

Cross-border (1),2) None  
consumption abroad

1),2)

Commercial (3) None, other than:  
(Except

banks which are de- The acquisition of control of a Canadian  
in Part B, Section 7) business by a non-Canadian is subject to  
approval#1 for all direct acquisitions of  
Canadian businesses with assets not less  
than a monetary amount established and  
published in January of each year in the  
Canada Gazette

The monetary amount for 1994 is \$C153  
million to be adjusted thereafter annually for  
changes in nominal GDP

- The acquisition of control of a Canadian  
business, or establishment of a new  
business related to Canada's cultural  
heritage or national identity#2, by a  
non-Canadian is subject to approval#2







Movement of 14) Unbound except for the entry or temporary persons providing stay of a natural person who falls in one of the following categories:

#### Business visitors

A natural person who stays in Canada without acquiring remuneration from within Canada and without engaging in making direct sales to the general public or supplying services, for the purposes of participating in business meetings, business contacts including negotiations for the sale of services and/or other similar activities including those to prepare for establishing a commercial presence in Canada: Entry and stay shall be for a period of no more than 90 days

#### Intra Corporate Transferees

Natural persons of another Member who have been employed by juridical persons of another Member for a period of not less than one year and who seek temporary entry in order to render services to (i) the same juridical person which is engaged in substantive business operations in Canada or (ii) a juridical person constituted in Canada and engaged in substantive business operations in Canada which is owned by or controlled by or affiliated with the aforementioned juridical person

None, other than:

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

These comprise:

a) Executives

Natural persons employed by a juridical person who primarily direct the management of the juridical person or establish goals and policies for the juridical person or a major component or function of the juridical person, exercise wide latitude in decision-making, and receive only general supervision or direction from higher-level executives, the board of directors, or stockholders of the juridical person

b) Managers

Natural persons employed by a juridical person who direct the juridical person, or department or subdivision of the juridical person, supervise and control the work of other supervisory, professional or managerial employees, have the authority to hire and fire or recommend hiring, firing, or other personnel actions and exercise discretionary authority over day-to-day operations at a senior level

c) Specialists

Persons in the employ of a juridical person who possess knowledge at an advanced level of expertise and who possess proprietary knowledge of the juridical person's product, service, research equipment, techniques, or management

Professionals

Natural persons seeking to engage, as part of a services contract obtained by a juridical person of another Member (other than agencies as defined by CPC 872) in the activity at a professional level in a profession set out in Chart A below, provided that the person possesses the necessary academic credentials and

professional qualifications, which have been duly recognized, where appropriate, by the professional association in Canada

None, other than:

- Temporary entry and stay shall be for a period of up to 90 days or the time necessary to complete the services contract, whichever is less. Such persons may not engage in secondary employment while in Canada.

Chart A

Occupation	Minimum educational requirements/alternative credentials
Engineers	Baccalaureate degree*
Agrologists	Baccalaureate degree in agriculture or related science plus four years of related experience
Architects	Baccalaureate degree in architecture
Forestry Professionals	Baccalaureate degree in forestry management or forestry engineering, or a provincial license
Geomatics Professionals	Baccalaureate degree in surveying, geography or environmental sciences plus three years related experience
Land Surveyors	Baccalaureate degree

PROFESSIONALS (b)

Natural persons seeking to engage, as part of a services contract granted by a juridical person engaged in substantive business in Canada and obtained by a juridical person of another Member, (other

than agencies as defined by CPC 872) which has no commercial presence in Canada in the activity at a professional level in a profession set out in Chart B below, provided that the person possesses the necessary academic credentials and professional qualifications, which have been duly recognized, where appropriate, by the professional association in Canada.

None, other than:

Temporary entry shall be granted for a single period of the lesser of ninety (90) days or the period necessary to complete the contract. Such entry shall be granted once during a twelve (12) month period. Such persons may be permitted multiple entries within the period of authorized entry. They may not engage in secondary employment while in Canada. There will be a limit of ten (10) entrants per project in the case of senior computer specialists.

#### Chart B

Occupation	Minimum educational requirements/alternative credentials
Foreign Legal Cons	Baccalaureate degree in law
Urban Planners	Baccalaureate degree in urban planning
Senior Computer Sp	Graduate degree* in computer sciences, or related discipline; and ten (10) years of experience in computer science.
Other conditions	



None, other than:

- Tax measures that result in differences of treatment with respect to expenditures made on scientific research and experimental development services
- Ontario - Tax measures resulting in differences of treatment with respect to payments for management services made to affiliated non-residents. Foreign corporations carrying on business in Ontario must appoint an Ontario agent for service of legal documents.
- Alberta - First consideration may be given to service suppliers from within Alberta or Canada where competitive in terms of price and quality in the case of all large scale energy projects needing Industrial Development, Forest Management, Oil Sands, Power Plant or Gas Plant and Coal Development Permits.
- Newfoundland and Nova Scotia - Regulations require that first consideration be given to services provided within the province to petroleum operations where they are competitive in terms of price, quality and delivery.

#1 For the purpose of this schedule of commitments, approval is granted by the responsible Minister if he is satisfied that the investment is likely to be of net benefit to Canada taking into account any information, undertakings and representations in respect of the application, and the following factors where relevant:

- a) the effect of the investment on the level and nature of economic activity in Canada, including, without limiting the generality of the foregoing, the effect on employment, on resource processing, on the utilization of parts, components and services produced in Canada and on exports from Canada;
- b) the degree and significance of

- The supply of a service, or its

subsidization, within the public sector is not in breach of this commitment

- Subsidies related to research and development - unbound
- Federal and sub-central tax measures (generally pertaining to small business) may result in a difference in treatment in respect of all or some "Canadian controlled private corporations" as defined by the Income Tax Act (i.e., Canadian private corporations that are not controlled by non-residents and/or public corporations)
- Measures conferring a tax exemption or reduction of tax to, or in respect of services supplied by, a service supplier which is a part of or is directly or indirectly owned by government
- Federal and sub-central governments, when disposing of their equity interests in, or the assets of, a service supplier which is owned by such governments, may prohibit the ownership of such interests or assets by non-Canadian investors or their investments; and may impose limitations upon the ownership of such interests or assets, and on the ability of owners of such interests or assets to control any resulting enterprise, by non-Canadian investors or their investments. With respect to any such sale or other disposition, Canada may adopt or maintain any measure relating to the nationality of senior management or members of the board of directors.
- Measures related to the supply of services required to be offered to the public generally in the following subsectors may result in differential treatment in terms of benefits:

income security or insurance  
social security or insurance  
social welfare

or price:

public education  
training

participation by Canadians in the Canadian business or new Canadian business and in any industries in Canada of which the Canadian business or new Canadian business forms or would form a part;

c) the effect of the investment on productivity, industrial efficiency, technological development, product innovation and product variety in Canada;

d) the effect of the investment on competition within any industry or industries in Canada;

e) the compatibility of the investment with national industrial, economic and cultural policies, taking into consideration industrial, economic and cultural policy objectives enunciated by the government or legislature of any province likely to be significantly affected by the investment; and

f) the contribution of the investment to Canada's ability to compete in world markets.

#2 For the purposes of this schedule of commitments, businesses related to Canada's cultural heritage and national identity mean persons engaged in the following activities:

a) the publication, distribution, or sale of books, magazines, periodicals or newspapers in print or machine readable form but not including the sole activity or printing or typesetting any of the foregoing;

b) the production, distribution, sale or exhibition of film or video recordings;

c) the production, distribution, sale or exhibition of audio or video music recordings;

d) the publication, distribution or sale of music in print or machine readable form; or

e) radiocommunication in which the transmissions are intended for direct reception by the general

health  
child care

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

- Agreements between Canada and any aboriginal person or organisation, and measures by Canada and its Provinces and Territories, may provide for the favourable treatment of any aboriginal person or organization in relation to acquisition, establishment or operation of any commercial or industrial undertaking including providing:

a) an aboriginal person or organization with a right of first refusal to establish a new, or acquire an existing, commercial or industrial undertaking; and

b) a proposed or existing commercial or industrial undertaking of an aboriginal person or organization with favourable financial incentives or treatment

- Alberta: At least 50 per cent of the directors of an Alberta Corporation must be resident Canadians. Extra-provincial corporations registered under the Alberta Business Corporations Act must appoint an individual who is resident in the province of Alberta as an attorney for service of legal documents. There are limitations on the sale of Crown land and non-urban real estate to a non-Canadian person.

The Alberta Opportunity Fund gives priority to service suppliers owned and operated by Canadian citizens

- British Columbia: The majority of directors of every corporation incorporated under provincial law shall be resident Canadians and at least one director must be resident in the Province. It is necessary to be a Canadian citizen or permanent resident of Canada to be eligible for a crown grant of land.

- Manitoba: Non-residents may be

public, and all radio, television and cable broadcasting undertakings and all satellite programming and broadcast network services.

restricted in the purchase of more than 10 acres of farm land and are subject to a tax on transfer of farm property. The majority of directors of a meeting of the Board of a Manitoba Corporation must be Canadian residents.

- Newfoundland and Labrador: A majority of the directors of all corporations incorporated under provincial law must be Canadian residents. A co-operative must consist of at least five persons of full legal capacity residing in the province. All non-resident businesses must engage a local agent for the purposes of collective bargaining and execution of conveyances and mortgages.

- Ontario: The majority of directors of all Ontario corporations must be resident Canadians. The majority of the directors of any Ontario co-operative and the majority of a quorum must be resident Canadians.

The Ontario Land Transfer Act levies an additional tax on direct or indirect transfers of land to non-residents

Only service suppliers that are Canadian owned and pay 75 per cent of their employee wages in Ontario are eligible for investments from small business development corporations

Tax measures of the Province of Ontario may result in differences of treatment of corporations with respect to capital gains on shares of corporations resident in Canada

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

Only residents of the province are eligible for a property tax rebate on non commercial real property

- Québec: Under the Law on Publicly

Owned Lands, priority will be accorded to Québec residents in the acquisition or leasing of public lands. The Québec Land Transfer Duties Act levies an additional tax on transfers of land to non-residents.

- Saskatchewan: Under the Saskatchewan Companies Act, one director of a company incorporated for business in the province, or of a registered extra-provincial company, must be resident in that province and a majority of the directors must be resident in Canada. For a co-operative, the majority of the board of directors must be residents of Canada. The purchase of provincial crown land by foreign services suppliers is limited to ten acres.

Unbound except for the entry or temporary stay of a natural person who falls in one of the categories included in the market access column.



Other requirements

Provincial licence\*

\* The term "Baccalaureate degree" means a degree from an accredited academic institution in Canada or equivalent.

Licensing is required in New Brunswick, Alberta and Québec. Temporary licensing is required in British Columbia.

\*\* The term "provincial licence" means any document issued by a provincial government, or under its authority, which permits a person to engage in a regulated activity or profession.

Provincial license and certificate required to practice

Licensing as a forester or forestry engineer is required in Alberta, British Columbia and Québec

Provincial license

Other requirements

Provincial licence

\* The term "Graduate degree" means at least a Masters degree from an accredited academic institution in Canada or equivalent.

Provincial licence

Academic equivalencies will be determined by the relevant equivalencies services in Canada.

- Measures related to the supply of services required to be offered to the public generally in the following subsectors may result in differential treatment in terms of

benefits:

income security or insurance  
social security or insurance  
social welfare

or price:

public education  
training  
health  
child care