

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED

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COMMUNICATION FROM CANADA

Services Offer by Canada on Market Access
National Treatment

The following communication is circulated at the request of the delegation of Canada.

With a view to achieving a comprehensive and mutually advantageous agreement on trade in services within the MTN, Canada is proposing that participants should be prepared to undertake a significant degree of initial trade liberalization commitments within the Uruguay Round, to enter into force with the rest of the services agreement.

Accordingly, Canada is offering to bind its existing market access and national treatment régimes in respect of measures applying to cross-border supply of specified services as well as to the establishment of commercial presence by foreign services providers.

Specifically, in respect of sectors and sub-sectors listed in Annex I, Canada offers to bind its border and national treatment régime applying at the federal level to cross-border supply of the specified services and to the establishment of commercial presence in Canada. This would apply to measures in place or announced as of 1 January 1991.

In addition, Canada offers, for the list of service providers specified in Annex II, to bind temporary entry into Canada for purposes of supplying services, without their being required to submit to job validation procedures.

This offer is conditional upon Canada receiving comparable benefits from other major MTN participants for its own services and services providers. It is also conditional upon achieving a satisfactory conclusion of both the general services framework agreement and its related annexes, particularly in the area of telecommunications and financial services.

Annex I

COVERAGE OF CANADIAN SERVICES MARKET ACCESS OFFER

Sectors and sub-sectors

Mining, consulting or professional services

Metal mining services
Coal mining services
Oil and gas field services
Non-metallic minerals (except fuels) services

Construction services

Capital project and feasibility studies
Project planning
Designing project
Project management
Construction management
Operational management
Urban planning

Financial services (including insurance)

Financial services sector*

Commercial services

Stenographic, reproduction and mailing services
Telephone answering services
Equipment rental and leasing services without crew
Personnel services
Automotive leasing services
Commercial educational correspondence services
Professional services:
 Engineering, architectural, surveying and mapping services
 Agrology services
 Scientific and technical services
 Agriculture consulting services
Training services
Commercial physical and biological research services
Commercial economic, marketing, sociological, statistical and educational research services

* As defined in and subject to the draft Financial Services Annex in document MTN.TNC/W/50 of 2 December 1990

Commercial services (cont'd)

Commercial testing laboratory services
Environmental (e.g. potable water supply and distribution, sewage collection and treatment, non-hazardous solid waste disposal and processing)
Freight forwarding
Quality control and inspection consulting services
Linguistic services
Translation services
Fairs and exhibitions services
Farm management services
Forestry management services
Management consulting services

Computer services

Computer programming
Prepackaged software development
Customs software development
Computer integrated systems design
Computer processing and data preparation
Information retrieval services
Computer facilities management
Computer leasing and rental
Computer maintenance and repair
Other computer-related services, including consulting services and those integral to the provision of other covered services

Telecommunications services

Enhanced telecom services

Tourism services

Travel agencies services
Tour operator services
Lodging, including hotels, motels and rooming houses
Local sightseeing
Intercity tour services
Guide and interpreter services
Automobile rental services
Restaurant and catering
Computer reservation services to provide travel agents with instant access to information about availability and prices of railway/cruises/tours/accommodation/rentals/etc.
Business convention services

Annex II

TEMPORARY MOVEMENT OF SERVICES PROVIDERS

The following categories of services providers, who provide services covered by the Agreement, will be permitted temporary entry into Canada for purposes of delivering services without being required to submit to job validation procedures:

- service sellers
- the following intra-corporate transferees: managers, executives and specialists.

All other Canadian entry requirements continue to apply.

Definitions for the categories are described below.

Definitions

Service sellers: are representatives of business carrying on activities in a party seeking temporary entry to another party 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:

- length of temporary entry - less than ninety days

Intra-corporate transferees: are people 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:

Managers - are persons within an organization who direct the organization, or department or sub-division 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 (such as promotion or leave authorizations) and exercise discretionary authority over day-to-day operations at a senior level.

Executives - are 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. (Executives would not directly perform tasks related to the actual provision of the service, or services of the organization.)

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. (Specialists would include but not be limited to, members of accredited professions.)