

## COMMUNICATION FROM CANADA

Responses from Canada to Questions from Hong Kong, China (GPA/W/218)  
Regarding Proposed Modifications to Canada's Annex 1  
of Appendix I (GPA/W/203)

1. According to GPA/W/203, the proposed modifications arise from a restructuring of government operations, in which government organizations were renamed, combined, or their functions were moved to other organizations. We should be grateful if Canada could advise when the restructuring took place and whether it is a one-off reorganization exercise. We would also appreciate it if Canada could provide more details about such restructuring of government operations.

In 1993, an announcement was made by the government of the day of plans to restructure and reorganize many government organizations. Before the 1993 modifications had been fully realized, in 1996, the Federal Government announced a significant downsizing and restructuring. Government departments were streamlined and reduced in number. It took some years for all of the relevant legislation to be passed by Parliament and proclaimed. As a result of restructuring of government operations, government organizations were either renamed, renamed and combined, or their functions were moved to other government organizations. Some organizations were dissolved or ended (see question 2). Some subsequent minor changes that occurred in 1999 and 2000 are also included in Canada's submission. Although this reorganization was unusual in its scale and depth, it is the prerogative of the government to make such changes. Any further modifications, whether extensive or minor, will be notified as soon as possible after all the relevant internal measures have been completed.

2. We note that the following entities were either dissolved or ended:

Dissolved:

- (a) Science Council of Canada (item 21);
- (b) Canadian Sentencing Commission (item 53);
- (c) Economic Council of Canada (item 77); and
- (d) Agricultural Stabilization Board (item 89).

Ended:

- (a) Commission of Inquiry into the Air Ontario Crash at Dryden, Ontario (item 55);
- (b) Commission of Inquiry into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance (item 56);
- (c) Royal Commission on Electoral Reform and Party Financing (item 83);
- (d) Royal Commission on National Passenger Transportation (item 84);
- (e) Royal Commission on New Reproductive Technologies (item 85); and
- (f) Royal Commission on the Future of the Toronto Waterfront (item 86).

*We would like to know whether there is any difference between "dissolved" and "ended", and how the functions of the original entities are being carried out after they have been dissolved or ended. We should be grateful if Canada could provide a list of the relevant entities, if any, that have taken up the procurement activities of those dissolved or ended.*

Entities which are "dissolved" no longer exist. The functions of the dissolved entities and enterprises listed in the side-by-side have ceased to be performed by, or on behalf of the Federal Government. Minor residual functions, if any, were absorbed by the Department reporting to the Minister to which these entities reported. Therefore, any procurement relating to any minor residual functions is covered as part of the procurement of those departments.

Commissions of inquiry and royal commissions have "ended" once they have completed their mandate. Royal commissions, or commissions or inquiry, are appointed by the Cabinet under the terms of the Inquiries Act in order to carry out full and impartial investigations of specific national problems. The terms of reference for the commission and the powers and the names of the commissioners are officially stated by an Order-in-Council. When the investigation is complete, the findings of the commission are reported to the Cabinet and the Prime Minister for appropriate action. Therefore, the commission's mandate and activities have ended, and their functions are no longer performed.

3. *We should also be grateful for Canada's clarification on whether the proposed modifications will alter the level of the mutually agreed coverage provided in the Agreement.*

The overall coverage remains in accordance with Canada's obligations under the WTO Agreement on Government Procurement. All previously covered functions remain covered in their new location as described in the side-by-side comparison.

4. *We have the following specific observations and questions on individual entities:*

(a) *The description of the Department of Fisheries and Oceans in Attachment 2 (item 15) is different from that in Attachment 1 (item 17). Specifically, the phrase "other than the functions of the Canadian Coast Guard" is missing from the description in Attachment 1. We should also be grateful if Canada could confirm which description is correct.*

The phrase "other than the functions of the Canadian Coast Guard" seems to have been inadvertently lost from Attachment 1, Item 17 of GPA/W/203 in the English version during the transcription from one word processing format to another. Attachment 1 is amended as shown below.

(b) *We note that the application of national security considerations to the Canadian Coast Guard is not mentioned in the original description of the Department of Fisheries and Ocean, whereas similar application is specified in the original and revised descriptions of the Department of Transport (item 43). We should be grateful for Canada's clarification.*

On 28 March 1995, an order (SI/95-46) under the *Public Service Rearrangement and Transfer of Duties Act* transferred from the Department of Transport to the Department of Fisheries and Oceans the control and supervision of the Canadian Coast Guard with the exception of the Harbours and Ports Directorate and the Regional Harbours and Ports Branches, the Marine Regulatory Directorate, and the Ship Inspection Directorate and the Regional Ship Inspection Branches. The latter remained with the Department of Transport. Therefore, national security considerations are equally applicable to functions of the Canadian Coast Guard retained by the Department of Transport and those adopted by the Department of Fisheries and Oceans.

- (c) *The names of the following entities in Attachment 1 are different from those in the existing Annex 1 of Appendix I of Canada:*
- *Item 6: "Canada Employment and Immigration Commission" appears as "Employment and Immigration Commission" in the existing Annex 1 of Appendix I;*
  - *Item 44: "Treasury Board Secretariat and the Office of the Comptroller General" appears as "Treasury Board Secretariat and the Office of the Controller General" in the existing Annex 1 of Appendix I;*
  - *Item 78: "Public Service Staff Relations Office" appears as "Public Service Staff Relations Board" in the existing Annex 1 of Appendix I; and*
  - *Item 91: "Canadian Centre for Occupational Health and Safety Board" appears as "Canadian Centre for Occupational Health and Safety" in the existing Annex 1 of Appendix I.*
- (d) *Item 64 in Attachment 1 ("Officers of the Information and Privacy Commissioners of Canada") is different from item 55 in Attachment 2 ("Offices of the Information and Privacy Commissioners of Canada").*

Canada would like to thank Hong Kong, China for its detailed review of these name changes. In each of the cases identified in (c), a minor error occurred in our transcription of Canada's current English list in Annex 1. In the case identified in (d), a typographical error occurs in the English of the second column of Attachment 1. For each item listed above, the English version of Attachment 1 is modified as indicated below, and, for Item 91, Attachment 2 (the new list) is modified in English only. In French, only the second column of Attachment 1, for Item 78 is modified. No change is needed to the French version of Attachment 2 (the new list).

The following is a list of modifications to be made to Canada's Attachments 1 and 2 to its submission *in the English version* and to Attachment 1 of *the French version*. Deletions are in ~~strikeout~~ and additions in ***bold italic***. Attached is a complete new version of Attachment 2, Canada's new list of Annex 1 Entities *in English only, as no change is needed in the French version*.

## MODIFICATIONS TO ATTACHMENT 1 IN ENGLISH\*

### Side-by-Side Comparison of Existing and New List of Canadian Entities in Annex 1 of Appendix I

#### ANNEX 1

##### *Federal Government Entities*

Existing List	Becomes on New List
6. <del>Canada</del> —Employment and Immigration Commission	Canada Employment Insurance Commission
17. Department of Fisheries and Oceans (Not including procurements respecting FSCs 36, 70 and 74)	Department of Fisheries and Oceans (For purposes of Article XXIII, the national security considerations applicable to the Department of National Defence are equally applicable to the Canadian Coast Guard <b><i>other than the functions of the Canadian Coast Guard</i></b> retained by the Department of Transport pursuant to Order under the <i>Public Service Rearrangement and Transfer of Duties Act</i> published in the Canada Gazette, Part II, as SI/95-46, namely the Harbours and Ports Directorate, the regional Harbours and Ports Branches, the Marine Regulatory Directorate, the Ship Inspection Directorate and the regional Ship Inspection Branches of the Canadian Coast Guard.)
44. Treasury Board Secretariat and the Office of the <del>Comptroller</del> <b><i>controller</i></b> General	Treasury Board Secretariat
64. Information and Privacy Commission	<del>Officers</del> <b><i>Offices</i></b> of the Information and Privacy Commissioners of Canada
78. Public Service Staff Relations Office <b><i>Board</i></b>	<del>Public Service Staff Relations Board</del> <b><i>Same</i></b>
91. Canadian Centre for Occupational Health and Safety <del>Board</del>	Same

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\* English only.

## MODIFICATIONS TO ATTACHMENT 2 IN ENGLISH\*

### CANADA

(Authentic in the English and French languages)

#### ANNEX 1

##### *Federal Government Entities*

72. Canadian Centre for Occupational Health and Safety-~~Board~~

## MODIFICATIONS À PIÈCE JOINTE 1 (FRANÇAIS)\*\*

Accord sur les marchés publics de l'OMC: mise en parallèle des noms figurant sur la liste actuelle et sur la nouvelle liste des entités canadiennes

##### *Entités du gouvernement fédéral (annexe 1)*

Liste actuelle		Nouvelle liste	
78.	Commission des relations de travail dans la fonction publique	<del>Commission des relations de travail dans la fonction publique</del>	<b><i>Pas de changement</i></b>

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\* English only.

\*\* Français seulement.

## ATTACHMENT 2\*

WTO – AGREEMENT ON GOVERNMENT PROCUREMENT:  
REVISED LIST OF ENTITIES

## CANADA

(Authentic in the English and French languages)

## ANNEX 1

*Federal Government Entities*

<i>Thresholds:</i>	130,000 SDRs	-	<b>Goods</b>
	130,000 SDRs	-	<b>Services</b> covered in Annex 4
	5,000,000 SDRs	-	<b>Construction</b> covered in Annex 5

*List of entities:*

1. Department of Agriculture and Agri-Food
2. Canadian Food Inspection Agency (Not including procurements respecting FSCs 36, 70 and 74 in respect of the administration and enforcement of the *Fish Inspection Act*.)
3. Department of Canadian Heritage (Not including procurements respecting FSCs 36, 70 and 74 in respect of those functions that were formerly the responsibility of the Department of Communications.)
4. Office of the Coordinator, Status of Women
5. Parks Canada Agency
6. Department of Citizenship and Immigration
7. Immigration and Refugee Board
8. Department of the Environment
9. Department of Foreign Affairs and International Trade
10. Canadian International Development Agency (on its own account)
11. Department of Finance
12. Canadian International Trade Tribunal
13. Municipal Development and Loan Board
14. Office of the Superintendent of Financial Institutions
15. Department of Fisheries and Oceans (Not including procurements respecting FSCs 36, 70 and 74.) (For purposes of Article XXIII, the national security considerations applicable to the Department of National Defence are equally applicable to the Canadian Coast Guard other than the functions of the Canadian Coast Guard retained by the Department of Transport pursuant to Order under the *Public Service Rearrangement and Transfer of Duties Act* published in the Canada Gazette, Part II, as SI/95-46, namely the Harbours and Ports Directorate, the regional Harbours and Ports Branches, the Marine Regulatory Directorate, the Ship Inspection Directorate and the regional Ship Inspection Branches of the Canadian Coast Guard.)
16. Department of Health
17. Medical Research Council
18. Department of Human Resources Development
19. Canada Employment Insurance Commission
20. Canada Labour Relations Board
21. Department of Indian Affairs and Northern Development

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\* English only.

22. Department of Industry (Not including procurements respecting FSCs 36, 70 and 74 in respect of telecommunications, except in relation to (a) planning and coordination of telecommunication services for departments, boards and agencies of the Government of Canada, and (b) broadcasting, other than in relation to spectrum management and the technical aspects of broadcasting.)
23. National Research Council of Canada
24. Natural Sciences and Engineering Research Council of Canada
25. Social Sciences and Humanities Research Council
26. Department of Justice
27. Canadian Human Rights Commission
28. Statute Revision Commission
29. Supreme Court of Canada
30. Canada Customs and Revenue Agency
31. Department of Natural Resources
32. Canadian Nuclear Safety Commission
33. National Energy Board (on its own account)
34. Department of Public Works and Government Services (on its own account) (Not including procurements respecting FSCs 36, 70 and 74 in respect of the Government Telecommunications Agency.)
35. Public Service Commission
36. Department of the Solicitor General
37. Correctional Service of Canada
38. National Parole Board
39. Department of Transport (Not including procurements respecting FSCs 36, 70 and 74) (For purposes of Article XXIII, the national security considerations applicable to the Department of National Defence are equally applicable to the functions of the Canadian Coast Guard retained by the Department of Transport pursuant to Order under the *Public Service Rearrangement and Transfer of Duties Act* published in the Canada Gazette, Part II, as SI/95-46, namely the Harbours and Ports Directorate, the regional Harbours and Ports Branches, the Marine Regulatory Directorate, the Ship Inspection Directorate and the regional Ship Inspection Branches of the Canadian Coast Guard.)
40. Treasury Board Secretariat
41. Department of Veterans Affairs
42. Department of Western Economic Diversification (on its own account)
43. Atlantic Canada Opportunities Agency (on its own account)
44. Office of the Auditor General
45. Canada Economic Development for the Regions of Quebec
46. Canadian Centre for Management Development
47. Canadian Radio-television and Telecommunications Commission (on its own account)
48. Civil Aviation Tribunal
49. Commissioner for Federal Judicial Affairs
50. Registry of the Competition Tribunal
51. Copyright Board
52. Registry of the Federal Court of Canada
53. Office of the Grain Transportation Agency Administrator (on its own account)
54. Hazardous Materials Information Review Commission
55. Offices of the Information and Privacy Commissioners of Canada
56. The National Archives of Canada
57. National Farm Products Council
58. The National Library
59. Canada Transportation Agency (on its own account)
60. Northern Pipeline Agency (on its own account)
61. Patented Medicine Prices Review Board
62. Petroleum Monitoring Agency

63. Privy Council Office
64. Canadian Intergovernmental Conference Secretariat
65. Office of the Commissioner of Official Languages
66. Public Service Staff Relations Board
67. Office of the Governor General's Secretary
68. Office of the Chief Electoral Officer
69. Federal-Provincial Relations Office
70. Statistics Canada
71. Registry of the Tax Court of Canada
72. Canadian Centre for Occupational Health and Safety
73. Canadian Transportation Accident Investigation and Safety Board
74. Director of Soldier Settlement
75. Director, The Veterans' Land Act
76. Fisheries Prices Support Board
77. National Battlefields Commission
78. Royal Canadian Mounted Police
79. Royal Canadian Mounted Police External Review Committee
80. Royal Canadian Mounted Police Public Complaints Commission
81. Department of National Defence

THE FOLLOWING PRODUCTS PURCHASED BY THE DEPARTMENT OF NATIONAL DEFENCE, COAST GUARD AND THE RCMP ARE INCLUDED IN THE COVERAGE OF THIS AGREEMENT SUBJECT TO THE PROVISIONS OF ARTICLE XXIII. (NUMBERS REFER TO THE FEDERAL SUPPLY CLASSIFICATION CODE)

22. Railway Equipment
23. Motor vehicles, trailers and cycles (except buses in 2310, military trucks and trailers in 2320 and 2330 and tracked combat, assault and tactical vehicles in 2350)
24. Tractors
25. Vehicular equipment components
26. Tires and tubes
29. Engine accessories
30. Mechanical power transmission equipment
32. Woodworking machinery and equipment
34. Metal working equipment
35. Service and trade equipment
36. Special industry machinery
37. Agricultural machinery and equipment
38. Construction, mining, excavating and highway maintenance equipment
39. Materials handling equipment
40. Rope, cable, chain and fittings
41. Refrigeration and air conditioning equipment
42. Fire fighting, rescue and safety equipment (except 4220 Marine Life-saving and diving equipment, 4230 Decontaminating and impregnating equipment)
43. Pumps and compressors
44. Furnace, steam plant, drying equipment and nuclear reactors
45. Plumbing, heating and sanitation equipment
46. Water purification and sewage treatment equipment
47. Pipe, tubing, hose and fittings
48. Valves
49. Maintenance and repair shop equipment
52. Measuring tools
53. Hardware and abrasives



- 54. Prefabricated structures and scaffolding
- 55. Lumber, millwork, plywood and veneer
- 56. Construction and building materials
- 61. Electric wire and power and distribution equipment
- 62. Lighting fixtures and lamps
- 63. Alarm and signal systems
- 65. Medical, dental and veterinary equipment and supplies
- 66. Instruments and laboratory equipment (except 6615: Automatic pilot mechanisms and airborne Gyro components 6665: Hazard-detecting instruments and apparatus)
- 67. Photographic equipment
- 68. Chemicals and chemical products
- 69. Training aids and devices
- 70. General purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations)
- 71. Furniture
- 72. Household and commercial furnishings and appliances
- 73. Food preparation and serving equipment
- 74. Office machines, visible record equipment and automatic data processing equipment
- 75. Office supplies and devices
- 76. Books, maps and other publications - (except 7650 drawings and specifications)
- 77. Musical instruments, phonographs and home-type radios
- 78. Recreational and athletic equipment
- 79. Cleaning equipment and supplies
- 80. Brushes, paints, sealers and adhesives
- 81. Containers, packaging and packing supplies
- 85. Toiletries
- 87. Agricultural supplies
- 88. Live animals
- 91. Fuels, lubricants, oils and waxes
- 93. Non-metallic fabricated materials
- 94. Non-metallic crude materials
- 96. Ores, minerals and their primary products
- 99. Miscellaneous

***Note to Annex I***

The General Notes apply to this Annex.

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