

almost everything. At the plenary meeting the following week, the Canadian Chief Negotiator announced that he could address everything except one contentious issue and that he expected to have “agreed” text on everything else before him by 10 o’clock the next morning. We worked tirelessly into the night, stopping only momentarily to wish our Norwegian counterparts a happy Constitution Day at midnight. Work continued unabated until 4:30 a.m. —likely the first all nighter for the EFTA side.

Unfortunately, because we could not resolve the lingering, contentious issue, it would be our last meeting

our EFTA colleagues.

We corresponded with our EFTA colleagues a few times over the intervening years but it was not until the late summer of 2006 that we found a true ray of hope.

Canada’s rules of origin for FTA purposes are negotiated on the basis of the Harmonized Description and Coding System (Harmonized System or HS), an internationally developed and applied system used as the basis for most countries’ tariff schedules. Since the original Canada-EFTA rules of origin had been negotiated on the basis of the 1996 version of the HS, and

amendments to the HS had been made in 2002 and again in 2007, two sets of HS amendments had to be taken into consideration with respect to these rules of origin. When we finally met with our EFTA counterparts in November 2006, the progress was phenomenal. Because considerable work had been done on both sides of the Atlantic, we managed to align the rules of origin with both sets of HS amendments and to conclude on all but the most contentious issues.

We next met in Geneva in early 2007 for the concluding round. The rules of origin table met for an extra day and was able to agree on all the contentious issues, while a few other festering issues with separate groups were being resolved.

On the last day, at about 2:30 p.m., a huge bowl of ice was rolled in to hold the champagne that would accompany the initialling of the text. It sat for almost an hour, untouched, before it was wheeled back into the kitchen area. The little tease was repeated at least four times during the afternoon and evening. Finally, at about 9:30 p.m., after a final agreement had been reached at the main table, the texts were initialled. This time, the bowls of ice re-emerged with uncorked bottles of champagne. And I can assure you, they did not go to waste.

Although it took a long and arduous 10 years for the Canada-EFTA FTA negotiations to be finalized, the rules of origin team, for one, benefited greatly from the experience. We learned new and different ways of approaching, negotiating and applying principles and issues that would serve us in future negotiations, ultimately benefiting Canadian businesses and individuals. After 10 years, we are also equally proud to call a group of EFTA colleagues our friends.

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THE EFTA TEAM. (from left to right) First row: Jacqueline Caron, Marvin Hildebrand, Ian Burney, David Emerson, Marie-Lucie Morin, David Plunkett, Cameron MacKay, Colleen Brock. Second Row: Michael Vonk, Aaron Fowler, Andrew Gedris, Sandy MacLaren, Martin Loken, Bruce Christie. Not shown: Gloria Sola.

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for more than six years. But we took some comfort. We had learned much from each other during our lengthy rules of origin negotiations. Working in consultation with Canadian industry, we have developed and adopted a more focused approach to drafting rules of origin. The objective is now to achieve rules of origin that, while taking into consideration Canada’s interests, are transparent, easy for both the trading public and customs administration to understand, use and administer. They should also leave as little room as possible for administrative discretion.

Back in Canada, we were able to apply several of those lessons to other FTA negotiations, including the Canada-Costa Rica FTA. Although the language may differ slightly, the rules of origin in Canada’s subsequent negotiations reflect the principles and intent that were negotiated with