

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

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Trade Negotiations Committee

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COMMUNICATION FROM CANADA

**Draft Schedule of Canada concerning
Initial Commitments on Trade in Services**

The following communication is circulated at the request of Canada to members of the Group of Negotiations on Services.

1. Canada reserves the right to withdraw or modify elements of its draft schedule, in whole or in part, at any time prior to the conclusion of the Round depending, *inter alia*, on the final outcome in respect of the GATS, in areas of negotiating interest for Canada, in consultations on scheduling and with regard to an acceptable set of MFN exemptions.
2. Canada reserves the right to make technical changes to the schedule and to correct any errors, omissions or inaccuracies, respecting items at both federal and sub-national levels.
3. Canada also reserves the right to amend its schedule in regard to "subsidy-type" measures, in the light of ongoing consultations and taking account of the approaches to scheduling such measures by other participants.
4. In addition, Canada reserves the right to modify its bindings under the second mode of supply for "maintenance and repair of aircraft and aircraft engines" (CPC 8868) should an MFN exemption prove necessary in this sub-sector (ref. Canadian MFN exemptions document MTN.GNS/W/188).

CANADIAN DRAFT SCHEDULE - GENERAL AGREEMENT ON TRADE IN SERVICES			November 12, 1993
<u>PART A. MEASURES APPLICABLE TO ALL SECTORS LISTED IN PART B</u>		<u>Article XVII (NATIONAL TREATMENT)</u>	
		<u>Article XVI (MARKET ACCESS)</u>	
I	CROSS BORDER	None	None
II	CONSUMPTION ABROAD	None	None
III	COMMERCIAL PRESENCE (except banks which are dealt with in Part B, Section 7)	<p>None, other than:</p> <ul style="list-style-type: none"> • The acquisition of control of a Canadian business, by a non-Canadian is subject to review and approval for: <ul style="list-style-type: none"> (1) all direct acquisitions of Canadian businesses with assets of C\$5 million or more; (2) all indirect acquisitions of Canadian businesses with assets of C\$50 million or more; (3) indirect acquisitions of Canadian businesses with assets between C\$5 million and C\$50 million that represent more than 50% of the value of the total international transaction 	<p>None, other than:</p> <ul style="list-style-type: none"> • The acquisition of control of a Canadian business, by a non-Canadian is subject to review and approval for: <ul style="list-style-type: none"> (1) all direct acquisitions of Canadian businesses with assets of C\$5 million or more; (2) all indirect acquisitions of Canadian businesses with assets of C\$50 million or more; (3) indirect acquisitions of Canadian businesses with assets between C\$5 million and C\$50 million that represent more than 50% of the value of the total international transaction

Article XVII (NATIONAL TREATMENT)**Article XVI (MARKET ACCESS)**

- A direct acquisition is the acquisition of control of a Canadian business, either through acquisition of its voting interests or assets or through the acquisition of control of its Canadian parent in Canada. An indirect acquisition is the acquisition of control of a Canadian business through the acquisition of control of its parent outside Canada.

- The establishment of a new business related to Canada's national heritage or cultural identity, by a non-Canadian, is subject to review.

Other Conditions

- Differences in treatment, including differences related to price, in respect of services supplied in the exercise of governmental authority as defined in Article I of the GATS and supplied within the following sub-sectors:

law enforcement
correctional services
income security or insurance
social security or insurance
social welfare
public education
training
health
child care

Article XVI (MARKET ACCESS)

Article XVII (NATIONAL TREATMENT)

- Federal and sub-national tax measures that result in a difference in treatment for Canadian controlled private corporations as defined by the Income Tax Act.
- A majority of the directors of federally incorporated corporations in Canada must be Canadian citizens or persons ordinarily resident in Canada.
- Agreements between Canada and any aboriginal person or organisation, and measures by Canada, may provide for the favourable treatment of any aboriginal person or organisation in relation to acquisition, establishment or operation of any commercial or industrial undertaking including providing:
 - a) an aboriginal person or organisation with a right of first refusal to establish a new, or acquire an existing, commercial or industrial undertaking; and
 - b) a proposed or existing commercial or industrial undertaking of an aboriginal person or organisation with favourable financial incentives or treatment, including financing.

Article XVI (MARKET ACCESS)

Article XVII (NATIONAL TREATMENT)

- Alberta: The Alberta Agricultural and Recreational Land Ownership Act restricts the purchase of privately owned, non-urban real estate by foreign citizens and foreign controlled corporations in that province. Under the Business Corporations Act of Alberta, at least 50% of the directors of an Alberta Corporation must be resident Canadians. Extra-provincial corporations registered under the Act must appoint an individual who is resident in the province of Alberta as an attorney for service. There are limitations on the sale of Crown land to a non-Canadian person.

Reduction of taxes by means of a capital remission order under the Alberta Corporate Tax Act for Alberta based financial institutions whose head office is located in Alberta.

The Government of Alberta may require that first consideration be given to service suppliers from within Alberta or Canada where competitive in terms of price and quality in the case of all large scale energy projects needing Industrial Development, Forest Management, Oil Sands, Power Plant or Gas Plant & Coal Development Permits.

Article XVI (MARKET ACCESS)**Article XVII (NATIONAL TREATMENT)**

- **Manitoba:** The majority of the directors of a corporation registered under the Corporations Act of Manitoba must reside in Canada and the majority of directors at a meeting of the Board must be Canadian residents. 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. Manitoba residents are exempted from the Land Transfer Tax. 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 Rural Development Bonds Act requires that a Rural Development Corporation have directors who are Manitoba residents; purchasers of rural development bonds must be Manitoba residents in order to have the principal of their investment guaranteed.
- There is a preference to Manitoba residents on income tax credits for Labour Sponsored Venture Capital Corporations.
- **Newfoundland and Labrador:** A majority of the directors of all corporations incorporated under provincial law must be Canadian residents. 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. All non-resident businesses must engage a local agent for the purposes of collective bargaining and execution of conveyances and mortgages.

Article XVI (MARKET ACCESS)

Article XVII (NATIONAL TREATMENT)

In Newfoundland, regulations require that first consideration be given to services provided within the province which are inputs to petroleum operations where they are competitive in terms of price, quality and delivery.

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

In Nova Scotia, regulations require that first consideration be given to services provided within the province which are inputs to petroleum operations where there are competitive in terms of price, quality and delivery.

- **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. Foreign corporations carrying on 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.

Article XVI (MARKET ACCESS)

Article XVII (NATIONAL TREATMENT)

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.

- Prince Edward Island: The Prince Edward Island Lands Protection Act requires out-of-province residents acquiring an aggregate land holding in excess of five acres or shore frontage in excess of 165 feet to obtain the approval of the provincial cabinet.

In Prince Edward Island only residents are eligible for a property tax rebate on non-commercial real property.

The sales tax liability of a purchase, or an acquisition of taxable goods, or services from a seller residing in Prince Edward Island that involves the trade of other taxable goods or services as part of the purchase price, is computed on the difference between the fair value of the goods or services. Where the seller of the goods or services resides outside Prince Edward Island then the tax liability is computed on the full value of the goods being acquired.

Article XVI (MARKET ACCESS)

Article XVII (NATIONAL TREATMENT)

- **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. The Quebec Land Transfer Duties Act levies an additional tax on transfers of land to non-residents.
- **Saskatchewan:** Under the Saskatchewan Companies Act, one director of a company incorporated for business in the province, or of a registered extra-provincial company, must be resident in that province and a majority of the directors must be resident in Canada. 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.

Article XVI (MARKET ACCESS)

Article XVII (NATIONAL TREATMENT)

IV MOVEMENT OF NATURAL PERSONS PROVIDING SERVICES

Unbound, except for the entry or temporary stay of a natural person who falls in one of the following categories:

Business Visitors

None, other than:

A person who stays in Canada without acquiring remuneration from within Canada and without engaging in making direct sales to the general public or supplying services, for the purposes of participating in business meetings, business contact including negotiations for the sale of services and/or other similar activities including those to prepare for establishing a commercial presence in Canada.

- Entry and stay shall be for a period of no more than 90 days.

Intra Corporate Transferees

None, other than:

Persons of another Member who have been employed by juridical persons of another Member for a period of not less than one year and who seek temporary entry in order to render services to the same juridical person or a juridical person constituted in Canada which is owned by or controlled by or affiliated with the aforementioned juridical person.
These comprise:

- Entry and stay shall be a maximum period of three years.

Article XVII (NATIONAL TREATMENT)

Article XVI (MARKET ACCESS)

(a) Executives

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.

(b) Managers

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.

(c) Specialists

Article XVI (MARKET ACCESS)

Article XVII (NATIONAL TREATMENT)

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.

Professionals

Natural persons seeking to engage, as part of a services contract obtained by a juridical person or another Member (other than agencies as defined by CPC 872) in the activity at a professional level in a profession set out below, provided that the person possesses the necessary academic credentials and professional qualifications, which have been duly recognized, where appropriate, by the professional association in Canada.

None, other than:

- Temporary entry and stay shall be for a period of up to one year or the time necessary to complete the services contract, whichever is less. Such persons may not engage in secondary employment while in Canada.

None, other than:

None, other than:

OCCUPATION	MINIMUM EDUCATIONAL REQUIREMENTS/ ALTERNATIVE CREDENTIALS	OTHER REQUIREMENTS
Engineers	Baccalaureate degree*.	Provincial license*.
Computer Systems Analysts	Baccalaureate degree or post-secondary diploma *** in computer science and 3 years' related experience.	
Agrologists	Baccalaureate degree in agriculture or related science plus four years of related experience.	Licensing is required in New Brunswick, Alberta and Quebec. Temporary licensing is required in British Columbia.
Architects	Baccalaureate degree in architecture.	Provincial license and certificate required to practice.
Forestry Professionals	Baccalaureate degree in forestry management or forestry engineering, or a provincial license.	Licensing as a forester or forestry engineer is required in Alberta, British Columbia and Quebec.
Geomatics Professionals	Baccalaureate degree in surveying, geography or environmental sciences plus three years related experience.	
Land Surveyors	Baccalaureate degree	Provincial license

- * The term "Baccalaureate degree" means a degree from an accredited academic institution in Canada or equivalent.
- ** The term "provincial licence" means any document issued by a provincial government, or under its authority, which permits a person to engage in a regulated activity or profession.
- *** The term "post-secondary diploma" means a credential issued, upon completion of two or more years of post-secondary education, by an accredited academic institution in Canada or equivalent.

Article XVI (MARKET ACCESS)

Other Conditions

Article XVII (NATIONAL TREATMENT)

- With respect to commitments under Mode IV, differences in treatment, including differences related to price, in respect of services supplied in the exercise of governmental authority as defined in Article I of the GATS and supplied within the following sub-sectors:

law enforcement
correctional services
income security or insurance
social security or insurance
social welfare
public education
training
health
child care

CANADIAN DRAFT SCHEDULE - GENERAL AGREEMENT ON TRADE IN SERVICES

November 12, 1993

PART B. SPECIFIC COMMITMENTS APPLICABLE TO INDIVIDUAL SECTORS

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
W120	CPC		
1A	1. BUSINESS SERVICES		
	Professional Services		
1Aa* 861*	Foreign Legal Consultants (advisory services on foreign and public international law only)	1. None 2. None 3. None, other than Commercial presence must take the form of a sole proprietorship or partnership. 4. Unbound except as indicated in the horizontal section, and: <u>Lawyers</u> (Prince Edward Island, Alberta, Ontario and Newfoundland) requirement to be permanent resident for accreditation. (Quebec): citizenship requirement	1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section

* Asterisks designate "part of".

Notary: (Newfoundland): requirement to be permanent resident for accreditation.
 (Quebec): citizenship requirement for accreditation.

ARTICLE XVIII - ADDITIONAL COMMITMENTS

Foreign Legal Consultants

The right to practice without meeting normal accreditation requirements is granted temporarily in the Provinces of British Columbia, Saskatchewan and Ontario on the following basis:

1. In Saskatchewan and British Columbia permit fees are required at a cost of \$500.
2. In British Columbia and Saskatchewan the FLC must be a "member in good standing" of the legal profession in his/her home country.
3. In Saskatchewan, the FLC must have practised the law of his/her country for at least three complete years and in Ontario for at least the five preceding years.
4. In British Columbia and Saskatchewan the person must be of good character, repute and physically fit. In Ontario the person must be of good character.
5. In British Columbia and Saskatchewan the FLC carries a fidelity bond or other security in an amount of at least \$1,000,000 Canadian.
6. The FLC in Saskatchewan undertakes not to accept, hold, transfer and or in any other manner deal with trust funds.
7. In British Columbia and Saskatchewan the FLC must complete any mandatory continuing legal education program.
8. In Ontario the FLC must be resident in the province and have complied with applicable immigration requirements or given an undertaking to take up actual residence in Ontario as soon as the granting of the license as is practicable.
9. In British Columbia and Saskatchewan, the duration of the FLC permit is (a) one year, or (b) until applicant is suspended from practice as an FLC by the Society or ceases to comply with any of the requirements for obtaining a permit.
10. In British Columbia and Saskatchewan, the renewal of permits requires (a) written application, (b) evidence satisfactory to the Secretary that the applicant continues to comply with requirements and (c) renewal fee - \$100.

1Ab 862 Accounting, auditing and book-keeping services

1. None, other than:

1. None, other than:
 1. Auditing (Alberta, Newfoundland, Nova Scotia, Prince Edward Island, Manitoba and Saskatchewan): residency requirement for accreditation.
Licensed Public Accountants (Manitoba): residency requirement for accreditation.
 2. Auditing (Saskatchewan, Newfoundland, Nova Scotia, Manitoba, Ontario): requirement for a commercial presence (Manitoba, Quebec): citizenship requirement for accreditation.
(Alberta, Ontario) permanent residence required for accreditation.
 3. Auditing (Saskatchewan, Newfoundland, Nova Scotia, Manitoba, Ontario): requirement for a commercial presence (Manitoba, Quebec): citizenship requirement for accreditation.
(Alberta, Ontario) permanent residence required for accreditation.
2. None
3. None, other than:
 1. Auditing (Alberta, Newfoundland, Nova Scotia, Prince Edward Island, Manitoba and Saskatchewan): residency requirement for accreditation.
Licensed Public Accountants (Manitoba): residency requirement for accreditation.
 2. Auditing (Saskatchewan, British Columbia, Ontario, Nova Scotia, Quebec, Prince Edward Island, Newfoundland and Alberta): office must be under the management of a resident.

CODING <u>W120</u>	SECTOR <u>CPC</u>	ARTICLE XVI MARKET ACCESS	ARTICLE XVII NATIONAL TREATMENT
		<p>4. Unbound except as indicated in the horizontal section, and:</p> <p><u>Auditing</u> (Saskatchewan, Newfoundland, Nova Scotia, Manitoba, Ontario): requirement for a commercial presence (Manitoba, Quebec): citizenship requirement for accreditation (Alberta, Ontario): permanent residence required for accreditation</p>	<p>4. Unbound except as indicated in the horizontal section, and:</p> <p><u>Auditing</u> (Alberta, Newfoundland, Nova Scotia, Prince Edward Island, Manitoba and Saskatchewan): residency requirement for accreditation.</p> <p><u>Licensed Public Accountants</u> (Manitoba): residency requirement for accreditation</p> <p>1. None</p> <p>2. None</p> <p>3. None</p> <p>4. Unbound except as indicated in the horizontal section</p>

¹Ac * 863 *

Taxation Services (excluding legal services)

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
<u>W120 CPC</u>			
1Ad	8671	<u>Architectural services</u>	<ol style="list-style-type: none"> 1. None, other than: <ul style="list-style-type: none"> <u>Architects</u> (Quebec): citizenship requirement for accreditation.
	86711	Advisory and pre-design architectural services	<ol style="list-style-type: none"> 1. None, other than: <ul style="list-style-type: none"> <u>Architects</u> (Nova Scotia, New Brunswick & Newfoundland): residency requirement for accreditation.
	86712	Architectural design services	
	86713	Contract administration services	
	86714	Combined architectural design and contract administration services	<ol style="list-style-type: none"> 2. None 3. None, other than: <ul style="list-style-type: none"> <u>Architects</u>: commercial presence must take the form of a sole proprietorship or partnership.
	86719	Other architectural services	<ol style="list-style-type: none"> 4. Unbound except as indicated in the horizontal section, and: <ul style="list-style-type: none"> <u>Architects</u> (Quebec): citizenship requirement for accreditation.

<u>CODING</u>	<u>W120 CPC</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
1Ae	8672	<u>Engineering services</u>	1. None, other than: <u>Consulting Engineers</u> (Manitoba): requirement for a commercial presence for accreditation.	1. None, other than: <u>Engineers (Saskatchewan):</u> residency requirement for accreditation
	86721	<u>Advisory & consultative engineering services</u>		
	86722	<u>Engineering design services for foundations and building structures</u>		
	86723	<u>Engineering design services for mechanical and electrical installations for buildings</u>		<u>Engineers (British Columbia, Newfoundland, Alberta, Ontario, New Brunswick, and Nova Scotia): must be permanent resident for accreditation.</u>
	86724	<u>Engineering design services for civil engineering construction</u>		
	86725	<u>Engineering design for industrial processes and production</u>		
	86726	<u>Engineering design services n.e.c.</u>	2. None, other than: <u>Consulting Engineers</u> (Manitoba): requirement for a commercial presence for accreditation.	2. None.
	86727	<u>Other engineering services during the construction and installation phase</u>		
	86729	<u>Other engineering services</u>		
1Af	8673	<u>Integrated engineering services</u>		<u>Engineers (British Columbia, Newfoundland, Alberta, Ontario, New Brunswick, and Nova Scotia): must be permanent resident for accreditation.</u>
	86731	<u>Integrated engineering services for transportation, infrastructure turnkey projects</u>		
	86732	<u>Integrated engineering and project management services for water supply and sanitation works turnkey projects</u>		
	86733			3. None.

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
W120 CPC	86739	<p>Integrated engineering services for the construction of manufacturing turnkey projects</p> <p>Integrated engineering services for other turnkey projects</p> <p>Engineers (British Columbia, Newfoundland, Alberta, Ontario, New Brunswick, and Nova Scotia): must be permanent resident for accreditation.</p> <p>(Quebec): citizenship requirement for accreditation.</p>	<p>4. Unbound except as indicated in the horizontal section, and:</p> <p>Engineers (Saskatchewan): residency requirement for accreditation.</p> <p>Community/Urban Planning (Quebec): citizenship requirement for use of title.</p> <p>Community/Urban Planning (Newfoundland and Saskatchewan): residency requirement.</p> <p>2. None</p> <p>3. None</p> <p>1. None, other than:</p> <p>Community/Urban Planning (Quebec): citizenship requirement for use of title.</p> <p>Community/Urban Planning (Newfoundland and Saskatchewan): residency requirement.</p> <p>4. Unbound except as indicated in the horizontal section, and:</p> <p>Community/Urban Planning (Quebec): citizenship requirement for use of title.</p>
1Ag	8674	Urban planning and landscape architectural services	<p>4. Unbound except as indicated in the horizontal section, and:</p> <p>Community/Urban Planning (Newfoundland and Saskatchewan): residency requirement.</p>

<u>CODING</u>	<u>W120</u>	<u>CPC</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
1B*			<u>Computer and Related Services</u>	1. None	1. None
1Ba	841		Consultancy services related to the installation of computer hardware	2. None	2. None
1Bb *	842*		Software implementation services, including systems & software consulting services, systems analysis, design, programming & maintenance services, excluding Financial Services 7B1.	3. None	3. None
Bc *	843*		Data processing services, including processing, tabulation and facilities management services, excluding Communications Services 2Cn and Financial Services 7B1.	4. Unbound except as indicated in the horizontal section	4. Unbound except as indicated in the horizontal section
1Bd *	844*		Data base services, excluding Financial Services 7B1.		
1Be	845		Maintenance and repair services of office machinery and equipment including computers		
	849		Other computer services		

<u>CODING</u>	<u>W120 CPC</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
1C*		<u>Research and Development</u>	1. None	1. None
1Cb* 852*		Research and experimental development services on social sciences and humanities, including law, economics, except linguistics and language.	2. None	2. None
			3. None	3. None
			4. Unbound except as indicated in the horizontal section	4. Unbound except as indicated in the horizontal section
1D		<u>Real Estate Services</u>	1. None, other than:	1. None, other than:
1Da	821	Real estate services involving own or leased property	<u>Real Estate Agents (Alberta, Nova Scotia, Newfoundland, Prince Edward Island & Saskatchewan) services must be supplied through a commercial presence.</u>	<u>Real Estate Agents (Alberta, Quebec, Yukon, Manitoba, Nova Scotia, Newfoundland, British Columbia & Prince Edward Island) residency requirement.</u>
1Db	822	Real estate services on a fee or contract basis		
			<u>Chartered Appraisers (Quebec): citizenship requirement for use of title.</u>	
			2. None	2. None
			3. None	3. None

<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
	4. Unbound except as indicated in the horizontal section, and:	4. Unbound except as indicated in the horizontal section, and: <u>Real Estate Agents</u> (Alberta, Quebec, Yukon, Manitoba, Nova Scotia, Newfoundland, British Columbia & Prince Edward Island) residency requirement.
	<u>Real Estate Services</u> (Ontario, Nova Scotia, Newfoundland, Prince Edward Island & Saskatchewan) services must be supplied through a commercial presence.	<u>Real Estate Agents</u> (Alberta, Newfoundland) services must be supplied through a commercial presence.
	<u>Chartered Appraisers</u> (Quebec): citizenship requirement for use of title.	1. None, other than: For <u>Cabotage</u> (See Transportation Section)
1E*	1Ea, 831 b.c. d	1. None Leasing or rental services concerning machinery and equipment without operator, including computers
1Ee* 832*		2. None 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)
		3. None 4. Unbound except as indicated in the horizontal section

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
<u>W120 CPC</u>			
1F*		<u>Other Business Services</u>	
1Fb	864	Market research and public opinion polling services	<ol style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section
1Fc	865	Management consulting services	<ol style="list-style-type: none"> 1. None, other than: <p><u>Agrologists</u> (Newfoundland); permanent residency requirement for accreditation. (Quebec): citizenship requirement for accreditation.</p> <p><u>Professional Administrators and Certified Management Consultants</u> (Quebec - Quebec Professional Corporation of Administrators); citizenship requirement for use of title.</p> <p><u>Industrial Relations Counsellors</u> (Quebec): citizenship requirement for use of title.</p>
	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 agriculture, agronomy, farm management and related consulting services	

<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
<u>CODING</u>		
<u>W120 CPC</u>		
	2. None, other than:	2. None
	<u>Agrologists</u> (Newfoundland): permanent residency requirement for accreditation. (Quebec) citizenship requirement for accreditation.	
		3. None
		4. Unbound except as indicated in the horizontal section, and: <u>Agrologists</u> (Newfoundland): permanent residency requirement for accreditation. (Quebec): citizenship requirement for accreditation.
	<u>Professional Administrators and Certified Management Consultants</u> (Quebec - Quebec Professional Corporation of Administrators): citizenship requirement for use of title.	
	<u>Industrial Relations Counsellors</u> (Quebec): citizenship requirement for use of title.	

<u>CODING</u>	<u>W120 CPC</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
1Fd	866	Services related to management consulting	<ul style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section 	<ul style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section
1Fe	8676	Technical testing and analysis services including quality control & inspection	<ul style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section 	<ul style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section

<u>CODING</u> <u>W120</u>	<u>CPC</u>	<u>SECTOR</u>	<u>ARTICLE XVI</u>	<u>ARTICLE XVII</u>
			<u>MARKET ACCESS</u>	<u>NATIONAL TREATMENT</u>
1Ff*	8811	Rental of agricultural equipment with operator.	1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section	1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section
	8814	Services incidental to forestry and logging, including forest management		
1Fh	883	Services incidental to mining, including drilling and field services and rentals of equipment with operator.	1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section	1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section
	5115	Site preparation for mining		
1Fi*	8845*	Toll refining services - oil	1. None	1. None
	8851	Toll refining services - basic metals	2. None, other than:	2. None
			<u>Toll refining of basic metals (Ontario): must be treated or refined in Canada.</u>	

<u>SECTOR</u>	<u>CODING</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
	W120 CPC		
1Fk	872	Placement and supply services of personnel	<p>3. None</p> <p>4. Unbound except as indicated in the horizontal section</p> <p>1. None, other than:</p> <p><u>Placement & supply services of personnel</u> (Ontario): services must be supplied through a commercial presence.</p> <p>2. None</p> <p>3. None</p> <p>4. Unbound except as indicated in the horizontal section</p>
1Fl	873	Investigation and security services	<p>1. None, other than:</p> <p><u>Business & personal information investigators</u> (Ontario): services must be supplied through a commercial presence.</p> <p>2. None</p>

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
W120 CPC		<p>3. None, other than:</p> <p><u>Business & Personnel Information Investigations</u> (Ontario): foreign ownership is restricted to 25 per cent in total and 10 percent by any individual holding shares</p> <p>4. Unbound except as indicated in the horizontal section, and:</p> <p><u>Security and investigation services</u> (Quebec): citizenship requirement for private investigators.</p>	<p>3. None, other than:</p> <p><u>Security & investigation services</u> (Newfoundland): majority of the Board of Directors and the manager of business engaged in this activity must be Canadian citizens or residents.</p> <p>4. Unbound except as indicated in the horizontal section</p>

<u>CODING</u>	<u>W120 CPC</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>NATIONAL TREATMENT</u>
1Fm	8675	Related scientific and technical consulting services	1. None, other than:	1. None, other than:
	86751	Geological, geophysical and other scientific prospecting services, including those related to mining	Free miner (British Columbia): applicant must ordinarily be a Canadian citizen and a permanent resident of Canada, a Canadian corporation or a partnership of the foregoing.	<u>Mineral & Petroleum Exploration & Development</u> : Federal & subnational tax measures that result in a difference of treatment for expenses incurred in the consumption of services performed in Canada related to the exploration and development of a mineral resource, petroleum or natural gas.
	86752	Subsurface surveying services		
	86753	Surface surveying services		
	86754	Map making services	<u>Land Surveyors</u> (Saskatchewan): requirement for a commercial presence for accreditation (Ontario): training must be completed in Ontario for accreditation (Manitoba, Nova Scotia, & Quebec): citizenship requirement for accreditation (Newfoundland): permanent residency requirement for accreditation.	<u>Applied Science Technologist/Technician (British Columbia)</u> : residency requirement for accreditation.
				<u>Cadastral surveying (Ontario)</u> : residency requirement for accreditation.
				<u>Geoscientists (Newfoundland)</u> : residency requirement for accreditation.
				<u>Land Surveyors (Ontario, British Columbia)</u> : residency requirement for accreditation.
				<u>Professional Technologist</u> (Quebec): citizenship requirement for accreditation.
				<u>Chemists (Quebec)</u> : citizenship requirement for accreditation.

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| <p>2. None, other than:</p> | <p>2. None, other than:</p> <p><u>Land Surveyors</u> (Saskatchewan): requirement for a commercial presence for accreditation (Ontario): training must be completed in Ontario for accreditation (Manitoba, Nova Scotia, Newfoundland & Quebec): citizenship requirement for accreditation.</p> <p><u>Subsurface surveying services</u> (Quebec): citizenship requirement for accreditation.</p> <p>3. None, other than:</p> <p><u>Land surveyors</u>: Commercial presence must take the form of a sole proprietorship or partnership.</p> <p>4. Unbound except as indicated in the horizontal section, and:</p> <p><u>Free miner</u> (British Columbia): applicant must be a permanent resident.</p> | <p><u>Mineral & Petroleum Exploration & Development</u>: Federal & subnational tax measures that result in a difference of treatment for expenses incurred in the consumption of services performed in Canada related to the exploration and development of a mineral resource, petroleum or natural gas.</p> <p>3. None, other than:</p> <p><u>Cadastral surveying</u> (Ontario): 70% or more of shares must be owned by Canadians.</p> <p>4. Unbound except as indicated in the horizontal section, and:</p> <p><u>Applied Science Technologist/Technician</u> (British Columbia): residency requirement for accreditation.</p> |
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<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
<u>CODING</u>	<u>W120 CPC</u>	
	<u>Land Surveyors</u> (Manitoba, Nova Scotia, and Quebec): citizenship requirement for accreditation.	<u>Cadastral surveying</u> (Ontario): residency requirement for accreditation.
	(Newfoundland): permanent residency requirement for accreditation.	<u>Geoscientists</u> (Newfoundland): residency requirement for accreditation.
	<u>Subsurface surveying services</u> (Quebec): citizenship requirement for accreditation.	<u>Land Surveyors</u> (Ontario, British Columbia): residency requirement for accreditation.
	<u>Professional Technologist</u> (Quebec): citizenship requirement for use of title.	
	<u>Chemists</u> (Quebec): citizenship requirement for accreditation.	
1Fn	633	Repair services of personal and household goods
	8861	Repair services incidental to metal products,
	to	machinery and equipment including computers and
	8866	communications equipment
		1. None
		2. None
		3. None
		4. Unbound except as indicated in the horizontal section

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1F0 874	Building-cleaning services	1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section	1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section
1Fq 876	Packaging services	1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section	1. None, other than: <u>Collection agencies (natural persons) (Ontario, Saskatchewan): residency requirement.</u> <u>Credit reporting (Saskatchewan): services must be supplied through a commercial presence.</u>
1Fs 879	Other business services, including:		
1Ft	87901 Credit reporting services 87902 Collection agency services		
	87903 Telephone answering services		
	87904 Duplicating services		
	87905 Translation & interpretation services		
	87906 Mailing list compilation and mailing services		

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SECTOR
87907 Specialty design services
87909 Other business services n.e.c.

Credit reporting & collection agencies (Newfoundland, Prince Edward Island and Nova Scotia): services must be supplied through a commercial presence.

Consumer reporting agencies (Nova Scotia and Newfoundland): for juridical persons, requirement for a commercial presence.
(Nova Scotia): for natural persons requirement for permanent residency.

Collection Agency Services (Alberta): trust funds must remain in Alberta. Must maintain address for service in Alberta.

Certified translators and Interpreters (Quebec): citizenship requirement for use of title.

2. None, other than:

Patent Agents (federal): requirement for permanent residency.

2. None

<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
	<u>Certified Translators and Interpreters (Quebec):</u> citizenship requirement for use of title.	
	3. None, other than:	3. None
	<u>Collection Agencies (Ontario):</u> foreign ownership restricted to 25 per cent in total and 10 per cent by any individual.	
	<u>Consumer Reporting Agencies (Nova Scotia):</u> requirement to incorporate.	4. Unbound except as indicated in the horizontal section, and:
		<u>Patent Agents (federal):</u> requirement for permanent residency.
		<u>Collection agencies (Ontario, Saskatchewan):</u> residency requirement.
	<u>Certified Translators and Interpreters (Quebec):</u> citizenship requirement for use of title.	
	<u>Consumer Agent Services (Nova Scotia):</u> for natural persons, requirement for permanent residency.	
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<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
		2. COMMUNICATIONS SERVICES	
2B*		<u>Courier services</u>	
2B*	75121*	Commercial courier services, including by public transport or self-owned, subject to regulations governing inter or intra provincial transport regulations.	
		<u>Courier Services (Nova Scotia and Manitoba): economic needs test.</u>	
		4. Unbound except as indicated in the horizontal section	4. Unbound except as indicated in the horizontal section
2C*		<u>Telecommunication services, of which:</u>	
		Enhanced or value-added services, for the supply of which the underlying telecommunications transport facilities are leased from providers of public telecommunications transport networks; these include:	
		1. None	1. None
		2. None	2. None
		3. None	3. None
		4. Unbound except as indicated in the horizontal section	4. Unbound except as indicated in the horizontal section
2Ch	7523*	Electronic mail	
2Ci	7523*	Voice mail	
2Cj	7523*	On-line information and data base retrieval	
2Ck	7523*	Electronic data interchange (EDI)	
2Cl	7523*	Enhanced/value-added facsimile services, including store and forward, store and retrieve	

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SECTOR	
2Cm	n.a.
2Cn	843*

Code and protocol conversion

On-line information and/or data processing
(including transaction processing)

3. CONSTRUCTION SERVICES

General construction work for buildings

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

1. None
2. None
3. None, other than:

Construction Contractor

(Ontario): a non-resident 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.

(Newfoundland): a deposit of

6% of the contract amount or a

bond equivalent is required

from non-resident contractors.

4. Unbound except as indicated in the horizontal section

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
W120 CPC			
3B	<u>General construction work for civil engineering</u>	1. None, other than: <u>Cabotage (See Transportation Section)</u>	1. None
513	Construction work for civil engineering, including for highways, airports, harbours, dams, bridges, construction for mining & manufacturing, rail, power and communications facilities, pipelines and stadia	2. None	2. None
	3. None, other than: <u>Construction (Ontario): an applicant and holder of a water power site development permit must be incorporated in Ontario</u>	3. None	3. None
	4. Unbound except as indicated in the horizontal section	4. <u>Construction (Ontario): an applicant and holder of a water power site development permit must be a resident of Ontario.</u>	4. Unbound except as indicated in the horizontal section, and::
3C	<u>Installation and assembly work</u>	1. None	1. None
514	Assembly and erection of prefabricated constructions	2. None	2. None
516	Installation work	3. None	3. None
	4. Unbound except as indicated in the horizontal section	4. <u>Unbound except as indicated in the horizontal section</u>	4. Unbound except as indicated in the horizontal section

<u>CODING</u> <u>W120 CPC</u>	<u>SECTOR</u>	<u>ARTICLE XVI</u> <u>MARKET ACCESS</u>	<u>ARTICLE XVII</u> <u>NATIONAL TREATMENT</u>
3D	<u>Building completion and finishing work</u>	<ol style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section 	<ol style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section
517	<u>Building completion and finishing work</u>		
3E *	<u>Other</u>	<ol style="list-style-type: none"> 1. None, other than: <u>Cabotage (See Transportation Section)</u> 	<ol style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section
511*	<u>Pre-erection work at construction sites, including excavation, earthmoving and site work except 5115, site preparation for mining.</u>		
515	<u>Special trade construction work</u>		
518	<u>Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator.</u>		

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI</u>	<u>ARTICLE XVII</u>
<u>W120 CPC</u>		<u>MARKET ACCESS</u>	<u>NATIONAL TREATMENT</u>

4. DISTRIBUTION SERVICES

4A*

Commission agents' services

621*

Commission agents' services (excluding 62112, sales on a fee or contract basis of food products, beverages & tobacco and sales on a fee or contract basis of pharmaceutical and medical goods in 62117).

1. None, other than:

Auctioneers (Ontario): 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. (Prince Edward Island): a non-resident must pay a higher fee to obtain a license.

2. None
3. None
4. Unbound except as indicated in the horizontal section

Auctioneers (Ontario): 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. (Prince Edward Island): a non-resident must pay a higher fee to obtain a license.

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
W120 CPC			
4B*	<u>Wholesale trade services</u>	<p>622* Wholesale trade services (excepting agriculture and live animals in 6221; fisheries products in 62224; alcoholic beverages in 62226; musical scores, audio and video recordings in 62244; and books, magazines, newspapers, journals, periodicals and other printed matter in 62262; and 62251 of pharmaceutical and medical goods, and 62252, surgical and orthopaedic instruments and devices).</p> <p>1. None, other than:</p> <p><u>Sale of amusement machines</u> (Quebec): services must be supplied through a commercial presence.</p> <p><u>Marketing of Fish Products</u> (Nova Scotia): Nova Scotia residents require ministerial approval to enter into agreements with non-residents.</p> <p><u>Sale of Motor Vehicles</u> (Saskatchewan): services must be supplied through a commercial presence.</p> <p><u>Automobile Dealers and Salvage Dealers</u> (Newfoundland): services must be supplied through a commercial presence.</p> <p><u>Sale of amusement machines</u> (Quebec): citizenship requirement in order to sell amusement machines.</p>	<p>1. None, other than:</p> <p><u>Fish buyers</u> (Newfoundland): non-residents must be registered and licensed in order to purchase unprocessed fish from primary producers and/or process fish.</p> <p>2. None</p>

<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
		3. None, other than: <u>Fish buyers</u> (British Columbia): mobile fish buyers licenses are not issued to foreigners.
		4. Unbound except as indicated in the horizontal section
4C*	<u>Retailing services</u>	1. None, other than: <u>Itinerant sellers</u> (Ontario & Quebec): commercial presence required. <u>Direct sellers</u> (Nova Scotia): services must be supplied through a commercial presence.
	631*	Food retailing services (excluding liquor, wine & beer sales in 63107)
	632*	Non-food retailing services (excluding music scores, audio & video records and tapes in 63234; books, magazines, newspapers and periodicals in 63253; and pharmaceutical, medical & orthopaedic goods in 63211).
	6111	Sale of motor vehicles including automobiles and other road vehicles
	6113	Sales of parts and accessories of motor vehicles
	6121	Sales of motorcycles and snowmobiles and of related parts and accessories
		1. None, other than: <u>Direct Sellers</u> (Newfoundland); residency requirement (Prince Edward Island): a non- resident must pay a higher fee to obtain a license.
		2. None
		3. None
		4. Unbound except as indicated in the horizontal section

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
W120 CPC			
4D*	Franchising	1. None, other than: (Alberta) service suppliers required to designate a place within Alberta where they can be served notices.	1. None 2. None 3. None, other than: (Alberta): required to have an attorney for service in Alberta.
8929*	Franchising related to non-financial intangible assets.	4. Unbound except as indicated in the horizontal section	4. Unbound except as indicated in the horizontal section
4E*	Other	1. None 2. None 3. None, other than: Retail petroleum (Prince Edward Island) public convenience and necessity test.	4. Unbound except as indicated in the horizontal section
613	Retail sales of motor fuel		

<u>CODING</u> <u>W120 CPC</u>	<u>SECTOR</u>	<u>ARTICLE XVI</u> <u>MARKET ACCESS</u>	<u>ARTICLE XVII</u> <u>NATIONAL TREATMENT</u>
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6. ENVIRONMENTAL SERVICES			
6A	9401	Sewage services	1. None
6B	9402	Refuse disposal services	2. None
6C	9403	Sanitation and similar services	3. None
6D	9404	Cleaning services of exhaust gases	4. Unbound except as indicated in the horizontal section
	9405	Noise abatement services	
	9406	Nature & landscape protection services	
	9409	Other environmental services n.e.c.	

<u>SECTION</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
7. FINANCIAL SERVICES			

Measures Applicable to All Sectors in Financial Services:

1. Commitments in this Chapter are undertaken in accordance with the Understanding on commitments in Financial Services ("Understanding").
 2. For greater certainty, market access commitments with respect to the "cross border" and "consumption abroad" supply of services (as described in paragraphs 2(a) and 2(b) of Article 1 of the General Agreement on Trade in Services) are bound to the extent of the obligations in paragraphs 3 and 4 of Market Access of the Understanding.
 3. The commitments on "presence of natural persons" are scheduled in accordance with the Understanding and bound according to the general limitations applicable to all sectors in this schedule (Part A).
 4. Otherwise, the commitments in this Chapter are subject to the general conditions or limitations applicable to all sectors in this schedule.
 1. None
 2. None
 3. None, other than:

The Government of Ontario Management Board Directive and Industrial Development Review Process provides for a price preference of up to 10% for Canadian content based on value-added in Canada for certain government purchases. The Management Board Directive applies on the basis of the nationality of the individual service provider.
4. See paragraph 3 of headnote on Financial Services.

<u>CODING W120 CPC</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
812* + 814	A. All insurance and insurance-related services	1. None, other than:	1. None
7Aa 8121	a. Life, accident and health insurance services	Direct insurance (federal): services must be supplied through a commercial presence with the exception of marine insurance.	Direct insurance other than life, personal accident, sickness or marine insurance (federal): an excise tax of 10% is applicable on net premiums paid to non-resident insurers or exchanges in regard to a contract against a risk ordinarily within Canada, unless such insurance is deemed not to be available in Canada.
7Ab 8129	b. Non-life insurance services (except deposit insurance and similar compensation schemes)	(All provinces): services must be supplied through a commercial presence.	
7Ac 81299*	c. Reinsurance and retrocession	Reinsurance and retrocession (federal): services must be supplied through a commercial presence.	Reinsurance and retrocession (federal): the purchase of reinsurance services by a Canadian insurer, other than a life insurer or a reinsurer, from a non-resident reinsurer is limited to no more than 25% of the risks undertaken by the insurer purchasing the reinsurance.
		2: None, other than:	2. None, other than:

<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
<u>CODING W12Q CPC</u>		<p><u>Direct insurance (Alberta):</u> A fee payable to the province of 50% of the premium paid and regulatory notification are required on insurance of risks in the province by unlicensed insurers.</p> <p>3. None, other than:</p> <p><u>Direct insurance and reinsurance and retrocession (federal):</u> the solicitation of insurance services in Canada can only be effected through: i) a corporation incorporated under the laws of Canada; ii) corporation incorporated by or under the laws of another jurisdiction (i.e., a branch of a foreign corporation); iii) an association formed on the plan known as Lloyd's.</p> <p><u>Direct insurance and reinsurance and retrocession (federal):</u> a minimum of one-half of directors must be resident Canadians.</p> <p><u>(British Columbia):</u> a majority of the directors must be resident in Canada and at least one director must be resident in British Columbia.</p> <p><u>(Ontario):</u> capital requirements for mutual insurance companies do not apply to certain mutual insurance companies incorporated in Ontario.</p> <p><u>(All provinces):</u> insurance activities can only be provided through: i) a corporation incorporated under provincial statutes; ii) an extra-provincial</p>

<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
	<p>insurance corporation, i.e., an insurer incorporated by, or under the laws of another jurisdiction (including a federally-authorized branch of a foreign corporation); iii) an association formed on the plan known as Lloyds and iv) (Ontario): reciprocal insurance exchanges.</p> <p>(Alberta): subsidiaries of foreign insurance corporations must be federally-authorized.</p> <p>(Quebec): non-residents can acquire, either directly or indirectly, no more than 30% of the voting shares of any Canadian-controlled and Quebec-chartered company without ministerial approval.</p> <p>(federal): The purchase of reinsurance services by a Canadian insurer, other than a life insurer or reinsurer, from a resident reinsurer is limited to</p>	<p>(Quebec): Three-quarters of directors must be Canadian citizens and a majority must reside in Quebec.</p>

<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
<u>CODING W120 CPC</u>		

no more than 75% of the risks undertaken by the insurer purchasing the reinsurance.

(British Columbia): incorporation, share acquisition or application for business authorization, where any person controls or will control 10 percent or more of the votes of the company, is subject to ministerial approval.

Non-life insurance (Ontario): reciprocal insurance exchanges must maintain guarantee fund of \$50,000 unless an auto or fire insurer has principal office in Ontario, then \$25,000 is required.

Motor vehicle insurance:
(Quebec, Manitoba,
Saskatchewan and British Columbia): motor vehicle insurance is provided by public monopoly.

4. See paragraph 3 of
headnote on Financial Services.

4. See paragraph 3 of
headnote on Financial Services

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
W120 CPC 7Ad 8140	d. Services auxiliary to insurance (including broking and agency services)	<p>1. None, other than:</p> <p style="margin-left: 20px;">1. None</p> <p style="margin-left: 20px;"><u>Intermediation of insurance relating to maritime shipping, commercial aviation, space launching, freight (inc. satellites) and goods in international transit (all provinces): services must be supplied through a commercial presence in the province in which the service is provided.</u></p> <p style="margin-left: 20px;"><u>Adjustment services</u></p> <p>(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.</p> <p>(Ontario and Prince Edward Island): non-resident individual adjusters are prohibited from being adjusters in the province.</p>	

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2. None.

2. None, other than:

Intermediation of insurance relating to commercial aviation, space launching, freight (inc. satellites) and goods in international transit (federal): an excise tax of 10% is applicable on net premiums paid to non-resident insurers or exchanges in regard to a contract against a risk ordinarily within Canada, unless such insurance is deemed not to be available in Canada. The excise tax is also applicable on net premiums payable with regard to a contract entered into, through a non-resident broker or agent, with any insurer authorized under the laws of Canada or of any province to carry out the business of insurance.

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NATIONAL TREATMENT

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3. None, other than:

3. None

(Ontario): no license is provided to a corporation to act as an insurance broker, agency or adjuster if the majority of the voting rights are in shares owned by non-residents. A corporate agency or adjuster or insurance broker which is majority non-resident-owned and licensed as a result of grandfathering cannot expand through purchase of assets or business or merger or amalgamation with any other broker, agent or adjuster. No license is provided to a corporation or partnership which is an insurance agency or adjuster if the head office is outside Canada or if any partner is resident outside Canada.

(Newfoundland): extra-provincial adjustment companies must be sponsored by a resident Newfoundland company or agency.

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
W120 CPC			
		4. See paragraph 3 of headnote on Financial Services, and;	4. See paragraph 3 of headnote on Financial Services
		(Newfoundland): extra-provincial individual adjusters and representatives must be sponsored by a resident Newfoundland insurance company or agency.	
7B 81115 to 19 + 813	B. Banking and other financial services (excl. insurance)		
7Ba	81115-81119	a. Acceptance of deposits and other repayable funds from the public	1. None
7Bb	81113	b. Lending of all types, incl., inter alia, consumer credit, mortgage credit, factoring and financing of commercial transactions	2. None.
7Bc	81112	c. Financial leasing	3. None, other than:
7Bd	81339*	d. All payment and money transmission services	Banks: Ministerial approval is required for foreign bank subsidiaries to open more than one branch.
7Be	81199*	e. Guarantees and commitments	A minimum of one-half of the directors must be resident Canadians.
			No one person (Canadian or foreign) may own more than 10% of any class of shares of a Schedule I bank.

<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
	<p><u>Trust and Loan companies</u> <u>(federal and all provinces):</u> federal or provincial incorporation is required.</p> <p><u>(Ontario, Quebec and Manitoba):</u> The direct or indirect acquisition of Canadian-controlled companies by foreign persons is restricted to 10% individually and 25% collectively.</p> <p><u>(Saskatchewan):</u> individual and collective foreign ownership of Canadian-controlled and provincially incorporated companies can be no more than 10% of shares.</p> <p><u>(British Columbia):</u> incorporation, share acquisition or application for business authorization, where any person controls or will control 10% or more of the votes of the company, are subject to ministerial approval.</p>	<p><u>Trust and loan companies</u> <u>(federal):</u> A minimum of one-half of the directors must be resident Canadians.</p> <p><u>(Alberta):</u> at least three-quarters of the directors must be ordinarily resident in Canada.</p> <p><u>(British Columbia):</u> a majority of the directors must be resident in Canada and at least one director must be resident in British Columbia.</p> <p><u>(Nova Scotia):</u> A majority of directors must be resident in Canada and Canadian citizens.</p> <p><u>(Manitoba and Ontario):</u> foreign persons may not exercise the voting rights attached to shares if they are not registered as shareholders in respect of the shares.</p> <p><u>(Ontario):</u> A majority of directors must be Canadian citizens.</p>

<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
<u>CODING W120 CPC</u>	(Ontario): incorporation or registration will be refused unless authorities are satisfied that there exists a public benefit and advantage for an additional corporation. Consent to change in control or transfers of 10% or more of voting shares may be refused if it would be in the public interest to do so. <u>Credit unions, caisses populaires and associations or groups thereof (all provinces):</u> must incorporate in the jurisdictions in which they operate. <u>Mortgage brokers (Ontario):</u> must incorporate under the laws of Canada, Ontario or of another province. Ownership of a corporation by foreign persons must not exceed 10% individually and 25% collectively of the total number of equity shares.	(Quebec): three-quarters of the directors must be Canadian citizens and a majority must reside in Quebec. <u>Credit unions and caisses populaires (Ontario and Manitoba):</u> directors of credit unions must be Canadian citizens. (Manitoba): credit unions and caisses populaires are exempt from the corporate capital tax. (Alberta): directors of credit unions must be permanent residents of Canada and three-quarters must at all times be ordinarily resident in the province. (Quebec): directors of caisses populaires must have a residence, place of business or employment in the territory served by the caisse.

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(Nova Scotia): must incorporate under the laws of Canada or Nova Scotia.

(Alberta): must maintain a business office in the province.

Business and investment companies (Quebec): federal or provincial incorporation or incorporation under the laws of Great Britain or Ireland is required.

Cooperative corporations

(Ontario): must incorporate in Ontario

Lending of all types (Nova Scotia): must incorporate under the laws of Canada or Nova Scotia.

Acceptance of deposits

(Quebec): the acceptance of deposits of public and para-public institutions is provided by a public monopoly.

<u>CODING</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>SECTOR</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
<u>W120 CPC</u>			
			4. See paragraph 3 of headnote on Financial Services, and:
			Mortgage brokers (Ontario): must be permanent residents of Canada.
			(Nova Scotia): must be resident in the province.
			(Alberta): must be resident in the province for a minimum of three months to be registered.
		f. Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:	1. None, other than: Advisory and auxiliary financial services (Alberta, British Columbia, Nova Scotia, Ontario, Quebec): services must be supplied through a commercial presence in the jurisdiction in which the adviser is providing advice.
81339*		- money market instruments (cheques, bills, certificate of deposits, etc.)	
81333		- foreign exchange	
81339*		- derivative products incl. but not limited to, futures and options	
81339*		- exchange rate & interest rate instruments, incl. products such as swaps, forward rate agreements, etc.	
81321*		- transferable securities	

<u>CODING</u>	<u>W120 CPC</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT I</u>
				<u>Asset management (Alberta, British, Columbia, Nova Scotia, Ontario, Quebec and Saskatchewan): services must be supplied through a commercial presence in the jurisdiction in which the service is provided.</u>
81339*		- other negotiable instruments and financial assets, incl., bullion		
7Bg	8132	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.		
7Bh	81339*	h. Money broking		
7Bi	8119* 81323*	i. Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services		<u>(Quebec): the management of pension funds of public and para-public institutions in Quebec is provided by public monopoly.</u>
7Bj	81339* or 81319*	j. Settlement and clearing services for financial assets, incl. securities, derivative products, and other negotiable instruments		<u>Custodial services: mutual funds which offer securities in Canada must use a resident custodian. A non-resident sub-custodian may be used if it has shareholders equity of at least \$100 million.</u>
7Bk	8131* 8133*	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.		
7Bl	8131* 842* 843* 844*	l. Provision and transfer of financial information, and financial data processing and related software by providers of other financial services.		<u>Trading in securities and commodity futures — persons (all provinces): there is a requirement to register in order to trade through dealers and brokers that are neither resident nor registered in the province in which the trade is effected.</u>

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3. None, other than:

- Securities dealers and brokers (British Columbia, Newfoundland, Ontario, Saskatchewan, Yukon): must be incorporated, formed or continued under federal, provincial or territorial laws.
- (Quebec): only brokerage firms incorporated under federal, provincial or territorial laws may be members of The Montreal Exchange.
- Trading in securities and commodity futures and advisory and auxiliary financial services — dealers, brokers, and advisers: (Alberta, Ontario, Newfoundland, Nova Scotia): a director or officer of an applicant firm must have been a resident of Canada for a period of at least one year prior to the application.
- Advisory and auxiliary financial services (British Columbia): must be incorporated, formed or continual under federal, provincial or territorial laws.
- Asset management (Quebec): the management of pension funds of public and para-public institutions in Quebec is provided by a public monopoly.

**ARTICLE XVII
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4. See paragraph 3 of headnote on Financial Services, and:

Trading in securities and commodity futures and advisory and auxiliary financial services — dealers, brokers, and advisers: (all provinces except British Columbia): an individual applicant for registration is required to have been a resident of Canada for a period of at least one year prior to the application and a resident of the province in which he/she wishes to operate at the date of application.

(Quebec): an individual acting as a representative of a dealer or adviser, subject to certain exemptions, must be a resident of the province.

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI</u>
<u>W120 CPC</u>	<u>MARKET ACCESS</u>	<u>NATIONAL TREATMENT</u>
	<u>9. TOURISM AND TRAVEL RELATED SERVICES</u>	
9A	<u>Hotels and restaurants (including catering)</u>	<p>1. None</p> <p>2. None</p> <p>3. None, other than:</p> <p><u>Sale of liquor on premises</u> (Nova Scotia): new licenses require a majority approval in a public vote.</p>
9Ad 641	<u>Hotel and other lodging services</u>	<p>1. None</p> <p>2. None</p> <p>3. None, other than:</p> <p><u>Purchase of recreational property</u> (Ontario): non-residents are required to pay a 20% land transfer tax.</p>
642/3	<u>Food and beverage serving services</u>	<p><u>Sale of alcoholic beverages</u> (Ontario): The majority of the board of directors must be Canadian citizens or landed immigrants and ordinarily resident in Ontario.</p> <p>(Alberta): at least one director must be a permanent resident.</p> <p>(Saskatchewan): The majority of shareholders must be Canadian and manager must be a Canadian citizen or permanent resident.</p> <p>{Newfoundland, Nova Scotia and Alberta}: agents or managers must be Canadian citizens, resident in the province.</p>

<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
	<p>4. Unbound except as indicated in the horizontal section, and:</p> <p><u>Sale of liquor</u> (Quebec): registration is necessary and is limited in Quebec to federally incorporated companies.</p> <p><u>Sale of liquor in a restaurant and tavern</u> (Quebec): requirement for residency and citizenship.</p> <p><u>Sale of alcoholic beverages</u> (Alberta, Saskatchewan and Ontario): requirement for permanent residency.</p> <p>(Manitoba): requirement for: citizenship and residency.</p> <p>(Nova Scotia): licenses for the sale of alcoholic beverages will be granted only to Canadian citizens or British subjects.</p>	<p>4. Unbound except as indicated in the horizontal section</p>

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
<u>W120 CPC</u>			
9B	7471	Travel agencies and tour operators services Travel agency and tour operator services	<p>1. None, other than: <u>Travel agents</u> (Quebec): residency requirement.</p> <p><u>Travel counsellors</u> (Quebec): residency requirement.</p> <p><u>Travel agents and wholesalers</u> (Ontario): residency requirement.</p> <p>2. None</p> <p>3. None, other than: <u>Travel agencies</u> (British Columbia): at least one of the partners in a partnership or one of the directors of a corporation must be ordinarily resident in the Province.</p> <p>4. Unbound except as indicated in the horizontal section</p>
9B			<p><u>Travel agents</u> (Quebec - natural persons): residency requirement.</p> <p><u>Travel counsellors</u> (Quebec): residency requirement.</p> <p><u>Travel agents and wholesalers</u> (Ontario - natural persons): residency requirement.</p>

11. TRANSPORT SERVICES

- Approval is required from the National Transportation Agency prior to the acquisition of any federally regulated transportation undertaking with assets or annual gross sales in Canada in excess of \$10 million. For these purposes, a transportation undertaking means any business principally engaged in any transportation activity under federal jurisdiction within Canada, excluding (a) those operated by a person whose principal place of residence is outside Canada, and (b) those engaged in the transport of goods and/or passengers solely between Canada and another country.

11A

Maritime Transport Services

7211,
7212

International Transport (freight and passengers)
(See Note p. 69)

11Ae 7224

Pushing and towing services

7251

Port & waterway operation services

7454

Vessel salvage & refloating services

11Af 7459*

Other supporting services for water transport
(excluding icebreaking)

1. None, other than:

Cabotage

Members of a Shipping Conference that has the purpose or effect of regulating rates and conditions, must maintain jointly an office or agency in the region of Canada where they operate.

2. None

3. None, other than:

Canadian Registered Vessel:
to register a vessel in Canada, the owner of that vessel must be a citizen of Canada or a corporation incorporated under the laws of and having its principal place of business in Canada.

<u>SECTOR</u>	<u>ARTICLE XVI</u> <u>MARKET ACCESS</u>	<u>ARTICLE XVII</u> <u>NATIONAL TREATMENT</u>
<u>CODING</u> <u>W120 CPC</u>		

4. Unbound except as indicated in the horizontal section and

4. Unbound except as indicated in the horizontal section

Crew Members Remaining on Board a Vessel: None

Replacement Crew Members:

None, other than that they must report to their vessel within forty-eight (48) hours after being granted entry into Canada.

Marine Surveyors: None, other than entry limited to ninety (90) days.

Port Captain Services: None, other than entry limited to ninety (90) days.

Cabotage

Canadian Registered Vessels:
Officers of Canadian registered vessels must be permanent residents.

CODING <u>W120 CPC</u>	SECTOR	ARTICLE XVI MARKET ACCESS	ARTICLE XVII NATIONAL TREATMENT I
11AC 7213	Rental of sea-going vessels with crew	<p>1. None, other than:</p> <p>1. None</p> <p>2. None</p> <p>3. None, other than:</p> <p>3. None</p>	<p><u>Cabotage</u></p> <p><u>Canadian Registered Vessel:</u> To register a vessel in Canada, the owner of that vessel must be a citizen of Canada or a corporation incorporated under the laws of and having its principal place of business in Canada.</p> <p>4. Unbound except as indicated in the horizontal section, and:</p> <p><u>Cabotage</u></p> <p><u>Canadian Registered Vessels:</u> Officers of Canadian registered vessels must be permanent residents.</p> <p>4. Unbound except as indicated in the horizontal section</p>

<u>CODING</u>	<u>W120 CPC</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
11B*		<u>Internal Waterways Transport</u>	1. None, other than: <u>Cabotage</u>	1. None
11Bc	7223	Rental of non-sea going vessels with crew	2. None	2. None
11Bd	8863	Maintenance & repair of vessels	3. None, other than: <u>Canadian Registered Vessel:</u> To register a vessel in Canada, the owner of that vessel must be a citizen of Canada or a corporation incorporated under the laws of and having its principal place of business in Canada.	3. None
11Be	7224	Pushing and towing services		
11Bf*	7451	Port and waterway operation services		
	7454	Vessel salvage and refloating services		
	7459*	Other supporting services for water transport (excluding icebreaking)	4. Unbound except as indicated in the horizontal section, and: <u>Cabotage</u>	4. Unbound except as indicated in the horizontal section, and: <u>Canadian Registered Vessel:</u> Officers of Canadian registered vessels must be permanent residents.

<u>CODING</u> <u>W120 CPC</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
11C*	Air Transport Services	1. None	1. None
11Cd	8868* Maintenance and repair of aircraft and aircraft engines	2. None	2. None
		3. None	3. None
		4. Unbound except as indicated in the horizontal section	4. Unbound except as indicated in the horizontal section
11E	Rail Transport Services	1. None, other than Cabotage	1. None
11Ea	7111 Railway passenger and freight transport	2. None	2. None
11Eb	7112	3. None	3. None, other than:
			Railways (Newfoundland): majority of Board of Directors must be resident in Newfoundland.
			(Manitoba): At least one director of a provincial railroad must be a resident of the Province.
			4. Unbound except as indicated in the horizontal section

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
<u>W120 CPC</u>			
11Ed	8868*	Maintenance and repair of rail transport equipment	<ol style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section
11F*		Road Transport Services	<ol style="list-style-type: none"> 1. None, other than:
		Pasenger Transportation	<ol style="list-style-type: none"> 1. None
		Cabotage	<ol style="list-style-type: none"> 1. None
71213		Interurban scheduled bus passenger transportation	Interurban bus transport & non scheduled services (British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia, Newfoundland and Northwest Territories) public convenience and needs test .
71221		Taxis	
71222		Rental services of cars with drivers	
71223		Non-scheduled motor buses, chartered buses and tour and sightseeing buses	<ol style="list-style-type: none"> 2. None 2. Non

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W120 CPC			
		3. None, other than:	3. None
		<u>Cabotage</u>	
		Taxis & rental services with drivers: operating licences and permission are under the purview of local/provincial authorities.	
		Interurban bus transport & scheduled services: (British Columbia, Alberta, Prince Edward Island, Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia, Newfoundland and Northwest Territories) public convenience and needs test.	
		4. Unbound except as indicated in the horizontal section	4. Unbound except as indicated in the horizontal section
		<u>Freight Transportation</u>	
		71231 Highway freight transportation	
		.2, .3, .4	(Quebec): requirement for commercial presence in region where permit applies.
		11Fb*	1. None

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
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		2. None	2. None
		3. None, other than:	3. None
	<u>Cabotage</u>		
		(British Columbia, Saskatchewan, Manitoba, Ontario, Quebec, Prince Edward Island, Nova Scotia, and Newfoundland public convenience and needs test. (Ontario) temporary moratorium on licensing of intra-provincial trucking.	4. Unbound except as indicated in the horizontal section
		4. Unbound except as indicated in the horizontal section	
		1. None, other than:	1. None
	<u>Rental of Commercial Vehicle with Operator</u>		
		Rental services of commercial road vehicles with operators	
		2. None	2. None
		3. None, other than:	3. None
	<u>Cabotage</u>		
			4. Unbound except as indicated in the horizontal section
11Fc •	11Fc 7124		

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI</u>	<u>NATIONAL TREATMENT</u>
<u>W120 CPC</u>	<u>MARKET ACCESS</u>		
11Fd	Maintenance and repair of road transport equipment	1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section	1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section
6112	Maintenance and repair services of motor vehicles		
6122	Maintenance & repair services of motorcycles and snowmobiles		
8867	Repair services n.e.c. of motor vehicles, trailers, semi-trailers on a fee or contract basis.		
11H*	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.	1. None <u>Licensed Customs Brokers</u> (federal) (juridical persons): services must be supplied through a commercial presence (natural persons): requirement for permanent residency.
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		

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3. None, other than:

3. None

Licensed Customs Brokers

(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.

(b) A partnership must be composed of persons who are Canadian citizens or permanent residents.

4. Unbound except as indicated in the horizontal section, and:

Licensed Customs Brokers

(federal) (natural persons):

requirement for permanent residency.

4. Unbound except as indicated in the horizontal section

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
W120 CPC			
11H *	<u>Maritime Auxiliary Services</u>		
	Maritime Cargo Handling Services (as defined)	<ul style="list-style-type: none"> 1. Unbound** 2. None 3. None 4. Unbound except as indicated in the horizontal section 	<ul style="list-style-type: none"> 1. Unbound** 2. None 3. None 4. Unbound except as indicated in the horizontal section
	Storage and Warehousing Services	<ul style="list-style-type: none"> 1. Unbound** 2. None 3. None 4. Unbound except as indicated in the horizontal section 	<ul style="list-style-type: none"> 1. Unbound** 2. None 3. None 4. Unbound except as indicated in the horizontal section

** A commitment on this mode of delivery is not feasible

<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
CUSTOMS CLEARANCE SERVICES (AS DEFINED)	<p>1. None, other than:</p> <p>Licensed Customs Brokers (federal) (juridical persons): services must be supplied through a commercial presence. (natural persons): requirement for permanent residency.</p> <p>2. None, other than:</p> <p>Licensed Customs Brokers (federal) (juridical persons): services must be supplied through a commercial presence. (natural persons): requirement for permanent residency.</p> <p>3. None, other than:</p> <p>Licensed Customs Brokers (federal) (juridical persons): Commercial presence must be by means of incorporation or a partnership</p>	<p>1. None</p> <p>Licensed Customs Brokers (federal) (juridical persons): services must be supplied through a commercial presence. (natural persons): requirement for permanent residency.</p> <p>2. None</p> <p>Licensed Customs Brokers (federal) (juridical persons): services must be supplied through a commercial presence. (natural persons): requirement for permanent residency.</p> <p>3. None</p> <p>Licensed Customs Brokers (federal) (juridical persons): Commercial presence must be by means of incorporation or a partnership</p>

CODING <u>W120</u> <u>CPC</u>	SECTOR <u>ARTICLE XVI MARKET ACCESS</u>	ARTICLE XVII <u>NATIONAL TREATMENT</u>
		<p>(a) A corporation must be incorporated in Canada and the majority of its directors must be Canadian citizens or permanent residents.</p> <p>(b) A partnership must be composed of persons who are Canadian citizens or permanent residents.</p> <p>4. Unbound except as indicated in the horizontal section, and:</p> <p><u>Licensed Customs Brokers</u> (federal) (natural persons): requirement for permanent residency.</p> <p>1. Unbound **</p> <p>2. None</p> <p>3. None</p> <p>4. Unbound except as indicated in the horizontal section</p> <p>1. Unbound**</p> <p>2. None</p> <p>3. None</p> <p>4. Unbound except as indicated in the horizontal section</p>

<u>CODING</u>	<u>SECTOR</u>	<u>ARTICLE XVI MARKET ACCESS</u>	<u>ARTICLE XVII NATIONAL TREATMENT</u>
<u>W120</u>	<u>CPC</u>		
	Maritime Agency Services (as defined)	<ul style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section 	<ul style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section
	Maritime Freight Forwarding Services (as defined)	<ul style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section 	<ul style="list-style-type: none"> 1. None 2. None 3. None 4. Unbound except as indicated in the horizontal section
	Other Transport Services		
	Combined Transport Service	<ul style="list-style-type: none"> 1. None, other than: Regulations and limitations applicable to the corresponding modal portion of a combined 	<ul style="list-style-type: none"> 1. None

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transport movement.

- 2. None
- 2. None
- 3. None, other than:
- 3. None

Regulations and limitations applicable to the corresponding modal portion of a combined transport movement.

- 4. Unbound except as indicated in the horizontal section

Regulations and limitations applicable to the corresponding modal portion of a combined transport movement.

ARTICLE XVIII - ADDITIONAL COMMITMENTS

Maritime Transport Services

Where not otherwise made available to international transport suppliers on reasonable & non-discriminatory terms and conditions as specified in Article XXXIV(c)(ii), no measures which deny reasonable and non-discriminatory access shall be applied to the following port services:

1. Pilotage.
2. Towing and tug assistance.
3. Provisioning, fuelling and watering.
4. Garbage collecting and ballast waste disposal.
5. Navigation aids.
6. Shore-based operational services essential to ship operations, including communications, water and electrical supplies.
7. Emergency repair facilities.
8. Anchorage, berth and berthing services.
9. Lightering and water taxi services.
10. Ships agencies
11. Customs brokers
12. Stevedoring and terminal services
13. Surveying and classification services

Where road, rail, inland waterways and related auxiliary services are not otherwise fully covered in this schedule, multimodal transport operators, general and bulk cargo shipping lines, shippers and their intermediaries shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purpose of inland forwarding of cargoes, or have reasonable and non-discriminatory access to, and use of, these forms of multimodal activities for the purpose of carrying out onward transport operations. "Reasonable and non-discriminatory access" includes, for the purpose of this additional commitment, the ability of the multimodal transport operators, general and bulk cargo shipping lines, shippers and their intermediaries to arrange for the conveyance of merchandise on a timely basis, including priority over ships or merchandise which have entered the port at a later date.

DEFINITIONS RELATED TO SECTION II - TRANSPORT SERVICES

For the purposes of this schedule:

1. "Cabotage" services include:
 - (a) the transportation of goods or passengers by vessels between points in the territory of Canada and the Exclusive Economic Zone;
 - (b) with respect to waters above the continental shelf, the transportation of goods in relation to the exploration, exploitation, or transportation of the mineral or non-living natural resources of the continental shelf; and
 - (c) the engaging by vessel in any maritime activity of a commercial nature in the territory of Canada and the Exclusive Economic Zone and, with respect to waters above the continental shelf, in such other maritime activities of a commercial nature in relation to the exploration, exploitation or transportation of mineral or non-living natural resources of the continental shelf.
- For non-maritime transport services, "cabotage" means that only permanent residents, using Canadian registered and either Canadian-built or duty paid trucks or buses, may provide truck or bus services between points in the territory of Canada.
2. "Container station and depot services" means activities in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing, and making them available for shipments.
3. "Crew Members" and "Replacement Crew Members" means persons, including the Master, who are employed on a vessel to perform duties during a voyage or trip related to the operations of the vessel or the provision of services to passengers or members of the crew except:

persons on board the vessel for a purpose other than that of performing duties that relate to the operation of the vessel and who are not normally on board the vessel but who, pursuant to a service contract with a transportation company, perform maintenance or repairs while the vessel is in Canada or during the voyage;

any other person who is on board the vessel for a purpose other than that of performing duties that relate to the operation of the vessel or the provision of services to passengers or members of the crew.

4. "Customs clearance services" means activities in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, irrespective of whether this service is the main or secondary activity of the service provider.
5. "Marine Surveyors" means persons entering Canada to inspect the condition of, including damage to, a vessel or a vessel's cargo.
6. "Maritime agency services" means activities in representing, within a given geographic area, the business interests of one or more shipping lines or shipping companies, for the following purposes:
 - marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
 - acting on behalf of the companies organising the call of the ship or taking control of cargoes when required.
7. "Maritime cargo handling services" means the work performed by stevedore companies or public terminal operators, but not including the work performed by dock labour, when this workforce is organised independently of the stevedoring or public terminal operator companies. The work activities covered include the performance, organisation and supervision of:
 - the loading/discharging of cargo to/from a ship;
 - the lashing/unlashing of cargo;
 - the reception/delivery and safekeeping of cargoes before shipment or after discharge.
8. "Maritime freight forwarding services" means the activity of organising and monitoring shipments on behalf of shippers, through providing such services as the arranging of transport and related services, consolidation and packing of cargo, preparation of documentation and provision of business information.
9. "Multimodal transport operator" means the person who issues or causes to be issued the bill of lading, multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.
10. "Port Captains" means persons entering Canada as the agents of a ship operator or owner for the purpose of assessing requirements, negotiating and authorizing expenditures necessary to the maintenance and operation of a vessel as well as the handling of its cargo.

NOTE

{For greater clarity and subject to the relevant reservations in this Schedule, Canadian commitments mean:

International maritime transport services suppliers of other Members shall have the ability to undertake locally all activities which are related to the supply to their customers of a transport service, within which the maritime transport constitutes a substantial element.

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or b, service suppliers with which the service seller has established standing business arrangements;
- (b) arrangements, on their own account or on behalf of their customers (and the resale to their customers) for any transport and related services, including anchorage, berth and berthing services, inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated service;
- (c) the preparation of documentation including transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);
- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel with any locally established shipping agency.
- (f) acting on behalf of the companies, organising any aspect of the call of the vessel or taking control over cargoes when required;
- (g) the provision of port captain services.]