



inatory treatment for Canadian investments that are not currently covered by regional or bilateral agreements.

To encourage a positive outcome at the next WTO Ministerial with respect to a launch of multilateral investment negotiations, Canada will continue to work closely with Members in the WTO Working Group on Trade and Investment to clarify possible elements of a potential multilateral framework on investment, as set out by Ministers in the Doha Declaration. These elements are: scope and definitions; transparency; non-discrimination; modalities for pre-establishment commitments based on a GATS-type positive list approach; development provisions; exceptions and balance-of-payments safeguards; consultations; and the settlement of disputes between Members. The WTO Dispute Settlement Understanding (DSU) is by construction designed to address only disputes between Member governments. Resolution of disputes between investors and governments is not contemplated in the WTO institutional framework. With respect to technical assistance and capacity building, Canada will collaborate with other WTO Members on formulating a strategy to provide developing and least-developed countries with greater support in this area.

With respect to competition policy, the Government supports the establishment of a multilateral agreement on competition policy on the understanding that such an agreement would not prejudice the independence of competition authorities. A multilateral agreement could include mechanisms for voluntary cooperation but would not interfere with ongoing, case-specific cooperation that occurs under bilateral cooperation arrangements. A WTO framework for cooperation would likely support capacity-building and technical assistance, and provide opportunity for the exchange of views on competition policy issues which would be of particular value for newly-established authorities in developing countries. WTO cooperation provisions, however, will not take the place of bilateral arrangements which provide case-related enforcement activities.

TRADE AND ENVIRONMENT

Recommendation 23

“That the federal government urgently examine recent environment-related decisions at the WTO Appellate Body in an effort to determine the extent to which WTO case law has evolved and whether or not there is a pressing need for negotiations on the relationship between the trade obligations contained in Multilateral Environmental Agreements and existing WTO rules.”

With respect to this recommendation, the Government continually analyzes and assesses all WTO Panel and Appellate Body decisions, including those relating to the

