

WORLD TRADE ORGANIZATION

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Trade in Services

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CANADA

Draft consolidated Schedule of Specific Commitments¹

Attached is a draft consolidated version of the Schedule of Specific Commitments of Canada in word format. This document does not substitute for the legally binding commitments undertaken by Canada in its Schedule of Specific Commitments (GATS/SC/16; PC/SCS/SP/1; S/L/34; GATS/SC/16/Suppl.2/Rev.1; GATS/SC/16/Suppl.3; GATS/SC/16/Suppl.4/Rev.1)

Attached to the draft consolidated schedule is Canada's draft consolidated Article II (MFN) Exemption List (GATS/EL/16; GATS/EL/16/Suppl.2) in word format.

The draft consolidated versions of the Schedule and the MFN Exemption List were prepared by the Secretariat, at the request of Members, to facilitate the process of negotiations, including the presentation of initial offers.

¹ This document has been prepared, in English and French only, under the Secretariat's own responsibility and without prejudice to the positions of Members and to their rights and obligations under the WTO.

CANADA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS			
<u>Cross-border and consumption abroad</u>	1), 2)None	1), 2)None, other than: <ul style="list-style-type: none"> - Tax measures that result in differences of treatment with respect to expenditures made on scientific research and experimental development services - Ontario - Tax measures resulting in differences of treatment with respect to payments for management services made to affiliated non-residents. Foreign corporations carrying on business in Ontario must appoint an Ontario agent for service of legal documents. - Alberta - First consideration may be given to service suppliers from within Alberta or Canada where competitive in terms of price and quality in the case of all large scale energy projects needing Industrial Development, Forest Management, Oil Sands, Power Plant or Gas Plant and Coal Development Permits. - Newfoundland and Nova Scotia – Regulations require that first consideration be given to services provided within the province to petroleum operations where they are competitive in terms of price, quality and delivery. 	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>Commercial presence</u> (Except banks which are dealt with in Part B, section 7)</p>	<p>3) None, other than:</p> <ul style="list-style-type: none"> - The acquisition of control of a Canadian business by a non-Canadian is subject to approval* for all direct acquisitions of Canadian businesses with assets not less than a monetary amount established and published in January of each year in the Canada Gazette <p>The monetary amount for 1994 is \$C153 million to be adjusted thereafter annually for changes in nominal GDP</p>		

* For the purpose of this schedule of commitments, approval is granted by the responsible Minister if he is satisfied that the investment is likely to be of net benefit to Canada taking into account any information, undertakings and representations in respect of the application, and the following factors where relevant:

- (a) the effect of the investment on the level and nature of economic activity in Canada, including, without limiting the generality of the foregoing, the effect on employment, on resource processing, on the utilization of parts, components and services produced in Canada and on exports from Canada;
- (b) the degree and significance of participation by Canadians in the Canadian business or new Canadian business and in any industries in Canada of which the Canadian business or new Canadian business forms or would form a part;
- (c) the effect of the investment on productivity, industrial efficiency, technological development, product innovation and product variety in Canada;
- (d) the effect of the investment on competition within any industry or industries in Canada;
- (e) the compatibility of the investment with national industrial, economic and cultural policies, taking into consideration industrial, economic and cultural policy objectives enunciated by the government or legislature of any province likely to be significantly affected by the investment; and
- (f) the contribution of the investment to Canada's ability to compete in world markets.

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> - The acquisition of control of a Canadian business, or establishment of a new business related to Canada's cultural heritage or national identity*, by a non-Canadian is subject to approval* 	<ul style="list-style-type: none"> - The supply of a service, or its subsidization, within the public sector is not in breach of this commitment - Subsidies related to research and development – unbound - Federal and sub-central tax measures (generally pertaining to small business) may result in a difference in treatment in respect of all or some "Canadian controlled private corporations" as defined by the <u>Income Tax Act</u> (i.e., Canadian private corporations that are not controlled by non-residents and/or public corporations) - Measures conferring a tax exemption or reduction of tax to, or in respect of services supplied by, a service supplier which is a part of or is directly or indirectly owned by government 	

* For the purposes of this schedule of commitments, businesses related to Canada's cultural heritage and national identity mean persons engaged in the following activities:

- (a) the publication, distribution, or sale of books, magazines, periodicals or newspapers in print or machine readable form but not including the sole activity or printing or typesetting any of the foregoing;
- (b) the production, distribution, sale or exhibition of film or video recordings;
- (c) the production, distribution, sale or exhibition of audio or video music recordings;
- (d) the publication, distribution or sale of music in print or machine readable form; or
- (e) radiocommunication in which the transmissions are intended for direct reception by the general public, and all radio, television and cable broadcasting undertakings and all satellite programming and broadcast network services.

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<ul style="list-style-type: none"> - Federal and sub-central governments, when disposing of their equity interests in, or the assets of, a service supplier which is owned by such governments, may prohibit the ownership of such interests or assets by non-Canadian investors or their investments; and may impose limitations upon the ownership of such interests or assets, and on the ability of owners of such interests or assets to control any resulting enterprise, by non-Canadian investors or their investments. With respect to any such sale or other disposition, Canada may adopt or maintain any measure relating to the nationality of senior management or members of the board of directors. - Measures related to the supply of services required to be offered to the public generally in the following subsectors may result in differential treatment in terms of <ul style="list-style-type: none"> benefits: <ul style="list-style-type: none"> income security or insurance social security or insurance social welfare or price: <ul style="list-style-type: none"> public education training health child care 	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<ul style="list-style-type: none"> - A majority of the directors of federally incorporated corporations in Canada must be Canadian citizens or persons ordinarily resident in Canada - Agreements between Canada and any aboriginal person or organisation, and measures by Canada and its Provinces and Territories, may provide for the favourable treatment of any aboriginal person or organization in relation to acquisition, establishment or operation of any commercial or industrial undertaking including providing: <ul style="list-style-type: none"> (a) an aboriginal person or organization with a right of first refusal to establish a new, or acquire an existing, commercial or industrial undertaking; and (b) a proposed or existing commercial or industrial undertaking of an aboriginal person or organization with favourable financial incentives or treatment - <u>Alberta</u>: At least 50 per cent of the directors of an Alberta Corporation must be resident Canadians. Extra-provincial corporations registered under the Alberta Business Corporations Act must appoint an individual who is resident in the province of Alberta as an attorney for service of legal documents. There are limitations on the sale of Crown land and non-urban real estate to a non-Canadian person. The Alberta Opportunity Fund gives priority to service suppliers owned and operated by Canadian citizens 	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<ul style="list-style-type: none"> - <u>British Columbia</u>: The majority of directors of every corporation incorporated under provincial law shall be resident Canadians and at least one director must be resident in the Province. It is necessary to be a Canadian citizen or permanent resident of Canada to be eligible for a crown grant of land. - <u>Manitoba</u>: Non-residents may be restricted in the purchase of more than 10 acres of farm land and are subject to a tax on transfer of farm property. The majority of directors of a meeting of the Board of a Manitoba Corporation must be Canadian residents. - <u>Newfoundland and Labrador</u>: A majority of the directors of all corporations incorporated under provincial law must be Canadian residents. A co-operative must consist of at least five persons of full legal capacity residing in the province. All non-resident businesses must engage a local agent for the purposes of collective bargaining and execution of conveyances and mortgages. - <u>Ontario</u>: The majority of directors of all Ontario corporations must be resident Canadians. The majority of the directors of any Ontario co-operative and the majority of a quorum must be resident Canadians. <p>The Ontario Land Transfer Act levies an additional tax on direct or indirect transfers of land to non-residents.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>Only service suppliers that are Canadian owned and pay 75 per cent of their employee wages in Ontario are eligible for investments from small business development corporations.</p> <p>All partners of any partnership applying for assistance from the Community Loan Fund Corporation must be Canadian residents.</p> <p>Tax measures of the Province of Ontario may result in differences of treatment of corporations with respect to capital gains on shares of corporations resident in Canada.</p> <ul style="list-style-type: none"> - <u>Prince Edward Island</u>: The Prince Edward Island Lands Protection Act requires out-of-province residents acquiring an aggregate land holding in excess of five acres or shore frontage in excess of 165 feet to obtain the approval of the provincial cabinet. <p>Only residents of the province are eligible for a property tax rebate on non commercial real property.</p> <ul style="list-style-type: none"> - <u>Québec</u>: Under the Law on Publicly Owned Lands, priority will be accorded to Québec residents in the acquisition or leasing of public lands. The Québec Land Transfer Duties Act levies an additional tax on transfers of land to non-residents. 	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>The Industrial Development Corporation provides differential treatment in the case of loans to firms not controlled and headquartered in Québec.</p> <p>The Program Favouring Strategic Alliances and Groupings is limited to groupings or strategic alliances controlled in Québec.</p> <p>Benefits available from the Québec Business Investment Corporation are limited to Canadian controlled firms.</p> <p>- <u>Saskatchewan</u>: Under the Saskatchewan Companies Act, one director of a company incorporated for business in the province, or of a registered extra-provincial company, must be resident in that province and a majority of the directors must be resident in Canada. For a co-operative, the majority of the board of directors must be residents of Canada. The purchase of provincial crown land by foreign services suppliers is limited to ten acres.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>Movement of natural persons providing services</u></p>	<p>4) Unbound except for the entry or temporary stay of a natural person who falls in one of the following categories:</p> <p><u>Business Visitors</u></p> <p>A natural person who stays in Canada without acquiring remuneration from within Canada and without engaging in making direct sales to the general public or supplying services, for the purposes of participating in business meetings, business contacts including negotiations for the sale of services and/or other similar activities including those to prepare for establishing a commercial presence in Canada: Entry and stay shall be for a period of no more than 90 days</p> <p><u>Intra Corporate Transferees</u></p> <p>Natural persons of another Member who have been employed by juridical persons of another Member for a period of not less than one year and who seek temporary entry in order to render services to (i) the same juridical person which is engaged in substantive business operations in Canada or (ii) a juridical person constituted in Canada and engaged in substantive business operations in Canada which is owned by or controlled by or affiliated with the aforementioned juridical person</p> <p>None, other than:</p> <ul style="list-style-type: none"> - Entry and stay shall be a maximum period of three years. 	<p>4) Unbound except for the entry or temporary stay of a natural person who falls in one of the categories included in the market access column.</p> <ul style="list-style-type: none"> - <u>Québec</u>: Benefits from the Ministry of Industry, Trade, Science and Technology Programs for (a) Scientists in Business and (b) Strategic Employment are limited to permanent residents. <p>Benefits from the Ministry of Industry, Trade, Science and Technology Assistance Program for Studies on Strategic Development in Business are limited to consultants resident in Québec.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>These comprise:</p> <p>(a) <u>Executives</u></p> <p>Natural persons employed by a juridical person who primarily direct the management of the juridical person or establish goals and policies for the juridical person or a major component or function of the juridical person, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the juridical person</p> <p>(b) <u>Managers</u></p> <p>Natural persons employed by a juridical person who direct the juridical person, or department or subdivision of the juridical person, supervise the control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or recommend hiring, firing, or other personnel actions and exercise discretionary authority over day-to-day operations at a senior level</p> <p>(c) <u>Specialists</u></p> <p>Persons in the employ of a juridical person who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the juridical person's product, service, research equipment, techniques, or management.</p>		

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p><u>Professionals</u></p> <p>Natural persons seeking to engage, as part of a services contract obtained by a juridical person of another Member (other than agencies as defined by CPC 872) in the activity at a professional level in a profession set out in Chart A below, provided that the person possesses the necessary academic credentials and professional qualifications, which have been duly recognised, where appropriate, by the professional association in Canada.</p> <p>None, other than:</p> <ul style="list-style-type: none"> - Temporary entry and stay shall be for a period of up to 90 days or the time necessary to complete the services contract, whichever is less. Such persons may not engage in secondary employment while in Canada. <p>PROFESSIONALS (b)</p> <p>Natural persons seeking to engage, as part of a services contract granted by a juridical person engaged in substantive business in Canada and obtained by a juridical person of another Member, (other than agencies as defined by CPC 872) which has no commercial presence in Canada in the activity at a professional level in a profession set out in Chart B below, provided that the person possesses the necessary academic credentials and professional qualifications, which have been duly recognized, where appropriate, by the professional association in Canada.</p>		

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>None, other than:</p> <p>Temporary entry shall be granted for a single period of the lesser of ninety (90) days or the period necessary to complete the contract. Such entry shall be granted once during a twelve (12) month period. Such persons may be permitted multiple entries within the period of authorized entry. They may not engage in secondary employment while in Canada. There will be a limit of ten (10) entrants per project in the case of senior computer specialists.</p>		

CHART A		
Occupation	Minimum educational requirements/alternative credentials	Other requirements
<p><u>Engineers</u></p> <p><u>Agrologists</u></p> <p><u>Architects</u></p> <p><u>Forestry Professionals</u></p> <p><u>Geomatics Professionals</u></p> <p><u>Land Surveyors</u></p>	<p>Baccalaureate degree*</p> <p>Baccalaureate degree in agriculture or related science plus four years of related experience</p> <p>Baccalaureate degree in architecture</p> <p>Baccalaureate degree in forestry management or forestry engineering, or a provincial license.</p> <p>Baccalaureate degree in surveying, geography or environmental sciences plus three years related experience.</p> <p>Baccalaureate degree</p>	<p>Provincial licence**</p> <p>Licensing is required in New Brunswick, Alberta and Quebec. Temporary licensing is required in British Columbia.</p> <p>Provincial license and certificate required to practice.</p> <p>Licensing as a forester or forestry engineer is required in Alberta, British Columbia and Quebec.</p> <p>Provincial license</p>

* The term “Baccalaureate degree” means a degree from an accredited academic institution in Canada or equivalent.

**The Term “provincial licence” means any document issued by a provincial government, or under its authority, which permits a person to engage in a regulated activity or profession.

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
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CHART B

Occupation	Minimum educational requirements/alternative credentials	Other requirements
<u>Foreign Legal Consultants</u>	Baccalaureate degree in law	Provincial licence
<u>Urban Planners</u>	Baccalaureate degree in urban planning	Provincial licence
<u>Senior Computer Specialists</u>	Graduate degree* in computer sciences, or related discipline; and ten (10) years of experience in computer science.	

*The term "Graduate degree" means at least a Masters degree from an accredited academic institution in Canada or equivalent.

**Academic equivalencies will be determined by the relevant equivalencies services in Canada.

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>Other Conditions</u>		- Measures related to the supply of services required to be offered to the public generally in the following subsectors may result in differential treatment in terms of benefits: income security or insurance social security or insurance social welfare or price: public education training health child care	
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES A*. <u>Professional Services</u> (a*) <u>Foreign Legal Consultants</u> (advisory services on foreign and public international law only) (CPC 861*)	1) None 2) None 3) None, other than Commercial presence must take the form of a sole proprietorship or partnership 4) Unbound except as indicated in the horizontal section, and: <u>Lawyers</u> (Prince Edward Island, Alberta, Ontario and Newfoundland): Requirement to be permanent resident for accreditation (Québec): Citizenship requirement	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	<u>Foreign Legal Consultants</u> The right to practice without meeting normal accreditation requirements is granted temporarily in the Provinces of British Columbia, Saskatchewan and Ontario on the following basis:

* Asterisks designate "part of".

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			<ol style="list-style-type: none"> <li data-bbox="1666 261 1968 475">1. In British Columbia and Saskatchewan the FLC must be a "member in good standing" of the legal profession in his/her home country. <li data-bbox="1666 507 1968 751">2. In Saskatchewan, the FLC must have practised the law of his her country for at least three complete years and in Ontario for at least the five preceding years. <li data-bbox="1666 783 1968 1027">3. In British Columbia and Saskatchewan the person must be of good character, repute and physically fit. In Ontario the person must be of good character. <li data-bbox="1666 1059 1968 1243">4. In British Columbia and Saskatchewan the FLC carries a fidelity bond or other security in an amount of at least \$ 1,000,000 Canadian.

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(b) Accounting, auditing and book-keeping services (CPC 862)</p>	<p>1) None, other than: <u>Auditing</u> (Saskatchewan, Newfoundland, Nova Scotia, Manitoba, Ontario): Requirement for a commercial presence (Manitoba, Québec): Citizenship requirement for accreditation (Alberta, Ontario): Permanent residence required for accreditation</p> <p>2) None, other than: <u>Auditing</u> (Saskatchewan, Newfoundland, Nova Scotia, Manitoba, Ontario): Requirement for a commercial presence (Manitoba, Québec): Citizenship requirement for accreditation (Alberta, Ontario): Permanent residence required for accreditation</p>	<p>1) None, other than: <u>Auditing</u> (Alberta, Newfoundland, Nova Scotia, Prince Edward Island, Manitoba and Saskatchewan): Residency requirement for accreditation</p> <p><u>Licensed Public Accountants</u> (Manitoba): Residency requirement for accreditation</p> <p>2) None</p>	<p>5. The FLC in Saskatchewan undertakes not to accept, hold, transfer and or in any other manner deal with trust funds.</p> <p>6. In British Columbia and Saskatchewan the FLC must complete any mandatory continuing legal education programme.</p> <p>7. In Ontario the FLC must reside or undertake to reside in Ontario as soon as practicable.</p>

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(c) Taxation Services (excluding legal services) (CPC 863*)</p> <p>(d) Architectural services (CPC 8671)</p>	<p>3) None, other than commercial presence must take the form of a sole proprietorship or partnership</p> <p>4) Unbound except as indicated in the horizontal section, and: <u>Auditing</u> (Saskatchewan, Newfoundland, Nova Scotia, Manitoba, Ontario): Requirement for a commercial presence (Manitoba, Québec): Citizenship requirement for accreditation (Alberta, Ontario): Permanent residence required for accreditation</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p> <p>1) None, other than: <u>Architects</u> (Québec): Citizenship requirement for accreditation</p>	<p>3) None, other than: <u>Auditing</u> (Saskatchewan, British Columbia, Ontario, Nova Scotia, Québec, Prince Edward Island, Newfoundland and Alberta): Office must be under the management of a resident</p> <p>4) Unbound except as indicated in the horizontal section, and: <u>Auditing</u> (Alberta, Newfoundland, Nova Scotia, Prince Edward Island, Manitoba and Saskatchewan): Residency requirement for accreditation <u>Licensed Public Accountants</u> (Manitoba): Residency requirement for accreditation</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p> <p>1) None, other than: <u>Architects</u> (Nova Scotia, New Brunswick and Newfoundland): residency requirement for accreditation <u>Landscape architects</u> (Newfoundland): Residency requirement for accreditation</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Advisory and pre-design architectural services (CPC 86711)</p> <p>Architectural design services (CPC 86712)</p> <p>Contract administration services (CPC 86713)</p> <p>Combined architectural design and contract administration services (CPC 86714)</p> <p>Other architectural services (CPC 86719)</p>	<p>2) None</p> <p>3) None, other than: Architects: Commercial presence must take the form of a sole proprietorship or partnership</p> <p>4) Unbound except as indicated in the horizontal section, and: <u>Architects</u> (Québec): Citizenship requirement for accreditation</p>	<p>2) None</p> <p>3) None, other than: <u>Architects</u> (Prince Edward Island): Non-resident firms are required to maintain a higher percentage of practitioners in a partnership</p> <p>4) Unbound except as indicated in the horizontal section, and: <u>Architects</u> (Nova Scotia, New Brunswick and Newfoundland): Residency requirement for accreditation</p> <p><u>Landscape architects</u> (Newfoundland): Residency requirement for accreditation)</p>	
<p>(e) Engineering services (CPC 8672)</p> <p>Advisory and consultative engineering services (CPC 86721)</p> <p>Engineering design services for foundations and building structures (CPC 86722)</p> <p>Engineering design services for mechanical and electrical installations for buildings (CPC 86723)</p>	<p>1) None, other than: <u>Consulting Engineers</u> (Manitoba): Requirement for a commercial presence for accreditation <u>Engineers</u> (British Columbia, Newfoundland, Alberta, Ontario, New Brunswick, and Nova Scotia): Must be permanent resident for accreditation (Québec): Citizenship requirement for accreditation</p> <p>2) None, other than: <u>Consulting Engineers</u> (Manitoba): Requirement for a commercial presence for accreditation</p>	<p>1) None, other than: <u>Engineers</u> (Saskatchewan): Residency requirement for accreditation</p> <p>2) None</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Engineering design services for civil engineering construction (CPC 86724)	<u>Engineers</u> (British Columbia, Newfoundland, Alberta, Ontario, New Brunswick, and Nova Scotia): Must be permanent resident for accreditation (Québec): Citizenship requirement for accreditation		
Engineering design for industrial processes and production (CPC 86725)	3) None	3) None	
Engineering design services n.e.c. (CPC 86726)	4) Unbound except as indicated in the horizontal section, and:	4) Unbound except as indicated in the horizontal section, and:	
Other engineering services during the construction and installation phase (CPC 86727)	<u>Engineers</u> (British Columbia, Newfoundland, Alberta, Ontario, New Brunswick, and Nova Scotia): Must be permanent resident for accreditation (Québec): Citizenship requirement for accreditation	<u>Engineers</u> (Saskatchewan): Residency requirement for accreditation	
Other engineering services (CPC 86729)			
(f) Integrated engineering services (CPC 8673)	1) None, other than: <u>Consulting Engineers</u> (Manitoba): Requirement for a commercial presence for accreditation		
Integrated engineering services for transportation infrastructure turnkey projects (CPC 86731)	<u>Engineers</u> (British Columbia, Newfoundland, Alberta, Ontario, New Brunswick, and Nova Scotia): Must be permanent resident for accreditation (Québec): Citizenship requirement for accreditation		

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Integrated engineering and project management services for water supply and sanitation works turnkey projects (CPC 86732)</p> <p>Integrated engineering services for the construction of manufacturing turnkey projects (CPC 86733)</p> <p>Integrated engineering services for other turnkey projects (CPC 86739)</p>	<p>2) None, other than:</p> <p><u>Consulting Engineers</u> (Manitoba): Requirement for a commercial presence for accreditation</p> <p><u>Engineers</u> (British Columbia, Newfoundland, Alberta, Ontario, New Brunswick, and Nova Scotia): Must be permanent resident for accreditation (Québec): Citizenship requirement for accreditation</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section, and:</p> <p><u>Engineers</u> (British Columbia, Newfoundland, Alberta, Ontario, New Brunswick, and Nova Scotia): Must be permanent resident for accreditation (Québec): Citizenship requirement for accreditation</p>		
<p>(g) Urban planning and landscape architectural services (CPC 8674)</p>	<p>1) None, other than:</p> <p><u>Community/Urban Planning</u> (Québec): Citizenship requirement for use of title</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section, and:</p> <p><u>Community/Urban Planning</u> (Québec): Citizenship requirement for use of title</p>	<p>1) None, other than:</p> <p><u>Community/Urban Planning</u> (Newfoundland and Saskatchewan): Residency requirement</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section, and:</p> <p><u>Community/Urban Planning</u> (Newfoundland and Saskatchewan): Residency requirement</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B*. <u>Computer and Related Services</u></p> <p>(a) Consultancy services related to the installation of computer hardware (CPC 841)</p> <p>(b*) Software implementation services, including systems and software consulting services, systems analysis, design, programming and maintenance services, excluding those listed under Financial Services 7B1 (CPC 842*)</p> <p>(c*) Data processing services, including processing, tabulation and facilities management services, excluding Communications Services 2Cn and Financial Services 7B1 (CPC 843*)</p> <p>(d*) Data base services, excluding those listed under Financial Services 7B1 (CPC 844*)</p> <p>(e) Maintenance and repair services of office machinery and equipment including computers (CPC 845) Other computer services (CPC 849)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C*. <u>Research and Development</u> (b*) Research and experimental development services on social sciences and humanities, including law, economics, except linguistics and language (CPC 852*)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D. <u>Real Estate Services</u></p> <p>(a) Real estate services involving own or leased property (CPC 821)</p> <p>(b) Real estate services on a fee or contract basis (CPC 822)</p>	<p>1) None, other than:</p> <p><u>Real Estate Services</u> (Ontario, Nova Scotia, Newfoundland, Prince Edward Island and Saskatchewan): Services must be supplied through a commercial presence</p> <p><u>Real Estate Agents</u> (Alberta, Newfoundland): Services must be supplied through a commercial presence</p> <p><u>Chartered Appraisers</u> (Québec): Citizenship requirement for use of title</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section, and:</p> <p><u>Real Estate Services</u> (Ontario, Nova Scotia, Newfoundland, Prince Edward Island and Saskatchewan): Services must be supplied through a commercial presence</p> <p><u>Real Estate Agents</u> (Alberta, Newfoundland): Services must be supplied through a commercial presence</p> <p><u>Chartered Appraisers</u> (Québec): Citizenship requirement for use of title</p>	<p>1) None, other than:</p> <p><u>Real Estate Agents</u> (Alberta, Québec, Yukon, Manitoba, Nova Scotia, Newfoundland, British Columbia and Prince Edward Island): Residency requirement</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound as indicated in the horizontal section, and:</p> <p><u>Real Estate Agents</u> (Alberta, Québec, Yukon, Manitoba, Nova Scotia, Newfoundland, British Columbia and Prince Edward Island): Residency requirement</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>E*. <u>Rental/Leasing Services without Operators</u></p> <p>(a),b),c),d) Leasing or rental services concerning machinery and equipment without operator, including computers (CPC 831)</p> <p>(e*) Leasing or rental services concerning personal and household goods (excluding in 83201, the rental of pre-recorded records, sound cassettes, CD's and excluding 83202, rental services concerning video tapes) (CPC 832*)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>F*. <u>Other Business Services</u></p> <p>(b) Market research and public opinion polling services (CPC 864)</p> <p>(c) <u>Management consulting services</u> (CPC 865) General management consulting services (CPC 86501) Financial management consulting services (CPC 86502)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p> <p>1) None, other than: <u>Agrologists</u> (Newfoundland): Permanent residency requirement for accreditation (Québec): Citizenship requirement for accreditation <u>Professional Administrators and Certified Management Consultants</u> (Québec - Québec Professional Corporation of Administrators): Citizenship requirement for use of title</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p> <p>1) None</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Marketing management consulting services (CPC 86503)</p> <p>Human resources management consulting services (CPC 86504)</p> <p>Production management consulting services (CPC 86505)</p> <p>Public relations services (CPC 86506)</p> <p>Other management consulting services, including agrology, agronomy, farm management and related consulting services (CPC 86509)</p>	<p><u>Industrial Relations Counsellors</u> (Québec): Citizenship requirement for use of title</p> <p>2) None, other than: <u>Agrologists</u> (Newfoundland): Permanent residency requirement for accreditation (Québec): Citizenship requirement for accreditation</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section, and:</p> <p><u>Agrologists</u> (Newfoundland): Permanent residency requirement for accreditation (Québec): Citizenship requirement for accreditation</p> <p><u>Professional Administrators and Certified Management Consultants</u> (Québec - Québec Professional Corporation of Administrators): Citizenship requirement for use of title</p> <p><u>Industrial Relations Counsellors</u> (Québec): Citizenship requirement for use of title</p>	<p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	
(d) Services related to management consulting (CPC 866)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in horizontal section</p>	
(e) Technical testing and analysis services including quality control and inspection (CPC 8676)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(f*) Rental of agricultural equipment with operator (CPC 8811*) Services incidental to forestry and logging, including forest management (CPC 8814)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(h) Services incidental to mining, including drilling and field services and rental of equipment with operator (CPC 883) Site preparation for mining (CPC 5115)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section ⁷⁰	
(i*) Toll refining services - oil (CPC 8845*) Toll refining services - basic metals (CPC 8851)	1) None 2) None, other than: <u>Toll Refining of Basic Metals (Ontario):</u> Must be treated or refined in Canada 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(k) Placement and supply services of personnel (CPC 872)	1) None, other than: <u>Placement and Supply Services of Personnel (Ontario):</u> Services must be supplied through a commercial presence 2) None, other than: Services must be supplied through a commercial presence 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(l) Investigation and security services (CPC 873)	<p>1) None, other than: <u>Business and Personal Information Investigators</u> (Ontario): Services must be supplied through a commercial presence</p> <p>2) None, other than: Services must be supplied through a commercial presence</p> <p>3) None, other than: <u>Business and Personnel Information Investigations</u> (Ontario): Foreign ownership is restricted to 25 per cent in total and 10 per cent by any individual holding shares</p> <p>4) Unbound except as indicated in the horizontal section, and: <u>Security and investigation services</u> (Québec): Citizenship requirement for private investigators</p>	<p>1) None</p> <p>2) None</p> <p>3) None, other than: <u>Security and Investigation Services</u> (Newfoundland): Majority of the Board of Directors and the manager of business engaged in this activity must be Canadian citizens or residents</p> <p>4) Unbound except as indicated in the horizontal section</p>	
(m) Related scientific and technical consulting services (CPC 8675)	<p>1) None, other than: <u>Free Miner</u> (British Columbia): Applicant must ordinarily be a Canadian citizen and a permanent resident of Canada, a Canadian corporation or a partnership of the foregoing</p>	<p>1) None, other than: <u>Mineral and Petroleum Exploration and Development</u>: Federal and subnational tax measures that result in a difference of treatment for expenditures incurred in connection with services performed in Canada related to the exploration and development of a mineral resource, petroleum or natural gas</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Geological, geophysical and other scientific prospecting services, including those related to mining (CPC 86751)</p> <p>Subsurface surveying services (CPC 86752)</p> <p>Surface surveying services (CPC 86753)</p> <p>Map making services (CPC 86754)</p>	<p><u>Land Surveyors</u> (Saskatchewan): Requirement for a commercial presence for accreditation. (Manitoba, Nova Scotia, and Québec): Citizenship requirement for accreditation. (Newfoundland): Permanent residency requirement for accreditation.</p> <p><u>Subsurface Surveying Services</u> (Québec): Citizenship requirement for accreditation</p> <p><u>Professional Technologist</u> (Québec): Citizenship requirement for accreditation</p> <p><u>Chemists</u> (Québec): Citizenship requirement for accreditation</p> <p>2) None, other than: <u>Land Surveyors</u> (Saskatchewan): Requirement for a commercial presence for accreditation (Ontario): Training must be completed in Ontario for accreditation (Manitoba, Nova Scotia, Newfoundland and Québec): Citizenship requirement for accreditation</p> <p><u>Subsurface Surveying Services</u> (Québec): Citizenship requirement for accreditation</p> <p>3) None, other than: <u>Land Surveyors</u>: Commercial presence must take the form of a sole proprietorship or partnership except in Alberta where it may take the form of a surveyor's corporation</p> <p>4) Unbound except as indicated in the horizontal section, and:</p>	<p><u>Applied Science Technologist/Technician</u> (British Columbia): Residency requirement for accreditation</p> <p><u>Cadastral surveying</u> (Ontario): Residency requirement for accreditation</p> <p><u>Geoscientists</u> (Newfoundland): Residency requirement for accreditation</p> <p><u>Land Surveyors</u> (Ontario, British Columbia): Residency requirement for accreditation</p> <p>(Ontario): training must be completed in that province for accreditation</p> <p>2) None, other than: <u>Mineral and Petroleum Exploration and Development</u>: Federal and subnational tax measures that result in a difference of treatment for expenditures incurred in connection with services performed in Canada related to the exploration and development of a mineral resource, petroleum or natural gas</p> <p><u>Land Surveyors</u> (Ontario, British Columbia): Residency requirement for accreditation (Ontario): Training must be completed in that province for accreditation</p> <p>3) None, other than: <u>Cadastral Surveying</u> (Ontario): 70 per cent or more of shares must be owned by Canadians</p> <p>4) Unbound except as indicated in the horizontal section, and:</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(n) Repair services of personal and household goods (CPC 633)</p> <p>Repair services incidental to metal products, machinery and equipment including computers and communications equipment on a fee or contract basis (CPC 8861 to 8866)</p> <p>(o) Building-cleaning services (CPC 874)</p>	<p><u>Free Miner</u> (British Columbia): Applicant must be a permanent resident</p> <p><u>Land Surveyors</u> (Manitoba, Nova Scotia, and Québec): Citizenship requirement for accreditation (Newfoundland): Permanent residency requirement for accreditation <u>Subsurface surveying services</u> (Québec): Citizenship requirement for accreditation</p> <p><u>Professional Technologist</u> (Québec): Citizenship requirement for use of title</p> <p><u>Chemists</u> (Québec): Citizenship requirement for accreditation</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p><u>Applied Science Technologist/Technician</u> (British Columbia): Residency requirement for accreditation <u>Cadastral surveying</u> (Ontario): Residency requirement for accreditation</p> <p><u>Geoscientists</u> (Newfoundland): Residency requirement for accreditation <u>Land Surveyors</u> (Ontario, British Columbia): Residency requirement for accreditation</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(q) Packaging services (CPC 876)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(s) Other business services, including: (CPC 879) Credit reporting services (CPC 87901) Collection agency services (CPC 87902) Telephone answering services (CPC 87903) Duplicating services (CPC 87904) Translation and interpretation services (CPC 87905) Mailing list compilation and mailing services (CPC 87906) Specialty design services (CPC 87907) Other business services n.e.c. including patent agents (CPC 87909)	1) None, other than: <u>Credit Reporting</u> (Saskatchewan): Services must be supplied through a commercial presence <u>Credit Reporting and Collection Agencies</u> (Newfoundland, Prince Edward Island and Nova Scotia): Services must be supplied through a commercial presence <u>Consumer Reporting Agencies</u> (Nova Scotia and Newfoundland): For juridical persons, requirement for a commercial presence (Nova Scotia): For natural persons requirement for permanent residency <u>Collection Agency Services</u> (Alberta): Trust funds must remain in Alberta. Must maintain address for service in Alberta. <u>Certified Translators and Interpreters</u> (Québec): Citizenship requirement for use of title 2) None, other than: <u>Certified Translators and Interpreters</u> (Québec): Citizenship requirement for use of title	1) None, other than: <u>Patent and Trade Mark Agents</u> (federal): Residency requirement <u>Collection Agencies (natural persons)</u> (Ontario, Saskatchewan): Residency requirement <u>Certified Translators</u> (Québec): Citizenship requirement for use of title 2) None, other than: <u>Patent and Trade Mark Agents</u> (federal): Residency requirement	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>2. COMMUNICATION SERVICES</p> <p>B*. <u>CourierServices</u></p> <p>Commercial courier services, including by public transport or self-owned transport (CPC 75121*)</p>	<p>3) None, other than:</p> <p><u>Collection Agencies</u> (Ontario): Foreign ownership restricted to 25 per cent in total and 10 per cent by any individual</p> <p><u>Consumer Reporting Agencies</u> (Nova Scotia): Requirement to incorporate</p> <p>4) Unbound except as indicated in the horizontal section, and:</p> <p><u>Certified Translators and Interpreters</u> (Québec): Citizenship requirement for use of title</p> <p><u>Consumer Agent Services</u> (Nova Scotia): For natural persons, requirement for permanent residency</p> <p>1) None 2) None 3) None, other than:</p> <p><u>Courier Services</u> (Nova Scotia and Manitoba): Economic needs test (Criteria related to approval include: examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service, and the fitness, willingness and ability of the applicant to provide proper service)</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>4) Unbound except as indicated in the horizontal section, and:</p> <p><u>Collection Agencies</u> (Ontario, Saskatchewan): Residency requirement</p> <p><u>Patent and Trade Mark Agents</u> (federal): Residency requirement</p> <p>1) None 2) None 3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>2C. Telecommunication Services*,**</p> <p>(a) Voice telephone services</p> <p>(b) Packet-switched data transmission services</p> <p>(c) Circuit-switched data transmission services</p> <p>(d) Telex services</p> <p>(e) Telegraph services</p> <p>(f) Facsimile services</p> <p>(g) Private leased circuit services</p> <p>(o) Other - Mobile services</p> <p>* Excluding services regulated under the <i>Broadcasting Act</i> and measures affecting such services.</p> <p>** Excluding telecommunications services supplied for the transmission of services regulated under the <i>Broadcasting Act</i> where such services are intended for direct reception by the public.</p>	<p>1) None, other than:</p> <p>Routing of basic telecommunications services between points within Canada, and between Canada and points outside of Canada, is regulated to promote the use of Canadian transmission facilities, except that routing of:</p> <ul style="list-style-type: none"> - mobile satellite services will be unrestricted as of January 1, 1998 between points in Canada, and between Canada and points in the United States; - all mobile satellite services will be unrestricted as of October 1, 1998; - all international services will be unrestricted as of December 31, 1999, except for fixed satellite services between Canada and points in the United States; - satellite services will be unrestricted as of March 1, 2000. <p>2) None</p>	<p>1) None</p> <p>2) None</p>	<p>Canada undertakes the obligations contained in the reference paper attached hereto.</p>

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>3) None, other than:</p> <p>Foreign investment in facilities-based telecommunications service suppliers is permitted up to a cumulative total of 46.7 % of voting shares, based on 20 % direct investment and 33 1/3 % indirect investment. Such suppliers must be controlled in fact by Canadians. Except that:</p> <ul style="list-style-type: none"> - foreign investment will be allowed up to 100 % as of October 1, 1998 for operations conducted under an international submarine cable license; - mobile satellite systems owned and controlled up to a level of 100% by a foreign service provider may be used by a Canadian service provider to provide services in Canada; - fixed satellites owned and controlled up to a level of 100% by foreign service providers may be used to provide services between points in Canada and all points outside of Canada, except in the United States, as of December 31, 1999; - fixed satellites owned and controlled up to a level of 100% by foreign service providers may be used to provide services between points in Canada and between Canada and points in the United States, as of March 1, 2000. <p>Facilities-based telecommunications service suppliers that exceeded the permissible cumulative foreign investment level cited above on July 22, 1987 and continue to exceed this level may be subject to restrictions.</p>	<p>3) None, other than:</p> <p>At least 80 percent of the members of the board of directors of facilities-based telecommunications service suppliers must be Canadian.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Up to 100% foreign investment is allowed in service providers of basic telecommunications services supplied on a resale basis.</p> <p>On October 1, 1998, Teleglobe Canada will no longer be authorized to be the sole Canada-overseas facilities-based telecommunications service supplier.</p> <p>For Teleglobe Canada, a "non-resident" carrier or "associate" as defined in the Teleglobe Canada Reorganization Act may, on October 1, 1998, hold voting shares up to the permissible cumulative foreign investment level of 46.7% as cited above.</p> <p>On October 1, 1998, the right to obtain a licence to land a submarine cable will no longer be limited.</p> <p>Nova Scotia: no person may vote more than 1,000 shares of Maritime Telegraph and Telephone Ltd.</p> <p>Manitoba: no person or members of any one group of associated persons may beneficially own, other than by way of security, more than 10 % of the total number of voting shares of Manitoba Telecom Services Inc. or of an affiliate</p>		

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>On March 1, 2000 Telesat Canada will no longer be authorized to be the sole operator in Canada of fixed satellite space segment facilities used to provide national and Canada-U.S. fixed satellite services.</p> <p>Until March 1, 2000, licences to operate earth stations for the provision of Canada-U.S. fixed satellite services may be limited.</p> <p>The use of pay telephones to provide services on a resale basis and to provide local services is not permitted.</p> <p>Competition in the provision of interexchange voice telephone service in the serving areas of Northwestel Inc., Ontario Northland Transportation Commission, and Prince Rupert City Telephones, may be limited.</p> <p>Competition in the provision of local wireline telephone services in the serving areas of Northwestel Inc., Ontario Northland Transportation Commission, Prince Rupert City Telephones, Telus Communications (Edmonton) Inc. and the other independent telephone companies listed in CRTC Telecom Public Notice 95-15, may be limited.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>4) Unbound, except as indicated in the horizontal section.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Enhanced or value-added services, for the supply of which the underlying telecommunications transport facilities are leased from providers of public telecommunications transport networks; these include:</p> <p>(h) Electronic mail (CPC 7523*)</p> <p>(i) Voice mail (CPC 7523*)</p> <p>(j) On-line information and database retrieval (CPC 7523*)</p> <p>(k) Electronic data interchange (EDI) (CPC 7523*)</p> <p>l) Enhanced/value-added facsimile services, including store and forward, store and retrieve (CPC 7523*)</p> <p>m) Code and protocol conversion (CPC n.a.)</p> <p>n) On-line information and/or data processing (including transaction processing) (CPC 843*)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>3. CONSTRUCTION SERVICES</p> <p>A. <u>General construction work for buildings</u> Construction work for buildings, including for multi-dwelling buildings, warehouses and commercial buildings (CPC 512)</p> <p>B*. <u>General construction work for civil engineering</u> Construction work for civil engineering, including for highways, airports, harbours, dams, bridges, construction for mining and manufacturing, rail, power and communications facilities, pipelines and stadia and other recreational facilities (CPC 513*)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None, other than <u>cabotage</u> (see transportation section)</p> <p>2) None</p> <p>3) None, other than:</p> <p><u>Construction</u> (Ontario): An applicant and holder of a water power site development permit must be incorporated in Ontario</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None, other than:</p> <p><u>Construction Contractor</u> (Ontario): A non-resident who will be consuming or using tangible personal property in Ontario is required to deposit with the Treasurer 4 per cent of the amount to be paid under the contract or post a guarantee bond for the same. (Newfoundland): A deposit of 6 per cent of the contract amount or a bond equivalent is required from non-resident contractors</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section, and:</p> <p><u>Construction</u> (Ontario): An applicant and holder of a water power site development permit must be a resident of Ontario</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. <u>Installation and assembly work</u></p> <p>Assembly and erection of prefabricated constructions (CPC 514)</p> <p>Installation work (CPC 516)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>D. <u>Building completion and finishing work</u></p> <p>Building completion and finishing work (CPC 517)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>E*. <u>Other</u></p> <p>Pre-erection work at construction sites, including excavation, earthmoving and site work except 5115, site preparation for mining (CPC 511*)</p> <p>Special trade construction work (CPC 515)</p> <p>Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator (CPC 518)</p>	<p>1) None, other than: <u>Cabotage</u> (See Transportation Section)</p> <p>2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>4. DISTRIBUTION SERVICES</p> <p>A*. <u>Commission agents' services</u></p> <p>Commission agents' services (excluding 62112, sales on a fee or contract basis of food products, beverages and tobacco and sales on a fee or contract basis of pharmaceutical and medical goods in 62117) (CPC 621*)</p> <p>B*. <u>Wholesale trade services</u></p> <p>Wholesale trade services (excepting agriculture and live animals in 6221; fisheries products in 62224; alcoholic beverages in 62226; musical scores, audio and video recordings in 62244; and books, magazines, newspapers, journals, periodicals and other printed matter in 62262; and 62251 of pharmaceutical and medical goods, and 62252, surgical and orthopaedic instruments and devices) (CPC 622*)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p> <p>1) None, other than:</p> <p><u>Sale of Amusement machines</u> (Québec): Services must be supplied through a commercial presence</p> <p><u>Marketing of Fish Products</u> (Nova Scotia): Nova Scotia residents require ministerial approval to enter into agreements with non-residents</p> <p><u>Sale of Motor Vehicles</u> (Saskatchewan): Services must be supplied through a commercial presence</p> <p><u>Automobile Dealers and Salvage Dealers</u> (Newfoundland): Services must be supplied through a commercial presence</p> <p><u>Sale of Amusement Machines</u> (Québec): Citizenship requirement in order to sell amusement machines</p> <p>2) None</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p> <p>1) None, other than:</p> <p><u>Fish Buyers</u> (Newfoundland): Non-residents must be registered and licensed in order to purchase unprocessed fish from primary producers and/or process fish</p> <p>2) None</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C*. <u>Retailing services</u></p> <p>Food retailing services (excluding liquor, wine and beer sales in 63107) (CPC 631*)</p> <p>Non-food retailing services (excluding music scores, audio and video records and tapes in 63234; books, magazines, newspapers and periodicals in 63253; and pharmaceutical, medical and orthopaedic goods in 63211 and printed music in 63251) (CPC 632*)</p> <p>Sale of motor vehicles including automobiles and other road vehicles (CPC 6111) Sale of parts and accessories of motor vehicles (CPC 6113)</p> <p>Sales of motorcycles and snowmobiles and of related parts and accessories (CPC 6121)</p>	<p>3) None, other than:</p> <p><u>Fish Buyers</u> (British Columbia): Mobile fish buyers licenses are not issued to foreigners</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None, other than:</p> <p><u>Itinerant Sellers</u> (Ontario and Québec): Commercial presence required</p> <p><u>Direct Sellers</u> (Nova Scotia, British Columbia): Services must be supplied through a commercial presence</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None, other than:</p> <p><u>Distribution Services</u></p> <p>Indirect tax measures that result in differences in treatment with respect to delivery by mail of goods in Canada</p> <p><u>Direct Sellers</u> (Newfoundland): Residency requirement</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D*. <u>Franchising</u></p> <p>Franchising related to non-financial intangible assets (CPC 8929*)</p>	<p>1) None, other than: (Alberta): Service suppliers required to designate a place within Alberta where they can be served legal documents</p> <p>2) None</p> <p>3) None, other than: (Alberta): Required to have an attorney for service in legal documents</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	
<p>E*. <u>Other</u></p> <p>Retail sales of motor fuel (CPC 613)</p>	<p>1) None</p> <p>2) None</p> <p>3) None, other than: <u>Retail petroleum</u> (Prince Edward Island): Public convenience and necessity test (Criteria related to approval include: examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service, and the fitness, willingness and ability of the applicant to provide proper service.)</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	
<p>6. ENVIRONMENTAL SERVICES</p> <p>A. <u>Sewage services</u> (CPC 9401)</p>	<p>1) None</p>	<p>1) None</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. <u>Refuse disposal services</u> (CPC 9402)</p> <p>C. <u>Sanitation and similar services</u> (CPC 9403)</p> <p>D. <u>Other</u> Cleaning services of exhaust gases (CPC 9404)</p> <p>Noise abatement services (CPC 9405)</p> <p>Nature and landscape protection services (CPC 9406)</p> <p>Other environmental services n.e.c. (CPC 9409)</p>	<p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>7. FINANCIAL SERVICES</p> <p><u>Measures applicable to all Sectors in Financial Services</u></p> <p>1. Commitments in the Chapter are undertaken in accordance with the <u>Understanding on Commitments in Financial Services</u> ("Understanding").</p> <p>2. For greater certainty, market-access commitments with respect to the "cross-border" and "consumption abroad" supply of services (as described in paragraphs 2 (a) and 2 (b) of Article 1 of the <u>General Agreement on Trade in Services</u>) apply only to the transactions indicated in paragraphs 3 and 4 of <u>Market Access</u> of the <u>Understanding</u>. It is understood that paragraph 4 of that section of the <u>Understanding</u> does not impose any obligation to allow non-resident financial services suppliers to solicit business.</p> <p>3. The commitments in "commercial presence" are bound according to the <u>Understanding</u>.</p> <p>4. The commitments on presence of natural persons are scheduled in accordance with the <u>Understanding</u> and bound according to the general limitations applicable to all sectors in this schedule (Part 1).</p> <p>5. Otherwise, the commitments in this Chapter are subject to the general conditions or limitations applicable to all sectors in this schedule.</p>			
	1), 2)None	1), 2)None, other than: (i) Certain supplies between members of a closely-related group of corporations which includes a financial institution may be treated as exempt supplies under value-added taxes. Imported supplies do not qualify for this treatment. (ii) Supplies between resident and non-resident branches or representative offices of a financial institution are treated as supplies between separate persons for the purposes of value-added taxes.	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>3) None, other than:</p> <p>Federally-regulated financial institutions having capital in excess of \$750 million are required, within five years of having reached the threshold, to have 35 per cent of their voting shares widely-held and listed and posted for trading on a Canadian Stock Exchange.</p> <p><u>Foreign-owned federally regulated institutions (i.e. insurance, banks and trust and loan):</u> A controlling number of shares of a Canadian subsidiary must be held directly by the foreign company incorporated in the jurisdiction where the foreign company, either directly or through a subsidiary, principally carries on business.</p> <p>4) See paragraph 4 of headnote on Financial Services.</p>	<p>3) None, other than:</p> <p>(i) Certain supplies between members of a closely-related group of corporations which includes a financial institution may be treated as exempt supplies under value-added taxes. Imported supplies do not qualify for this treatment.</p> <p>(ii) Supplies between resident and non-resident branches or representative offices of a financial institution are treated as supplies between separate persons for the purposes of value-added taxes.</p> <p><u>Federally regulated institutions (i.e. insurance, banks and trust and loan):</u> A minimum of one half of directors must be either Canadian citizens ordinarily resident in Canada or permanent residents ordinarily resident in Canada.</p> <p>The Government of Ontario Management Board Directive and Industrial Development Review Process provides for a price preference of up to 10 per cent for Canadian content based on value-added in Canada for certain government purchases. The Management Board Directive applies on the basis of the nationality of the individual service provider.</p> <p>4) See paragraph 4 of headnote on Financial Services.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>A. <u>Insurance and Insurance-Related Services</u> (CPC 812* + 814)</p> <p>(a) Life, accident and health insurance services (CPC 8121)</p> <p>(b) Non-life insurance services (except deposit insurance and similar compensation schemes) (CPC 8129)</p> <p>(c) °Reinsurance and retrocession (CPC 81299*)</p>	<p>1) None, other than:</p> <p><u>Direct insurance</u> (federal): Services must be supplied through a commercial presence with the exception of marine insurance.</p> <p>(All provinces): Services must be supplied through a commercial presence.</p> <p><u>Reinsurance and retrocession</u> (federal): Services must be supplied through a commercial presence.</p> <p>(All provinces, excluding Alberta and New Brunswick): Services must be supplied through a commercial presence.</p> <p>2) None, other than:</p> <p><u>Reinsurance and retrocession</u> (federal, Alberta and Newfoundland): The purchase of reinsurance services by a Canadian insurer, other than a life insurer or a reinsurer, from a non-resident reinsurer is limited to no more than 25 per cent of the risks undertaken by the insurer purchasing the reinsurance.</p>	<p>1) None</p> <p>2) None, other than:</p> <p><u>Direct insurance other than life, personal accident, sickness or marine insurance</u> (federal): An excise tax of 10 per cent is applicable on net premiums paid to non-resident insurers or exchanges in regard to a contract against a risk ordinarily within Canada, unless such insurance is deemed not to be available in Canada.</p> <p><u>Direct insurance</u> (Alberta): A fee payable to the province of 50 per cent of the premium paid and regulatory notification are required on insurance of risks in the province by unlicensed insurers.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>3) None, other than:</p> <p><u>Direct insurance and reinsurance and retrocession</u> (federal): The solicitation of insurance services in Canada can only be effected through:</p> <p>(i) a corporation incorporated under federal or provincial laws;</p> <p>(ii) a corporation incorporated by or under the laws of another jurisdiction outside Canada (i.e., a branch of a foreign corporation);</p> <p>(iii) an association formed on the plan known as Lloyds; and</p> <p>(iv) reciprocal insurance exchanges.</p> <p>A branch of a foreign insurance company must be established directly under the foreign insurance company incorporated in the jurisdiction where the foreign insurance company, either directly or through a subsidiary, principally carries on business.</p> <p>(All provinces): Insurance activities can only be provided through:</p> <p>(i) a corporation incorporated under provincial statutes;</p>	<p>(Saskatchewan): A fee payable to the province of 10 per cent of the premium is required on insurance of risks in the province by unlicensed insurers.</p> <p>3) None, other than:</p> <p><u>Direct insurance and reinsurance and retrocession</u> (Ontario): Capital requirements for mutual insurance companies do not apply to certain mutual insurance companies incorporated in Ontario.</p> <p>(Quebec): Three quarters of directors must be Canadian citizens and a majority must reside in Quebec.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(ii) an extra-provincial insurance corporation, i.e., an insurer incorporated by, or under the laws of another jurisdiction (including a federally-authorized branch of a foreign corporation);</p> <p>(iii) an association formed on the plan known as Lloyds;</p> <p>(iv) (excluding Quebec and Prince Edward Island): Reciprocal insurance exchanges.</p> <p>(Alberta and Prince Edward Island): Subsidiaries of foreign insurance corporations must be federally-authorized.</p> <p>(Quebec): Non-residents can not acquire, without ministerial approval, either directly or indirectly, more than 30 per cent of the voting rights attached to shares of a Quebec-chartered insurance company or of its controlling entity.</p> <p>(Quebec): Upon any allotment or transfer of voting shares of the capital stock insurance company “SSQ, Société d’assurance-vie inc” or of the holding company “Groupe SSQ inc”, the minister may ask such companies to prove that the shares were offered by preference to Quebec residents and subsequently to other Canadian residents, but that no offer was made or was acceptable.</p> <p>(Federal): The purchase of reinsurance services by a Canadian insurer, other than a life insurer or reinsurer, from a resident reinsurer is limited to no more than 75 per cent of the risks undertaken by the insurer purchasing the reinsurance.</p>	<p>(Quebec): Every insurer not incorporated under an Act of Quebec has, in respect of the activities it carries on in Quebec, the rights and obligations of an insurance company or mutual association incorporated under Acts of Quebec as the case may be. It can also exercise additional activities provided for in the law. However, the activities of such corporation will be limited to those allowed under its constituting legislation.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(d) Services auxiliary to insurance (including broking and agency services) (CPC 8140)</p>	<p>(British Columbia): Incorporation, share acquisition or application for business authorization, where any person controls or will control 10 per cent or more of the votes of the company, is subject to ministerial approval.</p> <p><u>Motor vehicle insurance</u> (Quebec, Manitoba, Saskatchewan and British Columbia): Motor vehicle insurance is provided by public monopoly.</p> <p>4) See paragraph 4 of headnote on Financial Service.</p> <p>1) None, other than:</p> <p><u>Intermediation of insurance relating to maritime shipping, commercial aviation, space launching, freight (including satellites) and goods in international transit</u> (all provinces): Services must be supplied through a commercial presence in the province in which the service is provided.</p> <p>(Ontario and Prince Edward Island): Non-resident individual adjusters are prohibited from being adjusters in the province.</p> <p>(Manitoba): Licenses to act as insurance agents and brokers are not issued to non-residents of Canada.</p> <p>(New Brunswick): Licenses shall not be issued to a corporation whose head office is outside Canada.</p>	<p>4) See paragraph 4 of headnote on Financial Services.</p> <p>1) None, other than:</p> <p>(Saskatchewan): Fire or hail insurance contracts have to be signed or countersigned by a licensed agent who resides in the province. Where there is disagreement concerning hail insurance, such damages are to be estimated by an appraiser who is a taxpayer of the province.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(Alberta and Manitoba): A license to act as a special broker authorized to place insurance coverage with unlicensed insurers is restricted to residents of the province, as the case may be.</p> <p>(British Columbia): Licenses for general insurance shall be issued only to residents of the province.</p> <p>(Prince Edward Island): Licenses to act as insurance agent or adjusters are not issued to non-resident of the province.</p> <p>2) None</p>	<p>2) None, other than: <u>Intermediation of insurance relating to commercial aviation, space launching, freight (including satellites) and goods in international transit</u> (federal): An excise tax of 10 per cent is applicable on net premiums paid to non-resident insurers or exchanges in regard to a contract against a risk ordinarily within Canada, unless such insurance is deemed not to be available in Canada. The excise tax is also applicable on net premiums payable with regard to a contract entered into, through a non-resident broker or agent, with any insurer authorized under the laws of Canada or of any province to carry out the business of insurance.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>3) None, other than:</p> <p>(New Brunswick): Licenses shall not be issued to a corporation whose head office is outside Canada.</p> <p>(Ontario and Prince Edward Island): Non-resident individual adjusters are prohibited from being adjusters in the province.</p> <p>(Ontario): No licence is provided to a corporation to act as an insurance broker, agency or adjuster if the majority of the voting rights are in shares owned by non-residents. A corporate agency or adjuster or insurance broker which is majority non-resident-owned and licensed as a result of grand-fathering cannot expand through purchase of assets or business or merger or amalgamation with any other broker, agent or adjuster. No licence is provided to a corporation or partnership which is an insurance agency or adjuster if the head office is outside Canada or if any partner is resident outside Canada.</p> <p>(Manitoba): Licenses to act as insurance agents and brokers are not issued to non-residents of Canada.</p> <p>(Alberta and Manitoba): A license to act as a special broker authorized to place insurance coverage with unlicensed insurers is restricted to residents of the province, as the case may be.</p>	<p>3) None, other than:</p> <p>(Saskatchewan): Fire or hail insurance contracts have to be signed or countersigned by a licensed agent who resides in the province. Where there is disagreement concerning hail insurance, such damages are to be estimated by an appraiser who is a taxpayer of the province.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. <u>Banking and Other Financial Services</u> (excl. insurance)</p> <p>(a) Acceptance of deposits and other repayable funds from the public (CPC 81115-81119)</p> <p>(b) Lending of all types, including <i>inter alia</i>, consumer credit, mortgage credit,</p> <p>(c) Financial leasing (CPC 8112)</p>	<p>(British Columbia): Licenses for general insurance shall be issued only to residents of the province.</p> <p>(Prince Edward Island): Licenses to act as insurance agent or adjusters are not issued to non-resident of the province.</p> <p>4) See paragraph 4 of headnote on Financial Services.</p> <p>1) None 2) None 3) None, other than:</p> <p><u>Banks</u>: To undertake the business of banking in Canada, a foreign bank must:</p> <p>(i) incorporate a bank subsidiary under the Bank Act; or (ii) establish a bank branch under the Bank Act,</p> <p>In order to establish a bank branch, a foreign bank must be authorised under the Bank Act and must be incorporated by or under the laws of another jurisdiction outside Canada (i.e. an authorised foreign bank).</p> <p>A bank branch must be established directly under the authorised foreign bank incorporated in the jurisdiction where the authorised foreign bank principally carries on business.</p> <p>An authorised foreign bank can establish only one of two types of bank branches:</p>	<p>4) See paragraph 4 of headnote on Financial Services.</p> <p>1) None 2) None 3) None, other than:</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(i) a full service bank branch (i.e. a Schedule III, Part 1, authorised foreign bank); or</p> <p>(ii) lending bank branch (i.e. a Schedule III, Part 2, authorised foreign bank).</p> <p>Full service bank branches and lending bank branches cannot engage in the activities in which a specialised financing corporation, as defined in the Bank Act, may engage.</p> <p>Full service bank branches and lending bank branches cannot be member institutions of the Canada Deposit Insurance Corporation.</p> <p>A full service bank branch can only accept deposits in amounts less than \$150,000 and payable in Canada if the sum of all deposits below \$150,000 amounts to less than one per cent of total deposits payable in Canada.</p> <p>A lending bank branch can only accept deposits or otherwise borrow money by means of financial instruments from, or guarantee any securities or accept any bills of exchanges that cannot be subsequently sold to or traded with:</p> <p>(ii) financial institutions, other than a foreign bank; or,</p> <p>(ii) a foreign bank whose principal activity is the provision of services that would be permitted by the Bank Act if they were provided by a bank in Canada; and, that is regulated as a bank in the country under whose laws it was incorporated or in any country in which it carries on business.</p>		

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(d) All payment and money transmission services (CPC 81339*)</p> <p>(e) Guarantees and commitments (CPC 81199*)</p>	<p>A lending bank branch cannot be a member of the Canadian Payments Association.</p> <p>An authorised foreign bank cannot establish a lending bank branch in conjunction with a full service bank branch, a bank subsidiary, a loan company, or a trust company that accepts deposits.</p> <p>No one person (Canadian or foreign) may own more than 10 per cent of any class of shares of a Schedule I bank.</p> <p><u>Trust and loan companies</u> (federal and all provinces, excluding British Columbia): Federal or provincial incorporation is required.</p> <p>(Ontario, Quebec and Manitoba): The direct or indirect acquisition of Canadian-controlled companies by non-residents is restricted to 10 per cent individually and 25 per cent collectively.</p> <p>(Saskatchewan): Individual and collective foreign ownership of Canadian-controlled and provincially incorporated companies can be no more than 10 per cent of shares.</p> <p>(British Columbia): Incorporations, share acquisition or application for business authorization, where any person controls or will control 10 per cent or more of the votes of the company, are subject to ministerial approval.</p>	<p><u>Trust and loan companies</u></p> <p>(Alberta): At least three quarters of the directors must be ordinarily resident in Canada.</p> <p>(New Brunswick): At least two of the directors must be resident in New Brunswick.</p> <p>(Nova Scotia): A majority of directors must be resident in Canada and at least two resident in Nova Scotia.</p> <p>(Manitoba and Ontario): Foreign persons may not exercise the voting rights attached to shares if they are not registered as shareholders in respect of the shares.</p> <p>(Manitoba): Majority of directors must be resident in Canada.</p> <p>(Quebec): Three quarters of the directors must be Canadian citizens and a majority must reside in Quebec.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(Ontario, New Brunswick and Nova Scotia): Incorporation or registration will be refused unless authorities are satisfied that there exists a public benefit and advantage for an additional corporation.</p> <p>(Ontario): Consent to change in control or transfers of 10 per cent or more of voting shares may be refused if it would be in the public interest to do so.</p> <p><u>Credit unions, caisses populaires and associations or groups thereof</u> (all provinces): Must incorporate in the jurisdictions in which they operate.</p> <p><u>Mortgage brokers</u> (Ontario): Must incorporate under the laws of Canada, Ontario or of another province. Ownership of a corporation by foreign persons must not exceed 10 per cent individually and 25 per cent collectively of the total number of equity shares.</p> <p>(Nova Scotia): Must incorporate under the laws of Canada or Nova Scotia.</p> <p>(Saskatchewan): Must maintain a business office in the province.</p>	<p><u>Credit unions and caisses populaires</u> (Ontario): Directors of credit unions must be Canadian citizens or permanent resident.</p> <p>(British Columbia): Directors and subscribers of credit unions must be residents of the province.</p> <p>(All provinces except British Columbia, Ontario and Quebec): Credit unions and caisses populaires are exempt from the corporate capital tax.</p> <p>(Alberta): Directors of credit unions must be Canadian citizens or permanent residents of Canada and three quarters must at all times be ordinarily resident in the province.</p> <p>(Manitoba, Nova Scotia and Saskatchewan): Directors of credit unions must be Canadian citizens.</p> <p>(Quebec): Founding members of caisses populaires must have a residence, place of business or employment in the territory mentioned in the caisse's statutes.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(f) Trading for own account or for account of customers whether on an exchange, in an over-the-counter market or otherwise, the following:</p>	<p><u>Loan and investment companies</u> (Quebec): Federal or provincial incorporation.</p> <p><u>Co-operative corporations</u> (Newfoundland and Ontario): Must incorporate under the law of the applicable province or under federal law.</p> <p><u>Lending of all types</u> (Nova Scotia): Must incorporate under the laws of Canada or Nova Scotia.</p> <p><u>Acceptance of deposits</u> (Quebec): The acceptance of deposits of public and para-public institutions is provided by a public monopoly.</p> <p>4) See paragraph 4 of headnote on Financial Services, and:</p> <p><u>Mortgage brokers</u> (Ontario): Must be Canadian citizens or permanent residents of Canada and ordinarily resident in Canada.</p> <p>(Nova Scotia): Must be resident in the province.</p> <p>1) None, other than:</p> <p><u>Advisory and auxiliary financial services</u> (Alberta, British Columbia, Nova Scotia, Ontario, Quebec and Saskatchewan): Services must be supplied through a commercial presence in the jurisdiction in which the adviser is providing advice.</p>	<p><u>Community bonds corporations</u> (Manitoba, New Brunswick and Saskatchewan): Directors of Community Bonds corporations must be resident of the province.</p> <p><u>Venture capital corporations</u> (federal and all provinces): Measures that result in a different tax treatment with respect to an investment in a venture capital corporation as prescribed pursuant to the Income Tax Act of Canada and provincial laws.</p> <p>4) See paragraph 4 of headnote on Financial Services.</p> <p>1) None</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>money market instruments (cheques, bills, certificate of deposits, etc.) (CPC 81339*);</p> <p>foreign exchange (CPC 81333*);</p> <p>derivative products including but not limited to, futures and options (CPC 81339*)</p> <p>exchange rate and interest rate instruments, including products such as swaps, forward rate agreements, etc. (CPC 81339*)</p> <p>transferable securities (CPC 81321*)</p> <p>other negotiable instruments and financial assets, including bullion (CPC 81339*)</p>	<p><u>Asset management</u> (Alberta, British Columbia, Nova Scotia, Ontario, Quebec and Saskatchewan): Services must be supplied through a commercial presence in the jurisdiction in which the service is provided.</p> <p>(Quebec): The management of pension funds of public and para-public institutions in Quebec is provided by public monopoly.</p> <p><u>Custodial services (All provinces)</u>: Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders equity of at least \$100 million.</p> <p>2) None, other than:</p> <p><u>Trading in securities and commodity futures – persons</u> (all provinces): There is a requirement to register in order to trade through dealers and brokers that are neither resident nor registered in the province in which the trade is effected.</p> <p>3) None, other than:</p> <p><u>Securities dealers and brokers</u> (British Columbia, Ontario, Saskatchewan, Yukon): Must be incorporated, formed or continued under federal, provincial or territorial laws.</p> <p>(Quebec): Only brokerage firms incorporated under federal, provincial or territorial laws may be members of the Montreal Exchange.</p>	<p>2) None</p> <p>3) None, other than:</p> <p><u>Trading in securities and commodity futures and advisory and auxiliary financial services – dealers, brokers, and advisers</u>: (Alberta, Ontario, Newfoundland, Nova Scotia, Manitoba and Saskatchewan): A director or officer of an applicant firm must have been a resident of Canada for a period of at least one year prior to the application.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(g) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of service related to such issues (CPC 8132)</p> <p>(h) Money broking (CPC 81339*)</p> <p>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services (CPC 8119*, 81323*).</p>	<p><u>Custodial services (All provinces)</u>: Mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders equity of at least \$100 million.</p> <p><u>Advisory and auxiliary financial services (British Columbia)</u>: Must be incorporated, formed or continued under federal, provincial or territorial laws.</p> <p><u>Asset management (Quebec)</u>: The management of pension funds of public and para-public institutions in Quebec is provided by a public monopoly.</p> <p>4) See paragraph 4 of headnote on Financial Services, and:</p> <p>(Quebec): Only Canadian residents may be individual members of the Montreal exchange.</p>	<p><u>Advisory and auxiliary financial services and Asset Management (Nova Scotia and Quebec)</u>: The establishment must be managed by a resident of the province.</p> <p>(Quebec): The responsibility for opening up accounts is to be managed by a Quebec resident.</p> <p>4) See paragraph 4 of headnote on Financial Services, and:</p> <p><u>Trading in securities and commodity futures and advisory and auxiliary financial services – dealers, brokers and advisers</u>: (all provinces except British Columbia, New Brunswick and Quebec): An individual applicant for registration is required to have been a resident of Canada for a period of at least one year prior to the application and a resident of the province in which he/she wishes to operate at the date of application.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(j) Settlement and clearing services for financial assets, incl. securities, derivative products, and other negotiable instruments (CPC 81339*, 81319*)</p> <p>(k) Advisory, intermediation and other auxiliary financial services on all the activities listed in Article 5(a)(v) through (xv) of the Annex on Financial Services, incl. credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy (CPC 8131*, 8133*)</p> <p>(l) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services (CPC 8131*, 842*, 843*, 844*)</p>		<p>(Quebec): An individual acting as a representative of a dealer or adviser, subject to certain exemptions, must be a resident of the province.</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. <u>Hotels and restaurants</u> (including catering)</p> <p>Hotel and other lodging services (CPC 641)</p> <p>Food and beverage serving services (CPC 642/3)</p>	<p>1) None</p> <p>2) None</p> <p>3) None, other than:</p> <p><u>Sale of liquor on premises</u> (Nova Scotia): New licences require a majority approval in a public vote</p>	<p>1) None</p> <p>2) None</p> <p>3) None, other than:</p> <p><u>Purchase of recreational property</u> (Ontario): Non-residents are required to pay a 20 per cent land transfer tax</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. <u>Travel agencies and tour operators services</u></p> <p>Travel agency and tour operator services (CPC 7471)</p>	<p><u>Sale of liquor in a tavern, restaurant or bar</u> (Québec): For juridical persons not listed on a Canadian stock exchange, all shareholders owning 10 per cent or more of voting shares must be Canadian citizens or permanent residents</p> <p>(Saskatchewan): The majority of shareholders must be Canadian and manager must be a Canadian citizen or permanent resident</p> <p><u>Sale of liquor</u> (Québec): Is limited to federally incorporated companies</p> <p>4) Unbound except as indicated in the horizontal section, and:</p> <p><u>Sale of liquor in a restaurant and tavern</u> (Québec): Requirement for residency and citizenship</p> <p><u>Sale of alcoholic beverages</u> (Alberta, Saskatchewan and Ontario): Requirement for permanent residency</p> <p>(Manitoba): Requirement for citizenship and residency</p> <p>(Nova Scotia): Licences for the sale of alcoholic beverages will be granted only to Canadian citizens</p> <p>1) None, other than:</p> <p><u>Travel agencies and travel wholesalers</u> (Ontario): Services must be supplied through a commercial presence</p>	<p><u>Sale of alcoholic beverages</u> (Ontario): The majority of the board of directors must be Canadian citizens or landed immigrants and ordinarily resident in Ontario</p> <p>(Alberta): At least one director must be a permanent resident</p> <p>(Newfoundland, Nova Scotia and Alberta): Agents or managers must be Canadian citizens, resident in the province</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None, other than:</p> <p><u>Travel agents</u> (Québec): Residency requirement</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p><u>Travel agencies</u> (Québec): Services must be supplied through a commercial presence</p> <p>2) None 3) None</p> <p>4) Unbound except as indicated in the horizontal section, and:</p>	<p><u>Travel counsellors</u> (Québec): Residency requirement <u>Travel agents and wholesalers</u> (Ontario): Residency requirement</p> <p>2) None 3) None, other than:</p> <p><u>Travel agencies</u> (British Columbia): At least one of the partners in a partnership or one of the directors of a corporation must be ordinarily resident in the province</p> <p>4) Unbound except as indicated in the horizontal section, and:</p> <p><u>Travel agents</u> (Québec - natural persons): Residency requirement</p> <p><u>Travel counsellors</u> (Québec): Residency requirement</p> <p><u>Travel agents and wholesalers</u> (Ontario - natural persons): Residency requirement</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
11. TRANSPORT SERVICES	<ul style="list-style-type: none"> - Approval is required from the National Transportation Agency prior to the acquisition of any federally regulated transportation undertaking with assets or annual gross sales in Canada in excess of \$10 million. For these purposes, a transportation undertaking means any business principally engaged in any transportation activity under federal jurisdiction within Canada, excluding (a) those operated by a person whose principal place of residence is outside Canada, and (b) those engaged in the transport of goods and/or passengers solely between Canada and another country. - The acquisition of control of a Canadian business with respect to any transportation service by a non-Canadian is subject to approval*, for <ol style="list-style-type: none"> 1) all direct acquisitions of Canadian businesses with assets of C\$5 million or more 2) all indirect acquisitions of Canadian businesses with assets of C\$50 million or more, or 3) indirect acquisitions of Canadian businesses with assets between C\$5 million and \$50 million that represent more than 50 per cent of the value of the total international transaction 		

*Same criteria as indicated in Part A, page 2.

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>Maritime Transport Services</u></p> <p>International Transport (Freight and passengers) CPC 7211 and 7212, excluding cabotage</p>	<ol style="list-style-type: none"> 1. Unbound 2. Unbound 3. Unbound 4. Unbound 	<ol style="list-style-type: none"> 1. Unbound 2. Unbound 3. Unbound 4. Unbound 	<p>Where not otherwise made available to international maritime transport suppliers pursuant to Article XXVIII(c)(ii), no measures shall be applied which deny reasonable and non-discriminatory access to the following services:</p> <ol style="list-style-type: none"> 1. Towing and tug assistance; 2. Provisioning, fuelling and watering; 3. Garbage collecting and ballast waste disposal; 4. Emergency repair facilities; 5. Lightering and water taxi services; 6. Ship agencies; 7. Custom brokers; 8. Stevedoring and terminal services; 9. Surveying and classification services; 10. Transport services for the purposes of onward forwarding of cargoes, including the rental, leasing, hiring or chartering of trucks, railway carriages, ships, barges or related equipment.

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
MARITIME AUXILIARY SERVICES			
Maritime Cargo Handling Services (as defined)	1. Unbound 2. Unbound 3. Unbound 4. Unbound	1. Unbound 2. Unbound 3. Unbound 4. Unbound	
Storage and Warehousing Services CPC 742 (as amended)	1. Unbound* 2. None 3. None 4. Unbound except as indicated in the horizontal section	1. Unbound* 2. None 3. None 4. Unbound except as indicated in the horizontal section	
Customs Clearance Services (as defined)	1. None, other than: <u>Licensed Customs Brokers</u> (federal) (juridical persons) requirement for a commercial presence (natural persons): requirement for a permanent residency	1. None	

* A commitment on this mode of deliver is not feasible.

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Container Station and Depot Services (as defined)	<p>2. None, other than</p> <p><u>Licensed Customs Brokers</u> (federal) (juridical persons): requirement for a commercial presence (natural persons): requirement for a permanent residence</p> <p>3. None, other than:</p> <p><u>Licensed Customs Brokers</u> (federal) (juridical persons): Commercial presence must be by means of incorporation or a partnership</p> <p>(a) A corporation must be incorporated in Canada and the majority of its directors must be permanent residents.</p> <p>(b) A partnership must be composed of persons who are permanent residents.</p> <p>4. Unbound except as indicated in the horizontal section and:</p> <p><u>Licensed Customs Brokers</u> (federal) (natural persons): requirement for permanent residency.</p> <p>1. Unbound*</p> <p>2. None</p> <p>3. None</p> <p>4. Unbound except as indicated in the horizontal section</p>	<p>2. None</p> <p>3. None</p> <p>4. Unbound except as indicated in the horizontal section</p> <p>1. Unbound*</p> <p>2. None</p> <p>3. None</p> <p>4. Unbound except as indicated in the horizontal section</p>	

* A commitment on this mode of deliver is not feasible.

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime Agency Services (as defined)	<ol style="list-style-type: none"> 1. Unbound 2. Unbound 3. Unbound 4. Unbound 	<ol style="list-style-type: none"> 1. Unbound 2. Unbound 3. Unbound 4. Unbound 	
Maritime Freight Forwarding Services (as defined)	<ol style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section 	<ol style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section 	
<p>C*. <u>Air Transport Services</u></p> <p>Maintenance and repair of aircraft and aircraft engines (CPC 8868*)</p> <p>Computer reservations systems</p>	<ol style="list-style-type: none"> 1) None 2) None, other than: <u>Maintenance and repair of aircraft and aircraft engines</u> - unbound 3) None 4) Unbound except as indicated in the horizontal section 		
<p>E. <u>Rail Transport Services</u></p> <p>a),b) Railway passenger and freight transport (CPC 7111,7112)</p>	<ol style="list-style-type: none"> 1) None, other than <u>Cabotage</u> 2) None 3) None 	<ol style="list-style-type: none"> 1) None 2) None 3) None, other than: <u>Railways</u> (Newfoundland): Majority of Board of Directors must be resident in Newfoundland (Manitoba): At least one director of a provincial railroad must be a resident of the province 	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(d) Maintenance and repair of rail transport equipment (CPC 8868*)</p> <p>F*. <u>Road Transport Services</u></p> <p>(a*) Passenger transportation</p> <p>Interurban scheduled bus passenger transportation (CPC 71213)</p>	<p>4) Unbound except as indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p> <p>1) None, other than:</p> <p><u>Cabotage</u></p> <p><u>Interurban bus transport and non-scheduled services</u> (British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Québec, Nova Scotia, Newfoundland and Northwest Territories): Public convenience and needs test (Criteria related to approval include: examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service, and the fitness, willingness and ability of the applicant to provide proper service.)</p>	<p>4) Unbound except as indicated in the horizontal section</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p> <p>1) None</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Taxis (CPC 71221) Rental services of cars with drivers (CPC 71222)</p> <p>Non-scheduled motor buses, chartered buses and tour and sightseeing buses (CPC 71223)</p>	<p>2) None 3) None, other than: <u>Taxis and rental services with drivers:</u> Operating licences and permission are under the purview of local/provincial authorities (Criteria related to approval include: examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service, and the fitness, willingness and ability of the applicant to provide proper service.)</p> <p><u>Interurban bus transport and scheduled services:</u> (British Columbia, Alberta, Prince Edward Island, Saskatchewan, Manitoba, Ontario, Québec, Nova Scotia, Newfoundland and Northwest Territories): Public convenience and needs test (Criteria related to approval include: examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service, and the fitness, willingness and ability of the applicant to provide proper service.)</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>4) Unbound except as indicated in the horizontal section</p>	
<p>(b*) Freight transportation</p>	<p>1) None, other than:</p>	<p>1) None</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Highway freight transportation (CPC 71231, 71232, 71233, 71234)	<p><u>Highway freight transportation</u> (Québec): Requirement for commercial presence in region where permit applies</p> <p><u>Cabotage</u></p> <p>2) None</p> <p>3) None, other than: <u>Highway freight transportation</u>: (British Columbia, Saskatchewan, Manitoba, Ontario, Québec, Prince Edward Island, Nova Scotia and Newfoundland): Public convenience and needs test (Criteria related to approval include: examination of the adequacy of current levels of service; market conditions establishing the requirement for expanded service; the effect of new entrants on public convenience, including the continuity and quality of service, and the fitness, willingness and ability of the applicant to provide proper service.)</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>2) None</p> <p>3) None</p>	
(c*) Rental of commercial vehicle with operator	<p>1) None, other than: <u>Cabotage</u></p>	<p>1) None</p>	
Rental services of commercial road vehicles with operators (CPC 7124)	<p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	
(d) Maintenance of road transport equipment	<p>1) None</p>	<p>1) None</p>	
Maintenance and repair services of motor vehicles (CPC 6112)	<p>2) None</p> <p>3) None</p>	<p>2) None</p> <p>3) None</p>	

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Maintenance and repair services of motorcycles and snowmobiles (CPC 6122)</p> <p>Repair services n.e.c. of motor vehicles, trailers, semi-trailers on a fee or contract basis (CPC 8867)</p>	<p>4) Unbound except as indicated in the horizontal section</p>	<p>4) Unbound except as indicated in the horizontal section</p>	
<p>H*. <u>Services auxiliary to all modes of transport other than Maritime Auxiliary Services</u></p>	<p>1) None, other than:</p> <p><u>Licensed Customs Brokers</u> (federal) (juridical persons): Services must be supplied through a commercial presence (natural persons): Requirement for permanent residency</p>	<p>1) None</p>	
<p>(a) Container handling services (CPC 7411)</p> <p>Other cargo handling services (CPC 7419)</p>	<p>2) None, other than:</p> <p><u>Licensed Customs Brokers</u> (federal) (juridical persons): Services must be supplied through a commercial presence (natural persons): Requirement for permanent residency</p>	<p>2) None</p>	
<p>(b) Storage and warehouse services (CPC 742)</p>	<p>3) None, other than:</p>	<p>3) None</p>	
<p>(c) Freight transport agency services (CPC 748)</p>	<p><u>Licensed Customs Brokers</u> (federal) (juridical persons): Commercial presence must be by means of incorporation or a partnership</p>		

Modes of supply: 1) Cross-border 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Other supporting and auxiliary transport services, including freight forwarding (CPC 749)	(a) A corporation must be incorporated in Canada and the majority of its directors must be Canadian citizens or permanent residents (b) A partnership must be composed of persons who are Canadian citizens or permanent residents 4) Unbound except as indicated in the horizontal section <u>Licensed Customs Brokers</u> (federal) (natural persons): Requirement for permanent residency	4) Unbound except as indicated in the horizontal section	

REFERENCE PAPER

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided.

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

DEFINITIONS RELATED TO SECTION 11, TRANSPORT SERVICES

For the purposes of this offer:

1. **"Cabotage"** services as defined by the Coasting Trade Act include:
 - (a) the transportation of goods or passengers by ship or by ship and any other mode of transport between points in the territory of Canada and its Exclusive Economic Zone;
 - (b) with respect to waters above the continental shelf, the transportation of goods or passengers in relation to the exploration, exploitation, or transportation of the mineral or non-living natural resources of the continental shelf; and
 - (c) the engaging by vessel in any maritime activity of a commercial nature in the territory of Canada and in its Exclusive Economic Zone and, with respect to waters above the continental shelf, in such other maritime activities of a commercial nature in relation to the exploration, exploitation, or transportation of the mineral or non-living natural resources of the continental shelf.

For non-maritime transport services, "cabotage" means that only Canadian-incorporated companies employing permanent residents as drivers, using Canadian registered and either Canadian-built or duty paid trucks, trailers or buses, may provide truck or bus services between points in the territory of Canada.

2. **"Container station and depot services"** means activities in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing, and making them available for shipments.

3. **"Custom clearance services"** means activities in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, irrespective of whether this service is the main or secondary activity of the service provider.

4. **"Maritime agency services"** means activities in representing, within a given geographic area, the business interests of one or more shipping lines or shipping companies, for the following purposes:

- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies in organising the call of the ship or taking control of cargoes.

5. **"Maritime cargo handling services"** means the work performed by stevedore companies or public terminal operators, but not including the work performed by dock labour, when this workforce is organised independently of the stevedoring or public terminal operator companies. The work activities covered include the performance, organization and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.

6. **"Maritime freight forwarding services"** means the activity of organising and monitoring shipments on behalf of shippers, through providing such services as the arranging of transport and related services, consolidation and packing of cargo, preparation of documentation and provision of business information.

CANADA - LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Film, Video and Television Programming Co-production	Differential treatment is accorded to works co-produced with persons of countries with which Canada may have co-production agreements or arrangements, as well as to natural persons engaged in such co-production	All countries	Indeterminate	For reasons of cultural policy, including to improve the availability of Canadian audiovisual productions in Canada, to promote greater diversity among foreign audiovisual works on the Canadian market, as well as to promote the international exchange of audiovisual works
Film, Video and Television Programming Co-production and Distribution	Differential treatment is accorded to works co-produced with persons of countries with which Québec may have co-production arrangements, and to natural persons engaged in such co-productions, as well as to natural and juridical persons engaged in film and video distribution pursuant to bilateral arrangements for the distribution of film, video and television programming in its territory	All countries	Indeterminate	For reasons of cultural policy, including to improve the availability of Québécois audiovisual productions in Québec, to promote greater diversity among foreign audiovisual works on the Québec market, and to promote the international exchange of audiovisual works, as well as to ensure that Québec distributors have improved access to films originating from all parts of the world, while allowing partners in film distribution arrangements to continue to distribute in Québec films for which they are recognized as the producers or the holders of the world distribution rights

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Fishing-Related Services	Licenses for access to Canadian waters for specific purposes, such as purchase of fuel and supplies, ship repair, crew exchanges and transshipment of fish catches, are granted only to fishing vessels from a country with which Canada has favourable fishery relations, based primarily on adherence by that country to Canadian and international conservation practices and policies	All countries	Indeterminate	Conservation of fisheries
Insurance Intermediation: Agency Services	Preferential access to the Ontario insurance services market is provided to non-resident individual US insurance agents	All states in the United States	Indeterminate	Reciprocity
Financial Services, including lending of all types and trading for own account of certain securities by loan and investment companies	Preferential treatment in Québec for allocation of licences is provided by the Province of Québec to loan and investment companies incorporated under the laws of the Parliament of the United Kingdom and Ireland for purposes of obtaining a licence to carry on business	Great Britain and Northern Ireland, Republic of Ireland	Indeterminate	Maintenance of existing historical preference

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Air and Maritime Transport - Exemptions from tax	Exemption from taxes on income and capital of a non-resident person earned in Canada from the operation of a ship or aircraft in international traffic on the basis of reciprocity with the country in which the person resides	All countries	Indeterminate	Maintenance of reciprocity as the basis for the tax reciprocity exemption
Air Transport - aircraft repair and maintenance services provided by service suppliers located outside of Canada	Preferential treatment is extended to the supply of repair and maintenance services as defined in Article I 2. b) (consumption abroad) by some foreign repair and maintenance service suppliers	All countries	Indeterminate	Air safety standards procedures
Air Transport - the selling and marketing of air transport services	Bilateral air services agreements contain provisions that place limitations on the advertising, selling or marketing of specified air transport services	All countries	Indeterminate	Bilateral air agreements

Sector or Subsector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
<p>Services incidental to agriculture</p> <p>- temporary entry of natural persons supplying services</p> <p>All sectors</p>	<p>Temporary entry of agricultural workers from countries with which Canada has signed a memorandum of understanding is subject to an accelerated process for labour certification</p> <p>Canada accepts compulsory arbitration of investor/state investment disputes brought by or in respect of service suppliers of countries with which Canada may have agreements providing for such a procedure</p>	<p>Anguilla Antigua and Barbuda Barbados Dominica Grenada Jamaica Mexico Montserrat St. Kitts-Nevis St. Lucia St. Vincent Trinidad and Tobago All countries</p>	<p>Indeterminate</p> <p>Indeterminate</p>	<p>Seasonal shortages of experienced farm workers and requirement for guaranteed return passage</p> <p>Promotion and protection of foreign investment</p>