

Telecommunications

Canadian services providers have encountered problems in obtaining licenses to provide telecommunications services in the United States on a cross-border basis. U.S. authorities have raised security concerns regarding the provision of some such services, with resulting delays and a lack of transparency in the licensing process, and the imposition of licensing conditions which impair Canadian exports.

In the light of the lengthy delays some Canadian companies have experienced in gaining access to the U.S. market, Canada will continue to carefully monitor U.S. implementation of its WTO commitments with respect to telecommunications services to ensure that Canadian services providers are subject to timely and transparent licensing procedures.

Shipping

A number of maritime laws (collectively known as the Jones Act) impose a variety of limitations on foreign participation in the U.S. domestic maritime industry. Canada's particular concerns relate to the U.S.-built requirement, which precludes the use of Canadian-built vessels in U.S. domestic marine activities. In international shipping, there are limitations on foreign ownership of vessels eligible for documentation in the United States. In addition, several subsidies and other support measures are available to operators of U.S. vessels. These restrictions (coupled with defence-related prohibitions of the Byrnes/Tollefson Amendment) limit Canadian participation in U.S. shipping activities.

Maritime transportation services will likely form part of the discussions in the current negotiations on services in the World Trade Organization, and Canada will continue to use every appropriate opportunity to raise U.S. limitations on maritime transportation services that adversely affect Canadian interests.

Temporary Entry

Section 343 of the U.S. Illegal Immigration Reform and Immigrant Responsibility Act would require any alien seeking U.S. employment as a health-care worker to present a certificate from a U.S. credential-issuing organization verifying the person's professional competency and proficiency in English. An interim rule is

currently in place that affects only those health-care workers seeking admission to the United States on a permanent basis to perform services in the fields of nursing and occupational therapy. An indefinite waiver of inadmissibility for health-care workers seeking temporary entry remains in effect pending final implementation of the regulations. This waiver is a temporary solution, and Canada continues to press its view to the U.S. Administration and Congress that the duplicative certification requirements of Section 343, as it applies to those seeking temporary entry, would violate U.S. NAFTA obligations. Our ultimate goal is to see the U.S. Administration maintain a permanent waiver of inadmissibility for those health-care workers seeking temporary admission to the United States. There has been no recent action on Section 343 by the United States. Canada has indicated its concern regarding the lack of progress on implementation of a permanent waiver of Section 343, and will continue to pursue the issue.

STANDARDS-RELATED MEASURES

Canada continues to engage in a constructive dialogue with the United States, principally in the NAFTA Committee for Standards-related Measures, to urge that national regulatory burdens on industry be minimized while allowing industry to self-regulate in the context of an increasingly integrated North American market.

The four NAFTA sectoral subcommittees – automotive, land transportation, telecommunications and textile labelling – also provide excellent forums for trilateral co-operation in the area of standards and regulations. The land transportation and textile labelling subcommittees are pursuing a work program intended to harmonize standards and facilitate trade; they have achieved substantial progress in the area of driver/vehicle compliance for trucks and the care labelling of textile goods, respectively. In the telecommunications and automotive sectors, where standards measures have been generally complementary, the subcommittees are pursuing further bilateral co-operation, along with increased co-ordination of activities in international forums.

Canada is seeking more complete implementation by the United States of its NAFTA and WTO sub-federal commitments, with a view to the upgrading or modernization of U.S. sub-federal standards