

Fact sheet on Individual Efforts Made towards the Achievement of the Bogor Goals: Canada

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
1. Tariffs			
(1) Import-weighted average of MFN applied tariff	1.4%	1.2%	<p>On an annual basis commencing January 1, 1995, Canada has implemented its tariff reduction commitments as per the Uruguay Round agreement in the WTO, including the zero-for-zero initiatives. These reductions have been fully implemented as of January 1, 2004.</p> <p>Canada removed tariffs on pharmaceutical products as a result of the Pharmaceutical Understanding commitments in the WTO with further products added under Revision I (April 1997), Revision II (July 1999) and Revision III (July 2007).</p> <p>Canada as a signatory to the Information Technology Agreement (ITA), reduced tariffs on all products subject to that agreement. Final reductions were implemented on January 1, 2000.</p> <p>Canada accelerated to 1998, the Uruguay Round tariff reductions for all products that were to have final cuts in 1999, including zero-for-zero initiatives in the medical equipment, agricultural equipment, construction equipment, and office furniture sectors.</p> <p>Canada has eliminated “nuisances tariffs” from MFN and most</p>

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			<p>preferential tariffs when they fall below the 2% threshold since January 1, 1998.</p> <p>Canada unilaterally eliminated the applied tariffs on a wide range of fibres, yarns and apparel fabrics used in the manufacture of apparel effective January 1, 2005.</p> <p>Canada, on an ongoing basis, unilaterally reduces applied tariffs on certain goods used in the production of other goods (manufacturing inputs) or in the provision of services. In particular, in Budget 2009, Canada eliminated MFN tariffs on a range of machinery and equipment, affecting 214 dutiable items and approximately \$2 billion worth of imports.</p> <p>In 2010 Canada took further measures unilaterally eliminating all remaining tariffs on manufacturing inputs and machinery and equipment. These measures will allow Canadian manufacturers to operate without the cost of tariffs on inputs and machinery and equipment. The majority of 1,541 tariffs were eliminated as of March 5, 2010, with the remainder being gradually eliminated by no later than January 1, 2015.</p>
(2) Simple average of MFN applied tariff	6.3%	3.7%	
(3) Tariff average, based on import tariff revenue	1.3%	0.9%	On an annual basis commencing January 1, 1995, Canada has implemented its tariff reduction commitments as per the Uruguay Round agreement in the WTO, including the

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			<p>zero-for-zero initiatives. These reductions have been fully implemented as of January 1, 2004.</p> <p>Canada removed tariffs on pharmaceutical products as a result of the Pharmaceutical Understanding commitments in the WTO with further products added under Revision I (April 1997), Revision II (July 1999) and Revision III (July 2007).</p> <p>Canada as a signatory to the Information Technology Agreement (ITA), reduced tariffs on all products subject to that agreement. Final reductions were implemented on January 1, 2000.</p> <p>Canada accelerated to 1998, the Uruguay Round tariff reductions for all products that were to have final cuts in 1999, including zero-for-zero initiatives in the medical equipment, agricultural equipment, construction equipment, and office furniture sectors.</p> <p>Canada has eliminated “nuisances tariffs” from MFN and most preferential tariffs when they fall below the 2% threshold since January 1, 1998.</p> <p>Canada unilaterally eliminated the applied tariffs on a wide range of fibres, yarns and apparel fabrics used in the manufacture of apparel effective January 1, 2005.</p>

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			Canada, on an ongoing basis, unilaterally reduces applied tariffs on certain goods used in the production of other goods (manufacturing inputs) or in the provision of services. In particular, in Budget 2009, Canada eliminated MFN tariffs on a range of machinery and equipment, affecting 214 dutiable items and approximately \$2 billion worth of imports.
(4) Zero tariff lines as a percentage of all tariff lines	32%	54%	
(5) Zero tariff imports as a percentage of all imports	78%	87% (2008 data)	
(6) Standard deviation for applied tariff	6.7	6.4	<p>On an annual basis commencing January 1, 1995, Canada has implemented its tariff reduction commitments as per the Uruguay Round agreement in the WTO, including the zero-for-zero initiatives. These reductions have been fully implemented as of January 1, 2004.</p> <p>Canada removed tariffs on pharmaceutical products as a result of the Pharmaceutical Understanding commitments in the WTO with further products added under Revision I (April 1997), Revision II (July 1999) and Revision III (July 2007).</p> <p>Canada as a signatory to the Information Technology Agreement (ITA), reduced tariffs on all products subject to that agreement. Final reductions were implemented on January 1, 2000.</p>

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			<p>Canada accelerated to 1998, the Uruguay Round tariff reductions for all products that were to have final cuts in 1999, including zero-for-zero initiatives in the medical equipment, agricultural equipment, construction equipment, and office furniture sectors.</p> <p>Canada has eliminated “nuisances tariffs” from MFN and most preferential tariffs when they fall below the 2% threshold since January 1, 1998.</p> <p>Canada unilaterally eliminated the applied tariffs on a wide range of fibres, yarns and apparel fabrics used in the manufacture of apparel effective January 1, 2005.</p> <p>Canada, on an ongoing basis, unilaterally reduces applied tariffs on certain goods used in the production of other goods (manufacturing inputs) or in the provision of services. In particular, in Budget 2009, Canada eliminated MFN tariffs on a range of machinery and equipment, affecting 214 dutiable items and approximately \$2 billion worth of imports.</p>
(7) Transparency in tariff regime	See major achievements column	See major achievement s column	<p>The new Customs Tariff, which came into effect on January 1, 1998, introduced a number of liberalizing measures that are of benefit to international traders, including those from APEC economies.</p> <p>Overall, the Canadian tariff system has become more simple,</p>

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			<p>predictable, and transparent by replacing the existing seven tariff schedules with a single tariff schedule containing a simpler rate structure and significantly fewer provisions (about 8,000 compared to 11,000). The system was further simplified by eliminating or streamlining a significant number of legislative provisions and introducing a more flexible tariff schedule format (two tariff columns rather than five). Some of these measures have also broadened the scope of certain existing duty free provisions.</p> <p>Canada provides annual updates of tariff and trade information to the WTO Integrated Database.</p>
2. Non-Tariff Measures			
(1) Quantitative import restrictions/prohibitions	Effective January 1, 1995 (August 1, 1995 for wheat, wheat products, barley, barley products, butter, dry whey and cream), Canada converted its agricultural import controls to a system of tariff rate quotas (TRQs); import licences are required as a condition of importation of quantity eligible for the in-quota rate of duty.	<p>Canada has tariff rate quotas on certain agricultural products, which are made effective through 183 over access commitment tariff items and 152 within access commitment tariff items</p> <p>The licensing scheme used to implement quantitative restrictions on imports of textiles and clothing was abolished following the</p>	Only 2% of items in HS Chapters 1 - 97 are subject to tariff rate quotas (TRQs), reflecting sensitivities in Canada's agricultural sector.

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	Canada had tariff rate quotas on certain agricultural products, which were made effective through 157 over access commitment tariff items and 145 within access commitment tariff items.	elimination in 2005 of remaining quantitative restrictions as a result of the implementation of the WTO Agreement on Textiles and Clothing.	
(2) Import licensing	(Number of tariff lines applicable) *see examples column	(Number of tariff lines applicable) *see examples column	Canada's licensing requirements and quantitative import restrictions are mostly in place for non-economic reasons: Import licences are required for goods subject to quantitative restrictions related to measures taken to safeguard domestic producers against injurious imports pursuant to either GATT Article XIX; for textiles and apparel goods for which a tariff preference level (TPL) is sought under the NAFTA; or international commitments (e.g. narcotics and endangered species of fauna and flora). Import controls, although not generally related to quantity, are also imposed on some products on grounds of public interest, or for monitoring purposes. This list includes the categories of controlled drugs, explosives and pyrotechnic devices, nuclear equipment and information, radio-active devices, and nuclear substances, carbon steel products, and specialty steel products, and high speed steel, plant pests, plants and plant products, non-U.S. origin: animals (except pet dogs and domesticated cats, some rodents, reptiles other than turtles and their eggs, and

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			amphibians), semen (except canine), and certain animal products and by-products depending on the species and country of origin; food of animal and plant origin, specimens of species and their by-products listed in schedules I and II under the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act, and natural health products.
(3) Import levies	0	0	Canada does not apply import levies that act as non-tariff measures. The GST/HST is a federal tax payable on goods and services bought in Canada, whether produced domestically or imported, and does not discriminate between domestic and foreign suppliers. The goods and services tax (GST) is applied at a rate of 6%. Three provinces apply a harmonized sales tax (HST) that combines the GST plus an 8% provincial tax while six other provinces apply a rate between 6-10%.
(4) Export subsidies	Canada's export subsidy commitment covers 11 product categories and 99 tariff items. During the 1996-1997 marketing year, Canada provided export subsidies to 3 tariff items.	During the 2008-2009 marketing year, Canada provided export subsidies to 10 tariff items.	Canada has eliminated all export subsidies on grain and oilseed products, which comprise 72% of the tariff items covered by Canada's export subsidy commitments. Canada is committed to the elimination of export subsidies in WTO Doha Round negotiations.
(5) Other non-tariff measures maintained			Canada maintains WTO-consistent non-tariff measures required to protect health, safety, security or the environment, or to discharge Canada's obligations under international agreements.
3. Services			
(1) Number of sectors out of 55 services sectors in which market	31	31	

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access and/or NT are granted as a result of the commitments in the GATS			
(2) Number of sectors out of 55 services sectors in which MFN exemptions maintained as a result of the commitments in the GATS	6 (not including exemption to all sectors)	6 (not including exemption to all sectors)	Exemption on Financial Services, including lending of all types and trading for own account of certain securities by loan and investment companies has been removed in the Canada's conditional revised offer.
(3) Number of sectors out of 55 services sectors in which market access and/or NT are offered in the DDA under the GATS	--	31	Canada's revised GATS offer (2005) outlines what further commitments for trade in services Canada is willing to make in exchange for improved access to foreign markets, and is conditional on the broader package of concessions to be agreed at the end of the DDA. Canada's revised offer includes several significant improvements with respect to professional, transport, financial, tourism, and courier services as well as with respect to temporary movement of business people, commercial presence, and exemptions to the Most Favourable Nation (MFN) principle.
(4) Number of sectors out of 55 services sectors in which MFN exemptions maintained in the DDA under the GATS	--	5 (not including exemption to all sectors)	
(5) Number of RTAs/FTAs in which more market access and/or NT are committed to services sectors than those in the	1	3	Canada-Colombia and Canada-Panama FTAs have concluded, but require legislative ratification.

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commitments under the GATS			
(6) Number of sectors in which licensing and qualification requirements apply specifically to foreign service providers	None	None	At the Provincial/Territorial level certain regulated professions require both domestic and foreign service providers to obtain a license/certificate and/or possess minimum education credentials. Certain Provinces maintain residency requirements for specific regulated professions. In such cases, temporary licensing can provide foreign service providers the opportunity to obtain a temporary license without meeting the residency requirements (e.g. architects, engineers, foreign legal consultants).
(7) Measures to improve transparency in services	See best practices	See best practices	<p>Significant progress has been made since 1996 in enhancing the electronic and internet access for Canadian laws and regulations.</p> <p>In addition, extensive information on Canada's free trade agreements (including services commitments) is available through the following website: http://www.international.gc.ca/tna-nac/menu-en.asp</p> <p>Information on Canada's WTO activity in services is available at the following link: http://www.international.gc.ca/trade-agreements-accords-commerciaux/services/gats_agcs/index.aspx?lang=en</p>
4. Investment			
(1) Restrictions on foreign investment	For purposes of this annex, in areas where ISIC codes were not applicable, the SIC	For purposes of this annex, in areas where ISIC codes were not applicable, the SIC	The attitude of the Government of Canada to foreign investment was clearly articulated two decades ago with the passage of the Investment Canada Act (ICA) in 1985, which

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	<p>codes were used instead. SIC means Standard Industrial Classification (SIC) numbers as set out in Statistics Canada, Standard Industrial Classification, fourth edition, 1980.</p> <p>Agriculture (ISIC Division 01); Business Service Industries: SIC 7794 Customs Brokers; SIC 6599 Other Retail Stores, Not Elsewhere Classified (limited to duty free shops); SIC 999 Other Services, Not Elsewhere Classified (limited to cultural property examination services)</p> <p>Culture (ISIC Divisions 58 and 59): - Book publishing and distribution selling, - Newspaper and Magazine publishing, distribution and sale,</p>	<p>and related detailed CPC codes were used instead. SIC means Standard Industrial Classification (SIC) numbers as set out in Statistics Canada, Standard Industrial Classification, fourth edition, 1980; and CPC means Central Product Classification (CPC) numbers as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991.</p> <p>For more details, including descriptions of specific measures, please see Canada's 2009 Individual Action Plan, its entry in the 6th Edition of the Guide to the Investment Regimes of the APEC member economies, or the following website:</p>	<p>replaced the more restrictive Foreign Investment Review Act (FIRA). Since 1989, Canada has been negotiating Foreign Investment Protection Agreements (FIPAs) in order to secure investment liberalisation and protection commitments on the basis of a model agreement developed under the auspices of the OECD (Organization for Economic Cooperation and Development). In 2003, Canada updated its FIPA model to reflect, and incorporate the results of, its growing experience with the implementation and operation of the investment chapter of the NAFTA. Canada's model FIPA can be found at: http://www.international.gc.ca/tna-nac/menu-en.asp</p> <p>Canada has responded directly to the increased importance of international investment (both inward and outward). It has taken concerted actions that have greatly improved the Canadian investment climate; developed targeted investment attraction strategies; and actively participated in the development and implementation of international rules governing investment. Canada welcomes, and indeed actively seeks, beneficial foreign investment.</p> <p>The only domestic law of general application with respect to foreign investment is the Investment Canada Act (the Act). Under the Act, the establishment of a new business in Canada by an investor making its first investment in Canada or the establishment of a new business by an existing investor where the new business is unrelated to any existing business in</p>

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	<ul style="list-style-type: none"> - Film distribution - Sound recording industry - Music publishing <p>Energy:</p> <ul style="list-style-type: none"> - Uranium (ISIC Division 07) - Oil & gas (ISIC Division 06), <p>Financial Services</p> <p>Fisheries (ISIC Division 03),</p> <p>Broadcasting (ISIC Division 60)</p> <p>Telecommunications (ISIC Division 61),</p> <p>Transportation:</p> <ul style="list-style-type: none"> - Air (ISIC Division 51), - Maritime (ISIC Division 50) 	<p>http://www.international.gc.ca/tna-nac/menu-en.asp</p> <p>Business Service Industries: SIC 7794 Customs Brokers; CPC 749 Other supporting and auxiliary transport services;</p> <p>SIC 6599 Other Retail Stores, Not Elsewhere Classified (limited to duty free shops); CPC 631, 632 (limited to duty free shops);</p> <p>SIC 999 Other Services, Not Elsewhere Classified (limited to cultural property examination services); CPC 96321 Museum services except for historical sites and buildings (limited to cultural property examination services) CPC 87909 Other Business Services, Not Elsewhere Classified (limited to cultural property examination services) CPC 86120 Legal advisory and</p>	<p>Canada is subject to a straightforward notification procedure, but is not generally subject to review. There are some exceptions to this. A website has been established which provides detailed information on the Investment Canada Act and copies of the documentation/forms required: http://www.ic.gc.ca/eic/site/ica-lic.nsf/eng/Home.</p> <p>Pursuant to the Investment Canada Act, new review thresholds relating to investments in non-cultural sectors for WTO members, or where a Canadian business is ultimately controlled by a WTO member (other than a Canadian) prior to its acquisition, must be determined every year and become effective on January 1. The review thresholds are adjusted for inflation every year and published in the Canada Gazette .The amount for the year 1996 was \$168 million. In 2009, the threshold was CDN\$312 million.</p> <p>In addition to the Investment Canada Act, there are a number of federal and provincial laws applying to specific industry sectors. At the federal level, for example, there are the Bank Act, the National Transportation Act, and the Broadcasting Act. The Canada Business Corporations Act also has provisions related to management and equity in federally incorporated businesses.</p> <p>In 1997, the government recognized the need to develop a new framework for the entry of foreign banks in Canada. The</p>

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		<p>representation services in statutory procedures of quasi-judicial tribunals, boards, etc. (limited to patent agency) CPC 86120 Legal advisory and representation services in statutory procedures of quasi-judicial tribunals, boards, etc. (limited to copyright/trademark agency)</p> <p>Culture (ISIC Divisions 58 and 59):</p> <ul style="list-style-type: none"> - Book publishing and distribution selling, - Newspaper and Magazine publishing, distribution and sale, - Film distribution - Sound recording industry - Music publishing <p>Energy:</p> <ul style="list-style-type: none"> - Uranium (ISIC Division 07) - Oil & gas (ISIC Division 06), 	<p>present framework offers foreign banks considerable flexibility to provide financial services in Canada. They can choose to do so through Canadian financial institutions and/or regulated foreign bank branches. As well, a foreign bank can establish more than one bank or more than one branch in Canada. They are allowed to own both wholesale and retail banks and full-service and lending branches. As well, foreign banks are permitted to own the same range of investments as Canadian banks. . Further information can be found at the Department of Finance, Canada website: www.fin.gc.ca</p> <p>In 2001, the Canada Business Corporations Act was amended to reduce the number of required resident Canadians on the Boards of Directors of most CBCA incorporated companies from 50% to 25%.</p> <p>In 2007, the Government established the Competition Policy Review Panel (CPRP) to review Canada's foreign investment regime under the Investment Canada Act. In June 2008, the CPRP in its report, Compete to Win, recommended eliminating the lower review threshold (CDN \$5 million for direct acquisitions and CDN \$50 million for indirect acquisitions) for the review of foreign investments in the transportation sector (including pipelines), non-federally regulated financial services and uranium mining. The CPRP also recommended changing the basis for the general review threshold from the book value of the gross assets to "enterprise value" and raising this</p>

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		<p>Fisheries (ISIC Division 03),</p> <p>Broadcasting (ISIC Division 60)</p> <p>Telecommunication (ISIC Division 61).</p> <p>Transportation: - Air (ISIC Division 51), - Maritime (ISIC Division 50)</p>	<p>threshold to CDN \$1 billion.</p> <p>In March 2009, the federal government passed amendments to the Investment Canada Act that were consistent with the CPRP's recommendations. These amendments eliminated the lower review threshold for the sectors mentioned above, such that foreign investment in these sectors are now subject to the general review threshold, set at CDN \$299 million for 2010. The amendments related to changing the basis for the threshold to "enterprise value" and raising it to \$1 billion over a four-year period are not yet in force as the necessary regulations have not been promulgated.</p>
(2) Investment by foreigners entails offsets (performance requirements, export requirements, local content requirements)	Canada is committed to high standards with respect to minimizing the use of certain trade-distorting performance requirements. Canada is a party to a number of international agreements that prohibit the use of specified performance requirements, such as the WTO TRIMs Agreement. A number of these agreements (i.e.	Canada adheres to the obligations of the WTO Agreement on Trade Related Investment Measures. Canada has made additional and more rigorous commitments on performance requirements within the NAFTA and other Free Trade Agreements. Canada also has made performance requirements commitments in each of its	Canada is bound by its FTAs and FIPAs to not introduce new performance requirements or make existing ones more restrictive.

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	NAFTA, other FTAs) provide for reservations to general obligations with respect to performance requirements. In limited cases in these agreements Canada has reserved certain practices (see NAFTA Annex 1&2 for details).	bilateral Foreign Investment Protection Agreements. A number of these agreements (i.e. NAFTA, other FTAs) provide for reservations to general obligations with respect to performance requirements. In limited cases in these agreements Canada has reserved certain practices (see NAFTA Annex 1&2 for details at http://www.international.gc.ca/tna-nac/menu-en.asp).	
(3) Restrictions on transfers of capital	Not existing	Not existing	Canada permits transfers relating to investments to be made freely and without delay. Please see NAFTA Article 1109 for further details at: http://www.international.gc.ca/tna-nac/menu-en.asp .
(4) Consistency with APEC Non-Binding Investment Principles	All	All	As a WTO member, Canada adheres to the obligations of the WTO Agreement on Trade-Related Investment Measures (TRIMs). Canada also adheres to the OECD Guidelines for Multinational Enterprises, a set of voluntary standards of conduct recommended by Member governments regarding the operations of these enterprises in OECD markets.

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			<p>Transparency: Significant progress has been made since 1996 in enhancing the electronic and internet access for Canadian laws and regulations.</p> <p>In addition, extensive information on Canada's investment policies and trade agreements is available through the following website: http://www.international.gc.ca/tna-nac/menu-en.asp.</p> <p>In 2001, Canada and its NAFTA partners issued Notes of Interpretation in which they clarified that they will make available to the public all documents submitted to or issued by Chapter 11 tribunals, except in limited circumstances.</p> <p>On October 7, 2003, the NAFTA Trade Ministers agreed on procedures for NAFTA Chapter 11 investor-state arbitral Tribunals regarding the acceptance of amicus-type submissions from non-disputing parties. Each NAFTA Party has issued statements asserting their commitment to open hearings in Chapter 11 proceedings to which they are a party. These are significant steps forward in improving the transparency of the arbitral process.</p> <p>Both at the federal and provincial levels, there exists legislation which gives authority to expropriate for a public purpose in accordance with due process of law, subject to compensation. In all circumstances, a fair and equitable legal process is available to the expropriated party for the determination of compensation.</p>

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			<p>Authorities first attempt to reach agreement on appropriate compensation, failing which the action is subject to the judicial process. Compensation is based on fair market value. Valuation criteria are determined by the courts and can include such things as asset value, going concern value, and other criteria.</p> <p>Non-discrimination: Canada's foreign investment laws are largely applied on an MFN and national treatment basis. In addition, Canada has extended formal commitments in this regard through its WTO and NAFTA obligations, as well as through its bilateral investment agreements and investment chapters of its FTAs. Any derogations from the principles of MFN and national treatment are clearly identified in those agreements.</p> <p>See Canada's entry in the APEC Investment Guidebook for more details on exceptions to MFN.</p> <p>Investment incentives: Canada is committed to integrating sustainable development into domestic and foreign policy. To achieve progress on this commitment, International Trade Canada works with other government departments to integrate environmental considerations into decision making related to trade policy. Canada recognizes that it is inappropriate to relax health, safety and environmental regulations as an incentive to encourage foreign investment.</p>

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			<p>Performance requirements: Canada adheres to the obligations of the WTO Agreement on Trade Related Investment Measures. Canada has made additional and more rigorous commitments on performance requirements within the NAFTA and other Free Trade Agreements. Canada also has made performance requirements commitments in each of its bilateral Foreign Investment Protection Agreements. Canada is bound by its FTAs and FIPAs to not introduce new performance requirements or make existing ones more restrictive.</p> <p>Expropriation and compensation: Both at the federal and provincial levels, there exists legislation which gives authority to expropriate for a public purpose in accordance with due process of law, subject to compensation. In all circumstances, a fair and equitable legal process is available to the expropriated party for the determination of compensation.</p> <p>Authorities first attempt to reach agreement on appropriate compensation, failing which the action is subject to the judicial process. Compensation is based on fair market value. Valuation criteria are determined by the courts and can include such things as asset value, going concern value, and other criteria.</p> <p>Repatriation and convertibility: There are no restrictions to the foreign exchange regime. Exchange rates are determined on the basis of supply and demand conditions in the exchange</p>

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			<p>market. There are no restrictions which limit the repatriation of funds related to foreign investment, such as profits, dividends and royalties, loan payments and liquidation.</p> <p>There are also no restrictions on the convertibility of currencies for the overseas transfer of funds.</p> <p>Settlement of Disputes: Foreign and national investors have equal access to legal procedures in Canada. In addition, under the NAFTA and other Free Trade Agreements, as well as the FIPAs, disputes with respect to investment obligations can be referred to investor-state dispute settlement.</p> <p>Canada is a party to the Convention on the Recognition and Enforcement of the Foreign Arbitral Awards (the "New York Convention") done at New York, June 10, 1958. It entered into force for Canada on May 12, 1986.</p> <p>The British Columbia International Arbitration Centre (Vancouver, B.C.) and the Quebec National and International Commercial Arbitration Centre (Montreal, Que) offer services that can be accessed by foreign investors.</p> <p>Canada signed the ICSID Convention on December 19, 2006 and is now undertaking the ratification process. Currently, Canada provides for use of the ICSID Additional Facility Rules and the Arbitration Rules of UNCITRAL in its bilateral investment agreements.</p>

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			<p>Entry and sojourn of personnel: To facilitate information exchange, Citizenship and Immigration Canada (CIC) maintains a website which provides information on visiting Canada. It can be accessed at: http://www.cic.gc.ca/english/index.asp .</p> <p>Information specific to APEC economies can be found in Canada's entry in the APEC Business Travel Handbook at: http://www.apecsec.org.sg/apec/business_resources/apec_business_travel.html .</p> <p>Under the new Immigration and Refugee Protection Act which came into force on June 28th 2002, Canada revised its Temporary Foreign Worker Program regulations to further streamline and improve efficiency.</p> <p>Short Term Business Entry In general, business visitors entering Canada for short term visits to engage in international business activities without directly entering the Canadian labour market do not require an employment authorization (i.e., work permit) but do require a visitor visa. For further information, please visit: http://www.cic.gc.ca/english/index.asp .</p> <p>Temporary Residency</p>

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			<p>Foreign nationals wishing to enter Canada's labour market are required to apply for an employment authorization to enter Canada as a temporary foreign worker. Depending on the circumstances of the individuals involved, there are several mechanisms to obtain an employment authorization as a temporary foreign worker.</p> <p>The manual on Canada's current Temporary Foreign Worker guidelines can be found at: http://www.cic.gc.ca/english/resources/manuals/fw/index.asp.</p> <p>Avoidance of Double Taxation: Since 1996, Canada has had an additional 25 double tax agreements (DTAs) enter into force, bringing the total to DTAs in force with 86 countries</p> <p>For further information, please visit: http://www.fin.gc.ca/treaties-conventions/in_force--eng.asp.</p> <p>Removal of barriers to capital exports There are no regulations/institutional measures that limit capital exports or the outflow of foreign investment.</p> <p>For the latest information on the competitive advantages of investing in Canada and the assistance available to new business investors, please visit: http://investincanada.gc.ca</p> <p>Information on investment policies, Canada's participation in</p>

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			international investment discussions and Canadian investment agreements, and access to an extensive collection of studies on the impact of FDI is available on the Department of Foreign Affairs and International Trade - Trade Negotiations and Agreements website at: http://www.international.gc.ca/tna-nac/menu-en.asp .
(5) Number of BITs and FTAs/RTAs which NT and MFN are ensured in relation to foreign investment	In 1996, Canada was a signatory to the NAFTA which included substantive investment provisions. In addition, as of January 1996, Canada was party to eight (8) bilateral Foreign Investment Protection Agreements (signed and in force): Poland, Argentina, Russian Federation, Hungary, Czech and Slovak Republics, the Ukraine and Latvia	Since January 1996 Canada has become party to an additional sixteen (16) bilateral Foreign Investment Promotion and Protection Agreements (FIPAs): Philippines, Trinidad and Tobago, Barbados, Ecuador, Venezuela, Panama, Peru, Egypt, Thailand, Armenia, Uruguay, Lebanon, Costa Rica, Croatia, Romania and Jordan. Since 1996, Canada has brought into force the following two (2) FTAs: The Canada-Chile Free Trade Agreement entered into force on June 2, 1997. The Canada-Peru Free	In 2003, Canada updated its FIPA model to reflect, and incorporate the results of, its growing experience with the implementation and operation of the investment chapter of the NAFTA. The principal objectives of this exercise were: to enhance clarity in the substantive obligations; to maximize openness and transparency in the dispute settlement process; and to discipline and improve efficiency in the dispute settlement procedures. Canada also sought to enhance transparency in the listing of reservations and exceptions from the substantive disciplines of the Agreement. Canada currently has twenty-four Foreign Investment Protection Agreements (FIPAs) in force. FIPAs are bilateral, reciprocal agreements designed to promote and protect Canada's foreign investments abroad through a framework of legally-binding rights and obligations. Canada's model FIPA incorporates several key principles: treatment that is non-discriminatory and that meets a minimum standard; protection against expropriation without compensation and restraints on transfer of funds; and dispute settlement procedures.

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		<p>Trade Agreement entered into force on August 1, 2009. Under the FTA, the Canada-Peru FIPA (signed in November 2006) is suspended after a period of 15 years. Investors continue to have important investment rights and protections under the provisions of the FTA.</p> <p>Since 1996, Canada has signed the following signed two (2) FTAs and is working towards their ratification: Canada - Jordan Free Trade Agreement (FTA) Signed 28-June-2009 Canada - Colombia Free Trade Agreement Signed 21-Nov-2008</p>	<p>For a full list of agreements signed by Canada or current negotiations, please see: http://www.international.gc.ca/tna-nac/menu-en.asp</p>
BITs and FTAs/RTAs with APEC member economies which NT and MFN are ensured in relation to foreign	Canada-Russia FIPA (1991). North American Free Trade Agreement (the NAFTA: Canada, the United States	Amongst APEC members, since 1996, FIPAs were brought into force between Canada and the Philippines	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
investment	and Mexico – 1994)	<p>and Thailand. Canada is currently in FIPA negotiations with China, Vietnam, and Indonesia.</p> <p>Since 1996, in addition to the NAFTA, Canada has brought 2 Free Trade Agreement (FTAs) with investment chapters into force with APEC members: Peru and Chile. The Canada-Chile Free Trade Agreement entered into force on June 2, 1997. The Canada-Peru Free Trade Agreement entered into force on August 1, 2009, Under the FTA, the Canada-Peru FIPA (signed in November 2006) is suspended after a period of 15 years. Canada is currently in FTA negotiations with South Korea and Singapore. The potential for future</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		negotiations with other APEC countries is also being explored.	
(6) Measures to improve transparency in investment	In 1996, Canadian laws and regulations were readily accessible from a number of sources including the Statutes of Canada, Regulations of Canada and the Canada Gazette. They were also available to the public by request and in most libraries throughout Canada. First steps have been taken to make these laws and regulations available electronically and through the internet.	<p>Significant progress has been made since 1996 in enhancing the electronic and internet access for Canadian laws and regulations.</p> <p>In addition, extensive information on Canada's investment policies and trade agreements is now available through the following website: http://www.international.gc.ca/tna-nac/menu-en.asp.</p> <p>The final form of regulations, after approval by Governor in Council, is made public through publication in the Canada Gazette.</p> <p>Proposed legislation or recent legislative</p>	<p>In 2001, Canada and its NAFTA partners issued Notes of Interpretation in which they clarified that they will make available to the public all documents submitted to or issued by Chapter 11 tribunals, except in limited circumstances.</p> <p>On October 7, 2003, the NAFTA Trade Ministers agreed on procedures for NAFTA Chapter 11 investor-state arbitral Tribunals regarding the acceptance of amicus-type submissions from non-disputing parties. Each NAFTA Party has also issued statements asserting their commitment to open hearings in Chapter 11 proceedings to which they are a party. These are significant steps forward in improving the transparency of the arbitral process.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>amendments and enactments, can be reviewed in the Canada Gazette.</p> <p>To determine the status of ongoing Bills in the House of Commons or the Senate, visit the Government Bills page on the Parliamentary Internet site: www.parl.gc.ca.</p> <p>The Department of Justice website provides quick access to Statutes and associated Regulations in text and compressed text formats: http://canada.justice.gc.ca.</p> <p>New regulations made under the Investment Canada Act are published in the Canada Gazette. Government of Canada policy is to allow for a</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>public comment period with respect to new regulations. As a matter of practice, any significant regulatory changes are discussed with the industry sectors that would be affected by the changes and with the legal community that represents companies in the sectors.</p> <p>Canada and its NAFTA partners make available to the public all documents submitted to or issued by Chapter 11 tribunals, except in limited circumstances. NAFTA partners have also established procedures for the acceptance of amicus-type submissions from non-disputing parties by NAFTA Chapter 11 investor-state arbitral Tribunals.</p> <p>For further information on</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		Canada's investment policy and ongoing trade policy initiatives, please visit: http://www.international.gc.ca/tna-nac/menu-en.asp .	
5. Standards and Conformance			
(1) Number of domestic standards aligned with the target international standards for Voluntary Action Plan (VAP)	Canada notified the WTO that it was in compliance with the Technical Barriers to Trade (TBT) Agreement, and in particular with Articles 2.3 and 4. Canada had not yet adopted Annex 3 of the TBT Agreement (1996). Approximately 50% of the National Standards of Canada approved during the fy 1995-1996 were based on ISO/IEC standards (1995/96).	As of April 1, 2009, 120 of the 167 standards designated as National Standards of Canada in 2008-2009 were adopted from international standards. This is just under 72 per cent.	Harmonization of national standards with international standards helps eliminate trade barriers between Canada and the global marketplace, which leads to Canadian products being more readily accepted in other countries worldwide, boosting the country's economy and helping Canadian businesses export their products and services successfully. In addition to the 167 standards designated as National Standards of Canada in 2008-2009 were adopted from international standards, Canada's standards development organizations have mirror committees for about 42 per cent of the 485 international technical committees on which Canada holds participating status. These committees are Canadian committees that mirror the activities of ISO and IEC technical committees. The SCC maintains an e-mail notification service (known as Standards Alert) on changes to Canadian (and international) standards.
(2) Description of conformity assessment process including participation in and implementation of mutual	For MRAs for conformity assessment in the regulatory sector, Canada/US MRA on Shellfish signed (1948).	For MRAs for conformity assessment in the regulatory sector Canada has endorsed and is participating in the	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
recognition arrangements	<p>Canada/Australia MOU on fish inspection and control systems signed (1993).</p> <p>Canada/New Zealand MOU signed, recognizing the equivalency of each country's fish inspection and control systems (1996).</p> <p>For mutual recognition arrangements for conformity assessment in the voluntary sector (MLA's) in the voluntary sector, The Standards Council of Canada (SCC) signed NIST/NAVLAP MRA for laboratory accreditation systems (1994).</p> <p>The SCC signed the Pacific Accreditation Cooperation (PAC) MLA (1996).</p>	<p>APEC MRA on Conformity Assessment of Telecommunications Equipment.</p> <p>For Mutual Recognition Arrangements (MLAs) for conformity assessment in the voluntary sector.</p>	
(3) Efforts to raise transparency and		The Standards Council of	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
objectivity of standards		<p>Canada (SCC) offers the latest and most comprehensive information on standards, technical regulations and conformity assessment in Canada and around the world through its Web site, Information and Research service and Technical Document Centre. The SCC website is available at: www.scc.ca</p> <p>The SCC maintains an e-mail notification service (known as Standards Alert) on changes to Canadian (and international) standards. (available: http://www.scc.ca/en/programs-services/information-resources/standards-alert).</p>	
6. Customs Procedures			
(1) Adoption of HS2007 nomenclature	--	<p>Adopted</p> <p>The Canada Border Services Agency (CBSA) participates regularly and</p>	<p>The Canadian Customs Tariff was amended in 1992, 1996 and 2002 to reflect the Article XVI amendments produced by the WCO to update the HS.</p> <p>The Department of Finance Canada has the legislative</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		actively at the World Customs Organization's Harmonized System Committee, Review Sub-Committee, and the Scientific Sub-Committee where disputes on tariff classification matters, as well as amendments to the Nomenclature and its Explanatory Notes are addressed. Please visit the following sites for more information: http://cbsa-asfc.gc.ca/import / tc-ct-eng.html .	responsibility for the Customs Tariff and strives to ensure to the extent possible that changes to the Customs Tariff resulting from HS amendments are tariff-rate neutral.
(2) Conformity with the Revised Kyoto Convention	Acceded Canada became a signatory to the Kyoto Convention (1974). The instrument of accession was deposited and Canada signed and acceded to the Body and General Annex of the Revised Kyoto Convention (RKC) in	Acceded The RKC entered into force in February 2006. The WCO established the RKC Management Committee to regularly review and update the Convention. The Canada Border Services Agency (CBSA) is	The CBSA is finalizing the necessary documents (i.e. Memorandum to Cabinet) in order to complete the process for accession to selected Specific Annexes of the RKC.

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	November 2000, but not the Specific Annexes.	represented at these meetings by the Admissibility Branch.	
(3) Transparency	In 1998, customs Tariff was simplified and Customs Memoranda D11-6-7 and D11-6-3 were published to improve information to clients concerning trade administration redress processes.	<p>To improve transparency and assist with the dissemination of customs legislation, regulations and procedures, the CBSA maintains and updates the information contained on its website: http://www.cbsa-asfc.gc.ca/</p> <p>The CBSA website also provides information for other related sites including the APEC Tariff Database: http://www.apectariff.org.</p> <p>Departmental memoranda, customs notices, selected advance ruling and CBSA's publications such as brochures on certain customs programs may also be accessed through the website.</p>	<p>The Canadian Customs Tariff is available to all importers in both a printed form and electronically on the CBSA website (in several formats). Users of the CBSA electronic entry reporting system receive electronic files by subscription.</p> <p>The CBSA continually reviews website content with the objective of improving even further the delivery of information over this medium.</p> <p>The CBSA is conducting a comprehensive substantive review of public brochures and departmental memoranda containing information on appeal procedures and policy.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		Furthermore, information and publications on Canada Customs Programs are available at all customs offices.	
(4) Use of information technology and automation (e.g. Single Window, Harmonised Trade Data Elements, Paperless Trading, etc.)	<p>Since the 1970's the CBSA has used automation to streamline our processes.</p> <p>1973: the introduction of electronic data processing which was applied to cargo control and entry release operations. The electronic tracking of goods from the border to inland locations</p> <p>1980's: Customs Commercial System (CCS) which provided an inventory of goods as they proceeded through the various stages of release, accounting and payment. In this system, the status of goods was recorded.</p>	<p>Adoption of the Advance Interdepartmental Reporting Initiative (AIRI) and Harmonized Risk Scoring/Advance Trade Data initiative (HRSI)</p> <p>Furthermore, having successfully implemented marine and air components of the Advance Commercial Information (ACI) initiative, the CBSA is developing Phase III of ACI, known as eManifest.</p> <p>The CBSA maintains its role as a major contributor to the development of international data standards at the World Customs</p>	<p>Advance Interdepartmental Reporting Initiative</p> <p>The Advance Interdepartmental Reporting Initiative (AIRI) is a strategy for developing and implementing a single window approach for the electronic collection, integration, consolidation and dissemination of advance commercial information in the Government of Canada.</p> <p>This fiscal year, CBSA will provide Other Government Departments (OGDs) with the ability to receive commercial trade data currently collected by CBSA, in electronic format. OGDs will use this data to more accurately assess trade volumes and compliance rates in preparation of future interaction with CBSA in a Single Window environment. Access to this information will help the OGDs identify opportunities to reduce or eliminate paper based reporting and develop more effective and efficient processes for the cross border movement of goods that they regulate.</p> <p>Harmonized Risk Scoring/Advance Trade Data</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>1990's Electronic Data Interchange (EDI) which allows release information to be transmitted prior to the arrival of imported goods</p> <p>1996 Accelerated Commercial Release Operations System (ACROSS) was implemented. It is a mainframe system that allows importers, brokers, carriers, freight forwarders, exporters and warehouse operators to exchange information electronically with CBSA, from anywhere in Canada, one hour to 30 days before the goods arrive at the border.</p> <p>2001 G7</p> <p>2003 Canadian Automated Export Declaration</p>	<p>Organization.</p> <p>The WCO Data Model Version 3 will be the mechanism used in the design and development of the Other Government Department (OGD) Single Window Initiative, a CBSA-led initiative to simplify trade reporting for goods with OGD requirements.</p> <p>The CBSA will continue to monitor developments in the APEC Region and will provide technical assistance to those APEC Economies that require help to implement version 3 of the WCO Data Model.</p>	<p>The Harmonized Risk Scoring/Advance Trade Data initiative will address information gaps in the supply chain by harmonizing targeting processes to the standards established by the World Customs Organization, incorporating additional trade data for increased risk assessment, creating an end-to-end assessment in the commercial supply chain and intercepting threats at the point of origin.</p> <p>CBSA will also develop an Integrated Border Services Strategy that will provide a high level design for the development and implementation of a single window.</p> <p>eManifest</p> <p>One of the strategies that the CBSA employs in managing the border is the use of advance electronic information to identify high-risk people and goods before they get to Canada. Having successfully implemented marine and air components of the Advance Commercial Information (ACI) initiative, the CBSA is developing Phase III of ACI, known as eManifest.</p> <p>eManifest will further modernize and enhance how the CBSA processes and screens commercial goods coming into Canada by expanding the ACI requirements to the highway and rail environments and will extend the requirement for additional advance information from freight forwarders and importers to all modes of transportation. This next phase of ACI solidifies</p>

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	<p>Advanced Commercial Information (ACI) was in place in February 2004, and expanded into eManifest in October 2006.</p> <p>The Advanced Interdepartmental Reporting Initiative (AIRI), consisting of Interdepartmental Marine Conveyance Initiative (IMCI) and OGD Single Window, was started in April 2005.</p> <p>Harmonized Risk Scoring – Advance Trade Data (HRS/ATD) began in April 2006.</p>		<p>the Agency's commitment to providing CBSA officers with electronic pre-arrival cargo information so that they are equipped with the right information at the right time to identify health, safety and security threats related to commercial goods before the goods arrive in Canada eManifest is a key priority within the Security and Prosperity Partnership of North America (SPP) and in further supporting the WCO's Framework of Standards to Secure and Facilitate Global Trade.</p> <p>Single Window Working Group</p> <p>In 2008 – 2009, the CBSA played a major role in two capacity building workshops organized by the Single Window Working Group of the Sub-Committee for Customs Procedures.</p> <p>These workshops were designed to provide participants practical, hands-on exposure to single window topics, emphasizing the use of international instruments such as the World Customs Organization (WCO) Data Model.</p> <p>The first workshop was held in October 2008 in Chinese Taipei. The theme of the workshop was single window implementation and an introduction to international standards. Canada presented the topic “Data Harmonization, Policy, Organization and Steps”, outlining the Canadian experience in adopting the WCO Data Model and its impact on the organizational planning activities.</p>

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			The second workshop took place at the APEC Secretariat in Singapore in April 2009. At this workshop, Canada led the participants through a 4 day practical exercise in understanding and using the WCO Data Model Version 3. The training activities Canada developed for this workshop were provided to the WCO and will form the basis for a training package to be included in the WCO Version 3 documentation provided to member customs administrations.
(5) Measures to secure trade (e.g. AEO, etc.)	<p>Partners in Protection (PIP)</p> <p>PIP has 1 Memorandum of Understanding (MOU) signed with the Shipping Federation of Canada. Focus of the program was to work with industry to suppress contraband smuggling with a particular emphasis on drugs.</p> <p>The MOU signed with the Shipping Federation aimed at ways to share intelligence information, provide relevant training, and</p>	<p>Partners in Protection (PIP)</p> <p>Companies involved in cross border trade may voluntarily complete a Security Profile which describes how they meet a series of mandatory minimum security criteria to participate in the PIP program.</p> <p>Minimum security criteria cover physical security, procedural security, container/trailer security, data security, personnel</p>	<p>Partners in Protection Program</p> <p>The modernized PIP program, in-line with the international supply chain security standards of the WCO's SAFE Framework, was launched on June 30, 2008. All legacy members were required to re-apply to ensure that minimum security requirements would be met.</p> <p>Participation of close to 1500 companies, making PIP the second largest supply chain security program in the world.</p> <p>Mutual recognition achieved with the United States C-TPAT program.</p> <p>Mutual recognition negotiations underway with AEO programs in Singapore, South Korea and Japan.</p> <p>Best practices include:</p>

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	<p>identify means of enhancing security in the shipping industry. The MOU led to a number of training courses given by the Federation, which increased the knowledge of our Customs Inspectors.</p> <p>Other Trusted Programs</p> <p>CANPASS is a series of Canada Border Services Agency (CBSA) programs that expedites the border clearance process for frequent, low-risk, pre-approved travelers into Canada. It is first launched at the Vancouver International Airport in 1995.</p>	<p>security, security training, and business partner security and supply chain security planning.</p> <p>Companies are risk assessed through searches in several databases and their Security Profile information is verified through an onsite validation.</p> <p>Participation in PIP is one of the pre-requisites for participation in the FAST-Canada program.</p> <p>Mutual Recognition with the equivalent U.S. program, the Customs-Trade Partnership Against Terrorism (C-TPAT), has ensured security measures requested by both programs are at the same level; thereby further securing trade between the</p>	<ul style="list-style-type: none"> ➤ a strong commitment and focus on supply chain security ➤ ongoing consultation with industry stakeholders ➤ internal program awareness and buy-in ➤ automation <p>Other Trusted Programs</p> <p>NEXUS Highway and FAST are joint initiatives of the CBSA and U.S. customs and Border Protection (CBP), and part of the ASI programs. A 2008 evaluation found that the NEXUS Highway and FAST programs are highly relevant to a risk-based approach to border management. Membership in the two programs is substantial and continues to grow.</p>

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		<p>two countries.</p> <p>PIP has close to 1500 participants.</p> <p>Other Trusted Programs NEXUS was initiated in 2000. It is designed to expedite the border clearance process for low-risk, pre-approved travellers into Canada and the United States.</p> <p>The Customs Self Assessment (CSA) program was launched in December 2001. It gives approved importers and carriers the benefits of an expedited border clearance for goods coming from the United States and Mexico, as well as a streamlined accounting and payment process for all imported goods. Only importers who demonstrate</p>	

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		<p>a good compliance history with the CBSA, pass the vigorous risk assessment process, and are prepared to make a significant investment in their business systems can become CSA importers.</p> <p>The Free and Secure Trade (FAST) program was launched in December 2002. There are currently 4 ports in Canada which have designated FAST lanes. Only importers and carriers who are both CSA and PIP approved have the option of using these FAST lanes to clear their shipments. This offers a benefit to importers and carriers who chose to invest in compliance and security while expediting legitimate trade across the Canada–U.S. border.</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>Advanced Commercial Information (ACI) The program introduced more effective risk management processes and tools to help identify threats to the health, safety, and security of Canadians in the supply chain before they reach Canadian air and marine ports. ACI currently consists of the transmission of pre-arrival cargo information from carriers and freight forwarders in the marine and air modes.</p> <p>The CBSA continues to improve benefits for trusted trader programs. Recent improvements to the CSA program include expanding eligible goods to include all importations from Mexico and the use of third party warehouses to facilitate trade for low risk trusted</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		traders. The CBSA is considering the alignment of the various trusted trader programs under the AEO concept.	
(6) Implementation of other customs measures to facilitate trade (e.g. Advance Classification Ruling System, Time Release Survey, etc.)	<p>Canada implemented the WTO Customs Valuation Agreement on January 1, 1985.</p> <p>Since the 1980s, Canada has been issuing advance rulings to importers and foreign exporters in regards to the tariff classification of a good and the origin of a good under a free trade agreement. Advance rulings are legally binding and are provided for under the Customs Act. Advance rulings may also be appealed under the provisions of the Act.</p> <p>In 1996, Canada offered a National Customs Ruling</p>	<p>Canada is an active participant to the Technical Committee on Customs Valuation as provided for in Article 18 of the WTO Valuation Agreement</p> <p>Canada offers a legally binding Advance Ruling system that allows importers to request a ruling on the tariff classification of a good in advance of its importation; rulings are subject to appeal.</p> <p>Canada along with Australia, Korea, the U.S. and Japan, participated in a workshop for APEC members on advance rulings, held in Peru in</p>	<p>Clients may dispute rulings with which they disagree. This is provided explicitly in legislation. For further information on the Advance Classification Rulings Program please visit: http://cbsa-asfc.gc.ca/import/ar-da/</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	System that was also administratively binding.	October of 2009, to discuss, promote, and share best practices in the use and implementation of advance rulings for the customs valuation program.	
7. Intellectual Property (IP)			
(1) Ratification and implementation of the major multilateral agreements relating to IP rights	TRIPS Agreement, WIPO Convention, Paris Convention, Berne Convention, Patent Cooperation Treaty, Rome Convention, Strasbourg Agreement, Budapest Treaty, UPOV Convention	TRIPS Agreement, WIPO Convention, Paris Convention, Berne Convention, Patent Cooperation Treaty, Rome Convention, Strasbourg Agreement, Budapest Treaty, UPOV Convention	<p>Officials participated as speakers in WTO workshops addressing a number of important policy issues under negotiation or consideration in the field of intellectual property in the WTO, including TRIPS and Public Health, access to genetic resources and protection of traditional knowledge, and protection of geographical indications. The aim was to provide information and an opportunity for an exchange of views among countries of the region in order to facilitate their effective participation in the areas which are subject to ongoing negotiations and discussions. With regard to TRIPS and public health, the workshops supported participating countries in the implementation and use of the TRIPS provisions and flexibilities. Canada offered the perspective of a developed WTO Member on all subjects that were discussed.</p> <p>On June 16, 2009, Canada accepted the Protocol Amending the TRIPS Agreement to transform the 2003 Decision on patents and public health into a permanent amendment.</p>
(2) Measures to ensure the expeditious granting of IP rights	Canada's legislative and regulatory framework is	Canada became a party to the 1961 Rome Convention	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>based on the Revised Statute of Canada 1985, c. P-4 for patents, c. T-13 for trade-marks and c. I-9 for industrial design. The legislation was amended in 1996 for patents and trade-marks and in 1994 for industrial designs. The Patent Rules and the Trade-marks Regulations were amended in 1996.</p> <p>For further information, please visit: http://laws.justice.gc.ca and http://cipo.gc.ca.</p>	<p>for the protection of Performers, Producers of Phonograms and Broadcasting Organizations on June 4, 1998. Canada joined on September 28, 1998, the 1971 version of the Berne Convention for the Protection of Literary and Artistic Works. Canada is signatory to the WIPO WCT and WPPT treaties.</p> <p>Copyright</p> <ul style="list-style-type: none"> • In 1997, amendments included remuneration rights to producers and performers of sound recordings; private copying remuneration scheme, enhanced remedy provisions as well as limited exceptions in favour of a number of specific users such as non-profit educational institutions, 	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>libraries, archives and Museums.</p> <ul style="list-style-type: none"> • In December 2002, amendments to the Act were made to prevent potential Internet-based retransmitters from using the compulsory licence from retransmission of broadcast programmes. It also confirmed that cable and satellite retransmitters of broadcasting signals who benefited from compulsory licensing would continue to do so. • The government is currently considering reform proposals that would enable Canada's implementation of the WIPO WCT and WPPT treaties. <p>Patents The Patent Prosecution</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>Highway (PPH) is an initiative that provides a means of significantly accelerating examination of patent applications if examination work has already been conducted at another intellectual property office.</p> <p>Canadian Intellectual Property Office (CIPO) - PPH pilot programs (in the APEC region): :</p> <ul style="list-style-type: none"> <input type="checkbox"/> USPTO; <input type="checkbox"/> Japan Patent Office ; <input type="checkbox"/> Korean IP Office. <p>In the pursuit of Canadian Government's objective of making information and services available on-line, CIPO offers the majority of its services and products through Internet.</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>Trade-marks</p> <p>A minor amendment to the Trade-marks Act also took effect in December 2008. Subsections 11.18(3) of the Act was modified to implement certain provisions of the Agreement between the European Community and Canada on trade in wines and spirit drinks, which entered into force on June 1, 2004.</p> <p>This amendments comprises the second part of the phase out the of list of generic wine names found in subsection 11.18(3), which were exceptions to the protection of certain wine and spirit names as geographical indications (GIs). As a result of the amendments, European wine authorities are now in a position to apply for the protection of the phased out</p>	

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		<p>wine names as GIs.</p> <p>The Act had another minor amendment in January 2008. In order to comply with the Third Protocol to the Geneva Conventions Act regarding the Red Cross, s. 9(1)(g.1) was added to protect the Red Crystal symbol as a prohibited mark.</p> <p>Canada enacted the Olympic and Paralympic Marks Act which came into force in December 2007. This Act gives permanent protection to certain Olympic-based marks, as well as time-limited protection for certain marks specific to the Vancouver 2010 Winter Olympic and Paralympic Games. This Act also contains some ambush marketing provisions.</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>The Industrial Design Regulations were amended in 1999, 2007 and 2008. The 1999 amendments were made to clarify governing authority, to facilitate electronic commerce and to clarify filing requirements. The 2007 amendments eliminated the fee for copies required by the Federal Court. The 2008 amendments modernized the rules by simplifying and clarifying requirements for filing drawings and photographs, and by eliminating unnecessary administrative requirements.</p>	
(3) Measures to provide for the effective enforcement of IP rights	Right holders can take legal action through the judicial system to protect their rights. Possible remedies include damages, injunctions, and seizures of goods. There are also mechanisms in relation to trade-marks counterfeiting	The 1997 Copyright Act amendments include statutory damages, which eliminate the need for right holders to fully document the actual damages that were incurred. It also included injunction provisions ("Wide	In June 2007, Canada enacted legislation amending the Criminal Code in order to deter the unauthorized recording of movies – camcording—in movie theatres in Canada.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	and copyright piracy on a commercial scale.	<p>Injunction") which cover a broader range of copyrighted material than injunctions normally available. Copyright owners are also able to avail themselves of summary procedures which are more expedient and less expensive than regular court actions. These provisions came into force in 1999.</p> <p>In June 2007, Canada enacted legislation amending the Criminal Code in order to deter the unauthorized recording of movies – camcording—in movie theatres in Canada. Bill C-59 creates two offences: the recording of a movie in a movie theatre without the consent of the theatre manager; and the recording of a movie in a movie theatre without the consent of the theatre manager for the</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		purpose of selling, renting, or other commercial distribution of a copy of the recorded movie. It also provides the court with the authority to order the forfeiture of anything used in the commission of these offences.	
(4) Measures to harmonise IP rights systems in the APEC region	Canada provided ongoing technical cooperation through advice and training for officials from intellectual property offices, participation in symposia, seminars and conferences on IP rights.	Canada provided ongoing technical cooperation through advice and training for officials from intellectual property offices, participation in symposia, seminars and conferences on IP rights. CIPO has been hosting workshops in collaboration with WIPO since 1997. In September 2004, Canada joined the APEC Digital Economy Pathfinder at SOM 3.	Canada is a signatory to several international treaties regarding intellectual property and actively participates in several international fora to promote further improvements in intellectual property in the global environment. Canada has fully implemented the TRIPS Agreement to reflect this commitment. Internationally agreed trade rules for intellectual property rights introduce more order and predictability, and allow for disputes to be settled more systematically. Canada also encourages and assists other countries with less developed policies and legal structures to improve their own practices in response to requests from these countries in the context of international initiatives, mainly in close collaboration with WIPO.
(5) Public education about IP	Canada manages an Outreach	CIPO's Outreach Program	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>Program to raise awareness of the benefits of protecting Intellectual Property and exploiting IP information.</p>	<p>aims at increasing awareness, knowledge and effective use of IP by Canadians. This program targets Canadian SMEs and post-secondary institutions, and is delivered mainly through partnership with key IP stakeholders. Approaches such as "train the trainer" and case studies for university students are being developed to help these target audiences to better know and use IP and the IP system, so that they can gain competitive advantage in the marketplace.</p> <p>Canada continued to use more cost-effective tools to raise public awareness, including the use of the Internet (e.g. http://cipo.gc.ca), improving the availability of documents through the Canadian Patents</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>Database and the Canadian Trade-marks Database, making available publications on IP and emphasizing the strategic value of IP, and continuing to participate at trade-shows and seminars.</p> <p>The Royal Canadian Mounted Police (RCMP), in partnership with the Canadian Anti-Counterfeiting Network (CACN), has been involved in a public awareness campaign launched in May 2006 to educate consumers, retailers and the public in general, about the dangers and economic costs associated with counterfeit products as well as its connection to organized crime.</p> <p>In June 2007 the RCMP co-hosted with Interpol a conference on International</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>Law Enforcement IP Crime. The conference focussed on providing front line police, customs and government personnel an international perspective on the illicit trade in counterfeit and pirated products. Participants included subject matter experts from a wide range of countries and agencies who have developed best practices and leading edge strategies to combat intellectual property crime. Attendees had the opportunity to receive hands on training from various organizations and rights holders who shared their knowledge and expertise. For additional information please visit: http://www.ul.com/ace/conference.html.</p>	
(6) International cooperation on IP rights	Canada collaborates with WIPO to deliver technical	Canada cooperates with WIPO to provide technical	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	cooperation activities, including specialized workshops, which specifically target IP offices from the Asia-Pacific and from the Latin American and Caribbean regions, some of which are APEC member.	assistance in the form of programs and services to developing countries (advice and training for officials from IP offices, participation in symposia, seminars and conferences on IP rights). CIPO has been hosting workshops in collaboration with WIPO since 1997.	
(7) Measures to promote transparency of IP rights requirement (for example, the APEC Leaders' Transparency Standards)	<p>Procedures and practices regarding application, issuance and registration of IPR are available at: http://www.cipo-opic.gc.ca</p> <p>Information on efforts to provide effective enforcement of IPR is available at: http://www.rcmp.ca/fio/intellectual_e.htm</p> <p>Trademarks' homepage: http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr00002.html</p>	<p>Procedures and practices regarding application, issuance and registration of IPR are available at: http://www.cipo-opic.gc.ca</p> <p>Information on efforts to provide effective enforcement of IPR is available at: http://www.rcmp.ca/fio/intellectual_e.htm</p> <p>Trademarks' homepage: http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr00002.html</p>	Canada has fully implemented its commitments for the APEC Leaders' Transparency Standards on Intellectual Property. Information regarding Canada's laws, regulations, procedures (application, issuance and registration) concerning the protection and enforcement of Intellectual Property Rights is available online.

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>Patents' homepage: http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr00001.html</p> <p>Canada's laws and regulations concerning intellectual property rights are available at: http://laws.justice.gc.ca</p>	<p>Patents' homepage: http://www.cipo.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr00001.html</p> <p>Canada's laws and regulations concerning intellectual property rights are available at: http://laws.justice.gc.ca</p>	
8. Competition Policy			
(1) Development of competition laws and establishment of competition authority	<p>The Competition Bureau is an independent law enforcement agency that contributes to the prosperity of Canadians by protecting and promoting competitive markets and enabling informed consumer choice.</p> <p>Headed by the Commissioner of Competition, the Bureau is responsible for the administration and</p>	Same as 1996.	<p>In July 2008, the Government of Canada announced the creation of the Competition Policy Review Panel (the "Panel"), which was tasked with reviewing Canada's competition and foreign investment laws and policies, and recommending ways to improve Canada's productivity and competitiveness. In June 2008, the Panel released its final report which contained several recommendations, including amendments to the <i>Competition Act</i> (the "Act").</p> <p>In January 2009, in response to the Panel's recommendations, the Government introduced significant amendments to the Act. The amendments received Royal Assent and came into force on March 12, 2009 (with the exception of reforms to the conspiracy provisions, which will come into force on March 12,</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	enforcement of the <i>Competition Act</i> , the <i>Consumer Packaging and Labelling Act</i> , the <i>Textile Labelling Act</i> and the <i>Precious Metals Marking Act</i> .		<p>2010). The amendments to the Act included: reforms to the merger review process; amendments to the conspiracy provisions; the introduction of financial penalties for abuse of dominance; higher penalties for deceptive marketing and for obstruction and non-compliance; and the repeal of various industry-specific and pricing practices provisions.</p> <p>Following the passage of the amendments, significant efforts were engaged to educate consumers and the business community to provide as much transparency and predictability as possible with respect to the enforcement of the new provisions resulting from the amendments. As part of these efforts, the Bureau released two draft guidelines for consultation outlining the Bureau's approach to the new merger review process and competitor collaboration provisions. The Bureau subsequently published a final version of the <i>Merger Review Process Guidelines</i> on September 18, 2009. The draft <i>Competitor Collaboration Guidelines</i> should be issued in final form shortly. The Bureau also organized roundtables to discuss the draft guidelines, posted documents explaining the amendments on its website and launched a country-wide outreach program.</p>
(2) Consistency with APEC Principles to Enhance Competition Policy and Deregulation and efforts to become consistent with the	All	All	The 2009 amendments were designed to modernize the <i>Competition Act</i> (the Act") and to bring it more closely in line with the competition laws of Canada's major trading partners. The changes also increase the predictability, efficiency and effectiveness of the enforcement and administration of the Act,

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
Principles			and better protect Canadians from harm caused by anti-competitive conduct.
(3) International cooperation on Competition law/policy	<p>The 1995 Agreement between Canada and United States Regarding the Application of their Competition and Deceptive Marketing Practices Laws sets a framework for bilateral co-operation for the enforcement of competition law. This agreement has proven successful in a number of international prosecutions.</p> <p>Canada also observes the 1995 OECD Recommendation Concerning Co-operation Between Member Countries on Anticompetitive Practices Affecting International Trade.</p>	<p>The development of a network of MLATs is proving very useful for Canadian law-enforcement agencies investigating transboundary crime. Canada is currently party to several bilateral MLATs with several economies, including Australia, the People's Republic of China, the Republic of Korea, Mexico, Thailand, the United States, Peru and Russia. Canada remains open to new MLATs.</p> <p>Canada is also party to several cooperation instruments, including cooperation arrangements, cooperation agreements, Memorandums of Understanding and protocols. Below are key</p>	<p>In the past decade, Canada has experienced an increase in international enforcement activities, including cartels, transnational mergers and fraudulent telemarketing. Canada needs to ensure it has the tools to deal effectively with anti-competitive cross-border activities involving and affecting Canadians.</p> <p>The cooperation instruments in place result in more effective cooperative relationships with other parties by creating synergies and providing alternative perspectives, investigative techniques and approaches. They also improve Canada's investigative capabilities to more effectively pursue anti-competitive practices engaged in by firms operating on a global basis by creating a wider pool of information relevant to a particular enforcement matter and add to the efficiency of the enforcement process. Finally, the cooperation instruments help to eliminate the shield of international borders for offenders.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>In 1996, the <i>US – Canadian Task Force on Cross-Border Deceptive Marketing Practices</i> was signed.</p> <p>Canada is also striving towards the implementation of the OECD Guidelines for Protecting Consumers from Fraudulent and Deceptive Commercial Activities Across Borders.</p> <p>A more general class of co-operation agreements are Mutual Legal Assistance Treaties (MLATs). The purpose of MLATs is to assist prosecutors in obtaining evidence in other jurisdictions and to facilitate international bilateral co-operation between police</p>	<p>cooperation instruments:</p> <p>In 1999, an agreement was signed between the Government of Canada and the European Communities regarding the application of their competition laws.</p> <p>The Cooperation Arrangement between the Commissioner of Competition (Canada), The Australian Competition and Consumer Commission and the New Zealand Commerce Commission regarding the Application of their Competition and Consumer Laws was signed in 2000.</p> <p>In 2001, the Competition Bureau and Chile’s Fiscal Nacional Economico signed a Memorandum of Understanding (“MOU”) regarding the application of</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>authorities. They provide a legal basis for measures such as search and seizures at the request of the other signatory. Crimes defined under the <i>Competition Act</i> are covered by Canadian MLATs.</p>	<p>their laws.</p> <p>The 2002 amendments to the <i>Competition Act</i> created a new framework to facilitate co-operation with foreign competition authorities regarding evidence for civil competition matters.</p> <p>A co-operation agreement on competition law enforcement between the governments of Canada and Mexico entered into force March 20, 2003.</p> <p>In 2003, a Cooperation arrangement between the Commissioner of Competition (Canada) and Her Majesty's Secretary of State for Trade and Industry and the Office of Fair Trading in the United Kingdom was signed</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>regarding the application of their competition laws.</p> <p>In 2004, Canada and the US signed an agreement to enhance cooperation on competition law enforcement. The “positive comity” agreement will allow one country to request another to investigate and, if warranted, remedy anti-competitive activities that are causing harm to the requesting country’s economy. A request can only be made where the anti-competitive conduct causing harm violates the requested country’s laws. In addition, the requested country has the sole discretion on whether to address the matter under its laws. The agreement supplements the 1995</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>agreement between Canada and the US and describes more specifically the circumstances and procedures for making positive comity requests.</p> <p>In 2005, the government of Canada and the government of Japan signed an agreement to improve competition law enforcement in areas such as international cartels and merger review. The agreement contains provisions for enforcement cooperation and coordination, notification on enforcement actions that may affect the other country, conflict avoidance and consultation with respect to enforcement activities, and effective confidentiality protections. It is similar to existing</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>agreements that Canada has signed with the United States, the European Communities and Mexico. Cooperation is essential for investigating business conduct and transactions that may have anti-competitive consequences in markets affecting both countries. The Agreement came into force on October 6, 2005.</p> <p>In 2006, the Commissioner of Competition of the Government of Canada signed a cooperation arrangement with Fair Trade Commission of the Government of the Republic of Korea regarding the application of competition and consumer laws.</p> <p>In 2008, the Competition Bureau signed a cooperation</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		<p>arrangement with the United States Postal Service to promote coordination, cooperation and information sharing in the enforcement of deceptive marketing laws.</p> <p>In 2008, the <i>Cooperation Arrangement Between the Commissioner of Competition, Competition Bureau of the Government of Canada, and the Council for Economic Defense, the Secretariat of Economic Law of the Ministry of Justice, and the Secretariat for Economic Monitoring of the Ministry of Finance of the Government of the Federative Republic of Brazil Regarding the Application of their Competition Laws</i> was signed.</p>	
9. Government Procurement			

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
(1) Increasing transparency of laws, regulations, bidding system, and how to determine bidding qualifications and bid winners	<p>In line with the Osaka Action Agenda objective to develop a common understanding of each APEC economy's government procurement policies and practices, Canada has designated contact points for policy and administrative enquiries and has submitted its completed Survey on Government Procurement Systems to the Experts Group. It is expected that these efforts will contribute to the overall transparency of government procurement systems in APEC.</p> <p>Government procurement opportunities in Canada may be accessed through the Internet from around the world. These opportunities are available through Canada's electronic</p>	<p>Publication of laws, regulations and judicial decisions http://laws.justice.gc.ca/en/index.html</p> <p>Publication of contracting policies, procedures, Notices and Circulars, Statistics (& links to other sites) http://www.tbs-sct.gc.ca/cm/p/home-accueil.asp?Langue=EN</p> <p>Contracts Canada - http://www.contractscanada.gc.ca - information on doing business with the Federal Government - Standard contract clauses</p> <p>PROCUREMENT NOTICES</p>	<p>Bogor Goals Achieved</p> <p>Canada publishes all laws, regulations and policies related to government procurement.</p> <p>Information on qualification processes, procurement requirements and successful bidders is widely disseminated and easily obtainable</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>tendering system: MERX. (http://www.merx.com)</p>	<p>Two types of procurement opportunity notices are published:</p> <ul style="list-style-type: none"> - Notice of Proposed Procurement - Advance Contract Award Notice <p>Notice of proposed procurement provides suppliers all information necessary to make an informed decision regarding whether the supplier would be interested in obtaining bid documents.</p> <p>An Advance Contract Award Notice (ACAN) allows departments and agencies to post a notice indicating to the supplier community that it intends to award a good, service or construction contract to a pre-identified contractor.</p>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		Canada's Transparency Regime includes: - Laws - Regulations - Procedures and Policies - Contract Clauses - Procurement opportunities - Evaluation Criteria - Contract Awards and Results of Reviews	
(2) Restrictions on foreign goods, services or suppliers, or preferences to domestic suppliers	Some	Some	Bogor Goals Achieved Canada adheres to its obligations under international trade agreements, and seeks to ensure competition, transparency, efficiency and equal access to procurement to all suppliers in order to contribute to lower purchasing costs and developments of a strong economy.
(3) Reciprocity requirements in providing access to government procurement markets	existing	existing	
(4) Consistency with the APEC Non-binding Principles on Government Procurement	Some	Most	
(5) Introduction of electronic means for government procurement	Introduced	Introduced	
10. Deregulation/ Regulatory Reform			

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
(1) Reviews of existing regulations	All (1993-1998)	Some (high impact regulations)	<p>On April 1, 2007, the Government of Canada brought forward The Cabinet Directive on Streamlining Regulation (CDSR), a new regulatory policy which aims to produce a more effective, efficient, and accountable regulatory system.</p> <p>Although Canada is not engaged in a large-scale, centralized review of its regulatory stock, the CDSR contains a requirement that Canadian regulatory bodies review and renew their regulatory policies and programmes, ensuring that regulations continually meet their initial policy objectives.</p> <p>As part of the regulatory development process, departments and agencies are obligated to develop measurable, performance-based indicators for significant regulatory activities, and collect to performance information on the results of existing regulation, providing Canadians with this information in a timely manner.</p>
(2) Reviews of new or proposed regulations	All	All	<p>All new and amended regulation is reviewed prior to adoption by officials within the Treasury Board Secretariat of Canada (TBS). As the organization responsible for managing Canada's regulatory policy, TBS works to ensure that the analysis that departments and agencies provide on policy and regulatory proposals is consistent with the commitments and directions set out in the CDSR, and that the analysis effectively supports Ministerial decision making.</p> <p>As part of the implementation of the CDSR, Canada continues</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>to develop new tools to assess proposed regulatory measures. During the preparation of a regulatory proposal, federal regulators in Canada complete a short questionnaire for the triage of regulatory submissions. Using a three point scale (low, medium, high) the Triage Statement helps Canadian regulators assess the potential impacts of the proposed regulations on a broad range of issues, including health and safety, the environment, the economy, foreign relations, and security.</p> <p>Impacts assessed in the Triage are then subject to in-depth analysis that is summarized and reported in a Regulatory Impact Analysis Statement (RIAS), which has been in use in Canada since 1986 and was expanded following the development of the CDSR. In the RIAS, federal regulators are required to state their objectives in the form of measurable outcomes, assess the alternatives, quantify the likely costs and benefits resulting from the proposed regulations, document the results of stakeholder consultation, and describe their performance measurement and evaluation plan (when required) for the regulatory program, including timelines for follow-up.</p>
(3) Consistency with APEC Principles to Enhance Competition and Regulatory Reform	All	All	The overarching goals of the CDSR are to ensure that new regulatory proposals result in the greatest overall benefit to Canadians. To that end, regulatory departments and agencies carry out detailed impact analysis during regulatory development, detailing the anticipated costs and benefits of a proposed regulation and working to ensure a high degree of

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>regulatory efficiency and effectiveness.</p> <p>At the mid-point in our 5 year implementation for the CDSR, Canada is moving forward with the development of a new Market Assessment Tool. This will help us more rigorously assess and minimize the impacts of regulation on businesses before they are imposed, helping reduce administrative burden, lower compliance costs for Canadians, and reduce the likelihood of new technical barriers to trade.</p> <p>Accordingly, the Market Assessment tool will solidify gains made through the 2006-2008 Paper Burden Reduction Initiative, which saw a 20 percent reduction in overall administrative burden on Canadian businesses.</p> <p>As an additional measure to strengthen the progress of regulatory reform, Canada established the Centre of Regulatory Expertise (CORE) in 2007. CORE is a body that provides expertise to regulators in the areas of cost-benefit analysis, performance measurement and risk assessment in a way that also builds a department's internal capacity to produce thorough, high-quality regulatory proposals on an ongoing basis.</p>
(4) Improving transparency in regulatory regimes	(Description of illustrative measures)	(Description of illustrative measures)	In its 2002 review of Canada's regulatory system, the OECD noted that the transparency of procedures to make new rules is very high in Canada. It also stated that the quality of the Canadian approach rests on the fact that consultation covers all regulations, processes tend to be rolled out at an early stage,

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>and they involve a number of iterations with stakeholders.</p> <p>The CDSR promotes transparency and openness and applies to all stages of the regulatory lifecycle – development, implementation, evaluation, and review. It requires that departments and agencies identify interested and affected parties, and provide them with opportunities to take part in open, meaningful, and balanced consultations at all stages of the regulatory process.</p> <p>The CDSR also requires that proposed regulations with the potential to affect international trade be pre-published in the Canada Gazette, Part I for a period of at least 75 days. This provides opportunity for interested parties, including international trading partners, to review and comment on proposed regulatory measures before they take effect in Canada.</p>
11. WTO Obligation/ Rules of Origin			
(1) WTO/UR Agreements not yet fully implemented	0	0	For Canada, all of the WTO Agreements are currently fully implemented, and were fully implemented in 1996.
(2) Ensuring application of rules of origin in an impartial, transparent and neutral manner	(Description of illustrative measures)	(Description of illustrative measures)	<p>In order to ensure consistent application by the customs administrations in the application of preferential tariff treatment, encourage the trading community to seek origin advance rulings to pre-establish whether the good is an originating good.</p> <p>Verifications of origin are selected and performed by the</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			customs administration of the importing party by applying risk management techniques.
12. Dispute Mediation			
<p>Dispute mediation methods, process and bodies are available to foreign businesses:</p> <p>Disputes between Governments, and between governments and private entities</p>	<p>Dispute Settlement Understanding (DSU) under the WTO</p> <p>--</p>	<p>Dispute Settlement Understanding (DSU) under the WTO</p> <p>Softwood Lumber Agreement</p>	<p>The WTO Dispute Settlement (DSU), which came into effect in January 1995, sets out a dispute settlement system that is widely used by both developed and developing Members. Canada believes that the DSU is an effective and appropriate means of resolving disputes between Members fairly and efficiently. In addition to panel proceedings, the WTO dispute settlement provisions include a time for consultations, and opportunities for settlement exist throughout the process. As of the 2009 reporting date, nine (9) disputes pursuant to the WTO Agreements where Canada has been involved have been concluded; five (5) disputes where Canada is the Complainant and four (4) disputes where Canada is a third party.</p> <p>Canada has also concluded the Softwood Lumber Agreement between the Government of Canada and the Government of the United States 2006 (SLA 2006), which effectively concluded by mutually agreed solution or rendered inactive numerous WTO and NAFTA disputes between the Canadian and the U.S. In effect, the SLA 2006 puts in place a mechanism for resolving disputes through consultation and arbitration under the London Court of International Arbitration (LCIA) Arbitration Rules. As of the 2009 reporting date Canada is involved in two (2) two arbitrations under the SLA 2006 with the US.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>Investor-State Dispute Resolution procedures under Chapter 11 of the North American Free Trade Agreement (“NAFTA”) and many Foreign Investor Protection Agreements (“FIPA”s)</p> <p>Dispute Settlement procedures relating to Trade Remedies (Chapter 19 of NAFTA)</p>	<p>All additional Free Trade Agreements (“FTA”s) with Investment Chapters and FIPAs that Canada entered into since 2009 contain similar provisions.</p>	<p>One of the principal elements of NAFTA, where Canada is a Party is the establishment of a clear set of rules for dealing with the settlement of disputes between investors and a NAFTA State, including consultations, arbitrations, and the possibility of using alternative dispute settlement mechanisms. Chapter Eleven of NAFTA sets out dispute resolution procedures to resolve complaints between the investor and the host state. As of the 2009 reporting date, there were twenty (20) Chapter 11 cases at different stages where Canada is either involved as a Party or Third Party. No cases have been brought under similar provisions in other FTAs or FIPAs.</p> <p>Chapter Nineteen of NAFTA covers countervailing duty and anti-dumping matters. As of the 2009 reporting date, Canada is involved in two (2) disputes under Chapter Nineteen of NAFTA.</p> <p>Chapter Twenty of NAFTA includes provisions relating to the avoidance or settlement of all disputes between the States party to the Agreement regarding the interpretation or application of NAFTA. Those provisions including consultations, arbitrations, and the possibility of using alternative dispute settlement mechanisms. There is currently no Chapter 20 claim in which Canada is a Party, nor any claims under another FTA or a FIPA.</p> <p>These centers are: The National Office of the ICC (International Chamber of Commerce) (Ottawa, ON)</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
Disputes between Private Parties	<p>State-State Dispute Settlement procedures under Chapter Twenty of NAFTA and many FIPAs</p> <p>Arbitration centers provide international commercial arbitration services for resolution of disputes to both domestic and foreign entities.</p>	<p>No new Agreements additional to Chapter 19 of the NAFTA deal with this topic</p> <p>All Canadian FTAs and FIPAs that Canada entered into since 2009 contain similar provisions.</p> <p>Additional mediation and</p>	<p>(http://www.iccwbo.org/id2639/index.html), the British Columbia International Arbitration Centre (Vancouver, B.C.) (http://www.bcicac.com) and the Canadian Commercial Arbitration Centre (Montreal and Quebec City, QC) (http://www.caciq.org).</p> <p>Canada initially provided financial support for the creation of international commercial arbitration centers in British Columbia and Quebec. In 1995, the British Columbia and Quebec centers participated in a establishing the Commercial Arbitration and Mediation Center for the Americas (CAMCA), which was founded specifically to provide an impartial international forum devoted to facilitating the resolution of private commercial disputes arising within the scope of the NAFTA through mediation and arbitration.</p> <p>In 1995, the British Columbia and Quebec centers participated in establishing the Commercial Arbitration and Mediation Center for the Americas (CAMCA), which was founded specifically to provide an impartial international forum devoted to facilitating the resolution of private commercial disputes arising within the scope of NAFTA through mediation and arbitration.</p> <p>Created in 1994 by the NAFTA Commission under Article 2022 of the NAFTA, the committee makes recommendations on general issues referred by the Commission. NAFTA Article</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	Participant in the Advisory Committee on Private Commercial Disputes	arbitration facility added in Ontario by the ADR Institute of Canada.	<p>2022 requires the NAFTA parties, to the extent possible, to encourage and facilitate the use of arbitration and other means of alternative dispute resolution for the settlement of international commercial disputes between private parties in the free trade area. Canada regularly engages In NAFTA Article 2022 development discussions.</p> <p>Following its participation at the UNCITRAL in the development of the United Nations Model Law on International Conciliation, the Government of Canada and the Provinces have collaborated in the preparation of a draft text of a law to implement the United Nations Model Law and the Canadian national text was adopted by the Uniform Law Conference of Canada in August 2005. The proposed law will facilitate both domestic and international commercial mediations by adopting UN rules for commercial conciliation. The text of the law is open for adoption by the Government of Canada and its provinces.</p> <p>Within Canada, foreign and national entities have equal access to legal procedures and arbitration in Canada. All jurisdictions have legislation dealing with international arbitration. Some jurisdictions in Canada have mediation programs as part of the court system.</p> <p>Canada furthers APEC's objective of transparency through measures to make all laws, regulations and administrative</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
	<p>--</p> <p>Access to legal procedures and arbitration in Canada.</p>	<p>On-going participant in the work of the Advisory Committee on private Commercial Disputes</p> <p>Implementation of the United Nations Model Law on International Commercial Conciliation</p>	<p>guidelines and policies publicly available in a prompt, transparent and readily accessible manner. The final form of regulations, after approval by the Governor in Council, are made public through publication in the Canada Gazette. Proposed legislation or recent legislative amendments can also be reviewed in the Canada Gazette.</p> <p>In 1996, Canadian laws and regulations were available to the public by request and in most libraries throughout Canada. Steps were taken to make these laws and regulations available electronically and through the internet. Since then a significant progress has been made in enhancing the electronic and Internet access for Canadian laws and regulations. For example, to determine the status of on-going Bills in the House of Commons or the Senate, please visit the Government Bills page on the Parliamentary Internet site at http://www.parl.gc.ca. The Department of Justice website provides quick access to Statutes and associated Regulations in text and compressed text formats at http://laws.justice.gc.ca. In addition to the federal websites, each of the provinces/territories have provincial/territorial legislation governing disputes which can be accessed at http://www.lexum.umontreal.ca/bv/en/4_1.html or http://www.canlii.org/.</p> <p>The New York Convention entered into force for Canada on May 12, 1986. Canada participated in the UNCITRAL working group on Arbitration which examined the interpretation of Art.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		Access to legal procedures and arbitration in Canada.	<p>11(2) of the New York Convention.</p> <p>Canada has modelled its domestic laws on international arbitration on the UNCITRAL Model Law on International Commercial Arbitration which recognized arbitration agreements and the enforcement of arbitration awards, except on narrowly defined public policy grounds.</p> <p>Canada signed the ICSID Convention on December 15, 2006, and passed implementing legislation in March 2008 (five (5) other provinces and territories have adopted and passed laws to implement it). The ICSID rules facilitate the use of many forms of ADR to resolve investment disputes. When it enters into force for Canada, the Convention will provide an independent mechanism for review and possible annulment of arbitral award.</p> <p>Federal and provincial jurisdictions provide for the independent review and appeal of arbitration awards. Such rights of appeal or review from an arbitration award or other disputes settlement procedure may vary between these jurisdictions.</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
Recognition of Arbitration Agreements and Enforcement of Arbitration	Party to the Convention on the Recognition and Enforcement of the Foreign Arbitral Awards (the “New York Convention”)		
Independent Review Procedures	Canada sought the general support of all Canadian provinces and territories to sign and ratify the Convention on the Settlement of Investment Disputes between States and Nationals of other States (ICSID Convention)		

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
13. Mobility of Business People			
(1) Number of visa free or visa waiver arrangements	Records indicate that 55 countries and territories were visa exempt for travel to Canada at this time	54 countries and territories are visa exempt for travel to Canada	
Visa free or visa waiver arrangements with APEC member economies	Australia, Brunei Darussalam, Hong Kong, Japan, Korea, Mexico, New Zealand, Papua New Guinea, Singapore & the U.S. Chile was visa free for part of 1996 (visa imposed in May 1996)	Australia, Brunei Darussalam, Hong Kong, Japan, Korea, New Zealand, Papua New Guinea, Singapore & the U.S.	
(2) Participation in the APEC Business Travel Card scheme	No	Yes as a Transitional member	
(3) Other efforts to facilitate mobility of business people than the above	Canada was not a member of ABTC at this time	Canada facilitates ABTC members through special service lanes at the 8 major international airports	
(4) Average time to approve for short term business visit visa	Unable to calculate the average processing time for these files for 1996	Since July 2009, Canada has tracked the number of visas issued to business visitors. Between 1 July 2009 and 30 September 2009, over 20,000 applicants were	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		approved. Of the approved cases, 20% were processed the same day that they were received and 80% were completed in 6 days.	
14. Trade Facilitation			
(1) Consistency with APEC Principles on Trade Facilitation	--	Overall: Most Custom procedures: Most Standards: Most Business Mobility: Most (pending confirmation) E-Commerce: Most	
(2) Implementation of Trade Facilitation Action and Measures (approved in 2002)	2004 Custom procedures: some Standards: some Business Mobility: some E-Commerce: some	2009 Custom procedures: most 1. Time Release Survey (TRS) – some 2. Implement APEC Framework based on the WCO Framework of Standards – all 3. Simplification and Harmonization based on the Revised Kyoto Convention - most	1. Transparency 2. Communication and consultation 3. Simplification, Practicability and Efficiency 4. Non-discrimination 5. Consistency and Predictability 6. Harmonization, Standardization and Recognition 7. Modernization and the Use of New Technology 8. Cooperation

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		4. Paperless and/or Automation of Trade-related Procedures – most 5. Harmonization of Tariff Structure with the HS Convention - most 6. Appropriate, Transparent and Predictable Trade-Related Procedures - all Standards: most Business Mobility: most E-Commerce: most	
15. Promotion of High-Quality RTAs/FTAs			
(1) Number of RTAs/FTAs concluded/signed	3	9: NAFTA, Israel, Chile, Costa Rica, EFTA, Peru, Colombia, Jordan, Panama (negotiations concluded, but not yet signed)/	
RTAs/FTAs concluded/signed with APEC member economies	NAFTA (U.S., Mexico) Canada-Chile FTA	NAFTA (U.S., Mexico) Canada-Chile FTA Canada-Peru FTA	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
(2) Number of RTAs/FTAs under negotiation	2: Chile, Israel	6: Korea, Singapore, Central American countries, Dominican Republic, CARICOM, EU	
RTAs/FTAs being negotiated with APEC member economies	0	Canada-Singapore (August 2007) Canada-Korea (March 2008)	
(3) Consistency with APEC Model Measures for RTAs and FTAs	n/a	Canada negotiates comprehensive, WTO-consistent or WTO-plus RTAs/FTAs broadly consistent with the APEC Model Measures for RTAs and FTAs. Canada's RTAs and FTAs often include side agreements on labour cooperation and the environment. Canada promptly publishes its RTAs/FTAs online once the agreement has been signed. http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/index.aspx	
16. Voluntary Self-Reporting			

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
(1) Environmental Cooperation	Canada negotiated an Environmental Cooperation Agreement (ECA) in the North American Free Trade Agreement.	Canada signed, ECAs in the Canada-Chile FTA and the Canada-Costa Rica FTA and Agreements on the Environment in the Canada-Peru FTA, and negotiated ECAs in the Canada Colombia FTA, and the Canada-Jordan FTA.	<p>In order to promote mutually supportive trade and environmental policies, Canada has negotiated parallel agreements on environmental cooperation in association with its Free Trade Agreements (FTAs). These environmental agreements have been very important in improving our environmental relations with trading partners and have resulted in an array of cooperative activities in areas of key importance to Canada's international environmental agenda. ECAs help promote environmental cooperation as well as to encourage high levels of domestic environmental protection, good environmental governance and transparency and public participation. ECAs may also promote trade and investment in environmental goods and services (Canada-Peru ECA). In the interest of transparency, Canada promptly publishes online its RTAs/FTAs, including side agreements on the environment and labour, once the agreements have been signed. http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/index.aspx</p> <p>Canada has been working closely with the United States and New Zealand within APEC to promote and advance the liberalization of trade in environmental goods, including those to address climate change, such as wind and water turbines, fuel cells and solar panels. Cooperation efforts include a series of workshops and the launch of the APEC Environmental Goods and Services Information Exchange (EGSIE) web tool to</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			expand member economies' awareness of environmental goods and services and to promote growth of trade in this area. Such goods play a critical role in mitigating and adapting to climate change. This work is an important complement to on-going World Trade Organization negotiations to reduce or eliminate tariff and non-tariff barriers to trade in environmental goods and services.
(2) Labour Cooperation	Canada is signatory to the North American Agreement on Labour Cooperation with the United States and Mexico	Canada is signatory to the Canada-Chile Agreement on Labour Cooperation, the Canada-Costa Rica Agreement on Labour Cooperation, and the Canada-Peru Labour Cooperation Agreement. Canada has also negotiated the Canada-Colombia Labour Cooperation Agreement and the Canada-Jordan Agreement on Labour Cooperation.	<p>In terms of labour, Canada is committed to economic and social development including respect for the fundamental rights of workers and the principles set out in the International Labour Organization's <i>1998 Declaration on Fundamental Principles and Rights at Work</i>. Promoting fundamental labour rights internationally directly supports equitable growth in developing countries and contributes to reducing the growing global divide between rich and poor. The Labour Cooperation Agreements (LCAs) that Canada negotiates in parallel to Free Trade Agreements seek to improve working conditions in the signatory countries, and to protect and enhance basic workers' rights. Under these binding Agreements, participating countries commit to effectively enforce their own labour legislation and respect core labour standards, as well as cooperate on labour matters.</p> <p>In the interest of transparency, Canada promptly publishes online its RTAs/FTAs, including side agreements on the environment and labour, once the agreements have been signed. http://www.international.gc.ca/trade-agreements-accords-comm</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			erciaux/agr-acc/index.aspx