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Council for Trade in Services

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**NOTIFICATION BY CANADA WITH RESPECT TO THE BALI DECISION ON THE
OPERATIONALIZATION OF THE WAIVER CONCERNING PREFERENTIAL
TREATMENT FOR SERVICES AND SERVICE SUPPLIERS OF
LEAST DEVELOPED COUNTRIES**

Revision

The following notification from the delegation of Canada, dated 14 December 2015, is being circulated to the Members of the Council for Trade in Services. This document replaces Canada's initial notification (S/C/N/792, of 9 March 2015).

In accordance with the decision by Ministers at the WTO's Eighth Ministerial Conference (WT/L/847) on the waiver from Article II:1 of the General Agreement on Trade in Services (GATS) in order to provide preferential treatment for services and services suppliers of least-developed countries (Waiver Decision) and the Decision by Ministers at the WTO's Ninth Ministerial Conference (WT/L/918) to operationalize this waiver, the Permanent Mission of Canada to the World Trade Organization in Geneva has the honour to notify to the World Trade Organization Committee for Trade in Services the revised preferential treatment Canada has made available to services and services suppliers of least-developed countries (LDCs). This notification is submitted under paragraph 2 of the Waiver Decision, and it replaces Canada's initial notification (S/C/N/792). Canada requests that the Council for Trade in Services approve the preferential treatment contained herein with respect to measures other than those described in GATS Article XVI.

Canada is according LDCs treatment more favourable than the treatment set out in Canada's Schedule of Specific Commitments (GATS/SC/16, GATS/SC/16/Suppl.1, GATS/SC/16/Suppl.1/Rev.1, GATS/SC/16/Suppl.2, GATS/SC/16/Suppl.2/Rev.1, GATS/SC/16/Suppl.3, GATS/SC/16/Suppl.4, and GATS/SC/16/Suppl.4/Rev.1) in the sectors and subsectors indicated in this notification. These sectors and subsectors are of particular export interest to LDCs as set out in *The Collective Request Pursuant to the Bali Decision on the Operationalization of the Waiver Concerning Preferential Treatment to Services and Service Suppliers of Least-Developed Countries (S/C/W/356)* (the "LDC Collective Request"). With the exception of the preferences outlined in section 1 of this notification, all of Canada's existing horizontal limitations in the GATS, including MFN limitations, remain in force. Canada intends to maintain the preferences in this notification for the period of the waiver.

1 HORIZONTAL COMMITMENTS

1.1. Measures concerning the temporary entry of natural persons in the following categories:

- a. Business visitors, as defined in the GATS, are eligible for temporary entry to Canada for up to six months without the need for a work permit. Qualifying business visitors may be engaged in the following activities: research and design, growth, manufacture and production, marketing, sales, distribution, after-sales and after-lease services, meetings and consultations, and general services. This treatment to LDC business visitors is applicable to all services sectors.

- b. Intra-company transferees, as defined in the GATS, are executives, senior managers, or specialized knowledge workers that are exempt from the requirement for an economic needs test but require a work permit. The treatment to LDC intra-company transferees is applicable to all services sectors.

2 SECTOR SPECIFIC COMMITMENTS

2.1 The following treatment is made available with respect to the application of measures described in Article XVI and XVII of the General Agreement on Trade in Services, subject to limitations set out in Canada's existing GATS Commitments as well as the commitments set out in section 1 (Horizontal Commitments) above.

Sector or Sub-sector	Canada's preferential treatment to LDCs Limitations on market access	Canada's preferential treatment to LDCs Limitations on national treatment
<p>Professional services</p> <p>Accounting, auditing and book-keeping services (CPC 862)</p>	<p>1) None, other than: <u>Auditing</u> (Saskatchewan, Newfoundland and Labrador, Manitoba, Ontario): Requirement for a commercial presence. (Alberta): Permanent residence required for accreditation. (Nova Scotia): Residency requirement for licence.</p> <p>2) None, other than: <u>Auditing</u> (Saskatchewan, Newfoundland and Labrador, Manitoba, Ontario): Requirement for a commercial presence. (Nova Scotia): Residency requirement for licence. (Alberta): Permanent residence required for accreditation.</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 Canada's existing GATS Commitments or the horizontal section of this notification, and: <u>Auditing</u> (Saskatchewan, Newfoundland and Labrador, Manitoba, Ontario): Requirement for a commercial presence. (Nova Scotia): Residency requirement for licence. (Alberta): Permanent residence required for accreditation.</p>	<p>1) None, other than: <u>Auditing</u> (Alberta, Newfoundland and Labrador, Manitoba, Saskatchewan): Residency requirement for accreditation.</p> <p>2) None</p> <p>3) None, other than: <u>Auditing</u> (Saskatchewan, British Columbia, Ontario, Nova Scotia, Québec, Prince Edward Island, Newfoundland and Labrador, Alberta): Office must be under the management of a resident.</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification, and: <u>Auditing</u> (Alberta, Newfoundland and Labrador, Manitoba Saskatchewan): Residency requirement for accreditation.</p>

Sector or Sub-sector	Canada's preferential treatment to LDCs	Canada's preferential treatment to LDCs
	Limitations on market access	Limitations on national treatment
Architectural services (CPC 8671) Advisory and pre-design architectural services (CPC 86711) Architectural design services (CPC 86712) Contract administration services (CPC 86713) Combined architectural design and contract administration services (CPC 86714) Other architectural services (CPC 86719)	1) None 2) None 3) None, other than: <u>Architects</u> : Commercial presence must take the form of a sole proprietorship or partnership. 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.	1) None, other than: <u>Architects</u> (Nova Scotia, Newfoundland and Labrador): Residency requirement for accreditation. <u>Landscape architects</u> (Newfoundland and Labrador): Residency requirement for accreditation. 2) None 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. 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification, and: <u>Architects</u> (Nova Scotia Newfoundland and Labrador): Residency requirement for accreditation. <u>Landscape architects</u> (Newfoundland and Labrador): Residency requirement for accreditation.
Engineering services (CPC 8672) Advisory and consultative engineering services (CPC 86721) Engineering design services for foundations and building structures (CPC 86722) Engineering design services for mechanical and electrical installations for buildings (CPC 86723) Engineering design services for civil engineering construction (CPC 86724) Engineering design for industrial processes and production (CPC 86725) Engineering design services n.e.c. (CPC 86726) Other engineering services during the construction and installation phase (CPC 86727) Other engineering services (CPC 86729)	1) None, other than: <u>Engineers</u> (British Columbia, Alberta, Ontario, New Brunswick): Must be permanent resident for accreditation. 2) None, other than: <u>Engineers</u> (British Columbia, Alberta, Ontario, New Brunswick): Must be permanent resident for accreditation. 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification, and: <u>Engineers</u> (British Columbia, Alberta, Ontario, New Brunswick): Must be permanent resident for accreditation.	1) None, other than: <u>Engineers</u> (Saskatchewan): Residency requirement for accreditation. 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification, and: <u>Engineers</u> (Saskatchewan): Residency requirement for accreditation.

Sector or Sub-sector	Canada's preferential treatment to LDCs	Canada's preferential treatment to LDCs
	Limitations on market access	Limitations on national treatment
<p>Integrated engineering services (CPC 8673)</p> <p>Integrated engineering services for transportation infrastructure turnkey projects (CPC 86731)</p> <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>1) None, other than: <u>Engineers</u> (British Columbia, Alberta, Ontario, New Brunswick): Must be permanent resident for accreditation.</p> <p>2) None, other than: <u>Engineers</u> (British Columbia, Alberta, Ontario, New Brunswick): Must be permanent resident for accreditation.</p> <p>3) None</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification, and: <u>Engineers</u> (British Columbia, Alberta, Ontario, New Brunswick): Must be permanent resident for accreditation.</p>	<p>1) None, other than: <u>Engineers</u> (Saskatchewan): Residency requirement for accreditation.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification, and: <u>Engineers</u> (Saskatchewan): Residency requirement for accreditation.</p>
<p>Urban planning and landscape architectural services (CPC 8674)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.</p>	<p>1) None, other than: <u>Community/Urban Planning</u> (Newfoundland and Labrador, Saskatchewan): Residency requirement.</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification, and: <u>Community/Urban Planning</u> (Newfoundland and Labrador, Saskatchewan): Residency requirement.</p>
<p>General construction work for buildings</p> <p>Construction work for buildings, including for multi-dwelling buildings, warehouses and commercial buildings (CPC 512)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.</p>	<p>1) None</p> <p>2) None</p> <p>3) None, other than: <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.</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.</p>

Sector or Sub-sector	Canada's preferential treatment to LDCs	Canada's preferential treatment to LDCs
	Limitations on market access	Limitations on national treatment
<p>General construction work for civil engineering 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, other than: <u>Cabotage</u> (as in Canada's GATS Schedule).</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.</p>
Other business services		
<p>Investigation and security services (CPC 873)</p>	<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</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification, 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 and Labrador): 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 Canada's existing GATS Commitments or the horizontal section of this notification.</p>
<p>Translation and interpretation services (CPC 87905)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.</p>

Sector or Sub-sector	Canada's preferential treatment to LDCs Limitations on market access	Canada's preferential treatment to LDCs Limitations on national treatment
<i>Transportation services</i>		
Maritime Agency Services (as defined in Canada's GATS schedule)	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.
Maritime Cargo Handling Services (as defined in Canada's GATS schedule)	1) Unbound 2) None 3) None, other than: (Nunavut): The Government of Nunavut may, in connection with maritime cargo handling services, take any measure that provides for or results in favourable treatment of: (a) Inuit entities or individuals, (b) Nunavut businesses or residents, or (c) local businesses or residents, as these terms may be defined by the Government of Nunavut. 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.	1) Unbound 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.
Services auxiliary to all modes of transport other than Maritime Auxiliary Services	1) None, other than: <u>Licensed customs brokers</u> (Federal) (Juridical persons): Services must be supplied through a commercial presence (Natural persons): Requirement for permanent residency. 2) None, other than: <u>Licensed customs brokers</u> (Federal) (Juridical persons): Services must be supplied through a commercial presence (Natural persons): Requirement for permanent residency. 3) None, other than: <u>Licensed customs brokers</u> (Federal) (Juridical persons): Commercial presence must be by means of incorporation or a partnership: a) A corporation must be incorporated in Canada and the majority of its directors must be Canadian citizens or permanent residents	1) None 2) None 3) None

Sector or Sub-sector	Canada's preferential treatment to LDCs Limitations on market access	Canada's preferential treatment to LDCs Limitations on national treatment
	<p>b) A partnership must be composed of persons who are Canadian citizens or permanent residents.</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.</p>	<p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.</p>
Other services		
Veterinary services (CPC 932)	<p>1, 2, 3) None other than: <u>Alberta:</u> Only Canadian citizens or persons lawfully admitted into and entitled to work in Canada may be approved for registration by the Registration Committee, upon production of satisfactory evidence to this effect. <u>Ontario:</u> Only a Canadian citizen or permanent resident, or another status under the <i>Immigration and Refugee Protection Act</i>, S.C. 2001, c. 27, consistent with the class of licence for which the application is made, is eligible to be licenced to practice veterinary medicine in Ontario. <u>Yukon:</u> The Government of Yukon to regulates and issues various authorisations relating to veterinary services for pet animals and other veterinary services. This may involve, among other things, the making of measures: a) to limit ownership on the basis of nationality or residence; and b) to favour Canadian persons and Canadian service providers.</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.</p>	<p>1, 2, 3) None other than: <u>Alberta:</u> Only Canadian citizens or persons lawfully admitted into and entitled to work in Canada may be approved for registration by the Registration Committee, upon production of satisfactory evidence to this effect. <u>Ontario:</u> Only a Canadian citizen or permanent resident, or another status under the <i>Immigration and Refugee Protection Act</i>, S.C. 2001, c. 27, consistent with the class of licence for which the application is made, is eligible to be licenced to practice veterinary medicine in Ontario. <u>Yukon:</u> The Government of Yukon to regulates and issues various authorisations relating to veterinary services for pet animals and other veterinary services. This may involve, among other things, the making of measures: a) to limit ownership on the basis of nationality or residence; and b) to favour Canadian persons and Canadian service providers.</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.</p>
Franchising Franchising related to non-financial intangible assets (CPC 8929*)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.</p>

Sector or Sub-sector	Canada's preferential treatment to LDCs Limitations on market access	Canada's preferential treatment to LDCs Limitations on national treatment
Hairdressing and other beauty services (CPC 9702)	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.
Washing, and cleaning and dyeing services (CPC 9701)	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.
Photographic services (CPC 8750)	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.
Placement and supply services of personnel (CPC 872)	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.
Printing and packaging of materials services	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.

Sector or Sub-sector	Canada's preferential treatment to LDCs Limitations on market access	Canada's preferential treatment to LDCs Limitations on national treatment
Rental/Leasing Services without Operators a),b),c),d) Leasing or rental services concerning machinery and equipment without operator, including computers (CPC 831) e*) Leasing or rental services concerning personal and household goods (CPC 832*)	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.
Sporting and other recreational services (CPC 964*) – with the exception of Gambling and betting services (96492), and Other sporting services (CPC 96419), including amateur combat sports.	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.
Tourist guide services (CPC 7472*) – excluding tourist services related to hunting, fishing, trapping, outfitter hunting, and wilderness tourism	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.	1) None 2) None 3) None 4) Unbound except as indicated in Canada's existing GATS Commitments or the horizontal section of this notification.