COMMUNICATION FROM CANADA

Conditional Offer By Canada of Specific Commitments in the Uruguay Round Negotiations on Trade in Services

Revision

The attached communication is circulated at the request of the permanent delegation of Canada to the members of the Group of Negotiations on Services.
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Conditional Offer by Canada of Specific Commitments in the Uruguay Round Negotiations on Trade in Services

I: Revision to MTN/TNC/W/55

1. Canada presented a preliminary offer on trade in services for the Brussels Ministerial meeting (MTN/TNC/W/55) for the purpose of initiating negotiations. The following is Canada's revised offer to bind levels of market access and national treatment.

2. The offer is comprised of three parts: a horizontal offer on the movement of natural persons supplying services under the Agreement, which extends to all services sectors; a horizontal offer on new establishment which extends to the sectors listed for coverage; and a listing of the specific sectors which are covered by the offer on the terms specified.

3. The revised Canadian offer extends to the regulatory activities of sub-national entities on the terms specified.

4. The offer covers each of the modes of supplying a service identified in Article I of the General Agreement on Trade in Services on the terms specified herein.

5. The classification of sectors and subsectors of the offer is based on the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office, while the ordering reflects the classification system used by the GATT Secretariat in GNS/W/120.

6. The description of measures affecting market access and national treatment reflects scheduling requirements in Part III of the General Agreement on Trade in Services, whereby only those quantitative or qualitative measures which restrict entry as defined by Article XVI or which specifically discriminate against foreign as opposed to domestic service providers as defined by Article XVII need to be scheduled as limitations or reservations. However, a number of measures have also been listed for the purpose of added transparency and clarification; Canada will wish to discuss this approach in the light of the provisions of the GATS.

7. Canada reserves the right to withdraw, modify or reduce this offer, in whole or in part, at any time prior to the conclusion of the Uruguay Round. The offer is conditional upon a number of factors, most notably finalisation of the General Agreement on Trade in Services (GATS), a successful outcome in areas of negotiating interest for Canada and an acceptable set of MFN exemptions.

8. Canada further reserves the right to make technical changes to this offer and to correct any errors, omissions or inaccuracies, respecting items at both federal and sub-national levels.

9. The final version of Canada's market access undertakings will be based upon this conditional offer and will take into account the foregoing elements and the outcome of the negotiations. It will be set down in Canada's national schedule and annexed to the GATS in accordance with Article XX of the Agreement.
II: General Reservations

- The benefits of certain governmental (federal and sub-national) tax measures may be restricted to
  
  i) natural and juridical persons resident in Canada, a province or a particular locality,
  
  ii) Canadian-controlled private corporations, or
  
  iii) natural and juridical persons conducting activities, or particular activities, in Canada, or in a sub-national unit in Canada.

- Federal or sub-national subsidies may be limited to locally established firms, residents or nationals.

- Comprehensive land claim agreements with aboriginal people may include provisions which guarantee that aboriginal businesses will be notified when commercial contracts become available, and that their proposals will be given first consideration.

- The cross-border movement of goods associated with the provision of a service may be subject to customs duties and regulations.

- Limitations or conditions on market access, or limitations or qualifications on national treatment, in respect of services which may constitute inputs to or be used to supply a scheduled service, shall continue to apply whether or not commitments have been made in respect of that scheduled service.

- Certain professional associations may require different licensing fees from foreign applicants.

- In Newfoundland there is a provincial preference for the supply of services to the offshore area.
III: Movement of Natural Persons Supplying Services under the Agreement

The following sets out the Canadian offer on the movement of natural persons supplying services under the Agreement.

A. The offer pertains to the following categories:
1. Services sellers
2. The following intra-corporate transferees:
   executives
   managers
   specialists

B. Canada will not require labour market tests or procedures of similar effect for service sellers and intra-corporate transferees from other Parties to whom access has been granted in accordance with this offer. In the case of service sellers, entry and stay under the terms of this offer will be for a period of 90 days. In the case of intra-corporate transferees, entry and stay will be for an initial period of three years.

C. The following definitions of natural persons supplying services shall apply:

Service Sellers are representatives of businesses carrying on activities in a party seeking temporary entry to Canada for the purpose of selling or negotiating for the sale of services, or entering into agreements to sell services for that business, where those representatives will not be engaged in making direct sales to the general public.

Intra-corporate transferees are persons who have been employed by their firm for a period of not less than one year and who seek temporary entry in order to render services to the same employer or a subsidiary or affiliate thereof. More specifically:
   executives - are the persons within an organization who primarily direct the management of the organization or establish goals and policies for the organization or a major component or function of the organization, 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 business;
   managers - are persons within an organization who direct the organization, or department or subdivision of the organization, supervise and 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;
   specialists - are persons within an organization who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the organization's product, service, research equipment, techniques, or management.
IV: Establishment

The following sets out Canada's offer with respect to establishment for non-financial services.

The offer covers the establishment of a new business, without restriction as to access or national treatment as set out in GATS Articles XVI and XVII. A new business is defined as a business that is not already being carried on in Canada that, at the time of its establishment, is unrelated to any other business being carried on in Canada by the non-Canadian investor.

The "establishment of a new business" does not extend to the acquisition of control of businesses in Canada by foreign-owned firms, nor does it extend to the establishment of a business that is related to Canada's cultural heritage or national identity.

Establishment - Specific Reservations with respect to Market Access or National Treatment

• A majority of directors of federally incorporated corporations in Canada must be Canadian citizens or persons ordinarily resident in Canada.

• Establishment for certain professions may be limited to sole proprietorships or partnerships.

• The Alberta Agricultural Land Ownership Act restricts the purchase of privately owned, non-urban real estate by foreign citizens and foreign controlled corporations in that province.

• In British Columbia the majority of directors of every corporation incorporated under provincial law shall be persons ordinarily resident in Canada. It is necessary to be a Canadian citizen or permanent resident of Canada to be eligible for a crown grant of land.

• The Manitoba Farm Lands Ownership Act prohibits non-residents of the Province of Manitoba and non-family farm corporations from acquiring more than 10 acres of Manitoba farm land. An equity position in Manitoba family-farm corporations can be taken by non-residents but only up to, and including, one-third of all issued and outstanding shares. The Community Bonds Act requires that a Community Bonds Corporation have directors who are Manitoba residents; purchasers of community bonds must be Manitoba residents in order to have the principal of their investment guaranteed.

• In Newfoundland and Labrador a majority of the directors of all corporations incorporated under provincial law must be Canadian residents. No crown grant of land shall be made to a non-resident company or person non-resident in the province, except in connection with an industrial or commercial development approved by the Lieutenant-General in Council. No cooperative or society shall be registered in Newfoundland unless it consists of at least five persons of full legal capacity residing in the province.

• The Nova Scotia Land Holdings Disclosure Act requires that non-residents register land holdings with the provincial Registrar.

• In Ontario, corporations incorporated under the Ontario Business Corporations Act 1982 must have a registered office within Ontario; the majority of directors of all Ontario business corporations must be resident Canadians.
- Under the Ontario Co-operative Corporations Act, the majority of the directors of any Ontario co-operative corporation must be resident Canadians and a quorum of the executive committee must be composed of a majority of resident Canadians.

- Under the Ontario Extra-Provincial Corporations Act, 1984, foreign corporations conducting business in Ontario are required to obtain a license in order to carry on business in the Province. Foreign corporations conducting business in Ontario must appoint an Ontario agent for service. An unlicensed foreign corporation cannot sue or hold land in Ontario. If no form of power of attorney is filed, the extra-provincial limited partnership cannot sue in Ontario.

- Under the Ontario Small Business Development Corporations Act, manufacturing and processing businesses are eligible investments for small business development corporations provided they are Canadian-owned and pay 75 percent of their employee wages in Ontario. Investors in the development corporation must be legal Canadians and ordinarily resident in Ontario to claim the SBDC grant or tax credit. A 25 percent and 10 percent foreign ownership restriction is prescribed.

• The Prince Edward Island Lands Protection Act requires that the provincial cabinet approve purchases by out-of-province residents of land having a shore frontage in excess of 165 feet.

• In Quebec, authorization is required for purchase of agricultural land under the Law on Acquisition of Agricultural Land by Non-Residents. Under the Law on Publicly Owned Lands, priority will be accorded to Quebec residents in the acquisition or leasing of public lands.

• 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. Similarly, the Community Bonds Act requires that a Community Bonds Corporation have directors who are Saskatchewan residents; purchasers of Community Bonds must be Saskatchewan residents in order to have the principal of their investment guaranteed by the province. Companies carrying on business in the province must register a power of attorney. The Saskatchewan Farm Security Act restricts non-resident ownership of agricultural land in that province to 10 acres. Exemptions may be granted. The purchase of provincial crown land is limited by the same criteria governing non-resident ownership of farm land. For a cooperative, the majority of the board of directors must be residents of Canada, and if from out-of-province, must designate a Saskatchewan resident with power of attorney.
V: Supplementary Information Provided for Transparency and Clarification

Under the Ontario Business Corporation Act, the Canadian residency of directors must be disclosed in applications for incorporation, a majority of the directors present at any directors' meeting in which business is transacted must be resident Canadians, a majority of directors' meetings held in Canada each year, corporate books and records must be maintained in Ontario, and a majority of the management committee of directors must be Canadian residents, as must the managing director. As well, the proceeds of a sale by a corporation constitute a trust fund. Receipts during takeovers must be deposited in CDIC-insured institutions, and deposits upon liquidation must be placed in Canadian or Ontario financial institutions. The Act also has provisions for: criteria for prohibiting Ontario corporations from continuing outside the Province; requirement for legal opinion on authorization for foreign corporation to continue into Ontario; requirement for legal opinion on authorization for Ontario corporation to continue out of Ontario, and; fee exemptions in favour of Canadian government institutions. The Act has the following Canadian/Ontario sourcing/content requirements: constrained share corporations; NUANS name searches; CICA audit standards.

The Ontario Corporations Act requires the registration of transfer of shares and requires an application for incorporation. As well, application for incorporation must include place in Ontario where head office to be situated. Applicants for incorporation for mutual livestock insurance corporations must own livestock and reside in Ontario; applicants for incorporation of mutual weather insurance corporations must own agricultural property and reside in Ontario, and; applicants for incorporation of cash-mutual insurance corporations must reside in Ontario. As the following apply: the head office is required to be in Ontario; shareholder register must be kept in Ontario, though branch registers may be kept outside Ontario; head office for a corporation without share capital must be in Ontario; purchase deposits for shares in insurance companies must be in Canadian financial institutions; the head office for fraternal societies must be in Ontario; two applicants for the incorporation of employees' mutual benefit societies must have their head office in Ontario; Ontario-licensed trust companies may be authorized to manage funds of incorporated pension plans and employees' mutual benefit societies; Re-insurance of liquidating Ontario insurance corporations by another Ontario insurer, and; corporate records must be kept at the head office in Ontario. The Act also has the following provisions: continuance of Ontario corporations into another jurisdiction is conditional upon reciprocity with that jurisdiction; upon dissolution, unclaimed assets of a corporation vest in the Public Trustee, and; fee exemptions in favour of Canadian government institutions. The Act has the following Canadian/Ontario sourcing/content requirement: the requirement for Ontario-weighted NUANS report.

Ontario Corporations Information Act: Only Ontario corporations need not file a Notice of Change of name.

Ontario Limited Partnerships Act: Under the Act a limited partnership is formed when a declaration is filed. Extra-provincial limited partnerships are required to appoint an Ontario resident attorney. Records of limited partners and partnership documents must be kept by the Ontario attorney.

Ontario Land Transfer Tax Act: Non-residents of Canada are required to pay a higher rate of land transfer tax when they purchase recreational or agricultural land in Ontario.

Ontario Non-Resident Agricultural Land Interests Registration Act: Foreign-controlled corporations and individuals not resident of Canada must register their ownership of any Ontario agricultural lands.

Ontario Corporation Securities Act: This Act has a registration requirement.

Ontario Corporation Information Act: This Act has a registration requirement.


Ontario Northern Development Programs: The NORTOP Program provides for summer employment or internship opportunities for students who must be residents of Ontario. The NORFUND/HERITAGE FUND does not have residency requirements but benefits must accrue to the North.

Ontario Technology Fund: Various programs administered under the Technology Fund require that an operation be located in the province before any funding is provided.

Ontario Development Corporations Act: Loan guarantees and interest subsidy programs for book publishers and film production companies are restricted to Canadian-owned, Ontario-based firms.


The Quebec Law on Acquisition of Agricultural Land by Non-Residents requires persons who are not resident in Quebec to obtain authorization from the Commission for the Protection of Agricultural Land for the purchase of more than four hectares of contiguous agricultural land. In its evaluation of applications, the Commission will give consideration to the economic and social benefits which might have accrued from continued use of the land for agricultural purposes.
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<td>1. BUSINESS SERVICES</td>
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* Asterisks designate "part of".
These rules include being a member of a foreign law society or equivalent and practising in Ontario in conjunction with a full member of the Law Society of Upper Canada. They too are subject to the jurisdiction of the Law Society of Upper Canada. None of the other provinces have specific provisions permitting foreign legal consultants to provide a service.
LIMITATIONS OR CONDITIONS ON MARKET ACCESS

In Saskatchewan, firms whose head offices are outside of that province are entitled to use the designations Certified General Accountant and Accredited Public Accountant provided that the office in Saskatchewan is under the management of a resident of Saskatchewan. Firms providing the services of chartered accountants must have an established presence in Saskatchewan.

CONDITIONS OR QUALIFICATIONS ON NATIONAL TREATMENT

For chartered accountants, residency requirement in Newfoundland, Nova Scotia, Saskatchewan and Quebec. Residency requirement for all public accounts in Manitoba. However, Manitoba does provide for non-resident "certified general accountants" subject to insurance, registration and fee payment requirements. In Prince Edward Island, a Chartered Accountant designation is required to practice public accounting and auditing.

In Ontario no person may offer services of a public accountant as defined in the Public Accounting Act except if licensed by the certifying body under that Act. To be licensed, one must be a member of a qualifying institution. Membership in the qualifying institution requires Canadian citizenship or permanent
LIMITATIONS OR CONDITIONS ON MARKET ACCESS

CONDITIONS OR QUALIFICATIONS ON NATIONAL TREATMENT residence.

In Quebec, in addition to chartered accountants, there are residency requirements for Certified Management and Certified General Accountants.

Supplementary information provided for transparency and clarification

National Treatment In Ontario, persons offering services of a public accountant as defined in the Public Accounting Act must be licensed by the Public Accounting Council for the Province of Ontario. To be licensed, a person must be a member of the "qualifying body", which is the Institute of Chartered Accountants of Ontario. However, the Council may by regulation exempt licensees of a state or province other than Ontario from this condition.

Membership in the Institute of Chartered Accountants on Ontario is restricted to natural persons who have pursued a prescribed education and apprenticeship program and who have passed qualifying examinations. Members must abide by the Institute’s rules of professional conduct and submit to discipline by the Institute. The rules are set out in the Chartered Accountants Act, 1956, and its regulations made under that Act, as well as in the Public Accounting Act.
The Ontario Building Code stipulates that certain buildings must be designed by professional architects and/or engineers who are licensed in Ontario.

- A foreign professional architect is allowed to practice within Canada as an architect if that person becomes licensed as per normal licensing procedures, which may entail residency requirements (e.g. Nova Scotia, Quebec, New Brunswick), or acquires from the relevant provincial authorities (e.g. Newfoundland) a temporary licence (which is issued for single projects) and works in conjunction with a registered architect in the relevant province. The foreign architect must meet the requirements of the provincial association for a temporary license. Manitoba does not provide temporary licenses. There is a residency requirement in New Brunswick. In Nova Scotia there is a residency requirement which can be waived if the applicant is a member of an Architectural Institute which has reciprocal...
agreements with the N..S. Association of Architects.
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<td>Engineering services</td>
<td>To operate in Manitoba a &quot;consulting engineer&quot; must maintain a permanent office in the province.</td>
<td>- All Provinces and Territories require engineers to be Canadian citizens or permanent residents in order to be licensed to practice. However, foreign engineers who do not meet the citizenship or residency requirements are permitted to practise in Canada as long as they obtain a temporary license (usually a twelve month duration) from the appropriate licensing body. Foreign engineers applying for temporary licenses must meet the same requirements for licensing as Canadian engineers and in Ontario must carry prescribed professional liability insurance. Some provinces require that temporary licensees collaborate with a member of the provincial association of engineers and that the holder of the temporary license not issue final drawings, etc. unless the member approved the document. Foreign engineers are permitted to be affiliated with a local firm, to form a joint</td>
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Integrated engineering and project management services for water supply and sanitation works, turnkey projects.

Integrated engineering services for the construction of manufacturing turnkey projects.

Integrated engineering services for other turnkey projects.

Urban planning and landscape architectural services.

Membership in the Saskatchewan Association of Professional Community Planners is restricted to residents of the Province, although temporary licenses may be granted to non-residents. Residency...
Market Access: In Ontario the Building Code Act states that: there may be a building code in Ontario governing standards for the construction and demolition of buildings; the building code may adopt by reference, in whole or in part and with any changes considered necessary, any code or standard and require compliance with it; no building can be constructed or demolished without a permit; a permit can be revoked for certain reasons; construction must only take place in conformance with the permit; drawings plans and specifications accompanying applications for permits shall be made available to the Association of Professional Engineers of the Province of Ontario and the Ontario Association of Architects upon request for the purpose of determining whether the Professional Engineers Act or the Architects Act is being contravened; application may be made to a Building Code Commission for settlement of disputes between permit applicants or holders and regulatory authorities; regulations may require that any part of the design, construction or demolition of a building shall be under the review of an Architect or Professional Engineer who is a member or licensee of the Ontario Association of Architects under the Architects Act or the Association of Professional Engineers of the Province of Ontario under the Professional Engineers Act; regulations may require the approval of an inspector in respect of any method, matter or thing; a building permit shall not be issued for a home built for resale if the applicant is a builder as defined in the Ontario New Home Warranties Plan Act and is not registered under that Act; regulations may designate organizations to test prefabricated building units to the standards prescribed by the building code and providing for the placing of the label of these organizations on units that conform to the standards.

In Ontario a license is available only to people who can show that they meet the education and practice requirements of the Regulations made under the Professional Engineers Act and who pass the professional practice examination set by the Association of Professional Engineers of Ontario. A limited license is available only to people who meet the educational and practice requirements of the Regulations, which includes thirteen years of engineering work acceptable to the Council, and who pass the professional practice examination. Limited licences give the right to practice only in particular areas of engineering for an employer named in the license. A temporary license requires qualifications judged by the Association to be at least equal to the qualifications for a license or wide experience of at least ten years in the area of engineering covered by the temporary license. The holder must also speak English competently. The holder of a temporary license must collaborate with a member of the Association (i.e. the holder of a license except in prescribed circumstances. The holder...
of a temporary license may not issue a final drawing, specification, plan, report or other document unless the member has signed, dated and sealed. No person may offer professional engineering services to the public without a certificate of authorization (C.O.A.) issued by the Association. C.O.A. are available only to holders of licenses or limited licenses with five years of practice. They require as well that the holder of the C.O.A. carry prescribed professional liability insurance or give notice to potential clients that no insurance is carried. Corporations must be owned by licensed professional engineers to obtain a C.O.A. Consulting engineering services may not be offered unless the person offering them is designated a consulting engineer under the Regulation. Professional engineers practising in Ontario must comply with the code of professional conduct, the code of ethics and the performance standards prescribed in the Regulation and submit to the supervision and discipline of the Association.

Under the Ontario Boilers and Pressure Vessels Act the design of boilers is to be submitted to chief inspector for approval and registration.

Under the Ontario Operating Engineers Act users of a plant pressure vessel must register with and be certified by the Ministry of Consumer and Commercial Relations. As well, under the Act a certificate of qualification will only be issued after an applicant passes an examination or shows proof of completion of an approved training course.

Under the Ontario Energy Act a license, certificate or registration shall be issued by the appropriate Director.

B. Computer and Related Services

1Ba 841 Consultancy services related to the installation of computer hardware
1Bb 842 Software implementation services, including systems & software consulting services, systems analysis, design, programming & maintenance services
1Bc 843 Data processing services, including processing, tabulation and facilities management services.
1Bd 844 Data base services
1Be 845 Maintenance and repair services of office machinery and equipment including computers + 849 Other computer services

No limitations or conditions No conditions or qualifications
C. Research and Development

Research and experimental development services on natural sciences and engineering, including engineering & technology, agricultural and forestry sciences but excluding medical science and pharmacy.

Research and experimental development services on social sciences and humanities, including law, economics, linguistics, language.

Interdisciplinary research and experimental development services

No limitations or conditions

No conditions or qualifications
D. Real Estate Services

1Da 821
Real estate services involving own or leased property

1Db 822
Real estate services on a fee or contract basis

LIMITATIONS OR CONDITIONS ON MARKET ACCESS

No limitations or conditions, other than:

The Ontario Real Estate and Business Brokers Act requires real estate and business brokers to be registered. As well, they must maintain a registered head office in Ontario and meet certain qualification standards in order to obtain an Ontario license. Registered brokers or salesmen shall not trade in Ontario real estate from an office located outside Ontario, and every applicant for registration shall state address for services in Ontario. Also under the Act Real Estate and Business Brokers must be bonded and a trust account must be located with a designated financial institution which excludes foreign institutions. The Act also prohibits trading in lands outside Ontario unless a prospectus is filed with the

CONDITIONS OR QUALIFICATIONS ON NATIONAL TREATMENT

No limitations or conditions, other than:

- A firm seeking a licence to act as a real estate agent in Quebec, Newfoundland and the Yukon must designate as its representative, a person residing in those jurisdictions.

- Any person seeking a license as a real estate agent in Quebec, Yukon, Manitoba, Nova Scotia, Newfoundland, British Columbia and Prince Edward Island, must be a permanent resident of the province or territory.

Ontario Real Estate and business Brokers Act: Registered real estate agents and business brokers must be bona fide residents of Canada.
LIMITATIONS OR CONDITIONS ON MARKET ACCESS

Registrar and a certificate of acceptance issued.
A firm seeking a licence to act as a real estate agent in Nova Scotia, Newfoundland, P.E.I. and Saskatchewan, must maintain a permanent office in those Provinces.

CONDITIONS OR QUALIFICATIONS ON NATIONAL TREATMENT

Supplementary information provided for transparency and clarification:
Market Access: Under the Ontario Condominium Act there is an optional requirement to register a declaration and description and there is a requirement for monies to be held in trust.
E. Rental/Leasing Services without Operators

1Ea, 831
b,c,
d

Leasing or rental services concerning machinery and equipment without operator, including computers

1Ee* 832*

Leasing or rental services concerning personal and household goods (excluding in 83201, the rental of prerecorded records, sound cassettes, CD's & excluding 83202, rental services concerning video tapes)

LIMITATIONS OR CONDITIONS ON MARKET ACCESS
No limitations or conditions

CONDITIONS OR QUALIFICATIONS ON NATIONAL TREATMENT
No limitations or qualifications

Supplementary information provided for transparency and clarification:

Market Access: In Ontario, motor vehicle lessors are required to be registered as motor vehicle dealers under the Motor Vehicle Dealers Act.
F. Other Business Services

1Fb 864 Market research and public opinion polling services

1Fc 865 Management consulting services

86501 General management consulting services

86502 Financial management consulting services

86503 Marketing management consulting services

86504 Human resources management consulting services

86505 Production management consulting services

86506 Public relations services

86509 Other management consulting services, including agrology, agronomy, farm management & related consulting services

LIMITATIONS OR CONDITIONS ON MARKET ACCESS

No limitations or conditions

CONDITIONS OR QUALIFICATIONS ON NATIONAL TREATMENT

No limitations or qualifications, other than:

There is a residency requirement for membership in the Professional Association of Administrators of Quebec.

The Newfoundland & Labrador Institute of Agrology only accords memberships to...
Supplementary information provided for transparency and clarification:

**Market Access**: Under the Ontario Crown Timber Act every license to cut Crown timber in Ontario is subject to the condition that the cut timber is to be manufactured in Canada. The Lieutenant Governor can grant exemptions.

In Ontario, to approve a Provincial Timber Management Plan, one must be an Ontario Registered Professional Forester (ORPF) which may be obtained either by: 1) graduation from an accredited forestry program, or 2) non-resident forestry graduates may certify by successfully passing the ORPF exams offered by the Ontario Professional Foresters Association.
Services incidental to mining, including drilling and field services

Site preparation for mining

Toll refining services - oil

Toll refining services - basic metals

In the Province of British Columbia an applicant for a free miner certificate must be a Canadian citizen and a permanent resident of Canada, a Canadian corporation or a partnership of the foregoing. The B.C. Minister of Mines has discretion to issue a certificate to a non-Canadian.

The Newfoundland and Labrador Petroleum Regulations require that operators acquiring goods and services for work related to petroleum operations shall give first consideration to goods and services provided within the province where these are competitive in terms of price, quality and delivery.

Supplementary information provided for transparency and clarification:

Market Access: Under the Ontario Mineral Exploration Program Act the Ontario Prospectors Assistance Program provides grants up to $10,000 but the recipients must be residents of Canada. As well, the Ontario Mineral Incentive Program provides up to $300,000 assistance for junior mining companies, which can be foreign, but must have a Canadian office. The Act also requires Prospector license applicants to be at least 18 years old.

The Ontario Mining Act, states that Ontario mine operators are required to treat, refine or process all ores and minerals in Canada to "refined metal or other products suitable for direct use in the arts". An exemption may be given by Order-In-Council.

National Treatment: Ontario Mineral Exploration Program Act: Government grants and tax credits may be given to individuals, who are ordinarily resident in Canada, for the purpose of conducting programs of mineral exploration in Ontario.
CODING
W120 CPC

OFFER

 Placement and supply services of personnel

 LIMITATIONS OR CONDITIONS ON MARKET ACCESS

 Under the Ontario Employment Agencies Act the business for which an applicant applies for a license or a renewal shall have a permanent place of business in Ontario.

 CONDITIONS OR QUALIFICATIONS ON NATIONAL TREATMENT

 In Saskatchewan and Nova Scotia companies engaged in investigation and security services must provide a provincial address for the service of legal documents.

 In Newfoundland, the majority of the Board of Directors of a corporation engaged in security and investigation services and the manager of the business must be Canadian citizens or permanent residents. Private investigators must be a Canadian citizen or landed immigrant.
Related scientific and technical consulting services

LIMITATIONS OR CONDITIONS ON MARKET ACCESS

In British Columbia to be registered as an applied science technologist or technician, it is necessary to be a Canadian citizen or a permanent resident of Canada. There is a residency requirement for licensed geologists in Quebec.

In Ontario, non-Canadian citizens or non-permanent residents are not entitled to practice Cadastral surveying. As well, corporations with less than 70% of their shares owned by and registered in the name of one or more Canadian citizens or permanent residents are not entitled to practice cadastral land surveying. Also at least one director or full time employee of the corporation must be a licensed member of the Association of Ontario Land Surveyors (i.e. Canadian citizen or permanent resident) who agrees to personally supervise and direct the practice of cadastral surveying for the corporation. Non-Canadian citizens are not entitled to be elected or appointed to the governing Council of the Association of Ontario Land Surveyors.
Supplementary information provided for transparency and clarification:

Market Access: The Ontario Aggregate Resources Act indicates that every site plan accompanying an application for a Class A License must be prepared under the direction of and certified by one of the following persons: 1) a professional engineer who is a member of the Association of Professional Engineers of Ontario; 2) a land surveyor who is a member of the Association of Ontario Land Surveyors; 3) a landscape architect who is a member of the Ontario Association of Landscape Architects; or 4) any other qualified person approved in writing by the Minister of Natural Resources.
Geological, geophysical and other scientific prospecting services, including those related to mining

Subsurface surveying services
Surface surveying services

The Saskatchewan Land Surveyors Association bylaws require land surveying businesses to maintain a Saskatchewan office.

In Ontario all licensed surveyors must complete their training in Ontario and pass an Ontario examination.

In Newfoundland, geoscientists are required to be resident. Non-residents meeting qualification requirements can obtain a license to practice, but cannot use the designation "professional geoscientist".

Canadian citizen or permanent resident status is required to practice surveying in British Columbia. Manitoba requires citizenship. There is a residency requirement in Quebec.

Ontario Surveyors Act: Members of the governing council of the Association of Ontario Land Surveyors must be Ontario residents and Canadian citizens. Licensed Ontario surveyors must be Ontario residents but not necessarily Canadian citizens.

Supplementary information provided for transparency and clarification:

Market Access: Under the Ontario Mineral Exploration Program Act the Geoscience Research Grant Program accepts applications from Ontario university faculty (out-of-country co-sponsoring is acceptable).
Map making services

Repair services of personal and household goods

Repair services incidental to metal products, machinery and equipment including computers, and communications equipment

Building-cleaning services

Packaging services

Other business services, including: credit reporting services, collection agency services, telephone answering services, duplicating services, mailing list compilation and mailing services, specialty design services, translation services, other business services n.e.c., including demonstration and exhibition services.

In Saskatchewan, companies engaged in credit reporting must provide a Saskatchewan address for the service of legal documents. Only Canadian residents may carry on business as a collection agency.

In Nova Scotia consumer reporting agencies must be incorporated in Canada and registered in that provinces.

In Newfoundland, credit reporting and collections agencies must be registered and have a physical place of business.

Ontario Collection Agencies Act: Collection Agencies must meet registration requirements.

In P.E.I. applicants for registration must be Canadian citizens or legal immigrants and resident in Canada.

Licensed translators must meet a residency requirement in Quebec.
Foreign ownership is restricted to 25 per cent in total and 10 per cent by any individual holding shares in an Ontario collection agency. The Act also requires monies to be held in trust. Collection agents must be bonded and the corporation must have a permanent place of business in Ontario. Only Canadian residents may carry on business in Ontario as a collection agency. The Act also requires active officers and directors to pass a qualifying examination. Two years of actual experience is required to be registered as a collection agency.

The relevant provisions of the Ontario Real Estate and Business Brokers Act apply to business brokerage services (previously listed in Division 82).

The Ontario Consumer Reporting Act requires businesses and personal information investigators to register, operate from a permanent place of business in Ontario and provide an address for service in Ontario.
Applicants must have 2 years actual experience and be 18 years of age to register.

Ontario Gaming Services Act
(same provisions: CPC 621)

In Newfoundland credit reporting and collection agencies must be registered and have a physical place of business in the province.

Supplementary information provided for transparency and clarification:

Market Access: Under the Ontario Retail Sales Tax Act relief from responsibility of charging tax on admission charges is granted when the event is provided under the auspices or sponsored by: - a registered Canadian amateur athletic association; or a registered Canadian charity; - an organization that is substantially assisted from public funds of the Province of Ontario; - a Canadian Agricultural Society; - the National Gallery of Canada.

Where 90% of the regular performers in a theatrical or musical production are residents of Canada, relief from charging tax on admission is granted.
## COMMUNICATIONS SERVICES

### B. Courier services

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2B</td>
<td>Commercial courier services (including multi-modal)</td>
</tr>
</tbody>
</table>

### C. Telecommunication services, of which:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2Ch</td>
<td>Electronic mail</td>
</tr>
<tr>
<td>2Ci</td>
<td>Voice mail</td>
</tr>
<tr>
<td>2Cj</td>
<td>On-line information and data base retrieval</td>
</tr>
<tr>
<td>2Ck</td>
<td>Electronic data interchange (EDI)</td>
</tr>
<tr>
<td>2C1</td>
<td>Enhanced/value-added facsimile services, including store and forward, store and retrieve</td>
</tr>
<tr>
<td>2Cm</td>
<td>Code and protocol conversion</td>
</tr>
<tr>
<td>2Cn</td>
<td>On-line information and/or data processing (including transaction processing)</td>
</tr>
</tbody>
</table>

#### LIMITATIONS OR CONDITIONS ON MARKET ACCESS

- No limitations or conditions

#### CONDITIONS OR QUALIFICATIONS ON NATIONAL TREATMENT

- No conditions or qualifications

For Ontario-regulated local telephone companies there are limitations on the bypass of Canadian facilities for routing of domestic and international traffic, including traffic carried on private leased lines; regulatory approvals by the Ontario Telephone Service Commission (pursuant to the Telephone Act, R.S.O. 1990, Chapter T.4); or by the Ontario Northland Transportation Commission (pursuant to the Ontario Northland Transportation Commission Act, R.S.O. 1990, Chapter 0.32).
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES

A. General construction work for buildings

Construction work for buildings, including for multi-dwelling buildings, warehouses and commercial buildings.

Limitations or Conditions on Market Access

No limitations or conditions

Conditions or Qualifications on National Treatment

No conditions or qualifications, other than:

Under Ontario Retail Sales Tax Act a non-resident construction contractor who will be consuming or using tangible personal property in Ontario is required to deposit with the Treasurer 4% of the amount to be paid under the contract or post a guarantee bond for the same, to secure payment of tax in respect of materials and equipment consumed in rendering the construction contract. Where the 4% cash deposit exceeds the tax payable, the difference is refunded to the contractor.

Under Newfoundland Retail Sales Tax a deposit of 6% of the contract amount or a bond equivalent is required.

Supplementary information provided for transparency and clarification:

Market Access: In Ontario the building Code Act states that: there may be a building code in Ontario governing standards for the construction and demolition of buildings; the building code may adopt by reference, in whole or in part and with any changes considered necessary, any code or standard and require compliance with it; no building can be constructed or demolished without a permit; a permit can be revoked for certain reasons; construction must only take place in conformance with the permit; drawings plans and specifications accompanying applications for permits shall be made available to the Association of Professional Engineers of the Province of Ontario and the Ontario Association of Architects upon request for the purpose of determining whether the Professional Engineers or the Architects Act is being contravened; application may be made to a Building Code Commission for settlement of disputes between permit applicants or holders and regulatory authorities; regulations may require that any part of the design, construction or demolition of a building shall be
under the review of an architect or Professional Engineer who is a member or licensee of the Ontario Association of Architects under the Architects Act or the Association of Professional Engineers of the Province of Ontario under the Professional Engineers Act; regulations may require the approval of an inspector in respect of any method, matter or thing; a building permit shall not be issued for a home built for resale if the applicant is a builder as defined in the Ontario New Home Warranties Plan Act and is not registered under that Act; regulations may designate organizations to test prefabricated building units to the standards prescribed by the building code and providing for the placing of the label of these organizations on units that conform to the standards.

Market Access: Under the Ontario Aggregate Resources Act, every site plan accompanying an application for a Class A License must be prepared under the direction of and certified by one of the following persons: 1) a professional engineer who is a member of the Association of Professional Engineers of Ontario; 2) a land surveyor who is a member of the Association of Ontario Land Surveyors; 3) a landscape architect who is a member of the Ontario Association of Landscape Architects; or 4) any other qualified person approved in writing by the Minister of Natural Resources.

National Treatment: The Ontario building Code stipulates that certain buildings must be designed by professional architects and/or engineers who are licensed in Ontario.
<table>
<thead>
<tr>
<th>CODE</th>
<th>C.</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>3B 513</td>
<td><strong>B. General construction work for civil engineering</strong></td>
<td></td>
</tr>
<tr>
<td>3C* 514</td>
<td><strong>C. Installation and assembly work</strong></td>
<td></td>
</tr>
<tr>
<td>3C* 516*</td>
<td><strong>D. Building completion and finishing work</strong></td>
<td></td>
</tr>
<tr>
<td>3E* 511*</td>
<td><strong>E. Other</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Ontario Ministry of Natural Resources policy requires an applicant and holder of a water power site development permit to be a resident of Ontario or a company incorporated in Ontario.**

**Special trade construction work**
4. DISTRIBUTION SERVICES

A. Commission agents' services

Commission agents' services (excluding 62112, sales on a fee or contract basis of food products, beverages & tobacco).

B. Wholesale trade services

Wholesale trade services (excepting agriculture and live animal wholesaling in 6221; wholesaling of alcoholic beverages in 6222; musical scores, audio and video recordings in 62244; and books, magazines, newspapers, journals, periodicals and other printer matter in 62262)

Supplementary information provided for transparency and clarification:

Ontario Provincial Auctioneers Act: Persons applying for a license to sell pure bred livestock by public auction must pay a fee of $50 if they are Ontario residents or $100 if they are non-residents.

In British Columbia, a foreign fish buyer is required to have a company registered in British Columbia. Mobile fish buyer’s licences are not issued to foreigners.

In Newfoundland non-resident companies must be registered and licensed in order to purchase fish from primary producers and/or to process fish.

Market Access: The proposed Ontario Gaming Services Act requires persons who provide gaming premises, materials or equipment to be registered as suppliers; and requires persons who work in gaming premises to be registered as gaming assistants. A registered supplier is required to maintain certain books and records in Ontario at the premises shown on the supplier’s application for registration. A registered supplier is also required to maintain for the benefit of charitable licensees a trust account in a chartered bank, loan or trust corporation, credit union or Province of Ontario savings office.
C. Retailing services

4C* 631* Food retailing services (excluding liquor, wine & beer sales in 63107)

632* Non-food retailing services of personal and household goods (excluding music scores, audio & video records and tapes in 63234, and books, magazines, newspapers and periodicals in 63253 and pharmaceutical, medical & orthopaedic goods in 63211)

The Ontario Consumer Protection Act requires that itinerant sellers register their business in Ontario; maintain a permanent place of business in Ontario; and provide an address for service in Ontario. The Act also requires that applicants post a bond as a prerequisite for registration; that monies received by a seller under an executory contract be retained by the seller in trust and separate registration for each trade name.

Supplementary information provided for transparency and clarification:

Market Access: Ontario Upholstered and Stuffed Articles Act: The Act makes it an offence to sell an upholstered or stuffed article in Ontario manufactured by someone other than a registered Ontario manufacturer unless otherwise excepted. The Act also requires the registration of persons carrying on business as manufacturers or renovators of stuffed articles. A product disclosure label acceptable to the proper authorities is also required.

Under the Ontario Gas Handling Act there is a registration requirement.
In Ontario, tradesmen and mechanics in the fuel safety sector must write a Ministry of Consumer and Commercial Relations Branch exam before they can be certified in Ontario.

National Treatment: The Ontario Upholstered and Stuffed Articles Act prohibits the designation of any non-Canadian jurisdiction.
<table>
<thead>
<tr>
<th>CODING</th>
<th>OFFER</th>
<th>LIMITATIONS OR CONDITIONS ON MARKET ACCESS</th>
<th>CONDITIONS OR QUALIFICATIONS ON NATIONAL TREATMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>W120 CPC</td>
<td>4C* 6111</td>
<td>Sale, maintenance and repair services of motor vehicles including automobiles and other road vehicles</td>
<td>In Saskatchewan, New Brunswick and Newfoundland, companies engaged in the sale of motor vehicles must have an established presence in those provinces.</td>
</tr>
<tr>
<td></td>
<td>+</td>
<td></td>
<td>Automobile &amp; salvage dealers in Labrador &amp; Newfoundland who are regulated under provincial statute must have a physical presence within that province.</td>
</tr>
<tr>
<td></td>
<td>6113</td>
<td>Sales of related parts and accessories</td>
<td></td>
</tr>
<tr>
<td></td>
<td>+</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4C* 612</td>
<td>Sales of motorcycles and snowmobiles and of related parts and accessories</td>
<td>In Prince Edward Island, a public convenience and necessity test applies to the licensing of retail petroleum outlets.</td>
</tr>
<tr>
<td></td>
<td>4E* 613</td>
<td>Retail sales of motor fuel</td>
<td></td>
</tr>
</tbody>
</table>

*Supplementary information provided for transparency and clarification:*

**Market Access:** In Ontario under the Motor Vehicle Dealers' Act registration is required as well as a requirement for monies to be held in trust. Motor vehicle dealers must also contribute to a compensation fund.

Under the Ontario Gas Handling Act there is a registration requirement.

In Ontario, tradesmen and mechanics in the fuel safety sector must write a Ministry of Consumer and Commercial Relations Branch exam before they can be certified in Ontario.
<table>
<thead>
<tr>
<th>CODING</th>
<th>OFFER</th>
<th>LIMITATIONS OR CONDITIONS ON MARKET ACCESS</th>
<th>CONDITIONS OR QUALIFICATIONS ON NATIONAL TREATMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>W120 CPC</td>
<td>6. ENVIRONMENTAL SERVICES</td>
<td>No limitations or conditions</td>
<td>No conditions or qualifications</td>
</tr>
<tr>
<td>6A, 940</td>
<td>Sewage and refuse disposal, sanitation and other environmental protection services, including sewage services, nature &amp; landscape protection services &amp; other environmental protection services n.e.c.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
7. FINANCIAL SERVICES

Proposal: Canada proposes to bind existing market access and national treatment regimes at the federal and sub-federal levels of government, on the basis of the obligations as specified in the GATS "Understanding on Commitments in Financial Services". 1

Federal and provincial governments maintain residency requirements for directors of financial institutions. These requirements vary from institution to institution and from province to province.

A. All insurance and insurance-related services

a. Life, accident and health insurance services

- No limitations or conditions at the federal level of government.

- Under provincial statutes, insurance activities can only be provided through: (i) a corporation incorporated under provincial statutes; (ii) an extra-provincial insurance corporation, i.e. an insurer incorporated by, or under the laws of another jurisdiction; an association formed on the plan known as

- Non-U.S. foreign persons can own no more than 10% individually, or 25% collectively of a Canadian-controlled and federally-incorporated life insurance company.

- In Quebec, non-residents can acquire no more than 30% of the voting shares of any Canadian-controlled and Quebec chartered insurance company without ministerial approval.

- In Ontario, capital

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1 The establishment of foreign financial institutions under federal jurisdiction is subject to reciprocity requirements. Canada would be prepared to remove these requirements provided there is an appropriate balance of concessions within the financial services sector.
Lloyd's. Once established in a Canadian jurisdiction, a foreign subsidiary or branch requires a license in each of the provinces it carries out business (applies to all insurance, i.e. life, non-life and reinsurance). In British Columbia, while extra-provincial insurance corporations are not required to form a subsidiary or maintain a head office in the province, they must maintain facilities where records can be kept (applies to all insurance). In Newfoundland, there is a provincial residency or sponsoring requirement to obtain a license and establishment of a head office is also required. In Ontario, no license is provided to a corporation which is an insurance agency if the head office is outside Canada or if the majority of the voting shares are owned by non-residents; no license is provided to a partnership if any partner is resident outside Canada. If an insurer is incorporated outside Ontario, it must appoint an Ontario agent. No license is provided to a corporation to act as an insurance broker if the requirements for mutual insurance companies do not apply to certain mutual insurance companies incorporated in Ontario. A corporate agency or adjuster or insurance broker which is majority non-resident-owned and licensed as a result of grandfathering cannot expand through purchase of assets or business or merger or amalgamation with any other agent or adjuster.
majority of the voting rights are in shares owned by non-residents.

- Quebec, Manitoba, Saskatchewan and British Columbia operate public monopolies in the area of auto insurance. The levels of compulsory coverage may be reviewed and adjusted from time to time in line with normal business practice in the insurance industry. Range of vehicle coverage may also be reviewed and adjusted.
<table>
<thead>
<tr>
<th>CLASS</th>
<th>CODE</th>
<th>DESCRIPTION</th>
<th>LIMITATIONS OR CONDITIONS ON MARKET ACCESS</th>
<th>CONDITIONS OR QUALIFICATIONS ON NATIONAL TREATMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>7Ab</td>
<td>8129</td>
<td>b. Non-life insurance services</td>
<td>- There is a requirement to establish commercial presence with respect to insurance services listed under Article 3(a) of the Understanding on Commitments in Financial Services, excluding marine insurance (as defined in the Classes of Insurance Regulations).</td>
<td>No conditions or qualifications.</td>
</tr>
<tr>
<td>7Ac</td>
<td>81299</td>
<td>c. Reinsurance and retrocession</td>
<td>- There is a requirement to establish commercial presence. - Federal and provincial ceilings on the amount of risk undertaken by policies which may be ceded to a non-resident reinsurer are lower than to resident firms. Federally, registered property and casualty insurance companies can cede no more than 25% of its business to non-resident.</td>
<td>No conditions or qualifications.</td>
</tr>
</tbody>
</table>
d. Services auxiliary to insurance (including broking and agency services)

- Provinces require establishment of commercial presence. In Ontario, non-resident individual adjusters are prohibited from being adjusters in Ontario (with the exception of those from states of the U.S. bordering Ontario and having a reciprocal arrangement with Ontario). In Newfoundland, non-resident adjusters must, as a condition for obtaining a license, agree to act through the facilities of an adjuster, adjusting company, representative, agent or broker licensed under provincial law.

Supplementary information provided for transparency and clarification:

The limitations, conditions or qualifications on market access and national treatment listed hereunder pertain to insurance institutions. The activities of such institutions extend beyond those listed under 7Aa to 7Ad.

Federal and provincial governments require financial institutions to maintain membership in designated insurance compensation plans or deposit-insurance schemes.
B. Banking and other financial services (excl. insurance)

a. Acceptance of deposits and other repayable funds from the public

b. Lending of all types, incl., inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction

c. Financial leasing

d. All payment and money transmission services

e. Guarantees and commitments

- Foreign financial institutions are required to establish subsidiaries (for banks, trust and loan companies, and credit unions/caisses populaires under federal or provincial jurisdiction). In British Columbia and Alberta, extra-provincial Canadian trust corporations are not required to form a subsidiary or maintain a head office in the province but they must maintain facilities where records can be kept. In Ontario, mortgage brokers are required to incorporate in Ontario, another province or federally and they may be restricted from carrying on business, depending on the number of equity shares held by non-residents.

- Non-U.S. foreign bank subsidiaries are limited to 12% of total domestic assets of all banks in Canada.

- Canada maintains a regime of wide public ownership with

- Non-U.S. foreign persons can own no more than 25% collectively of any Canadian controlled chartered bank.

- Ministerial approval is required for non-U.S. foreign bank subsidiaries to open more than one branch.

- Non-U.S. foreign persons can own no more than 10% individually, or 25% collectively of a Canadian-controlled and federally-incorporated trust or loan company ("10/25 rules").

- Ontario, Quebec and Manitoba apply 10/25 rules to the direct or indirect acquisition of Canadian-controlled and provincially-incorporated trust and loan companies by foreign persons. In Ontario, voting rights by non-residents may be restricted. Saskatchewan limits foreign ownership to no more than 10% of shares.

- In Alberta, Alberta Treasury
respect to Schedule I banks; no one person (Canadian or foreign) may own more than 10% of any class of shares of a Schedule I bank.

- In British Columbia, incorporation or business authorization (for extra-provincial corporations) may be refused if the responsible minister is of the opinion that any person owning 10% or more of the voting shares of the institution or any of the directors or senior officers, for public interest reasons, ought not to be in a position to control or influence a financial institution.

Branches are subject to less onerous regulatory requirements than other domestic or foreign-owned financial institutions. The government of Alberta may channel or deliver certain loan or subsidy programs through Alberta Opportunity Company, Alberta Agriculture Development Corporation and Alberta Municipal Financing Corporation to the exclusion of other financial service providers.

Supplementary information provided for transparency and clarification:
The limitations, conditions or qualifications on market access and national treatment listed hereunder pertain to those institutions with which the activities listed under 7Ba to 7Be are normally associated (i.e., banks, trust and loan companies and credit unions/caisses populaires). However, given the integrated nature of the financial services sector in Canada, these activities may also be carried out by other institutions which may or may not be regulated by federal and/or provincial governments. The conditions affecting market access and national treatment for these institutions are noted under other activities with which these institutions are primarily identified.
Federal and provincial governments require financial institutions to maintain membership in designated insurance compensation plans or deposit-insurance schemes.
f. Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:

- money market instruments (cheques, bills, certificate of deposits, etc.)
- foreign exchange
- derivative products incl. but not limited to, futures and options
- exchange rate and interest rate instruments, incl. products such as swaps, forward rate agreements, etc.
- transferable securities
- other negotiable instruments and financial assets, incl., bullion

g. Participation in issues of all kinds of securities, including under-writing and placement as agent (whether publicly or privately) and provision of service related to such issues.

- In Ontario (for securities and commodity futures), British Columbia and Newfoundland, a registered dealer (that is not an individual) is required to establish a subsidiary either under federal, provincial or territorial laws. While branching is not explicitly prohibited in Quebec, the required commercial presence could be more practical through the establishment of a subsidiary.

- In British Columbia, there is a one-year registration requirement in their home jurisdiction for extra-provincial securities applicants and at least one qualified partner, director or officer must be a resident of the province. In Ontario, there is a one-year Canadian residency requirement for applicants (securities and commodity futures). A firm may be refused registration if a director or officer has not been a Canadian resident for at least one year preceding the application. In Alberta, there is a one-year Canadian registration requirement for registration of applicants and a one-year Canadian registration requirement under the laws of another province for extra-
provincially-registered dealer (including a foreign dealer), then the person must be registered.

- Ontario requires that any person or company who trades in a commodity futures contract or option to be registered unless exempted. If trading through a non-resident dealer an exemption is available provided there is no solicitation on the part of the dealer. Persons or companies may be restricted from trading on foreign commodity futures exchanges if these exchanges are not recognized by the Ontario Securities Commission.

- In each Canadian jurisdiction, there are requirements for the protection of investors which virtually preclude the access of foreign mutual funds, including: mortgage mutual funds can invest only in mortgages in
Canadian property; a mutual fund offering its securities in Canada must use a Canadian custodian (defined as chartered bank or trust company having shareholders equity of $10 million and can also use a foreign sub-custodian as long as the sub-custodian has shareholders equity of $100 million.

Supplementary information provided for transparency and clarification:

The limitations, conditions or qualifications on market access and national treatment listed hereunder pertain to the securities industry with which the activities listed under 7Bf and 7Bg are normally associated. However, given the integrated nature of the financial services sector in Canada, these activities may also be carried out by other institutions which may or may not be regulated by federal and/or provincial governments. The conditions affecting market access and national treatment for these institutions are noted under other activities with which those institutions are primarily identified.

All matters pertaining to the admission and trading of any types of quoted or unquoted securities (bonds, shares or other securities of a participating nature are governed by securities statutes of provinces and territories.
OFFER

h. Money broking

i. Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services

j. Settlement and clearing services for financial assets, incl. securities, derivative products, and other negotiable instruments

k. Advisory and other auxiliary financial services on all the activities listed in Article 5.1(p) 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.

l. Provision and transfer of financial information, and financial data processing and related software by providers of other financial services.

LIMITATIONS OR CONDITIONS ON MARKET ACCESS

- Certain provinces require foreign providers of advisory and auxiliary financial services to establish commercial presence. Ontario requires advisers (securities) to have an office in Canada. Registration without an office in Canada may be permitted, subject to certain conditions, including limitations on persons which could be advised. Advisers (commodity futures) are not required to have an office, provided certain prudential requirements are met. British Columbia requires advisors to have an office in the province. The requirement may be waived on a case-by-case basis, subject to certain limitations, e.g. on the range of persons who can be advised. Manitoba requires establishment for investment counselling and portfolio management. Saskatchewan allows employment of an investment advisor who has been registered in another province for at least one year under its non-resident advisor category. There is an exception to the

CONDITIONS OR QUALIFICATIONS ON NATIONAL TREATMENT

No conditions or qualifications
residency requirement in the case of business solely directed to institutional clients or investors who purchase more than $150,000 in securities. Newfoundland requires credit reporting and collection agencies to establish a commercial presence. In Alberta, non-resident advisors are allowed to advise Alberta investors, but registration is subject to additional (prudential) conditions which are not imposed on advisors with an office in Canada. Dealers must establish a commercial presence, including a resident registered office in Alberta.

- There is a requirement to process in Canada any information or data relating to the preparation and maintenance of records of federally regulated financial institutions.

Supplementary information provided for transparency and clarification:

Given the integrated nature of the financial services sector in Canada, the activities listed under 7Bh to 7Bt may be carried out by a range of different institutions which may or may not be regulated by federal and/or provincial governments. Additional limitations, conditions or qualifications on market access and national treatment for these institutions may also be noted under other activities with which the institutions are primarily identified.
9. TOURISM AND TRAVEL RELATED SERVICES

A. Hotels and restaurants (including catering)

9A,D* 641

Hotel and other lodging services

No limitations or conditions

In Ontario non-residents are required to pay a 20% land transfer tax when purchasing recreational property.

In Quebec, to obtain a license to sell liquor in a tavern, restaurant or bar, a person must legally reside in Quebec and be a Canadian citizen. A company or corporation which is not listed with a Canadian stock exchange cannot obtain a liquor license unless all shareholders owning 10% of none of voting shares are Canadian citizens or Quebec residents.

In Saskatchewan, in order to be licensed to sell alcoholic beverages there is a requirement to be a Canadian citizen or resident. In the case of a corporation, the majority of shareholders must be Canadian citizens or residents and the...

9A 642/3

Food and beverage serving services

In Nova Scotia, new licenses for sale of liquor on premises require a majority approval in a public vote.

In Ontario non-residents are required to pay a 20% land transfer tax when purchasing recreational property.
### Limitations or Conditions on Market Access

- Manager must be a Canadian citizen or resident.

**Ontario Liquor License Act:**
There is no entitlement to a license to sell liquor (or a transfer of license) in Ontario where the applicant is not a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada. Where the applicant for a liquor license is a corporation, the majority of the board of directors must be Canadian citizens or persons lawfully admitted to Canada for permanent residence and ordinarily resident in Canada.

In Newfoundland, natural persons partnerships or the agent or manager in charge must be Canadian citizens and resident in the province at least one year prior to application for a liquor license.

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**Supplementary information provided for transparency and clarification:**

- **Market Access:** Under the Ontario Liquor License Act one must register with the Liquor License Board as an agent or representative of a manufacturer.

- **Market Access:** The Ontario Liquor License Act require the license-holder to ensure that a person who has experience in the food and beverage industry supervises operations on the premises to which the license applies.

For Quebec, permits are required for hotels, restaurants and other related establishments. Each establishment must be registered with the central registry of companies. Only Canadian or Quebec incorporated companies may be registered.
### B. Travel agencies and tour operators services

**Travel agency and tour operator services**

The Ontario Travel Industry Act requires travel agents and travel wholesalers to:

- be registered by the registrar
- contribute to an Ontario based compensation fund (as a condition of registration);
- maintain a permanent/principal place of business in Ontario;
- maintain books, records and accounts at such a principal place of business in Ontario;
- maintain an account or accounts in a financial institution in Ontario;
- ensure that books, records, cash, bank accounts are available for inspection by the registrar;
- to place monies held in trust funds.

In Quebec, a company or corporation acting as a travel agency must have an established business address in

- A permit is necessary to practice in any capacity as a travel agent in Quebec. Anyone seeking a licence must be a Canadian citizen or landed immigrant, have resided in Quebec for at least one year prior to application and continue to reside in Quebec during the validity of the permit. A company or corporation acting as a travel agency must have an established business address in Quebec.

- British Columbia requires that the proprietor of a partnership, at least one of the partners in a partnership and at least one of the directors of a corporation registered under the Travel Agents Act, shall be ordinarily resident in the Province.

- The Ontario Travel Industry Act requires travel agents and travel wholesalers to be
Quebec. Only Canadian citizens or landed immigrants resident in Quebec may be employed as travel counsellors.

permanent residents of Canada (as a condition of registration). The Act also requires Canadian residency in order to be licensed if the travel agency is a sole proprietorship or partnership.

Supplementary information provided for transparency and clarification:

National Treatment: Ontario Provincial Parks Act: Elderly residents of Ontario are entitled to a reduction in entry fees to provincial parks. Non-residents of Ontario applying for a license to act as a guide in a provincial park are subject to higher license fees. Non-residents of Canada, 18 years of age and older, who camp overnight on Crown land, or in a non-operating provincial park in northern Ontario require a permit. Exceptions are permitted if the non-resident: 1) is a holder of a valid rental agreement from an Ontario supplier of camping units, as long as the agreement is in effect; 2) are owners of real property in Ontario and their spouses; 3) is a member of charitable or philanthropic groups, including their leaders if prior approval in writing is obtained from the local Ministry of Natural Resources district manager, or; 4) is an occupant of a houseboat (equipped for overnight accommodation) moored offshore in the waters of the Great Lakes.

In Polar Bear Provincial Park, except for the Winisk River, only Indians, while guiding for certain goose camps or exercising certain Treaty rights, may use a power boat.

In Quetico Provincial Park, only a member of the Lac LaCroix Indian Band who is also a member of the Lac LaCroix Guides Association, may operate a power boat on certain waterways.

As well, in Ontario non-resident tourist outfitters pay a fee of $60.00 (April 1990) while resident tourist outfitters pay a fee of $20.00 (April 1990).

Quebec and certain other provinces may impose bonding requirements on travel agencies for prudential reasons.
11. TRANSPORT SERVICES

A. Maritime Transport Services

11Aa* 7211* Passenger transportation (excluding cabotage)
11Ab* 7212* Freight transportation (excluding cabotage)
11Ad 8868* Maintenance and repair of vessels
11Ae* 7214* Pushing and towing services (excluding cabotage)
11Af* 7451 Port and waterway operation services
       7454 Vessel salvage and refloating services
       7459* Other supporting services for water transport (except ice breaking)

B. Internal Waterways Transport

11Bd 8868* Maintenance & repair of vessels
11Bf* 7451 Port and waterway operation services
       7454 Vessel salvage and refloating services
       7459* Other supporting services for water transport (except ice breaking)
C. Air Transport Services

11Cd 8868*
Maintenance and repair of aircraft and aircraft engines

E. Rail Transport Services

11Ed 8868*
Maintenance and repair of rail transport equipment

F. Road Transport Services - Passenger Transportation

11Fd* 6112
Maintenance and repair services of motor vehicles

+ 6122
Maintenance and repair services of motorcycles and snowmobiles

H. Services auxiliary to all modes of transport

11Ha 7411
Container handling services

+ 7419
Other cargo handling services

11Hb 742
Storage and warehouse services

11Hc 748
Freight transport agency services

11Hd 749
Other supporting and auxiliary transport services, including freight forwarding