



**NEWFOUNDLAND AND LABRADOR
REGULATION 48/23**

Petroleum Products Regulations (Amendment)
under the
Petroleum Products Act
(O.C. 2023-164)

(Filed June 22, 2023)

Under the authority of section 23 of the *Petroleum Products Act*,
the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, June 22, 2023.

Krista Quinlan
Clerk of the Executive Council

REGULATIONS

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NLR 79/01
as amended

1. (1) Section 2 of the *Petroleum Products Regulations* is amended by adding immediately after paragraph (a.01) the following:

(a.02) "Argus" means Argus Americas Biofuels report or any other report published by Argus Media that the board considers relevant;

(2) Paragraph 2(a.1) of the regulations is repealed and the following substituted:

(a.1) "benchmark" means, with respect to a type, grade or component of heating fuel or motor fuel,

(i) the reported product price assessment by Platts and by Bloomburys or OPIS in the case of propane, and as set out in the Schedule,

(ii) the reported product price assessment by Argus, and

(iii) notwithstanding subparagraphs (i) and (ii), with respect to mid-grade and premium unleaded gasoline, the product price assessment for Unl 87;

(3) Section 2 of the regulations is amended by adding immediately after paragraph (b) the following:

(b.1) "carbon price adjustment" means a monetary adjustment established by the board in accordance with section 13.1;

(b.2) "low-carbon-intensity fuel" means low-carbon-intensity fuel as defined in the *Clean Fuel Regulations (Canada)*;

(4) Section 2 of the regulations is amended by deleting the word "and" at the end of paragraph (e), deleting the period at the end of paragraph (f) and substituting a semi-colon and the word "and" and adding immediately after paragraph (f) the following:

(g) "primary supplier" means a primary supplier as defined in the *Clean Fuel Regulations (Canada)*.

2. Subsection 4.1(1) of the regulations is amended by deleting the word "and" at the end of paragraph (e), deleting the period at

the end of paragraph (f) and substituting a semi-colon and the word "and" and adding immediately after paragraph (f) the following:

(g) the carbon price adjustment.

3. (1) Subsection 7(1) of the regulations is amended by deleting the word "and" at the end of paragraph (c), deleting the period at the end of paragraph (d) and substituting a semi-colon and the word "and" and adding immediately after paragraph (d) the following:

(e) the carbon price adjustment.

(2) Subsection 7(2) of the regulations is amended by deleting the word "and" at the end of paragraph (b), deleting the period at the end of paragraph (c) and substituting a semi-colon and the word "and" and adding immediately after paragraph (c) the following:

(d) the carbon price adjustment.

4. Subsection 9(1) of the regulations is repealed and the following substituted:

Initial setting of the benchmark price

9. (1) For each type of motor fuel and heating fuel, the benchmark price shall be the average of the average of the daily high and low product prices for the benchmark, as reported in Platts, Bloombergs or Argus during the 4 week period immediately preceding the date on which the maximum wholesale price or maximum retail price is to take effect.

5. The regulations are amended by adding immediately after section 13 the following:

Carbon price adjustment

13.1 (1) The board shall establish a carbon price adjustment that mitigates the costs incurred for wholesalers and retailers as a result of a primary supplier's requirement to comply with the *Clean Fuel Regulations* (Canada).

(2) When establishing a carbon price adjustment, the board may consider the following

- (a) written submissions from primary suppliers, wholesalers and retailers regarding the financial and administrative burdens associated with the application of the *Clean Fuel Regulations* (Canada);
- (b) the cost of low-carbon-intensity fuel;
- (c) the costs incurred by wholesalers and retailers as a result of a primary supplier's requirement to comply with the *Clean Fuel Regulations* (Canada); and
- (d) any other information the board considers relevant in relation to the application of the *Clean Fuel Regulations* (Canada).

(2) The carbon price adjustment shall be expressed in Canadian cents per litre or other unit of measurement appropriate to the petroleum product.

6. (1) Subsection 14(2) of the regulations is repealed and the following substituted:

(2) For each type of motor fuel and heating fuel, the benchmark price shall be adjusted to be the average of the average of the daily high and low product prices for the benchmark, as reported in Platts, Bloomburgs or Argus during the period immediately following:

- (a) the date on which the benchmark price was first established by the board; or
- (b) where the benchmark price has been previously adjusted, the date on which the benchmark price was last adjusted.

(2) Section 14 of the regulations is amended by adding immediately after subsection (4) the following:

(4.1) The board may, at any time, adjust the carbon price adjustment, after considering whether an adjustment would be reasonable given changes to the costs to wholesalers and retailers since the carbon price adjustment was last established by the board.

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