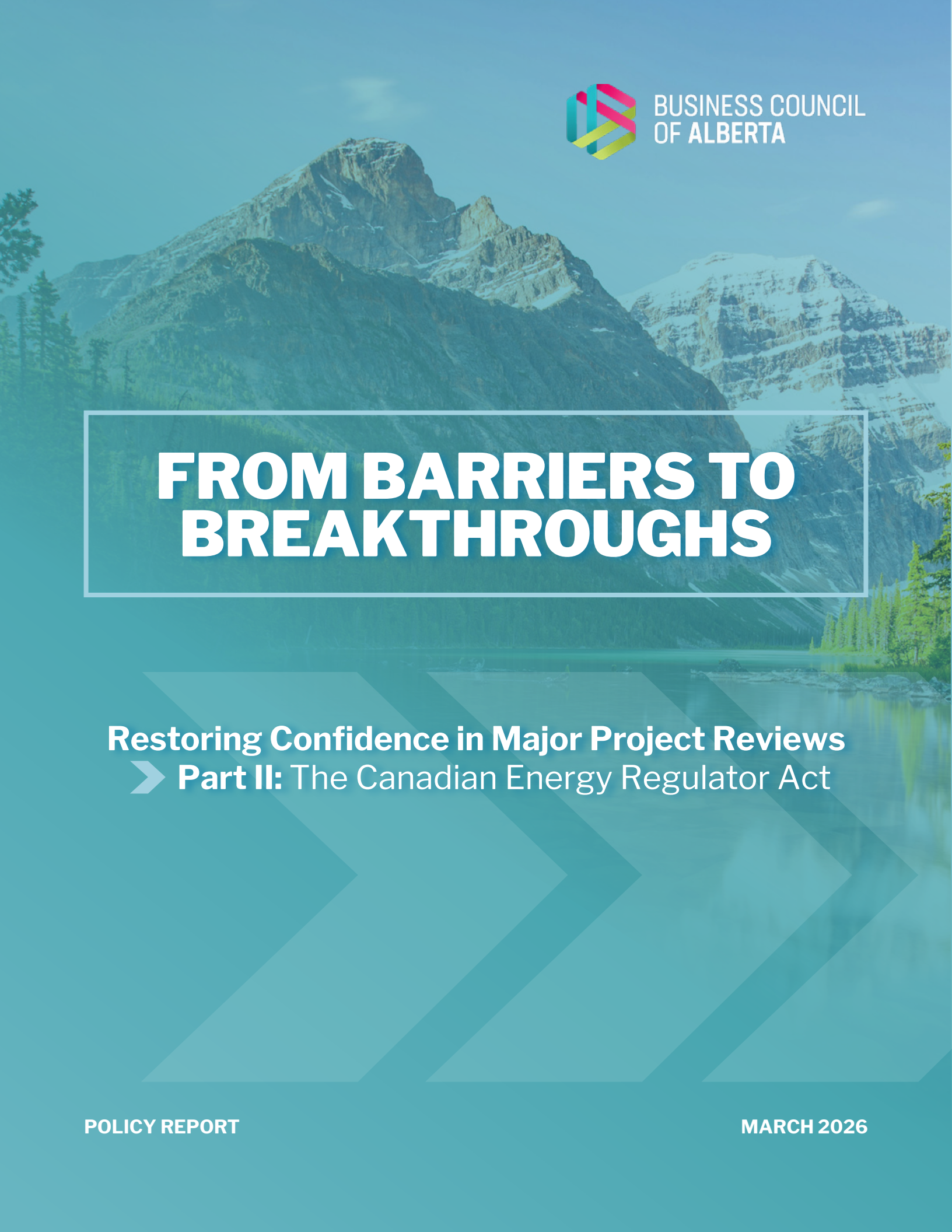

BUSINESS COUNCIL OF ALBERTA

# FROM BARRIERS TO BREAKTHROUGHS

## Restoring Confidence in Major Project Reviews
## **Part II:** The Canadian Energy Regulator Act

POLICY REPORT

MARCH 2026

**Report Citation**

From Barriers to Breakthroughs: Restoring Confidence in Major Project Reviews Part II: The Canadian Energy Regulator Act. Business Council of Alberta. March 2026.

**About the Business Council of Alberta**

The Business Council of Alberta is a non-partisan, for-purpose organization dedicated to building a better Alberta within a more dynamic Canada. Composed of the chief executives and leading entrepreneurs of the province's largest enterprises, Council members are proud to represent the majority of Alberta's private sector investment, job creation, exports, and research and development. The Council is committed to working with leaders and stakeholders across Alberta and Canada in proposing bold and innovative public policy solutions and initiatives that will make life better for Albertans.

*This document reflects the views of the Business Council of Alberta based on our own research and on engagement with members and stakeholders. Alberta is a diverse place. In many cases, there are a range of views on an issue within the Council membership. This piece may not necessarily reflect the perspective of all BCA member companies and should not be read as the position of any one member.*

# Thank You.

The Business Council of Alberta (BCA) would like to thank our partners at **Energy Connections Canada (ECC)** for their contributions to this project, which included the convening of experts from ECC membership to help draft this report and develop its policy recommendations.

Furthermore, BCA would like to thank the individual members of the Working Group who contributed their time, expertise, and hard work to the development of this report.

## COMPLETED IN PARTNERSHIP WITH

ENERGY CONNECTIONS CANADA

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# INTRODUCTION

Canada's major project review processes remain a significant barrier to business investment. Slow, costly, and unpredictable reviews have resulted in billions of dollars in capital being delayed, diverted, or lost altogether.

The largest and most significant federally reviewed projects are subject to the *Impact Assessment Act* (IAA). That's why the first part of these two major project companion reports focuses on how the IAA should be restructured and improved to restore investor confidence in major project reviews (see "About the Report").

But the need for more efficient, timely, and predictable federal reviews extends beyond the IAA. Many federally reviewable projects — often smaller in scale, but still economically significant — are assessed under other statutes by different regulatory bodies. Collectively, these projects represent billions of dollars in potential investment. Improving investor confidence on major projects therefore requires reform across departments and legislation.

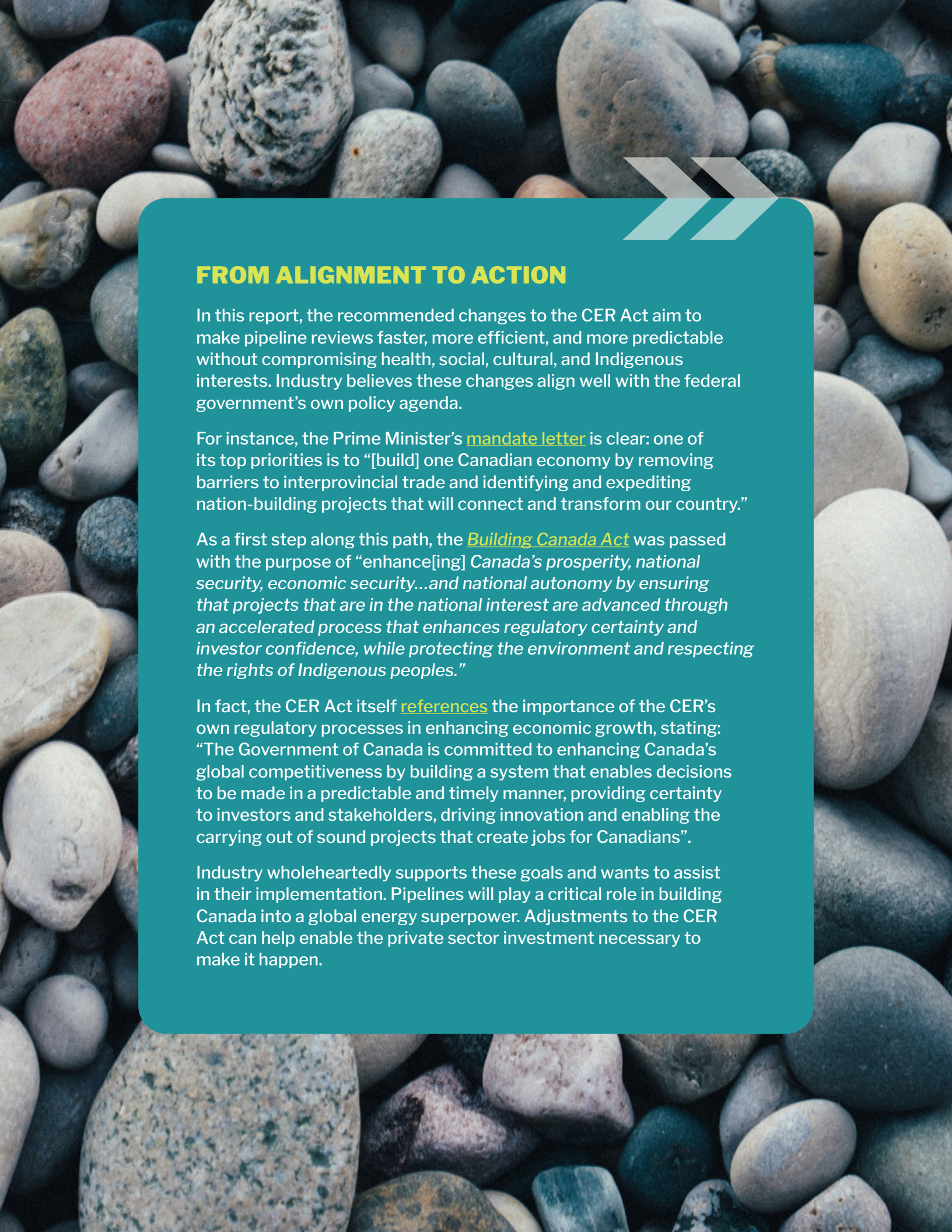
One of the most consequential of these is the Canadian Energy Regulator (CER), which leads federal reviews under the *Canadian Energy Regulator Act* (CER Act). The CER regulates the lifecycle of interprovincial and international pipelines and power lines, as well as energy imports and exports and offshore and frontier oil, gas, and renewable power development.

The federal government has stated its ambition to position Canada as a clean and conventional energy superpower. Achieving that goal will require substantial private investment in pipeline projects of all sizes. Streamlining review processes and increasing regulatory certainty under the CER Act will therefore be essential to restoring investor confidence and enabling projects to proceed.

The goal of this paper is to establish review processes capable of delivering decisions within a maximum two-year timeline (with shorter timelines for smaller projects), reduce regulatory and administrative burden, and increase the efficiency and certainty of the overall process.

And that goal should be treated as a minimum standard. Canada competes globally for business investment — especially with the United States. The U.S. is now aiming to reduce its permitting process timeline for domestic energy and critical mineral projects even further, enacting the *National Energy Emergency Act* to shorten the regulatory approval timeline to just 28 days.

Pipeline projects offer some of the largest potential economic gains for Canada, enabling the country to leverage its natural resource strengths, support economic growth, and diversify access to global markets. As the introduction of the *Building Canada Act* has signaled, the federal government recognizes that more effective project reviews are critical to unlocking investment. The recommendations in this report aim to support the federal government's efforts to improve pipeline reviews so that capital can be deployed more predictably and efficiently — supporting Canada's competitiveness and economic potential.



## FROM ALIGNMENT TO ACTION

In this report, the recommended changes to the CER Act aim to make pipeline reviews faster, more efficient, and more predictable without compromising health, social, cultural, and Indigenous interests. Industry believes these changes align well with the federal government's own policy agenda.

For instance, the Prime Minister's mandate letter is clear: one of its top priorities is to "[build] one Canadian economy by removing barriers to interprovincial trade and identifying and expediting nation-building projects that will connect and transform our country."

As a first step along this path, the *Building Canada Act* was passed with the purpose of "enhance[ing] *Canada's prosperity, national security, economic security…and national autonomy by ensuring that projects that are in the national interest are advanced through an accelerated process that enhances regulatory certainty and investor confidence, while protecting the environment and respecting the rights of Indigenous peoples."*

In fact, the CER Act itself references the importance of the CER's own regulatory processes in enhancing economic growth, stating: "The Government of Canada is committed to enhancing Canada's global competitiveness by building a system that enables decisions to be made in a predictable and timely manner, providing certainty to investors and stakeholders, driving innovation and enabling the carrying out of sound projects that create jobs for Canadians".

Industry wholeheartedly supports these goals and wants to assist in their implementation. Pipelines will play a critical role in building Canada into a global energy superpower. Adjustments to the CER Act can help enable the private sector investment necessary to make it happen.

## ABOUT THE REPORT

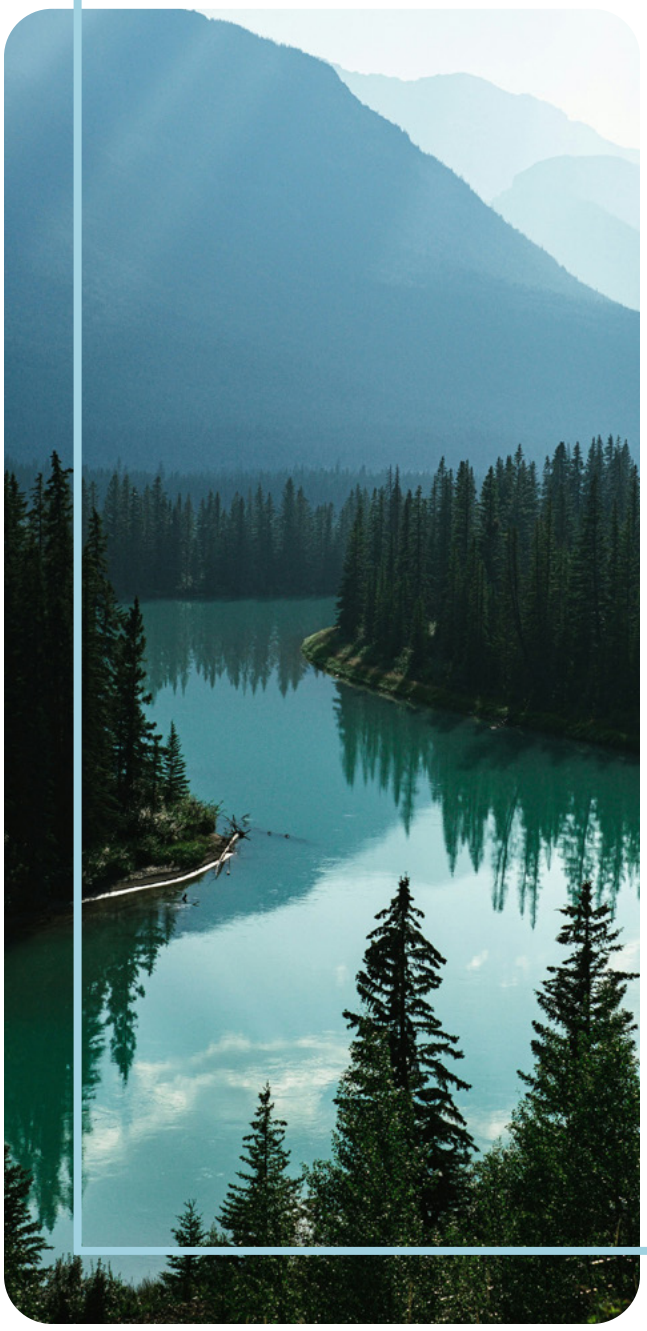
This report is part of the Business Council of Alberta's *From Barriers to Breakthroughs* project, a four-paper initiative focused on removing federal regulatory barriers to business investment and strengthening Canada's overall regulatory system.

Within that broader project, this report is **Part II of a two-part set of companion papers on major project approvals**, which examine how federal review and permitting processes for large projects have become slow, uncertain, and costly — and how they can be reformed.

- ***Part I*** focuses on reforming the IAA, which governs the review of a wide range of major projects.
- ***Part II*** — this report — focuses on the CER Act, which, among other project types, governs the review of most federal pipeline projects.

While each report addresses a distinct legislative framework, they are best read sequentially. Federal project review and permitting processes are closely interconnected in practice, sharing federal authorities' involvement and containing triggers that dictate which review process a pipeline project undergoes. *Part I* sets out key recommendations to the IAA that elevate the role and importance of the CER Act and its regulator in federal project reviews. As such, this report is best understood within the context of *Part I*.

This report examines how the CER Act's review and permitting processes for pipeline projects should be improved to reduce delay and uncertainty while maintaining robust environmental, safety, and public interest protections. As with its companion report, this report is accompanied by an appendix that provides illustrative legislative language aligned with the report's proposed policy recommendations, where appropriate.



# REGULATORY CONTEXT

The goal of the *Building Canada Act* was to ensure "that projects that are in the national interest are advanced through an accelerated process that enhances regulatory certainty and investor confidence, while protecting the environment and respecting the rights of Indigenous peoples."

Its existence is a tacit admission by the federal government that existing review processes — implicitly including under the CER Act — are a barrier to investment and need to be improved.

The *Building Canada Act* was intended to ensure that major projects in the national interest can complete the review process within two years. Under this new approach, the federal government will first determine if a given project is in the national interest and, if determined to be so, then focus regulatory reviews on "how" to get the project built, instead of "whether" it should be built.

Although the *Building Canada Act* aims to streamline and accelerate review processes for projects referred to the Major Projects Office (MPO), the CER will continue to be involved in the review of projects under its mandate, and many of the review requirements under the CER Act will remain in place. Likewise, when IAA-designated projects involving the CER are referred, the CER will maintain an active role in the review. Moreover, the *Building Canada Act* was passed precisely because existing review systems writ large were not up to task. In all three cases, all projects regardless of size or MPO designation status can benefit from an improved CER Act review process.

To modernize the CER Act so that it aligns with the policies and priorities of the current federal government — including making reviews faster, more efficient, and more predictable while depoliticizing the process — this report proposes the following recommendations:

# RECOMMENDED CHANGES TO THE CER ACT

The remainder of this report, including the recommendations and the context provided, presupposes the reader has substantial knowledge of the CER Act and its broader regulatory review process for pipelines. The recommendations, organized within six categories, are as follows:

## 1 APPLICABILITY OF SCOPE

### Depoliticize and Streamline Decision-Making

As argued in *Part I*, under the proposed Responsible Lifecycle Regulator Model (RLRM), the CER is the best-placed agency (referred in these reports as the responsible lifecycle regulator) to review pipeline projects that fall under federal jurisdiction. This designation is critical to achieving the goal of "one project, one review, one decision."

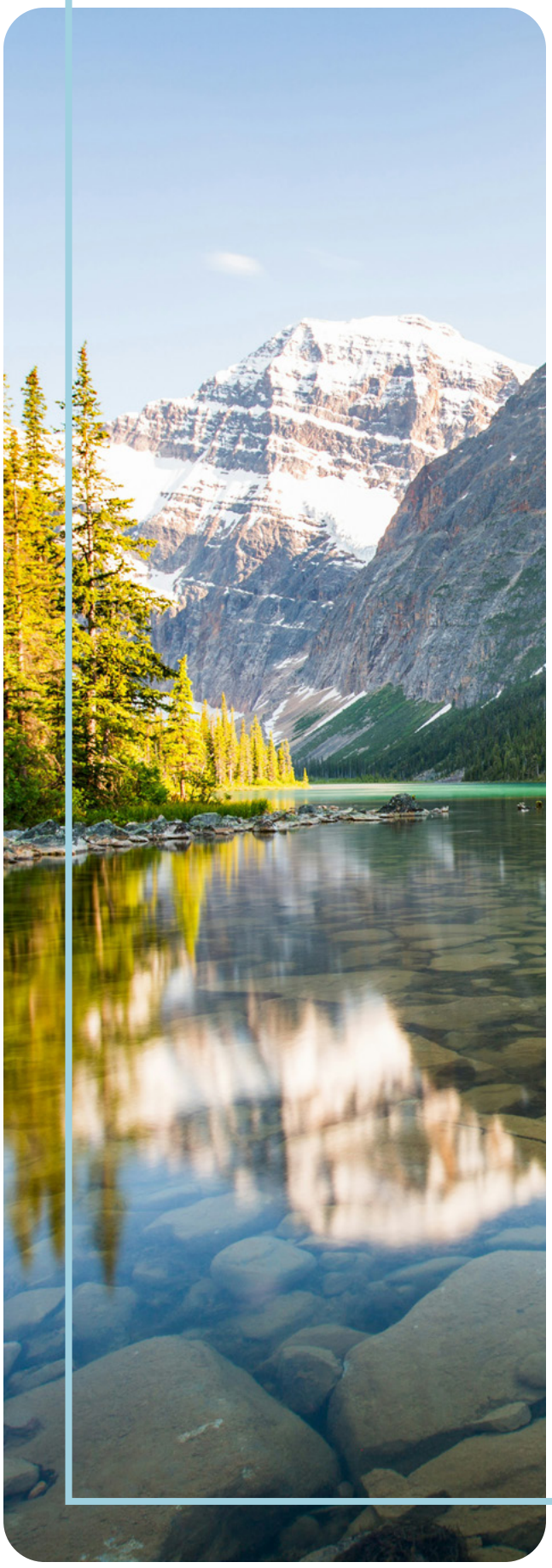
The CER has the technical staff who understand how pipelines are built and operated, as well as the safeguards that already exist. These safeguards include the application of codes, standards, and regulatory requirements that mandate safety, security, and protection of persons, property, and the environment.

But at present, federally-regulated pipeline projects are affected by several different departments and pieces of legislation. Current federal legislation regulating pipelines includes: the CER Act (administered by the Canada Energy Regulator, which sits inside Natural Resources Canada); the IAA (administered by the Impact Assessment Agency of Canada); the *Fisheries Act* (administered by Fisheries and Oceans Canada (DFO)); the *Species at Risk Act* (administered by DFO and Environment and Climate Change Canada (ECCC)); the *Migratory Birds Convention Act, 1994* (administered by ECCC); and the *Canada National Parks Act* (administered by Parks Canada).

With so many federal regulators involved in project reviews, decision-making is decentralized to the point that it is almost inevitable that existing review and permitting processes will create delays, costs, and inefficiencies.

The first step to simplify the review process and achieve the goal of "one project, one review, one decision" is to ensure all pipeline projects falling under federal jurisdiction, regardless of size, are reviewed under the CER Act. The IAA will require amendments to enact this change. And, to grant the CER decision-making power over other federal authorities under the other acts described previously, permitting authority should be consolidated under the CER. These changes are recommended in *Part I*.

Furthermore, as *Part I* recommends in reference to the IAA, the CER Act should be amended to remove the requirement for a Governor in Council (GIC) decision at the end of the review process. As the responsible lifecycle regulator, the CER should make the final determination on whether a project can go ahead. This step would depoliticize the review process, thereby increasing regulatory certainty and improving investor confidence.



**Recommendation:**

>> For projects proceeding to review under s. 183, remove the involvement of Cabinet in decision-making by amending ss. 183, 184, and 186 of the CER Act to make the CER the final decision-maker with respect to federally regulated pipeline projects.

## Align the CER Act's Purpose and Decision-Making Process With Responsible Development

As noted earlier, pipeline projects are key to Canada becoming an energy superpower — a central priority of Canada's recently-elected government outlined in the Prime Minister's mandate letter. Without them, Canada will struggle to get our most valuable resources to global markets, and, by extension, reduce Canada's prospects of enhancing our national and economic security and autonomy. The language of the CER Act should ensure the law's purpose and the regulator's mandate will better reflect these important ambitions without harming safe and environmentally responsible development.

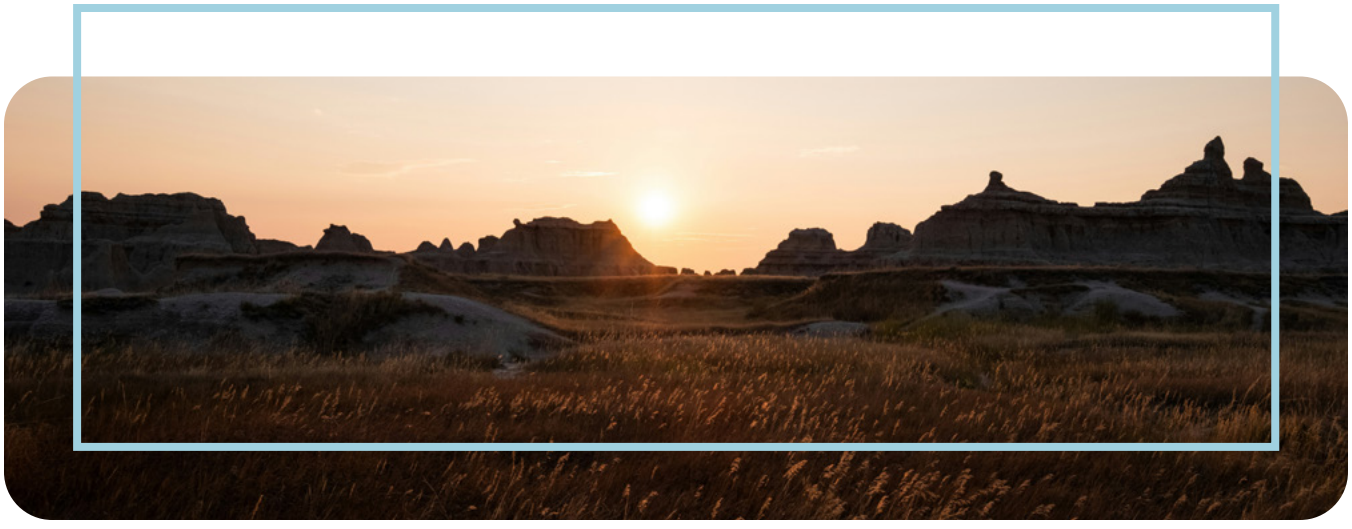
Currently, the CER Act makes review decisions according to whether a proposed project is deemed to be in the public interest. As recommended in *Part I* regarding the IAA, this determination should be broadened to ensure final decisions are based on the broad national public interest, thereby reducing the possibility that concerns about localized impacts override nation-wide benefits.

At the same time, it's worth restating that any such review decision should focus on *how* projects can be developed, not *whether* they should be. How projects can be developed, constructed, and operated in a safe and environmentally responsible manner are issues clearly within the purview of the CER, and in line with government policy on major project reviews.

Furthermore, recent language included in the *Building Canada Act* can be incorporated into the CER Act's preamble so that the mandate of the regulator more closely aligns with government priorities. The goal of improving review process certainty and attracting investment are particularly important.

**Recommendations:**

- Amend the preamble of the CER Act to recognize that economic development through pipeline projects is in the Canadian national public interest.
- Amend s. 11(a) of the CER Act to reiterate language used in the *Building Canada Act* by stating that decisions, orders, and recommendations must be made "*in a manner that enhances regulatory certainty and investor confidence, while protecting the environment and respecting the rights of Indigenous peoples.*"



## 2 TIMELINES

Amendments to the CER Act are needed to provide greater certainty for investors and project proponents by shortening approval timelines and reducing opportunities for timeline extensions and exclusions. Without timeline certainty, investor confidence is compromised.

Under s. 183(4), the Commission — the body that assesses project applications and advises the GIC on its certificate issuance deliberations — has "no longer than" 450 days after they have deemed an application complete to make its recommendation to the GIC on whether to issue a certificate that allows a project to proceed. Adding the time required for the application to be determined complete and the time for a GIC decision, the total time required for adjudication is closer to 20 months (or 600 days), assuming no pauses or extensions. However, under s. 183(5) and s. 183(6), the Lead Commissioner or Minister may also exclude time periods from the calculation of the time limit; or grant one or more extensions of the time limit.

As noted previously, the GIC is currently the final decision-maker for s. 183 applications pursuant to s. 186 of the Act. Proponents note that, to date, very few (perhaps less than three) GIC approvals have been issued within the legislated time limit of three months under the CER Act. All other s. 183 approval decisions were subject to extensions granted by the federal government to itself.

The ideal solution, as recommended earlier in the report, is to remove the Cabinet from decision-making authority on s. 183 projects, and transfer that authority to the CER. Failing this, the ability to extend and suspend time limits under the sections noted above needs to be limited to only the most extenuating circumstances, such as the proroguing of Parliament.

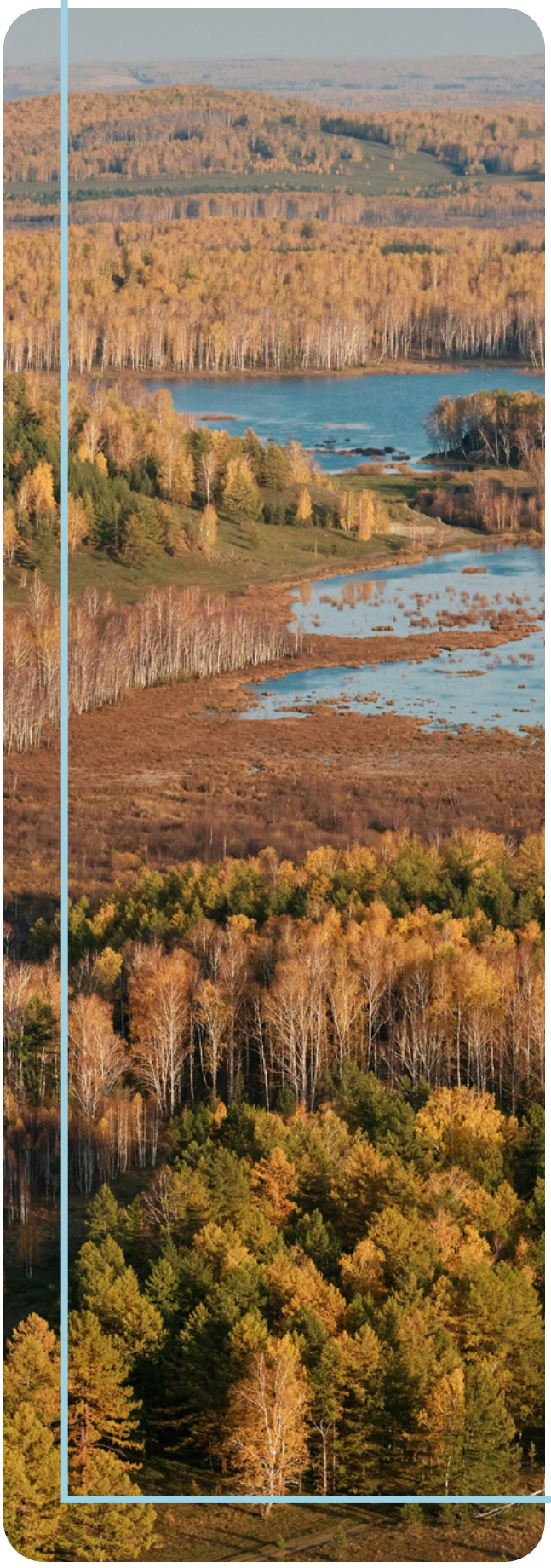
### FASTER REVIEW TIMELINES DO NOT SACRIFICE SAFETY

Canada has a history of approving extensive, large-scale, and safe pipelines quickly and efficiently. For example:

1. The Alliance Pipeline project was a 3,808 km greenfield natural gas project, stretching from northeast British Columbia to Illinois. It progressed from inception to operational status within just four years. Alliance Pipeline Ltd. filed for regulatory approval to the National Energy Board in July 1997. The project was approved in November 1998. The Alliance Pipeline regulatory review process took **16 months**.
2. The Alberta Clipper Project was a 1,074 km brownfield pipeline project to transport oil from Hardisty, Alberta, to the U.S. border near Gretna, Manitoba. Enbridge Pipelines Inc. filed for regulatory approval in May 2007. A hearing was held in November 2007. The project was approved in February 2008 — **four months later** — and construction was completed in 2010.

The nature of major project reviews and development has changed significantly since that time — notably when it comes to the practical and legal requirements created by the duty to consult. Nonetheless, these pipelines — and others built under previous regulatory regimes — have proven to be eminently safe, responsibly built, critical pieces of Canadian energy infrastructure. In other words, project review timelines could be shortened significantly without impacting public safety.

For shorter pipelines (< 40 km in length) reviewed under s. 214, the process is different, but issues around timeline extension remain. In those cases, the Commission makes final decisions rather than the GIC, and s. 214(4) states that the Commission has "no longer than" 300 days after it has deemed an application complete to make its decision. However, there are multiple opportunities within the CER Act for extensions of timelines or for timelines to be stopped altogether. As with s. 183 projects, these opportunities need to be stopped.



**Recommendations:**

- Following the application completeness determination, reduce the maximum time for s. 183 decisions to 250 days.
- Following the application completeness determination, reduce the maximum time for s. 214 decisions to 180 days.
- Remove all opportunities to extend or suspend time limits under s. 183(4), s. 183(5), s. 214(4), s. 214(5) and s. 214(6).
- Remove the requirement for GIC review of CER recommendations by amending ss. 183, 184, and 186 of the CER Act.
  - If this is not changed, limit the opportunity for time extensions under s. 186 to extenuating circumstances only (e.g., proroguing of Parliament).

## KEEPING PROJECT REVIEW TIMELINES GLOBALLY COMPETITIVE

Faster project reviews mean that projects start operating sooner. And that means companies start recouping their investment costs earlier, leading to a higher return on their investment. That's why review timelines matter: all else being equal, investment will flow to where returns are highest.

Right now, Canada's review timelines are not competitive, especially relative to its largest competitor for investment attraction, the U.S. It's for that reason that a coalition of Canada's leading energy chief executives signed an open letter to the Prime Minister in the fall of 2025 urging reforms to ensure domestic project reviews take no longer than six months.

Since that letter was signed, the urgency for reform has only increased. The U.S. is now aiming to reduce its permitting process timeline for domestic energy and critical mineral projects even further, enacting the National Energy Emergency Act to shorten the regulatory approval timeline to just 28 days. In a similar show of urgency, the National Petroleum Council in the U.S. recently launched a comprehensive permitting review at the request of Energy Secretary Chris Wright. Chaired by TC Energy's Francois Poirier, this review called for significant reforms to the U.S. permitting system to drive efficiency, increase certainty, and speed up timelines.

To be clear, Canada is not the U.S.; the constraints of a decentralized federation and the constitutional and moral imperative to meaningfully engage with Indigenous communities mean Canadian project proposals face different conditions and lengthier regulatory processes before approval.

That said, Canada could very quickly find itself in a position where achieving a two-year review process would be both a significant improvement over the status quo but also completely inadequate given a rapidly-changing international context.

As such, this paper's proposed amendments to achieve a two-year maximum timeline for project reviews should be treated only as a starting point. It must be considered the absolute longest timeline for a project review, and it must be continually refined and reformed to reduce it to as short a duration as possible.

As Canada's ambition to attract capital and build gathers steam, and as the regulator gets better at reviewing projects along a faster timeline, our ambition to compete globally must increase. Pipeline review and permitting processes need to be our competitive advantage, and timelines must continuously improve accordingly.

## 3 SCOPE OF THE ASSESSMENT

### Adjust Review Thresholds

Currently under the CER Act, pipeline projects can proceed through a CER assessment via one of two processes, depending upon their length. Pipelines over 40 km in length require GIC certification, whereas under s. 214, shorter pipelines not more than 40 km in length are exempt from this certificate process pursuant to sections 179, 180(1), 182, 198, 199 and 213 of the Act. Industry notes that this threshold is arbitrary in the sense that it has no basis in science or project engineering.

Rather than using pipeline length to determine this threshold, industry notes that right of way (ROW) is a better proxy for project impact potential. Projects with large amounts of new ROW are more likely to have larger impacts. By changing what counts towards determining the s. 214 threshold in the CER Act, the CER's resources would be directed to those projects with the greatest potential for adverse impacts.

**Recommendation:**

>> Amend s. 214(1)(a) to read "pipelines or branches of or extensions to pipelines, of not more than 40 kilometres in length **of new right of way**."

### Streamline, Improve, and Provide Regulator Discretion Over the Review Factors

Currently, the Factors to Consider in a CER review include not just technical aspects of the proposed project itself, but broad policy-related issues as well (e.g. larger climate change matters, the merits of continued fossil fuel-related development, upstream and downstream development). This unnecessarily complicates project reviews. The CER's expertise lies in assessing the technical merits and drawbacks of proposed projects and determining the steps needed to mitigate the latter. It should not be tasked with interpreting and applying the government's broader, evolving policy priorities. Those policies should be housed in separate legislation. This report therefore recommends amending the Factors to Consider in s. 183(2) by removing from consideration factors outside of those directly tied to the technical, regulatory aspects of the specific project under review.

Of note, the CER is required to consider "the extent to which the effects of the pipeline hinder or contribute to the government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change" when reviewing proposed projects. That consideration lies well beyond the scope of a project review assessment. Emissions are already regulated outside of the CER Act, and project proponents are already obligated to comply with those rules regardless of whether they are referenced in the CER Act or not. Consistent with the goal of regulatory efficiency, the Act should focus exclusively on matters directly tied to the CER's role and mandate as the project's lifecycle regulator.

Furthermore, this report recommends that the Commission provide the CER with the flexibility to tailor its review to the specifics of the project. Presently, the Commission requires the CER to consider all listed factors in its review, regardless of how pertinent they may be.

Moreover, there are opportunities to reduce the scope of reviews by ensuring the regulator is not spending its time and resources reviewing common, well-understood impacts that are adequately addressed through industry best practices, codes of practice, standards, and/or other existing regulatory requirements. Requiring the regulator to avoid unnecessary review scope should be included in the legislation. This would help ensure individual CER decision-making panels are not compelled to address standard impacts by "reinventing the wheel" through project conditions.

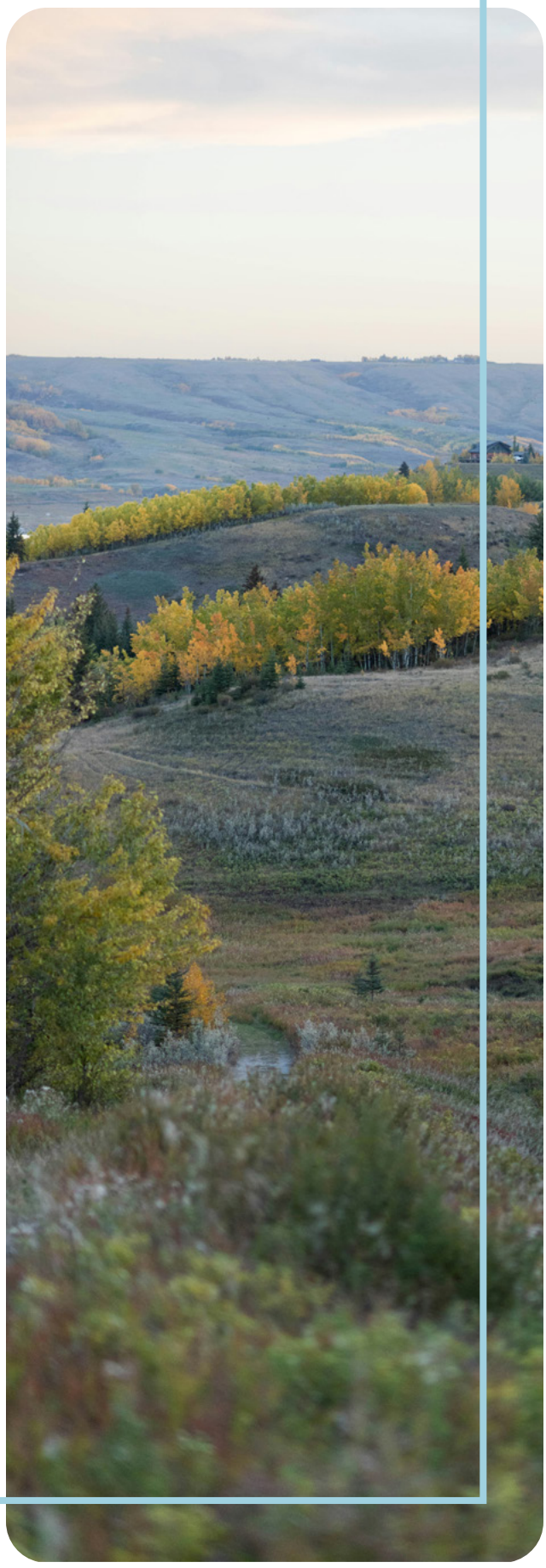
**Recommendations:**

- Amend s. 183(2) by adding the words in bold:

  *The Commission must make its recommendation taking into account — in light of, among other things, any Indigenous knowledge that has been provided to the Commission and scientific information and data — all considerations that appear to it to be relevant and directly related to the pipeline,* ***which may include****:*

- Strike out (j) in s. 183(2) concerning *the extent to which the effects of the pipeline hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change.*

- Require the regulator to consider whether certain factors/issues are adequately addressed through existing regulatory requirements — including codes and standards, mandated programs, and compliance verification activities.



## 4 INDIGENOUS CONSULTATION

Canada's energy industry is committed to advancing Indigenous reconciliation. This includes a commitment to meaningful consultation throughout a pipeline's lifecycle.

As has been tested and confirmed through case law, regulatory processes employed by the CER, which includes mandated proponent consultation with potentially impacted Indigenous groups, can be the primary means of fulfilling the duty to consult. To ensure consistency and certainty in the approach used to discharging the duty to consult, this report recommends affirming that the regulatory process is the preferred forum for doing so. This can be done by adding new "whereas" clauses to the preamble of the CER Act.

**Recommendation:**

>> Add new clauses to the preamble of the CER Act that read:

*Whereas the Government of Canada relies on the regulatory process, including procedural aspects of consultation conducted by the project proponent, to the extent possible to discharge the Crown's duty to consult with Indigenous groups;*

AND

*Whereas Parliament recognizes the importance of implementing project reviews in a manner that strives to satisfy the Crown's duty to consult with Indigenous groups in a manner that minimizes duplicative consultation efforts to the extent possible;*

## 5 THRESHOLDS FOR CER CONDITIONS

Currently, the thresholds for establishing project conditions in the CER Act are very low (i.e. “necessary or in the public interest”, “conditions it considers appropriate”, and “considers necessary or appropriate”).

This has led to the imposition of costly conditions to address intervenor concerns that are arguably already addressed through existing regulatory requirements. These existing requirements — such as codes and standards; mandated programs for safety, security, and protection of persons, property and the environment; and compliance verification activities — do not need to be reconsidered in the conditions.

A more disciplined and evidence-based approach to the imposition of conditions is needed.

**Recommendation:**

- Consider adding legislative direction regarding the CER’s authority to impose conditions on a project approval. These include:
  - Requiring the CER to consider the benefits and burdens of the condition.
  - Avoiding the addition of conditions when the matter or issue is already reasonably addressed or could effectively be addressed through the existing regulatory requirements — such as codes and standards, mandated programs, and compliance verification activities.

## 6 EFFICIENCY

Although the following recommendations are not tied directly to the CER Act, industry recognizes that implementing them will provide the CER and project proponents with improvements to the review process that create efficiencies and accelerate review timelines:

### S. 214 Application Categories

The CER has established time limits and service standards that take into account a project's degree of issue complexity. Section 214 pipelines are sorted by their complexity into one of three categories — minor (Category A), moderate (Category B), or major (Category C). Projects' review time limit targets scale accordingly, with shorter time limits for minor complexity, and longer ones for major complexity.

While this approach is effective, the CER could facilitate faster reviews of low-risk projects if the regulator were to more effectively leverage these existing categories. For example, the characteristics of some projects lend themselves to a lower risk profile or a lower level of complexity of impacts to Indigenous communities than others.

Accordingly, the following adjustments to project categorizations could meaningfully improve timelines:

**Recommendations:**

- Shift pipeline looping and brownfield projects to Category B.
- Leverage Category C for greenfield pipeline projects.
- Subject projects on private lands to a lower complexity category than those on Crown land.

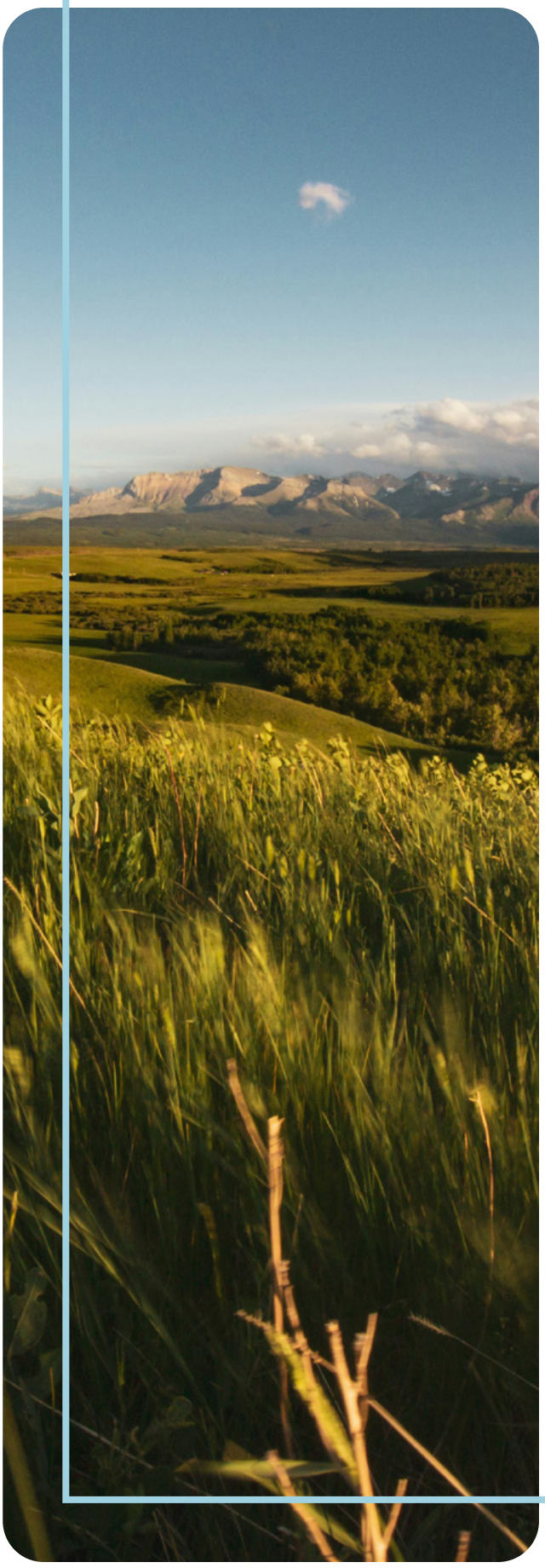
## Designated Officer Regulations

Natural Resources Canada recently completed a new public consultation process on its proposed *Designated Officer Regulations*, with the comment period having closed on January 30, 2026. This proposed regulation would enable qualified CER staff to make decisions on minor technical or administrative matters related to project reviews instead of requiring the Commission to do so.

These changes have the potential to improve process efficiency and reduce bottlenecks facing the Commission by providing it with more time to focus on complex, higher-risk decisions. If designed well, this regulation would contribute to overall regulatory efficiency by reducing the time required to make a final decision on a project.

**Recommendation:**

>> Advance the development of the *Designated Officer Regulations*.



# CONCLUSION

Unlocking private-sector investment in new pipelines will be critical to supporting the federal government's objective of strengthening Canada's role as a global energy supplier.

With the right changes to the CER Act review process, Canada can move from delay to delivery — without compromising Canada's environmental values or Indigenous reconciliation efforts.

Canada has the resources the world needs. What investors require is confidence that projects will be reviewed in a timely, efficient, and predictable manner. Strengthening the CER Act is therefore essential to restoring that confidence and ensuring Canada can translate its resource potential into sustained investment and economic growth.

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# **APPENDIX:** CER ACT LEGISLATIVE CHANGES

To implement the recommendations in this report, the following legislative language changes are being proposed. BCA has developed this legislative language alongside legal counsel. They are not meant to be prescriptive changes; rather, they provide guidance on the types of language changes needed to enshrine this report's recommendations into the law.

| NO. | REPORT PAGE # | REPORT'S RECOMMENDATIONS | LEGISLATIVE AMENDMENTS TO THE CER ACT |
|---|---|---|---|
| **1** | 10, 13 | For projects proceeding to review under s. 183, remove the involvement of Cabinet in decision-making by amending ss. 183, 184, and 186 of the CER Act to make the CER the final decision-maker with respect to federally regulated pipeline projects.<br><br>Remove the requirement for GIC review of CER recommendations by amending ss. 183, 184, and 186 of the CER Act. If this is not changed, limit the opportunity for time extensions under s. 186 to extenuating circumstances only (e.g. proroguing of Parliament). | **Report**<br><br>**183 (1)** If the Commission considers that an application for a certificate in respect of a pipeline is complete, it must prepare and make public, a report setting out<br><br>**(a)** the Commission's decision as to whether or not a certificate should be issued for all or any part of the pipeline, taking into account whether the pipeline is and will be required by the present and future public convenience and necessity, and the reasons for that decision; and<br><br>**(b)** if the Commission decides to approve the pipeline, the conditions that the Commission considers necessary to include in the pipeline's certificate.<br><br>**(1.1)** Conditions should only be included in a certificate pursuant to paragraph (1)(b) if they<br><br>**(a)** are required to mitigate or otherwise address potentially significant adverse effects of the pipeline;<br><br>**(b)** will not be addressed through existing regulatory requirements, including codes and standards; and<br><br>**(c)** are determined by the Commission to be in the national public interest. |

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| | | | **Factors to consider**<br><br>**(2)** The Commission must make its decision taking into account — in light of, among other things, any Indigenous knowledge that has been provided to the Commission and scientific information and data — all considerations that appear to it to be relevant and directly related to the pipeline, which may include [*Insert list from CER Act*]<br><br>**Certificate**<br><br>**(3)** Where the Commission decides that a certificate should be issued under subsection (1), the Commission must issue the certificate within seven days after the day on which the report in subsection (1) is made public.<br><br>**(4)** Every certificate is subject to the condition that the a of this Act and of the regulations, as well as every order made under the authority of this Act, must be complied with.<br><br>[*Remove section 184 in its entirety to eliminate the Governor in Council's ability to require a reconsideration of the Commission's decision under section 183. Remove section 186 in its entirety to eliminate decision-making by the Governor in Council.*] |
| **2** | 11 | Amend the preamble of the CER Act to recognize that economic development through pipeline projects is in the Canadian national public interest. | **Preamble**<br><br>[…]<br><br>Whereas the Government of Canada is committed to enhancing Canada's global competitiveness by building a system that enables decisions to be made in a predictable and timely manner, providing certainty to investors and stakeholders, driving innovation and enabling the carrying out of sound projects that create jobs for Canadians;<br><br>Whereas the Government of Canada recognizes that economic development through pipeline projects is in the Canadian national public interest;<br><br>[…] |

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| **3** | 11 | Amend s. 11(a) of the CER Act to reiterate language used in the *Building Canada Act* by stating that decisions, orders, and recommendations must be made "*in a manner that enhances regulatory certainty and investor confidence, while protecting the environment and respecting the rights of Indigenous peoples.*" | **Mandate**<br><br>**11** The Regulator's mandate includes<br><br>**(a)** making transparent decisions, orders and recommendations with respect to pipelines, power lines, offshore renewable energy projects and abandoned pipelines in a manner that enhances regulatory certainty and investor confidence, while protecting the environment and respecting the rights of Indigenous peoples; |
| **4** | 13 | Following the application completeness determination, reduce the maximum time for s.183 decisions to 250 days.<br><br>Following the application completeness determination, reduce the maximum time for s.214 decisions to 180 days. | **Time limit**<br><br>**183 (4)** The report must be submitted to the Minister within the time limit specified by the Lead Commissioner. The specified time limit must be no longer than 250 days after the day on which the applicant has, in the Commission's opinion, provided a complete application.<br><br>[…]<br><br>**Maximum time limit**<br><br>**214 (4)** The time limit specified by the Lead Commissioner must be no longer than 180 days after the day on which the applicant has, in the Commission's opinion, provided a complete application. |
| **5** | 13 | Remove all opportunities to extend or suspend time limits under s. 183(4), s. 183(5), s. 214(4), s. 214(5) and s. 214(6). | [*Should include similar wording in section 216 of the CER Act as is proposed in Part I of this report concerning the Impact Assessment Act*] |
| **6** | 15 | Amend s. 214(1)(a) to read "pipelines or branches of or extensions to pipelines, of not more than 40 kilometres in length **of new right of way**." | **Orders**<br><br>**214 (1)** The Commission may, by order, exempt from the application of any or all of the provisions of section 179, subsection 180(1) and sections 182, 198, 199 and 213 |

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| | | | **(a)** pipelines or branches of or extensions to pipelines, of not more than 40 kilometres in length of new right-of-way; |
| **7** | 16 | Amend s. 183(2) by adding the words in bold:<br><br>*The Commission must make its recommendation taking into account — in light of, among other things, any Indigenous knowledge that has been provided to the Commission and scientific information and data — all considerations that appear to it to be relevant and directly related to the pipeline,* ***which may include****:*<br><br>Strike out (j) in s. 183(2) concerning the extent to which the effects of the pipeline hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change.<br><br>Require the regulator to consider whether certain factors/issues are adequately addressed through existing regulatory requirements — including codes and standards, mandated programs, and compliance verification activities. | **Factors to consider**<br><br>**(2)** The Commission must make its decision taking into account — in light of, among other things, any Indigenous knowledge that has been provided to the Commission and scientific information and data — all considerations that appear to it to be relevant and directly related to the pipeline, which may include<br><br>[…]<br><br>~~(j) the extent to which the effects of the pipeline hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change;~~<br><br>(j) the extent to which factors under this subsection (2) have been, or will be, addressed through existing regulatory requirements, including codes and standards; |

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| **8** | 17 | Add new clauses to the preamble of the CER Act that read:<br><br>*Whereas the Government of Canada relies on the regulatory process, including procedural aspects of consultation conducted by the project proponent, to the extent possible to discharge the Crown's duty to consult with Indigenous groups;*<br><br>AND<br><br>*Whereas Parliament recognizes the importance of implementing project reviews in a manner that strives to satisfy the Crown's duty to consult with Indigenous groups in a manner that minimizes duplicative consultation efforts to the extent possible;* | **Preamble**<br><br>[...]<br><br>Whereas the Government of Canada is committed to achieving reconciliation with First Nations, the Métis and the Inuit through renewed nation-to-nation, government-to-government and Inuit-Crown relationships based on recognition of rights, respect, cooperation and partnership;<br><br>Whereas the Government of Canada is committed to implementing the United Nations Declaration on the Rights of Indigenous Peoples;<br><br>Whereas the Government of Canada relies on the regulatory process, including procedural aspects of consultation conducted by the project proponent, to the extent possible to discharge the Crown's duty to consult with Indigenous groups;<br><br>Whereas Parliament recognizes the importance of implementing project reviews in a manner that strives to satisfy the Crown's duty to consult with Indigenous groups in a manner that minimizes duplicative consultation efforts to the extent possible;<br><br>[...] |