
**Council for Trade in Services
Special Session
Working Party on Domestic Regulation**

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COMMUNICATION FROM CANADA

Transparency Template - Canada's Revised Horizontal Mode 4 Offer

The following communication, dated 20 May 2005, from the delegation of Canada is being circulated to the Members of the Council for Trade in Services and the Working Party on Domestic Regulation.

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1. Few WTO Members would dispute that many existing horizontal mode 4 commitments are not sufficiently transparent. In that regard, Canada has been promoting the transparency of horizontal mode 4 commitments. Some Members are aware that, as a way of improving the understanding of mode 4 commitments, Canada has proposed that each Member provide voluntarily - and separate from its specific commitments - all relevant information sources for each of its commitments: i.e., links to the relevant parts of all laws, regulations, policies, practices or administrative guidelines relevant to each specific mode 4 commitment.
 2. Canada has promoted the use of a template as a practical and effective way to improve the information related to horizontal mode 4 commitments. We have attached, for use with our revised mode 4 offer, a completed template that provides links to the immigration laws, regulations, policies and administrative guidelines relevant to each of Canada's current horizontal mode 4 commitments and those in our initial and revised offers. This information is provided for purposes of transparency and neither interprets nor forms any part of Canada's specific commitments.
 3. Canada believes that this information will help both trade policy officials and business people better understand and assess and make use of Canada's mode 4 commitments.

<i>Horizontal Mode 4 Commitments</i>	<i>Law</i>	<i>Regulations</i>	<i>Administrative Guidelines</i>	<i>Other Public Information</i>
<p><u>I. Intra-Corporate Transferees</u></p> <p>A natural person of another Member who has been employed by a juridical persons of another Member for a period of not less than one year <i>within the three-year period immediately preceding the date of application for admission to Canada</i> and seeks 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.</p> <p>These comprise:</p> <p>a) <u>Executives</u></p> <p>A natural person employed by a juridical person who primarily directs the management of that juridical person, establishes goals and policies for that juridical person or for one of its major components or functions, and has wide decision-making powers with little senior supervision.</p>	<p>2002 Immigration and Refugee Protection Act at http://laws.justice.gc.ca/en/1-2.5/SOR-2002-227/index.html</p>	<p>2002 IRPA Regulations, (at http://laws.justice.gc.ca/en/1-2.5/SOR-2002-227/index.html Part 11, Division 3, Issuance of Work Permits, Canadian Interests, Regulation 205(a).</p>	<p>Temporary Foreign Worker Guidelines/FW1 Foreign Worker Manual at http://www.cic.gc.ca/manuals-guides/english/fw/fwe.pdf Sections 5.28 and 5.31, p. 25, 28-30, Parts 1 and 3, and Appendix D on GATS.</p>	<p>1. Working Temporarily in Canada www.cic.gc.ca/english/work/index.html and http://www.cic.gc.ca/english/work/exempt-2.html</p> <p>2. Publication/brochure called "Temporary Entry to Canada under the General Agreement on Trade in Services" 1996, C&I-155-03-96CIC, p. 4.</p> <p>3. Publication called "You Asked About...immigration and citizenship" at http://www.cic.gc.ca/english/pub/you-asked/section-18.html</p>

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<p>b) <u>Managers</u></p> <p>A natural person employed by a juridical person who directs that juridical person or one of its departments or subdivisions; supervises and controls the work of other supervisory, professional or managerial employees; and has discretionary control of the juridical person's daily affairs and can make employment decisions.</p> <p>c) <u>Specialists</u></p> <p>A natural person employed by a juridical person who possesses specialized knowledge at an advanced level of expertise and proprietary knowledge of the juridical person's product, service, research equipment, techniques or management.</p> <p>d) <u>Persons entering for career development purposes]</u></p> <p>A natural person employed by a juridical person for not less than one year within the period immediately preceding the date of application for admission to Canada and who seeks temporary entry and stay for career development purposes or to obtain training in business techniques or methods.</p>				

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<p>2. <u>Business visitors (including service sellers and persons responsible for setting up a commercial presence)</u></p> <p>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 and to supply after-sales or after-lease services.</p>	<p>2002 Immigration and Refugee Protection Act at http://laws.justice.gc.ca/en/I-2.5/SOR-2002-227/index.html</p>	<p>2002 IRPA Regulations, (at http://laws.justice.gc.ca/en/I-2.5/SOR-2002-227/index.html Part 9, Division 3, Work without a permit, Regulations 186a & 187.</p>	<p>Temporary Foreign Worker Guidelines/FW1 Foreign Worker Manual at http://www.cic.gc.ca/manuals-guides/english/fw/fwe.pdf Section 5.2, p. 9 and Appendix D on GATS.</p>	<p>1. Working Temporarily in Canada www.cic.gc.ca/english/work/index.html</p> <p>2. Publication/brochure called "Temporary Entry to Canada under the General Agreement on Trade in Services" 1996, C&I-155-03-96CIC, p. 4.</p>
<p><u>3. Contract Service Suppliers (CSS)</u></p> <p><i>A natural person who is an employee of a juridical person of another Member and seeks to engage, as part of a services contract granted by a juridical person or a services consumer in Canada and obtained by that juridical person of the other Member (other than agencies as defined by CPC 872), in an activity at a professional level in an occupation listed in the chart below, provided that the person possesses the necessary education and accreditation requirements as stipulated in the chart below.</i></p>	<p>2002 Immigration and Refugee Protection Act at http://laws.justice.gc.ca/en/I-2.5/SOR-2002-227/index.html</p>	<p>2002 IRPA Regulations, at http://laws.justice.gc.ca/en/I-2.5/SOR-2002-227/index.html Part 11, Division 3, Regulation 204(a) on international agreements.</p>	<p>Temporary Foreign Worker Guidelines/FW1 Foreign Worker Manual at http://www.cic.gc.ca/manuals-guides/english/fw/fwe.pdf Section 5.26, p. 19 on the labour market test exemption for GATS professionals, Section 5.27, p. 20 and Appendix D on GATS.</p>	<p>1. Working Temporarily in Canada www.cic.gc.ca/english/work/index.html</p> <p>2. Publication/brochure called "Temporary Entry to Canada under the General Agreement on Trade in Services" 1996, C&I-155-03-96CIC, p. 4.</p>

Horizontal Mode 4 Commitments	Law	Regulations	Administrative Guidelines	Other Public Information
<p><u>4. Independent Professionals</u></p> <p><i>A natural person who is a self-employed professional in another Member and seeks to engage, as part of a services contract granted by a juridical person or a services consumer in Canada and obtained by that professional in an activity at a professional level in an occupation listed in the chart below, provided that the person possesses the necessary education and accreditation requirements as stipulated in the chart below.</i></p>	<p>2002 Immigration and Refugee Protection Act at http://laws.justice.gc.ca/en/I-2.5/SOR-2002-227/index.html</p>	<p>2002 IRPA Regulations at http://laws.justice.gc.ca/en/I-2.5/SOR-2002-227/index.html Part 11, Division 3, Regulation 204(a) on international agreements.</p>	<p>Temporary Foreign Worker Guidelines/FW1 Foreign Worker Manual at http://www.cic.gc.ca/manuals-guides/english/fw/fwe.pdf Section 5.26, p. 19 on the labour market test exemption for GATS professionals, Section 5.27, p. 20 and Appendix D on GATS.</p>	<p>1. Working Temporarily in Canada www.cic.gc.ca/english/work/index.html</p> <p>2. Publication/brochure called "Temporary Entry to Canada under the General Agreement on Trade in Services" 1996, C&I-155-03-96CIC, p. 4.</p>
<p>5. Other</p> <p><u>Spouses and common-law partners of qualifying intra-corporate transferees or professionals</u></p>	<p>2002 Immigration and Refugee Protection Act at http://laws.justice.gc.ca/en/I-2.5/SOR-2002-227/index.html</p>	<p>2002 IRPA Regulations at http://laws.justice.gc.ca/en/I-2.5/SOR-2002-227/index.html Part 11, Division 3, Regulation 205(c)ii, spouses and common-law partners of skilled workers.</p>	<p>Temporary Foreign Worker Guidelines/FW1 Foreign Worker Manual at http://www.cic.gc.ca/manuals-guides/english/fw/fwe.pdf Section 5.39, p. 35.</p>	<p>1. Working Temporarily in Canada www.cic.gc.ca/english/work/index.html</p> <p>2. News Release November 2001 at http://www.cic.gc.ca/english/pres/01/0125%2Dpre.html</p>

Note: The categories listed in this template reflect both Canada's current commitments and elements of its initial and revised mode 4 offers.
a) Plain text – Canada's current commitments b) Bold/Italics/Shaded – Canada's initial offer c) Bold/Shaded – Canada's revised offer

Occupation ¹	Minimum Education Requirements/Alternative Credentials	Other Requirements
<u>Engineers</u>	Baccalaureate degree. ²	Provincial license. ³
<u>Agrologists</u>	Baccalaureate degree in agriculture or related science plus four years of related experience.	Licensing is required in New Brunswick, Alberta and Québec. Temporary licensing is required in British Columbia.
<u>Architects</u>	Baccalaureate degree in architecture.	Provincial license and certificate required to practice.
<u>Forestry Professionals</u>	Baccalaureate degree in forestry management or forestry engineering, or a provincial license.	Licensing as a forester or forestry engineer is required in Alberta, British Columbia and Québec.
<u>Geomatics Professionals</u>	Baccalaureate degree in surveying, geography or environmental sciences plus three years related experience.	
<u>Land Surveyors</u>	Baccalaureate degree.	Provincial license.

¹ In May 2005, the definitions of these professions could be found in Canada's National Occupation Classification (NOC) at http://www.hrsdc.gc.ca/en/hip/hrp/noc/noc_index.shtml

² The term "Baccalaureate degree" means a degree from an accredited academic institution in Canada or equivalent. Academic equivalencies will be determined by the relevant equivalencies services in Canada.

³ The term "Provincial license" means any document issued by a provincial government, or under its authority, which permits a person to engage in a regulated activity or profession.

Occupation	Minimum Education Requirements/Alternative Credentials	Other Requirements
<p><u>Foreign Legal Consultants</u></p> <p><u>Urban Planners</u></p> <p><u>Information and Communications Technology Professionals</u></p> <p><u>Management Consultants</u></p>	<p>Baccalaureate degree in law.</p> <p>Baccalaureate degree in urban planning.</p> <p>Baccalaureate degree in computer sciences or related a discipline and two (2) years of experience in computer sciences; or</p> <p>Baccalaureate degree and five (5) years of experience in computer sciences; or</p> <p>A Canadian I.S.P. designation (Information Systems Professional of Canada) or a licence or designation from a recognized foreign certification body.⁴</p> <p>A designated Certified Management Consultant (CMC) or equivalent designation recognized by the International Council of Management Consulting Institutes (ICMCI); or</p> <p>A management consultant certified by an accreditation body that is not recognized by the ICMCI but having a Baccalaureate degree and 5 years experience in a field directly related to the nature of the service contract.</p>	<p>Provincial license.</p> <p>Provincial license.</p>

⁴ Current list of recognized certification bodies: United Kingdom - British Computer Society (BCS); United States - Institute for the Certification of Computing Professionals (ICCP); Canada - Canadian Information Processing Society (CIPS); New Zealand - New Zealand Computer Society (NZCS); Australia - Australian Computer Society (ACS).