Department of Foreign Affairs and International Trade
(International Trade)

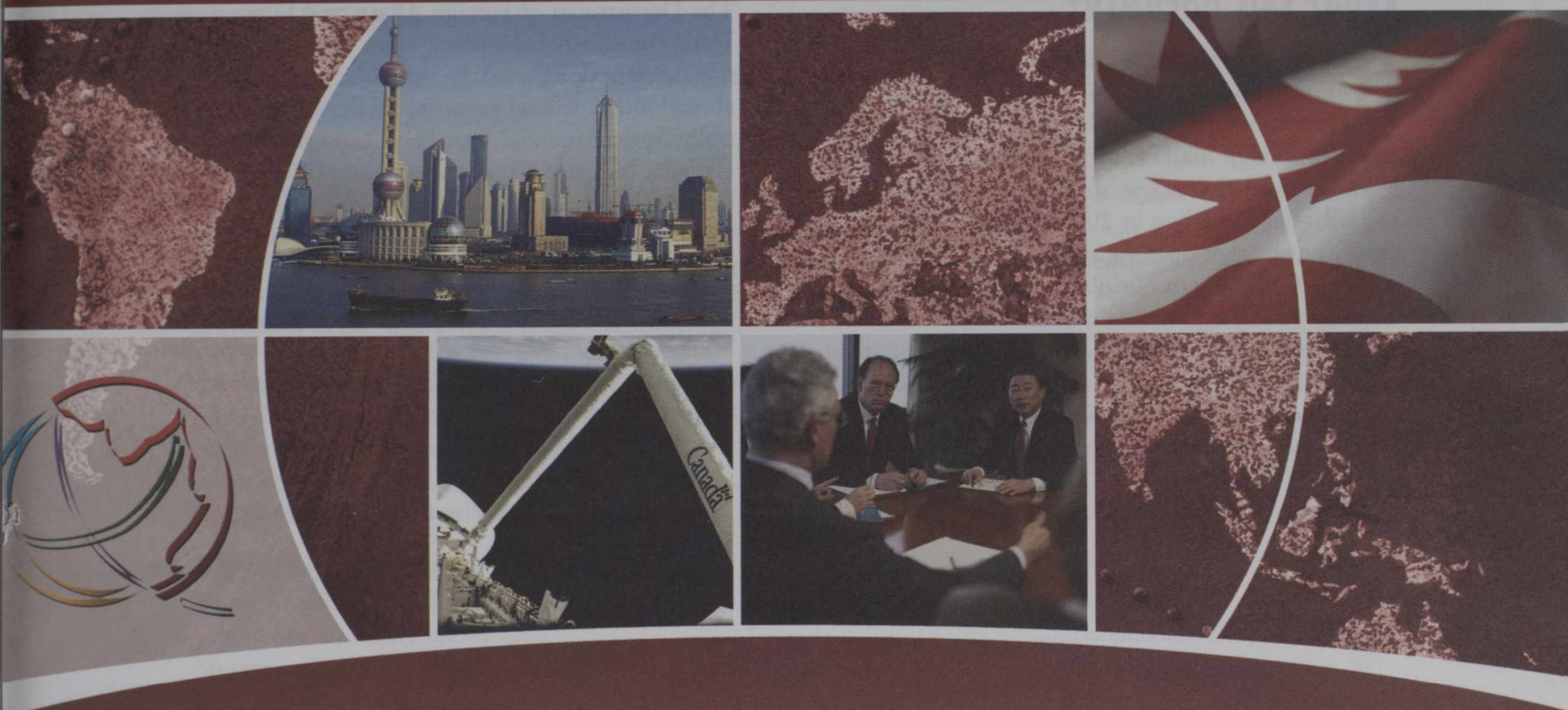
Ministère des Affaires étrangères et du Commerce international
(Commerce international)

Canada

Opening Doors to the World

Canada's International Market Access Priorities – 2005

Team Canada Inc • Équipe Canada inc



Opening Doors to the World

Canada's International Market Access Priorities – 2005

This publication and additional export information are available on-line at *www.international.gc.ca* or *www.exportsource.ca*.

Unless otherwise specified, monetary figures in this document are in Canadian dollars. Merchandise trade figures appearing throughout this document are preliminary "customs basis" figures released by Statistics Canada, February 10, 2005. Services trade figures are "Balance of Payments" figures released by Statistics Canada, February 25, 2005. All investment statistics are from Statistics Canada.

ABOUT THIS DOCUMENT

Opening Doors to the World: Canada's International Market Access Priorities – 2005 outlines the Government of Canada's priorities for improving access to foreign markets for Canadian traders and investors through a range of multilateral, regional and bilateral initiatives in 2005. It also presents significant market-opening results from 2004 that will benefit Canadian business. Subjects range from Canada's broad negotiating objectives at the World Trade Organization to the details of specific bilateral trade irritants. The report is not intended to be an exhaustive catalogue of government activities to improve access to foreign markets; neither is it a comprehensive inventory of foreign barriers to trade or investment.

The Department of Foreign Affairs and International Trade coordinated the preparation of this report with the assistance of Canadian embassies and missions abroad, other federal government departments (especially Agriculture and Agri-Food Canada, Finance Canada, Industry Canada and Natural Resources Canada), provincial governments and, of course, Canadians doing business abroad. Its contents are current up to end of February 2005.

Opening Doors to the World: Canada's International Market Access Priorities – 2005 updates and expands on topics presented in the 2004 report, which was released in April 2004.

Catalogue number: IT1-2/2005

ISBN: 0-662-68825-2

TABLE OF CONTENTS

MESSAGE FROM THE MINISTER FOR INTERNATIONAL TRADE

As Minister for International Trade, I am pleased to present the 2005 edition of *Opening Doors to the World: Canada's International Market Access Priorities*, which outlines Canada's market access objectives for 2005 and highlights the successes achieved during the previous year.

Canada's economic prosperity depends on its success as a trading nation: an estimated one out of every four jobs in Canada is linked to our international trade activities. These activities no longer limit themselves to the traditional imports and exports of goods and services. International Trade also encompasses investment, joint commercial collaborations, technology partnerships and all the other elements of global value chains, the multi-national and regional networks of finance, production and distribution. As manufacturing integrates across borders and trading between branches of the same firm continues to expand, it is becoming increasingly difficult to identify where the border of our economy actually lies. Our objective in 2005 is to contribute to Canadian prosperity reflecting this new complexity of the international economy while pursuing traditional opportunities.

In 2005, our relationship with the United States will continue to be of paramount importance. Canada and the United States have the world's most successful commercial relationship, with almost $2 billion in goods and services exchanged daily. But, in a dynamic world economy, we must work continuously to build this long-standing relationship. While securing and deepening our access to the United States market is a constant challenge, it is also an opportunity.

Since September 2001, the movement of goods and people across the Canada–United States border has become a particular concern for Canadian business. In part to address these concerns, a New Partnership was announced by the Prime Minister and President Bush in November 2004. This initiative will build on both NAFTA and the Smart Border Accord to lay out an agenda for expanding economic opportunities, prosperity and competitiveness in North America. It will strike a balance between addressing security concerns and addressing commercially important measures to facilitate cross-border trade. On March 23, 2005, Prime Minister Martin and Presidents Bush and Fox agreed to pursue this initiative on a trilateral basis.

Mexico also features prominently on our North American agenda. Since the inception of NAFTA in 1994, Mexico has become Canada's sixth largest export market and Canada has become Mexico's second largest. To build on this momentum, the Prime Minister and President Fox of Mexico launched the Canada–Mexico Partnership in October 2004. This is a high level public-private forum which will strengthen bilateral economic and policy cooperation. Bringing together business leaders, key economic actors and senior policy makers, the Canada–Mexico Partnership will foster strategic networks and enable the business communities and governments to respond to the challenges of sustaining and augmenting the level of prosperity and competitiveness that the NAFTA relationship has helped to build.

An important shift in the global distribution of wealth and influence is underway beyond our continent. Countries formerly considered to be "developing" are becoming more influential, with growing middle classes and rising production, purchasing power, human capital and financial strength. These are markets or regions experiencing rapid and sustained growth, attracting the attention and investment of multinational enterprises. China, India and Brazil are prime examples, exercising influence in international trade negotiations proportionate to their new strength.

These developments have significantly altered the dynamics of international commerce, and have important implications for the competitiveness of companies and the prosperity of nations. Canada's competitiveness within even our most traditional markets will be increasingly influenced by the depth and breadth of our engagement with these countries. Engagement with these markets is not merely a question of expanding our exports; it is about access to competitively priced inputs. It is also about investment flows, intellectual property development and protection, science and technology linkages, and access to distribution networks—all critical elements of being competitive in a global business environment. We must succeed in engaging with these partners if we are to ensure that we remain integral to the business equation.

The year 2005 will also be a busy one on other trade policy fronts. We will engage with emerging market countries to establish Foreign Investment Promotion and Protection Agreements with China and India, we will conduct exploratory talks with Korea regarding possible free trade negotiations, and we remain committed to seeking an ambitious outcome for the Doha Development Agenda at the World Trade Organization. Canadian negotiators will also be involved in several bilateral negotiations to open markets for Canadian business and to complement broader, multilateral efforts. For example, we will continue to pursue a comprehensive Trade and Investment Enhancement Agreement with the European Union. This innovative pact is intended to move beyond traditional market-access issues in the World Trade Organization. Another example is the Canada–Japan Economic Framework on which we will accelerate our efforts to help advance our economic relations with this important trading partner beyond the current base.

The Government of Canada will continue to consult regularly with all stakeholders: the provinces and territories, the business sector, non-governmental organizations, municipalities and the Canadian public. This dialogue is an invaluable tool used by the government to communicate and to inform its forward agenda on a wide range of issues.

I would encourage you to consult the department's trade negotiations and agreements Web site at *www.international.gc.ca/tna-nac/* for the most up-to-date information on Canada's trade policy agenda.

The Honourable James Scott Peterson, P.C., M.P.

INTRODUCTION

Canada is a trading country, with the export of goods and services accounting for more than 40% of economy activity. International trade is integral to our continued prosperity. Canada's exposure to international competition has energized our economy, spurred innovation, attracted foreign investment and created hundreds of thousands of jobs for Canadians.

Although Canadians have been successful in selling to the world, our ability to fully exploit opportunities in key markets is often limited by a variety of barriers to trade. To ensure secure and predictable access to the world for Canadian traders and investors, the government will continue its efforts to bring down barriers to trade in key markets. This means strengthening the institutions and the rules that govern international trade and investment, forging relationships with new partners, and ensuring that other countries live up to their commitments.

Opening Doors to the World: Canada's International Market Access Priorities – 2005 presents significant market-opening results achieved over the past year and outlines the government's priorities for 2005 to further improve access to foreign markets. The government will continue to pursue its goals multilaterally (through the World Trade Organization); regionally (through the North American Free Trade Agreement and negotiations towards the Free Trade Area of the Americas); and bilaterally with key partners, through the negotiation of free trade agreements (European Free Trade Association, Central America Four, Singapore), negotiations towards the Canada–European Union Trade and Investment Enhancement Agreement, and through exploratory talks toward the possible negotiation of free trade agreements (Korea, CARICOM, Andean Community and Dominican Republic), as well as other bilateral initiatives such as negotiations on Foreign Investment Protection and Promotion Agreements with China and India and the development of the Canada–Japan economic framework. In all cases, the government's objective will be to ensure that Canada's traders and investors benefit fully from international trade agreements.

1 *Introduction*

TRENDS IN CANADIAN TRADE AND INVESTMENT

Canadian trade performance in 2004 rebounded from the relatively poor showing of the previous year. Merchandise exports on a balance of payments basis (or goods exports) advanced 7.6% (or \$30.3 billion) over 2003 levels, to \$430.3 billion. Merchandise imports posted a gain of 6.2% (or \$21.1 billion), to \$363 billion. Overall, the merchandise trade surplus with the world increased by nearly \$9.2 billion to \$67.3 billion.

Notwithstanding the 7.9% currency appreciation against the U.S. dollar over the year, coming on the heels of a 21.7% appreciation over the year before, there were across-the-board advances in exports in 2004, as all seven of the major commodity groupings recorded increases. Leading the gains were Industrial goods, which recorded both the largest export growth rate and the largest absolute gain in exports, at 16.6% and \$11 billion, respectively. Also registering impressive gains were Energy products (up 13.9%, or $8.4 billion) and Forestry products (up 13.8%, or $4.7 billion).

On the import side, gains were also broadly based, with only Agricultural and fishing products recording a small decline (of 0.7%, or $0.1 billion). Energy products imports grew at a sizzling 26% pace last year, up $5.1 billion over their levels a year earlier, while Industrial goods advanced 12.7% (or $8.3 billion) and Machinery and equipment increased 5.6% (or $5.5 billion).

Overall economic activity in Canada's largest foreign market, the United States (U.S.), rose as GDP expanded 4.4% last year compared to 3% the year before. As a consequence, Canada's trade with the United States picked up substantially in 2004. Exports rose $21.5 billion (or 6.5%) to $351.9 billion, while imports advanced $10.2 billion (or 4.2%) to just over $250 billion. Thus, the annual merchandise trade surplus with the United States expanded by some $11.3 billion to $101.8 billion. For the year, the United States accounted for 81.8% of Canadian merchandise exports (down from 82.6% in 2003) and 68.9% of total merchandise imports (down from 70.2%). It should be pointed out, however, that these figures are likely overstated due to transshipments.

Exports to the European Union vaulted 12.3% (or $3 billion), to $27.1 billion last year. For the same period, imports were up 4.4% (or $1.5 billion), to $36.3 billion. Thus Canada's trade deficit with the European Union narrowed by $1.5 billion to stand at $9.2 billion in 2004. Most of the gains came from the United Kingdom, where Canada managed to change a $1.1 billion merchandise trade deficit into a slight ($115 million) trade surplus between 2003 and 2004. The Canadian trade deficit with Japan was almost eliminated last year, as it was reduced from $859 million to just $64 million. Our merchandise exports to that country edged up 1.8% (to just below $10 billion) last year, while our imports from that country retracted 5.8% (to just above $10 billion). Elsewhere, Canada's merchandise trade deficit with the other Organization for Economic Cooperation and Development (OECD) nations not already mentioned grew by almost $1 billion, from $7 billion to $8 billion, while the deficit with all other non-OECD nations widened by $3.4 billion, to $17.2 billion.

In 2004, Canada recorded a trade deficit on its trade in services of $11.2 billion, up $300 million from the year before. Services receipts expanded by $2.4 billion (or 4%), while payments grew by $2.7 billion (or 3.8%). Services exports were up across the board, most notably to the European Union (up $0.9 billion), to Japan and to the other OECD nations (up $0.5 billion, each), and to the U.S. (up $0.4 billion). Services imports were up from most major trading regions, with the exception of the United States where they edged down 1.1% (or $0.4 billion). Gains were led by the non-OECD countries (up $1.3 billion), Japan (up $1 billion), and the European Union (up $0.7 billion).

In terms of services sectors, exports were up by $1.8 billion (12.3%) for travel and by $1.6 billion (15.3%) for transportation services, but were down by $1.2 billion (3.5%) for commercial services. The same pattern holds on the import side, travel services were up by $2.1 billion (11.3%) and transportation services up by $1.5 billion (10.9%), while commercial services imports were lower by almost $1 billion (2.7%). As a result of these movements, Canada's travel services deficit widened by $0.3 billion to $4.1 billion and the commercial services deficit expanded by $0.2 billion to $3.7 billion, while the transportation services deficit marginally narrowed ($23 million) to $3.9 billion for the year.

Canadian direct investors injected $57.5 billion abroad over 2004. This amount went in roughly equal measures to acquisitions and to increases in the working capital of foreign affiliates. Geographically, just over 70% of the year's direct investment went to the United States, while four-fifths was invested in just two broad industry groups: finance and insurance and energy and metallic minerals.

Canadians have been active recently buying back foreign owned or foreign controlled firms in Canada. Foreign acquisitions have been negative in four of the past five quarters (negative acquisitions result when Canadians on balance repatriate companies from foreign investors). With these re-purchases, total foreign direct investment into Canada in 2004 amounted to a modest $8.5 billion. Most of the investment came from reinvested earnings. Geographically, foreign direct investment rose from U.S. and Asian investors, but declined from EU investors. There were two large international mergers accounting for the EU reductions.

With the economy having lost momentum under the weight of the higher valued Canadian dollar in the final quarter of 2004 and somewhat weaker near-term prospects, economic prospects for Canada over 2005 have been trimmed back to about 2.9%, according to the February 2005 federal Budget. Growth is expected to come from the strength in consumer spending and business investment, thanks to solid labour markets and rising incomes. The government sector also appears to be in good shape to support overall economic activity given its solid fiscal position. On the downside, along with the continued challenges of a strong currency and another sustained rise in oil prices are possible efforts to staunch the rising the United States fiscal deficit and threats of a sharp rise in United States core inflation and higher interest rates that could effect growth in the United States economy, all of which add uncertainty to growth expectations for Canada.

FOCUS ON THE EMERGING MARKETS STRATEGY

Why an Emerging Markets Strategy?

All Canadians have a stake in building a better Canada. Canadian prosperity and economic security depend upon our ability to trade goods and services and to benefit from investment. Maintaining the status quo presents the risk that Canadian firms, capital and expertise will be sidelined from centres of growth, finance and knowledge in the global economy. Canada needs to push the frontiers of its international commerce. It needs to maintain its influence on the multilateral agenda through new international partnerships, particularly as emerging powers become more active players. Whether in sustaining value-added economic activity at home or dealing with the geopolitical realities of growth and development around the globe, it is vital that we position ourselves for the future.

Canadians from all walks of life are invited to contribute their views, experience and expertise to the ongoing dialogue on how Canada can support Canadian businesses in establishing themselves within emerging markets and global value chains, and on how to ensure Canada's overall commitment to sustainable development.

The Current Context

Canada is facing new challenges and remarkable opportunities in the global marketplace. The 21st century economy is one characterized by competitiveness defined on a world, not domestic, scale; it involves international networks of production and global value chains in which emerging regional and country markets figure prominently. Some markets are truly global in scope, while others are a major force in their own region. Whatever the scope, emerging markets are commanding greater attention not only because of their new wealth, but also because of their new influence on global agendas. Our success in markets such as China, India and Brazil will increasingly define how effectively Canada will adjust to the new global dynamics.

With over 80% of Canada's goods exports entering the United States, fostering our trading relationship with that economy will continue to be a key government priority. However, we also have a responsibility to provide the tools that Canadian business needs to take advantage of the major opportunities in emerging markets.

In looking beyond our current trade relations to secure Canada's future prosperity and economic security, we also recognize that expanding trade and investment in new markets presents challenges and opportunities for Canada as well as our trading partners. Canada considers trade to be an essential component of an integrated and comprehensive approach to sustainable growth in Canada and, indeed, globally. Social policies and programs such as education and skills upgrading and social protections for workers, as well as effective environmental management that supports increased and better employment, strengthen the contribution that trade and investment make to economic growth.

Global Business + Emerging Markets = New Paradigm

The term "emerging markets" encompasses more than a focus on specific countries. Global companies seek production efficiencies and strategic regional positioning in order to remain competitive worldwide. In this way, production is disaggregated across many jurisdictions and animated by investment in all directions, as well as by the internationalization of the knowledge-based economy and electronic communication.

These progressive international networks, or "value chains" as they are often termed, are most prominent within regional trading blocs such as North America and North and East Asia—and integration is moving at a very rapid pace. We are witnessing the beginning of a profound shift in the distribution of wealth, economic activity and influence. Global value chains are not new: they have been used by multinational enterprises (MNEs) for years to lower costs and increase productivity. For many companies, participation in global value chains, particularly in emerging markets, is not just an issue of reducing costs or increasing productivity but a matter of survival.

Canada is very much part of this setting. For example, sales by Canadian affiliates abroad represent an important source of revenue, with a proportion of the repatriated earnings financing ongoing research and technology development (R&D) in Canada. Similarly, those involved in R&D, design, engineering, sales, marketing, information systems and customer service make a major contribution to this country's economy and prospects for growth. In this context, government must re-evaluate and coordinate the programs and services it offers to investors and the knowledge sector, as well as to exporters.

A Canadian approach must encompass not only companies that have successfully positioned themselves as leaders of global value chains (typically MNEs), but also small and medium-sized enterprises (SMEs) that are under pressure to innovate and upgrade their operations in order to fully participate in international markets. As global competitive pressures mount in traditional markets, SMEs also need to address the challenges and opportunities of emerging markets, either directly or as players in larger value chains that include emerging market partners; their future growth, if not survival, depends on this.

Growth indicators have been impressive in markets such as China, India, Brazil and other emerging markets. But growth is only one consideration for government in selecting target markets. Convergence of demand and Canada's supply capacity must be verified as a first step to identifying markets for priority attention.

Shifting Gears: Adapting to the New Paradigm

Canada, like other Organisation for Economic Cooperation and Development (OECD) countries, must factor in a diversity of new, effective players and priorities as emerging markets come to play an increasingly important role in the world economy. Policy challenges arise in balancing interests such as promoting strong trading relations and advancing human rights and sustainable development objectives.

Emerging markets frequently offer production cost efficiencies but sometimes entail risks such as limited intellectual property protection and restricted market access. We must continue to evaluate whether Canada's current array of policy instruments and business development tools are appropriate to meet available opportunities and the types of challenges and competition we face in the marketplace. Is enough priority being accorded to outward as well as inward investment? How can we best share technologies and develop new partnerships that will promote successful commercialization of research at home and long-term market penetration abroad? What are the skill sets needed that will best help Canadians both to adjust to and benefit from labour mobility in a global context?

Potential Emerging Markets

An emerging market can be a country, a region or a sector that is experiencing rapid and sustained growth, usually attracting the active participation, directly or indirectly, of multinational enterprises. An analysis of the opportunities and challenges of doing business with economic giants, such as China, India and Brazil, will help to shape a framework that identifies priorities and commonalities that can best be addressed through an integrated strategy.

It is evident that China, India and Brazil present specific opportunities accompanied by individual risks, and that they require a careful assessment of different "tool kits" to assist Canadian business. However, they are not the only countries or regions that hold significant promise. Canada's emerging markets strategy must take into account the new realities of regional integration, the growth requirements of specific sectors where Canada excels as well as the role of global sourcing, finance and investment in setting the stage for strategic business partnerships.

China

East Asia has been home to some of the world's fastest growing economies, and China, in particular, has been a driving force in the establishment of regional sourcing and manufacturing linkages. As the world's most populous country with the fastest growing economy (9.5% in 2004), China is an economic giant that surpassed Japan as Canada's second largest bilateral trading partner in 2003. In 2004, Canadian exports to China grew by more than 40%. China's growth is expected to continue: according to Goldman Sachs, China may become the world's second largest economy by 2016, up from sixth, and the world's largest by 2041.

Reinforced by demographic evolution and institutional adjustment, dynamic new patterns of consumption are emerging. The middle class in China is rapidly expanding, resulting in new sources of financial power, along with a realignment of global energy balances, a shift in the locus of infrastructure development, and an altered context of labour, skills and knowledge.

China attracts more foreign investment than most other nation and, recently, has adopted a new strategy of outward investment. China has a growing need for a reliable and diverse supply of natural resources, particularly energy, and it is an important link to regional supply chains in Asia.

China has emerged not only as a growing economy but also as a rising player in regional and global supply chains, resetting patterns of trade and investment internationally and framing the pursuit of competitiveness and prosperity at home in Canada.

In order to position firms to benefit from these changes, Canada is currently building on its relationship with China through negotiations for a foreign investment protection and promotion agreement (FIPA). There are many outstanding business opportunities in China—particularly in agricultural technology, agri-food, building products, financial services, information and communications technology, mining and minerals, and transportation. The question for government is where to focus our (limited) trade resources in order to ensure that Canadian industry is thriving in this market and region 10 and 20 years from now.

India

As the world's second most populous country and with a rapidly expanding middle class, India is a potential consumer market for Canadian exports. As India develops, it will need to draw on foreign technology and investment. Indian investment abroad (particularly in high technology) is significant and growing. The Indian business services sector plays an important role in the country's global commercial growth.

Canada is currently negotiating a FIPA with India. The most promising opportunities in India include financial services, energy and transportation infrastructure, information and communications technologies, environmental industries, agri-food, education and cultural industries. Here again, however, we confront tough questions on where to focus resources in order to address Canada's long-term interests.

India is a significant player in the knowledge sector, and heightened Canada–India cooperation in science and technology could support the Canadian innovation agenda and serve as a launch pad for further mutually beneficial trade and investment links.

Brazil

The Brazilian economy is large (15th in the world) and diversified, with strong agricultural, industrial, energy, raw materials and services sectors. Economic reforms are starting to pay dividends with 5.2% growth in the fourth quarter of 2004, compared with the same quarter one year earlier. Brazil's importance in the region is critical. It is the door to Mercosur (a common market/customs union between several South American countries) and, more broadly, the key to a wider hemispheric integration and trade liberalization process. As a leader of "emerging" and "developing" economies, Brazil has a significant role in the search for consensus on achieving equitable growth in a globalized environment.

In November 2004, Prime Minister Martin and President da Silva of Brazil issued a joint declaration stating their intention to negotiate enhanced market access in the areas of goods, services and investment in the context of the FTAA. The hope is that this initiative will help to move the FTAA negotiations forward, toward the conclusion of a comprehensive and high-quality agreement that promotes regional economic integration.

Engagement on the Issues

During the autumn of 2004, the Minister for International Trade addressed a number of business groups, publicly outlining his vision for Canada's engagement with emerging markets. Specific elements of this vision include:

- ensuring a foundation of country-to-country relations and promoting other non-trade links with selected partner countries;
- providing business with market intelligence, risk analysis, local knowledge and expertise;
- encouraging business to develop its own strategic approaches to selected markets; and
- providing business services and trade policy instruments to assist Canadian business in establishing footholds in emerging markets and protecting their interests once they are on the ground.

Exchanges on emerging markets began early in 2004, with initial visits to prospective partner countries as well as informal discussions with various stakeholder groups including associations, provinces and businesses. Formal discussions also took place in late November, with Minister Peterson and Parliamentary Secretary Mark Eyking hosting three round tables with representatives of the business, academic and civil society communities. The objectives of these consultations were to:

- interact with a broad range of stakeholders;
- determine which emerging markets and sectors will be significant for Canada;
- improve awareness among Canadians and policy-makers of the challenges within a complex and changing international trade environment;
- identify the key roles for the federal government;
- establish an overall direction for an emerging markets strategy; and
- encourage discussion of broader related issues.

Throughout the consultation process, common themes became apparent. These included:

- optimism about Canada's potential to meet the challenges and opportunities in emerging markets;
- the view that China should be the key focus for Canada's emerging markets strategy, with additional interests being India, Brazil/Mercosur, Southeast Asia, Russia/Central Europe and regions of the Middle East;
- calls for aid, trade and investment development objectives to be more closely integrated;
- calls for government to develop a strategic and integrated approach to supporting Canadian interests in emerging markets; and
- strong support for an approach that will extend and draw upon partnerships already established in North America.

Market Access Issues

The issues raised by emerging markets extend beyond government promotional activity in support of business clients. They challenge the government to review its policies with a view to supporting market access for Canadian products, services and investment with broader forms of economic and social cooperation. Canada's trading partners and competitors are aggressively establishing themselves in key emerging markets through bilateral and regional trade and investment arrangements and other initiatives. Although we can learn from their best practices, we also need to determine which partners and instruments best advance our economic and social interests. Part of this process is to ascertain what more can be done domestically to establish Canada as a partner of choice and which issues need to be more aggressively pursued at the bilateral and multilateral levels.

Some of the key priorities include:

- strengthening the bilateral dialogue with key markets, including through visits by the Prime Minister and Minister for International Trade to China and India;
- negotiating foreign investment promotion and protection agreements with China and India;
- working with partner departments and provinces/territories as part of a whole-of-Canada approach to the opportunities and challenges presented by emerging markets;
- increasing the focus on market intelligence that goes beyond identifying export opportunities to analyse how global and regional value chains operate and to assess the opportunities for Canadian strategic placement within those chains—whether through an expanded service presence, investment and joint venture activities, or knowledge partnerships;
- establishing a policy agenda that facilitates business, not only through enhanced market access but also through a new focus on regulatory questions;
- reviewing the suite of business services offered to Canadian firms to ensure they respond to the needs of the business community; and
- targeting outreach in Canada to draw more SMEs into beneficial activity or partnering in emerging markets.

CITIZEN ENGAGEMENT AND OUTREACH ON CANADA'S TRADE AGENDA

Openness and transparency are key to an informed dialogue between Canadians and their government. The International Trade component of the Department of Foreign Affairs and International Trade (DFAIT [IT]) manages a range of permanent and ad hoc consultative mechanisms to ensure that the views, priorities and interests of Canadians at large, other levels of government, industry, non-governmental organizations (NGOs) and public interest groups are taken into account in the development of Canada's trade agenda.

In response to evolving needs, and as part of the government's continuing efforts to enhance transparency, the Department has conducted an assessment of the effectiveness and adequacy of its consultations and outreach mechanisms. The evaluation was undertaken by the Office of the Inspector General between February and September 2004, and a final report with a departmental response will be made available to the public in 2005. A new approach to consultations will balance and distinguish between outreach and consultation sessions; provide for timely input from the people across areas of interest and with up-to-date knowledge; include real-time briefings during critical phases of negotiation; incorporate complex and cutting-edge issues in the trade agenda that are reflected in the tools, services and agreements currently being negotiated; reflect the ability of organizations to be represented during consultations; and where applicable, establish a feedback system to reflect the government's accountability to Canadians. Implementation of redesigned trade consultation mechanisms is expected in 2005.

Parliamentarians are an integral part of DFAIT (IT)'s consultations. By encouraging public awareness and understanding of international trade, as well as citizen participation in public consultations, parliamentarians play a critical role in developing trade strategies and policies that reflect the priorities and interests of Canadians. The work of parliamentary committees serves as a key instrument in helping parliamentarians increase their knowledge and understanding of Canada's trade strategy, as well as contribute to the development and refinement of this strategy. Government responses to many of the committee reports, coupled with testimonies and briefings from ministers and senior government officials during committee hearings, provide another opportunity for the government to keep citizens and parliamentarians fully informed about the strategic orientation and policy direction of Canada's trade agenda.

The Government of Canada uses a variety of mechanisms to maintain a close relationship with the provinces and territories in the area of international trade policy. Government officials hold quarterly meetings with their provincial and territorial counterparts, as part of the Federal/Provincial/Territorial Committee on Trade (C-Trade), to review the overall trade agenda and emerging trade policy issues, as well as to consult on the formulation of Canada's negotiating positions and strategy. In addition to these regular meetings, the Minister and Deputy Minister for International Trade meet roughly once a year with provincial and territorial counterparts to develop further the cooperative relationship that exists with the provinces and territories in trade and investment policy, to update them on recent trade developments, and to discuss trade policy directions, priorities and strategies. With the endorsement of the provinces and territories, the Department has established a joint working group to address the concerns of municipal and community-based interests regarding international trade. In 2004, the Government of Canada worked with the Federation of Canadian Municipalities (FCM) to prepare a guide to help Canadian municipalities better understand international trade obligations and impacts involving areas of municipal jurisdiction. Once completed in early 2005, the guide will be posted on the FCM and the department Web sites.

The government is also addressing issues of interest to a broad spectrum of Canadians using multi-stakeholder and sectoral information sessions, as well as round table discussions. Reports on many of these sessions are available on the Department's trade negotiations and agreements Web site (*www.tradeagreements.gc.ca*). Examples of information and consultation sessions that took place during the past year are set out below:

- Throughout the year, Canada's chief negotiators hosted teleconferences in order to update key stakeholders on the progress of their respective negotiations.
- In February 2004, representatives of DFAIT (IT) met with some 20 members of the Trade and Investment Research Project, a coalition of Canadian civil society organizations working on issues related to the broad realm of international trade agreements under negotiation and implementation, to provide them with an overall picture of the state of negotiations.
- In March 2004, the Montreal World Trade Centre, in partnership with DFAIT (IT), organized a seminar entitled Focus on Trade Agreements: NAFTA – 10 years later: An update and outlook for Canadian businesses. More than 60 representatives from the business community, associations, academics and civil society attended the event and shared their experiences and expertise. Minister Peterson joined the group at the end of the event and made a keynote address on the topic: "NAFTA: The Way Ahead."
- In March 2004, DFAIT (IT) organized an Academic Round Table Discussion on Vancouver Island. Participants at the event included experts from British Columbia's universities and representatives from the business community, the civil society and the provincial government. Discussions at the round table explored China's role in Asian regionalism and its implications for the North American Free Trade Agreement (NAFTA), as well as the impacts of a re-emerging Asia for NAFTA economies.
- In March and April 2004, DFAIT (IT) trade officials, in partnership with provincial and territorial governments, conducted a series of 13 consultation workshops across Canada on the services trade negotiations currently under way both at the World Trade Organization (WTO) (with respect to the General Agreement on Trade in Services—GATS) and in various regional forums, to gather valuable input on immediate and prospective markets of interest that will help in refining Canada's negotiating strategy for trade in services.
- In September 2004, Minister Peterson travelled to Vancouver as part of his Outreach Program. The purpose of this visit was to consult Canadians on the development and implementation of Canada's international trade agenda as well as to encourage Canadian companies to export their products and services abroad.
- In November 2004, the Foreign Affairs component of the Department of Foreign Affairs and International Trade (FA) (DFAIT [FA]) held its annual NGO information meeting on issues relating

to the Asia-Pacific Economic Cooperation (APEC) forum, inviting over 100 representatives of civil society organizations. The meeting provided DFAIT (FA) with an opportunity to brief participants on developments in APEC during 2004, to discuss the outlook for the annual APEC Economic Leaders' Meeting, and to obtain participants' views on Canada's priorities for APEC.

- In November 2004, DFAIT (IT) again met with representatives of the Trade and Investment Research Project to provide an update on the Doha negotiations and the way forward, to present a status report on the GATS negotiations, and to answer specific questions from participants
- In November and December 2004, Minister Peterson and Parliamentary Secretary Eyking co-hosted three round tables with academics, businesses and civil society in Ottawa. The round tables allowed for an exchange of ideas and perspectives on the development of an emerging markets strategy. These discussions will help the government to advance its trade agenda and to support Canadian interests within the new international commerce environment. A summary of discussions as well as additional information can be found on the department's Web site (*www.itcan-cican.gc.ca/em_mark-en.asp*).

Other activities include DFAIT (IT)'s ongoing program of face-to-face outreach and teleconferenced information sessions, undertaken by representatives of Canada's Permanent Mission to the WTO in Geneva, to sustain and expand awareness of Canada's multilateral trade agenda among key stakeholders here at home.

In addition, the government encourages Canadians to participate in annual trade-related international conferences and consultative initiatives, including the WTO public symposium, the OECD forum, the OECD Trade Committee and Joint Working Party on Trade and Environment consultations, and the thematic meetings held in conjunction with the meetings of the Free Trade Area of the America (FTAA)'s Committee of Government Representatives on the Participation of Civil Society.

To keep Canadians informed and up to date on trade-related issues and events abroad, the government provides briefings by teleconference, webcast and audiocast, etc. Canadians are also encouraged to use the department's trade negotiations and agreements Web site (*www.tradeagreements.gc.ca*), which contains an extensive consultation section ("It's Your Turn") to enable users to send in comments on Canada's trade policy agenda and stay abreast of specific consultative initiatives launched by the government.

IF YOU ARE DOING BUSINESS ABROAD, WE WANT TO HEAR FROM YOU...

We particularly welcome direct input from Canadian exporters and investors describing barriers they have encountered in foreign markets. Individual companies, industry associations and other interested organizations are encouraged to contact DFAIT (IT) with specific information on tariff or non-tariff barriers and other business irritants. Business people are invited to report any problems they are experiencing by communicating in strictest confidence to:

"Foreign Trade and Investment Barriers Alert"
Department of Foreign Affairs and International Trade (International Trade)
125 Sussex Drive, Ottawa ON K1A 0G2
Fax: (613) 992-6002
e-mail: Consultations@international.gc.ca

The department also regularly consults Canadians on international business development through a variety of means. For instance, the Trade Commissioner Service holds regular meetings with national, regional and sectoral industry and trade associations, as well as with provinces and territories, to seek their views on how to improve the delivery of its programs and services. Moreover, several of the department's trade promotion initiatives are undertaken jointly with industry and trade associations. Business people are also encouraged to remain in touch with the department regarding market access and other issues through its Web sites (*www.international.gc.ca/trade/menu-e.asp* or *www.exportsource.ca*). These sites contain additional information on many of the issues covered in this document.

MARKET ACCESS AND INTERNATIONAL BUSINESS DEVELOPMENT

Both the federal and provincial governments manage programs that encourage business to expand beyond Canada's borders. Within the federal government, 16 departments and agencies have merged their international business development activities under the banner of Team Canada Inc. The members of Team Canada Inc cooperate in providing international business intelligence, market access information and marketing advice to Canadian business through a single window, via the Internet (*www.exportsource.ca*) or via telephone at 1 888 811-1119.

Another network, led by the Investment Partnerships Branch, DFAIT (IT), works with companies, trade associations, and provincial, municipal and regional development agencies looking to attract new investors. Canada offers investors a highly skilled workforce, a productive and dynamic economy, a cost-competitive environment and convenient access to the main international markets with preferred access to the United States. The Investment Partnerships Branch can be contacted via the Internet (*www.investincanada.gc.ca*).

The Trade Commissioner Service, with officers in 146 offices overseas and in 12 regional offices across Canada, is the antenna for both of these networks; it understands the regulations, policy issues and barriers that Canadian business may face in international commerce. The trade offices are a direct point of contact for Canadian business people in foreign markets. Officers are trained to help companies deal with a foreign environment and to help resolve trade policy issues that negatively influence commercial transactions.

With the integration of the International Trade Centres, DFAIT (IT) now has offices in Canada and abroad that focus on international business development. The DFAIT (IT) regional offices (formerly known as International Trade Centres) attract new business clients to participate in international business (client acquisition), serve business clients already active in international business (client retention), help clients to grow their businesses (client competitiveness), and develop DFAIT (IT)'s relationships with provinces and municipalities across the spectrum of the department's international commerce interests (trade, investment, science and technology, and trade policy). These regional offices are being fully integrated with DFAIT (IT)'s so that the Trade Commissioner Service operates as a seamless operation in both Canada and abroad for Canadian clients. This international business development network is one of the main sources of information for Canadian trade policy initiatives that seek to expand access for Canadian firms in international markets.

The International Business Development Branch of DFAIT (IT) is the domestic side of the Trade Commissioner Service. The Branch's Market Research Centre publishes timely, relevant and focused market information products on almost every country in the world for the Canadian business community. The Branch's Market Support Division produces specialized reports that profile Canadian industry capabilities in several industrial sectors. The International Business Opportunities Centre disseminates timely sales leads and business opportunities from our offices abroad directly to Canadian companies. Links to the International Business Development Branch and to each of the trade offices abroad are available at the trade commissioner Web site (*www.infoexport.gc.ca*). This site is also the gateway to the Virtual Trade Commissioner, a free Internet service that offers direct access to Canada's trade commissioners as well as information, leads and news tailored to the needs of any business.

Several members of Team Canada Inc provide direct assistance to Canadian businesses needing a source of financing, or a way to overcome administrative or credibility constraints—a particular issue for small or new exporters. Export Development Canada (*www.edc.ca*) offers credit and political risk insurance and direct financing. The Canadian Commercial Corporation (*www.ccc.ca*) provides access to difficult markets where government-to-government contacts are useful. The Business Development Bank (*www.bdc.ca*) has financing packages for SMEs.

Together these services are well placed to inform Canadian companies about their rights under international trade and investment protection rules, and they can identify policy problems that limit the freedom of Canadian business to expand. The international network of embassies and consulates assesses how other governments implement the disciplines they have accepted and advises DFAIT (IT)'s Trade Policy and Negotiations Branch about new issues. Each department brings its particular expertise to the network, providing service to the client and policy advice to the government.

The members of Team Canada Inc are:

Agriculture and Agri-food Canada

Atlantic Canada Opportunities Agency (ACOA)

Canada Economic Development for Quebec Regions Agency

Canada Mortgage and Housing Corporation (CMHC)

Canadian Commercial Corporation (CCC)

Canadian Heritage

Canadian International Development Agency (CIDA)

Department of Foreign Affairs and International Trade (DFAIT)

Environment Canada

Export Development Canada (EDC)

Fisheries and Oceans Canada

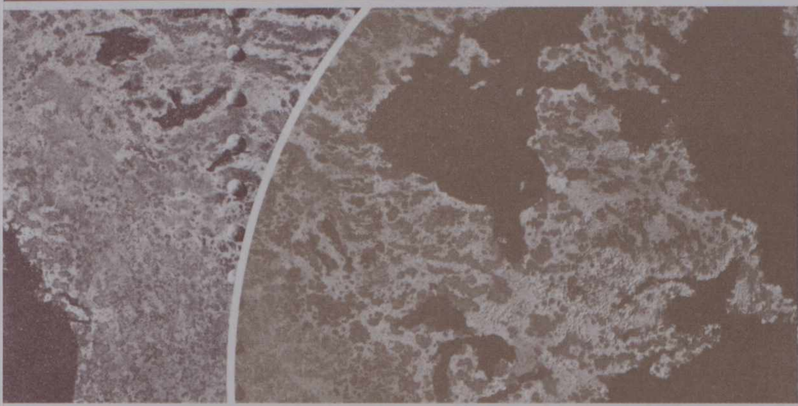
Industry Canada

National Research Council Canada (NRC)

Natural Resources Canada

Statistics Canada

Western Economic Diversification



2 Getting the International Rules Right – The World Trade Organization

CANADA AND THE WORLD TRADE ORGANIZATION

Trade is one of the key engines driving Canada's economy. Our current and future growth and prosperity depend on open world markets and a stable, predictable and transparent trading environment. Opening new markets benefits Canadian agricultural and non-agricultural producers, manufacturers, service providers and exporters. Increased trade means higher productivity and greater access to technology, inputs and funds for investment. For the Canadian public, it means jobs, additional income and access to a wider range of lower-priced goods and services.

Canada's membership in the World Trade Organization (WTO) helps us achieve these benefits. The WTO is a cornerstone of Canadian trade policy and governs our trade relations with the European Union, Japan, other industrialized countries and a host of emerging markets worldwide. It also underpins much of our trade with the United States, our largest trading partner.

At the heart of the multilateral trading system are the WTO agreements, negotiated and signed by members and ratified by their elected representatives. The WTO provides a forum for negotiating trade rights and responsibilities, negotiating market access, monitoring the implementation of obligations and commitments under various agreements, and reviewing members' trade policies and practices. The WTO also offers a state-to-state dispute settlement system, whereby trade disputes are settled based on commonly agreed rules, rather than political or economic might.

The Doha Round of Multilateral Trade Negotiations and Canada's Objectives

In November 2001, WTO trade ministers launched a new round of multilateral trade negotiations, known as the Doha Development Agenda, on a broad range of issues. The agenda included the seven negotiating areas of agricultural trade reform; market access for non-agricultural goods; services; rules on anti-dumping, countervail and subsidy; a multilateral registry for wines and spirits; dispute settlement; and certain aspects of trade and the environment.

Canada's key objectives in the negotiations include achieving a level playing field for the agri-food sector through elimination of all forms of export subsidies as quickly as possible, the maximum possible reduction of trade-distorting domestic support and substantial improvements in market access for all agriculture and food products. Canada is also seeking enhanced market access for goods and services providers, strengthened rules with respect of trade facilitation, and better integration of developing countries into the world trading system. An ambitious outcome to the Doha negotiations would help us attain these objectives; it would also help developing countries better integrate into the global economy, realize the benefits of increased economic growth and reduce poverty.

On geographical indicators (GIs), Canada is resisting European Union proposals to extend negotiations on GIs beyond the Doha-mandated negotiations on a multilateral system of notification and registration for wines and spirits. On dispute settlement, Canada supports improvements to better protect confidential information, streamline the panel selection process and enhance the transparency of dispute settlement proceedings. On trade and the environment, Canada supports early action to reach agreement on the definition of environmental goods, so that tariff elimination for these goods can be covered in the non-agricultural market access negotiations.

Considering the needs of developing countries is also central to Canada's objectives with respect to the Doha Development Agenda. For this reason, Canada supports effective special and differential treatment; the provision of trade-related technical assistance and capacity building; and greater institutional and policy coherence between the WTO, the World Bank, the International Monetary Fund and other international institutions, to help developing countries manage their transition to full participation in the global economy.

The negotiations suffered a setback at the Cancun Ministerial Conference in September 2003, when members could not agree on a way forward. Factors that contributed to the lack of agreement included differences over agricultural trade reform; differences over the development of new rules for the "Singapore Issues" (investment, competition, trade facilitation and transparency in government procurement); a weak response to the cotton initiative; and uncertainty regarding the ambition and flexibility that would be provided in the modalities for the non-agricultural market access negotiations.

The July Package

After the setback in Cancun, WTO members returned to the negotiations in 2004 with a commitment to try to make progress. In July 2004, 147 members of the WTO agreed to a July package of frameworks and other decisions that allowed the negotiations to advance to a more detailed phase. The July package is a step toward achieving Canada's goal of an ambitious outcome to the negotiations, including a level playing field for the agri-food sector, increased market access for goods and services providers, strengthened rules on anti-dumping, countervail and subsidies, binding multilateral rules for trade facilitation, and the better integration of developing countries into the global economy.

The July package commits WTO members to the elimination of agricultural export subsidies, substantial reductions in trade-distorting domestic support, and contains a framework that could provide substantial improvements in market access for all products. The package provides momentum to the negotiations on trade in services by calling on members to submit any outstanding initial market access offers as soon as possible and requiring members to submit revised offers by May 2005. The package also reaffirms WTO members' commitment to progress in the rules negotiations on anti-dumping, countervail and subsidy and launches negotiations on trade facilitation, a long-standing Canadian objective. The three other Singapore Issues (investment, competition and transparency in government procurement) were removed from the negotiating agenda. Finally, the July package reaffirms the centrality of developing country concerns in the negotiating groups and reinforces the importance of issues such as trade-related technical assistance, capacity building, and special and differential treatment for developing countries.

Further information on the July package can be obtained from the government's trade policy Web site (*www.international.gc.ca/tna-nac/WTO/wto-backgrounder-en.asp*).

Trade-related Aspects of Intellectual Property Rights and Access to Medicines

Members reached a decision in August 2003 on trade-related aspects of intellectual property rights and public health that would allow low-cost generic versions of brand-name drugs to be shipped to poor countries to deal with public health issues. On May 14, 2004, the Jean Chrétien Pledge to Africa Act received Royal Assent, making Canada the first country to pass legislation implementing the August 2003 decision. The legislation will come into effect once the regulations necessary to complete the legislative framework have been passed. This is expected to take place in spring 2005.

Moving Forward – Canada's Objectives in 2005

Negotiating groups began meeting again in the fall of 2004 to lay the groundwork for the Sixth Ministerial Conference in Hong Kong, China, scheduled for December 13 to 18, 2005. In Canada's view, WTO members should aim for modalities in agriculture and non-agricultural market access, an increased number of robust services offers and substantial progress in the other negotiating areas, such as rules and trade facilitation, by the time of the Ministerial Conference. Continued efforts will be required to help developing countries build their capacity to more fully participate in the global trading system and foster the conditions for economic growth that will lead to poverty reduction.

The Doha Development Agenda is about creating opportunities for growth and prosperity and strengthening the multilateral rules-based trading system. Trade alone is not a panacea for all the challenges facing nations, but the long-term prospects for the growth and prosperity of any country depend on its ability to tap into foreign markets and to keep its own markets open. These prospects are enhanced by the lowering of trade barriers and the further development of trade rules, which increase transparency, predictability and stability in the trading system. Canada remains committed to advancing trade liberalization and achieving an end result that is beneficial to all members.

In pursuing Canada's trade policy, the Government of Canada will continue its program of outreach and consultations with provinces and territories, and the full range of Canadian stakeholders, to help build understanding and support for the WTO negotiations and to ensure that objectives and priorities reflect Canadian goals and values. As part of this effort, the government's trade policy Web site (*www.international.gc.ca/tna-nac*) will continue to provide information on trade policy issues and invite public comments on negotiating priorities and objectives.

Improving Access for Trade in Goods

NON-AGRICULTURAL MARKET ACCESS

Under the WTO's Doha Development Agenda, the Non-agricultural Market Access (NAMA) negotiating group has been given a broad mandate to work toward agreement "to reduce, or as appropriate, eliminate tariffs...in particular on products of export interest to developing countries." "Non-agricultural goods" include fish and forest products as well as the full range of industrial products. In 2003, more than 90% of the world's merchandise exports were non-agricultural goods.

In the past year of NAMA negotiations, Canada continued to seek agreement to reduce and bind applied tariffs that are not yet bound, reduce high bound rates and re-bind them at lower rates, and expand the scope of duty-free trade. We also continued to advocate eliminating low tariffs, sometimes referred to as "nuisance rates."

Work in the NAMA negotiating group remains focused on negotiating modalities (i.e. the methods for achieving trade liberalization). Possible modalities include a formula approach, where tariffs are reduced according to a mathematical formula; a sectoral approach, where tariffs on goods in certain sectors are either eliminated or harmonized; and a "request–offer" approach, where bilateral negotiations take place on specific tariff items or product groups. Most members, including Canada, appear to support the adoption of a formula as the primary approach to tariff reduction, supplemented by other modalities.

In addition to formula reductions, Canada has been a strong proponent of sectoral agreements, and it has proposed new tariff elimination agreements for environmental goods, chemicals, forest products, fish and fish products, fertilizers, energy-related equipment and non-ferrous metals. During the past year, Canada's mission in Geneva hosted two sessions to promote sectoral trade liberalization.

The mandate of the NAMA negotiating group also includes the reduction or elimination of non-tariff barriers that unduly restrict trade. In this regard, Canada has stated that governments must retain the right to apply measures in support of legitimate objectives, albeit in the least trade-restrictive manner possible. Canada continued to promote the view that the NAMA negotiating group should address only those non-tariff barriers that are not covered by existing rules and agreements and are not being addressed by other negotiating groups.

Canada considers the full and effective participation of developing countries in these negotiations to be an essential element in the success of the Doha Development Agenda. Experience has shown that tariff liberalization attracts increased trading activity and investment, thus contributing significantly to economic development. That said, special consideration needs to be given to developing countries' needs and priorities. Canada believes that developing countries (particularly the least developed) should be given a degree of flexibility in implementing their commitments.

AGRICULTURE

Canadian farmers and processors operate in a global marketplace, exporting $ 33.2 billion and importing $ 29.5 billion worth of agri-food products in 2004. Canada is the world's fourth largest exporter of agri-food products, after the United States, the European Union and Brazil, and was the fifth largest importer in 2003. Given Canada's share of global agri-food trade, Canadians have a significant interest in ensuring that the international trade rules governing agriculture are fair. The Government of Canada strives to ensure that Canadian producers and processors can obtain access to foreign markets and that they are not disadvantaged by high subsidy levels offered by other countries. For that reason, the current round of WTO agriculture negotiations is very important to Canada's agri-food sector.

Canada's initial negotiating position for the WTO agriculture negotiations was announced in August 1999, following extensive consultations with the provinces and with Canada's agriculture and agri-food stakeholders. Canada's primary negotiating objective is to level the international playing field. Specifically, Canada is seeking:

- the elimination of all export subsidies as quickly as possible;
- the elimination or substantial reduction of trade-distorting domestic support; and
- real and substantial improvements in market access for all agricultural and food products.

Canada will also continue to defend the ability of its producers to choose how to market their products, including through orderly marketing structures such as supply management and the Canadian Wheat Board. For Canada's negotiating position, visit the agri-food trade policy Web site of Agriculture and Agri-Food Canada (*www.agr.gc.ca/itpd-dpci/english/current/inp.htm*).

During the fourth WTO Ministerial Conference in Doha, Qatar, in November 2001, WTO members agreed to launch a new broad-based round of multilateral trade negotiations, incorporating the ongoing agriculture and services negotiations that began in 2000. The Doha Ministerial Declaration included an ambitious mandate and timetable for the agriculture negotiations. One element of the Doha timetable was the establishment of agriculture modalities by March 31, 2003. Modalities, in this context, refer to the specific rules and reduction commitments that WTO members will work out.

WTO members were unable to agree on agriculture modalities by the March 31 deadline, given the large differences that remained on many of the central issues in the negotiations. During the spring and summer of 2003, WTO members worked at both the ministerial and official levels in an attempt to narrow those differences in preparation for the fifth WTO Ministerial Conference, which was held in Cancun in September 2003.

The Cancun Ministerial Conference, however, did not secure agreement on a framework text for the establishment of modalities on agriculture because ministers failed to reach consensus on certain other issues in the negotiations, such as investment and competition policy.

The negotiations resumed in March 2004 and intensified as WTO members worked toward achieving an agreement on an agriculture framework by the end of July. All WTO members have agreed on the July 31, 2004, agriculture framework as part of a broader package setting out the way forward for the Doha Development Agenda. The framework identifies concepts and approaches to guide negotiators in the next stage of the negotiations.

The agriculture framework clearly points in the direction of a more level international playing field, but it goes further on a few issues than Canada would have liked. It provides Canada scope to continue pursuing its key negotiating objectives, and it reflects many key ideas that Canada has put forward over the course of the negotiations. These include substantial reductions in overall levels of trade-distorting domestic support with larger reductions by those countries that subsidize the most; complete elimination of export subsidies by a credible date to be negotiated—a landmark in international agriculture trade; and substantial improvements in market access for all products. However, there is more work to be done on all of the issues of importance to Canada in the next stage of the negotiations, as WTO members work toward the establishment of specific rules and commitments. Canada will continue to press hard for a positive outcome for the entire agri-food sector.

The Government of Canada will continue to consult the full range of agri-food stakeholders and the provincial governments over the course of the agriculture negotiations. The government will also continue to inform Canadians on developments in the negotiations through the Web sites of International Trade Canada and Agriculture and Agri-Food Canada.

TECHNICAL BARRIERS TO TRADE

Canada's objective is to ensure that regulatory measures and standards relating to goods serve legitimate objectives, do not unnecessarily restrict access for exports of Canadian products, and do not represent unnecessary obstacles to trade. Such measures include mandatory technical regulations and conformity assessment procedures, as well as voluntary standards.

The WTO Agreement on Technical Barriers to Trade (TBT) defines the rights and obligations of WTO members with respect to the development and application of technical measures that affect trade in goods. The Agreement is based on the principle that countries have the right to adopt and apply mandatory technical measures in order to achieve a legitimate objective, provided the measures do not discriminate against imported goods and do not restrict international trade more than is necessary. TBT-related measures are subject to WTO dispute settlement provisions. Canada has well-established procedures for coordinating domestic compliance with the Agreement and for implementing the Agreement to improve market access for Canadian exports.

Canada promotes wide acceptance of, and adherence to, the WTO TBT Agreement and its Annex 3 (Code of Good Practice for the Preparation, Adoption and Application of Standards). Canada also participates in the activities of many international standards bodies, including the International Organization for Standardization (ISO).

Under the WTO TBT Agreement, Canada will continue to press for the removal of unnecessary, ineffective or inappropriate regulations, standards and conformity assessment procedures that act as trade barriers in order to help maintain or enhance market access and lower costs for producers and exporters. For example, Canada continues to raise concerns over other countries' proposals for unnecessary or unjustifiable barriers to products derived from biotechnology, as well as over mandatory requirements for non-product-related process and production method (npr-ppm) labelling. In 2004, Canada issued a communication to the TBT Committee regarding its voluntary standard for the labelling of foods derived from biotechnology. This document is available on the WTO Web site (*www.wto.org*) under its official document number G/TBT/W/134/Add.2. Canada is working to ensure that the draft European Community legislation for chemicals (known as "REACH"—Registration, Evaluation, Authorization and Restriction of Chemicals) does not create unnecessary barriers to trade and is designed to operate in a non-discriminatory fashion. Canada also raised concerns with an ongoing New Zealand ban on the importation of trout and with proposed legislation by Belgium to ban market access for sealskin products.

Canada will continue work to align or harmonize standards internationally with trading partners and to promote WTO members' acceptance of the results of conformity assessment procedures generated in other members' territories. Our policy framework for mutual recognition activity developed in 2001, under which proposals are assessed on a case-by-case basis, continues to be a sound one. This document is available on the WTO Web site (*www.wto.org*) under its official document number G/TBT/W/167. In 2003, Canada also submitted a document outlining our approach to voluntary conformity assessment, which is also available on the WTO Web site (*www.wto.org*) under its official document number G/TBT/W/210.

Canada was a full participant in the Third Triennial Review of the Implementation and Operation of the Agreement on Technical Barriers to Trade conducted in November 2003. The review document can be found on the WTO Web site (*www.wto.org*) under its official document number G/TBT/W/174/Rev.1. Canada's submissions included documents on Canadian objectives for the Third Triennial Review, on Canada's approach to voluntary conformity assessment (noted above), and on Canada's technical assistance and cooperation activities in the TBT field. These documents can be found on the WTO Web site (*www.wto.org*) under document numbers G/TBT/W/196, 210 and 202 respectively.

The biennial Special Meeting on the Procedures for Information Exchange was held in November 2004. Canada's Enquiry Point representative gave an overview of the Enquiry Point's activities in the preparation and submission of notifications, reintroduced Canada's proposal for the creation of a Web-based option for the submission of notifications, and informed delegates of the improvements made to Export Alert! since the system's details were last presented at the June 2001 Information Exchange meeting.

In March 2005, a workshop will be held on Supplier's Declaration of Conformity (SDoC). Canada expects to make a presentation on the various approaches to SDoC using the example of electromagnetic compatibility and electromagnetic interference. A second conformity assessment workshop, which will explore different approaches to conformity assessment, is now planned for early 2006.

During the Third Triennial Review, Canada encouraged members to commit to conducting information exchanges on good regulatory practices, and in 2004 Colombia and Mexico submitted experience documents. Chile also provided members with a report of the sixth Seminar on Regulatory Reform held in May 2004, part of a joint initiative by APEC and the OECD. Canada plans to submit a paper on an aspect of good regulatory practice in 2005.

In 2004, Canada continued to urge members to pursue work related to providing TBT technical assistance to developing countries.

SANITARY AND PHYTOSANITARY MEASURES

In 2004, the Sanitary and Phytosanitary Measures (SPS) Committee continued to focus on the implementation-related concerns identified by developing countries. In particular, the Committee continued to consider, as a priority, the implementation constraints facing developing countries, including the issue of special and differential (S&D) treatment and technical assistance. In addition, the Committee finalized its work on equivalence and continued work to clarify how the obligations related to regionalization and transparency would be put into practice. The Committee also commenced discussions on the triannual review of the SPS Agreement, which is to be concluded in 2005.

The Committee had previously agreed on clarifications of the Decision on Implementation of Article 4 of Agreement (Equivalence), and at its March meeting the Committee adopted a proposed further clarification on paragraph 5. Equivalence remains a standing item on the SPS Committee agenda.

In 2003, the SPS Committee had adopted in principle the Canadian proposal to make the provision of S&D treatment more transparent, subject to the elaboration of procedures by the Secretariat. Following discussions on this proposal in the Committee meetings in March and June 2004, at the October meeting, the Committee adopted the elaboration of the procedure to improve the transparency of S&D treatment.

Although the Committee completed a work plan in 2003 with respect to the proposals on S&D treatment referred to the Committee by the General Council, the Committee was not able to reach a decision on any of the specific issues raised. However, the Committee did agree that this would remain a standing item, and discussions will continue in 2005.

With the adoption of the decision on equivalence, the Committee turned its attention to regionalization, holding informal meetings on the issue at each of its meetings in 2004. A number of countries, including Canada, tabled documents on this issue, and various members provided information regarding their achievement of pest- or disease-free status. The Committee will continue its work in this area in 2005.

Canada continued to update the Committee on developments relating to bovine spongiform encephalopathy (BSE) in Canada at the March, June and October meetings. It provided information on its regulatory response and called on trading partners to resume imports of beef products from Canada on scientific grounds. Canada also encouraged support for the adoption of improvements to the World Organisation for Animal Health (OIE) chapter on BSE. On the margins of the Committee meetings, Canada met with key trading partners (including China, Chinese Taipei, Hong Kong, Japan and Korea) to press for science-based removal of their BSE-related restrictions on imports from Canada.

BOVINE SPONGIFORM ENCEPHALOPATHY

Following Canada's announcement of its first BSE case in Alberta on May 20, 2003, most of our trading partners banned the import of Canadian cattle, beef and other bovine products.

Several trading partners subsequently resumed partial trade in beef with Canada:

- North America: the United States and Mexico;
- Central America and the Caribbean: Antigua and Barbuda, Barbados, Bermuda, Cayman Islands, Cuba, Honduras, and Trinidad and Tobago;
- Middle East: Saudi Arabia and Lebanon;
- Asia: Hong Kong and Macau.

Canada has been asking trading partners to resume trade for a maximum range of beef products and live animals based on World Organisation for Animal Health (OIE) standards. These standards clearly state that BSE should not significantly impair trade when proper safeguards are in place, such as when specified risk material (SRM) has been removed from the product. Removal of SRM is internationally recognized as the most effective public health measure against BSE, and in July 2003 Canada imposed a ban on SRM in products destined for human consumption.

On January 2, 2005, Canada confirmed its second BSE case in Alberta, and on January 11, its third. The cases were identified through the national surveillance program. No part of either animal entered the human or animal feed systems. On January 21, the Canadian Food Inspection Agency (CFIA) announced the conclusion of its investigation of the January 2 case. On February 2, the CFIA announced the conclusion of its investigation of the January 11 case.

In negotiations with our trading partners, Canada has been very open about the prospect of finding more BSE. The identification of additional cases of BSE in Canada was not unexpected, as we have long believed that a low, declining level of BSE is present in North America. Canada's position remains that trading partners should accept beef from Canada based on the range of mitigation measures in place, in particular our SRM ban referred to above.

Canada has kept its trading partners fully informed of all developments regarding the investigations of its three BSE cases and of its regulatory responses. This has been accomplished through direct contacts between ministers and senior officials in Ottawa and their foreign government counterparts and through all of our missions abroad. At the same time, Canadian ministers, senior officials and missions continue to make representations to our trading partners requesting a science-based resumption of trade.

Please refer to individual country sections for more detailed information about specific markets.

AVIAN INFLUENZA

On February 19, 2004, the Canadian Food Inspection Agency (CFIA) confirmed the presence of a mildly pathogenic form of avian influenza in the Fraser Valley of southern British Columbia. On March 9, CFIA confirmed the presence of highly pathogenic avian influenza (HPAI). The virus found in British Columbia was not the same as the virus that exists in Asia. Most trading partners imposed trade measures: in some cases against British Columbia only; in other cases against all of Canada.

On March 11, Canada established a control area in the Fraser Valley to prevent the spread of avian influenza. The control area encompassed a five-kilometre high-risk area and a 10-kilometre surveillance region surrounding the farms where the virus was found. The movement of any kind of bird, any product or by-products of a bird, and anything that had been exposed to a bird into, out of or within the control area was restricted. A strict program of surveillance led to the detection of infection in a total of 42 commercial and 11 backyard premises. The depopulation of all infected flocks was completed on May 20. On July 19, Canada informed the World Organisation for Animal Health (OIE) that the virus had been successfully eradicated in accordance with OIE standards. On August 18, the regulation that had established the control area was rescinded, allowing the domestic movement of poultry and poultry products to resume. On November 23, Canada informed the OIE that, as of November 20, six months had passed since the detection and slaughter of the last affected flock, that during this period the CFIA had not detected any further activity of the HPAI virus, and that, as a result, Canada had met the prescribed OIE guidelines to be recognized as a country free of HPAI.

Canada was proactive throughout the avian influenza outbreak and its aftermath; it kept its trading partners fully informed of developments, provided them with all the scientific information requested and responded to trade measures imposed by trading partners. Initially, Canada's approach was to limit the trade impact by requesting our trading partners to regionalize their measures to the B.C. Fraser Valley control area. As a result, a number of trading partners did limit their measures to British Columbia or to the B.C. Fraser Valley control area. Following the resumption of domestic movement of poultry and poultry products on August 18, Canada asked its trading partners to remove all remaining measures against Canadian products. Canada is calling upon all trading partners that have not already done so to remove their remaining measures on grounds that Canada has met all of the OIE requirements to be recognized as free of HPAI. (See individual market reports for details on how avian influenza trade issues have been dealt with in individual markets.)

Canada also updated the Committee on developments relating to avian influenza in Canada at the March, June and October meetings. As with BSE, Canada provided information on its regulatory response and called upon trading partners to resume trade with Canada on scientific grounds. It also met bilaterally with some trading partners (e.g. South Africa and Japan) to press for science-based removal of their avian influenza-related restrictions on imports from Canada.

The Committee continues to be widely used by WTO members, including developing country members, as a forum for raising bilateral issues.

During the year, Canada raised the issue of Venezuela's import permit requirements for potatoes and meat, and it intervened in support of other members regarding issues such as the EU's directive on wood packaging material, the EU's animal by-product requirements, Korea's residue level testing requirements and India's new phytosanitary import requirements. The Committee is also used by members as a forum for providing updates on issues of interest to other trading partners (as Canada did on BSE and avian influenza). Issues and concerns relating to implementation of the international standard developed on wood packaging material were raised by many members at each Committee meeting.

In 2004, Canada issued 73 SPS notifications to the WTO Secretariat and provided comments on 26 notifications from other trading partners.

BIOTECHNOLOGY AND GM LABELLING

A number of countries have recently implemented mandatory labelling requirements for food products processed or produced using genetically modified (GM) organisms. The use of labelling to indicate health and safety issues is a legitimate objective, and Canada supports labelling to convey this important information to consumers. However, Canada is concerned about the increased trend toward mandatory method-of-production labelling that relates to neither health nor safety when other options are available that are less trade-restrictive. The use of mandatory labelling to indicate the method of production (when this does not pertain to the characteristics of a product) could be misused to discriminate against "like products" and could represent a technical barrier to trade. Non-discrimination is a key principle of the WTO Agreement.

It should be noted that the issue of mandatory method-of-production labelling is not limited to foods derived through biotechnology. Mandatory method-of-production labelling could have serious implications for other Canadian industries, including manufacturing, mining, forestry and fisheries.

Canadian industry, producers, consumers and food companies are cooperating to provide more information to consumers. These groups recently reached consensus through the Canadian General Standards Board on a voluntary standard that provides a framework for the voluntary labelling of foods derived through or not derived through biotechnology. This standard was approved by the Standards Council of Canada as a national standard in April 2004. Canada has been promoting this approach with trading partners, such as Argentina, Brazil, Chile, China, Hong Kong, Malaysia and Saudi Arabia, and will continue to do so with other countries as opportunities arise.

Canada recognizes the importance of working internationally on biotechnology policy development, and it will continue to monitor developments in other countries to learn from their successes and failures. Canada is playing a leading role in setting international standards for genetically modified foods and their labelling through the Codex Alimentarius Commission. Canada chairs the Codex Committee on Food Labelling, which is developing guidance on the labelling of foods derived through biotechnology, and has chaired an international drafting group to provide further technical input on guidelines for the labelling of these foods.

TRADE REMEDIES

Bilateral Level

The Government of Canada plays an active role in monitoring trade remedy developments in countries of trade interest to Canadian industry. Specifically, the government identifies and analyzes changes in the trade remedy laws and practices of Canada's key trading partners and makes representations, as appropriate, in specific investigations against Canadian exports. The government assists Canadian exporters involved in trade remedy investigations by providing information and advice, and it participates as a direct respondent in countervailing duty (CVD) cases.

The government has made submissions to various foreign authorities conducting trade remedy investigations against Canadian products. For example, it has filed extensive responses and interventions with U.S. authorities in the context of the U.S. Department of Commerce (DOC) CVD investigation of alleged subsidies for certain types of wheat from Canada, in the U.S. DOC CVD investigation of alleged subsidization of live swine from Canada, and in the context of the DOC's new duty assessment policy, which could have serious adverse consequences for many Canadian exporters in future anti-dumping (AD) duty investigations. The government also continued to pursue its challenges to the U.S. trade actions against softwood lumber from Canada and its North American Free Trade Agreement (NAFTA) challenge of the U.S. wheat countervail decision (further details on these cases can be found in the U.S. section of Chapter 4). In addition, the government continues to follow developments in various disputes that involve Canadian products under Chapter 19 (Review and Dispute Settlement in AD and CVD Matters) of NAFTA. It also defended Canadian interests in the unsuccessful Extraordinary Challenge that was launched by the United States regarding a NAFTA Chapter 19 panel decision instructing the U.S. DOC to revoke AD duties on pure magnesium.

Last year's edition of *Opening Doors to the World* reported that China had initiated a sunset review of the AD order on newsprint from Canada and that the Government of Canada had made representations regarding China's safeguard investigation into certain steel products. In June 2004, China extended the order on newsprint for another five-year period and applied temporary safeguard measures on steel imports, which are scheduled to end in May 2005. Korea concluded its investigation on choline chloride exports from Canada and imposed an AD duty in October 2004. In August 2004, Mexico issued a preliminary determination of dumping on newsprint from Canada; and, in November 2004, Australia initiated a dumping investigation on linear low-density polyethylene exports from Canada.

World Trade Organization

In the current multilateral trade negotiations, Canada is pursuing improved disciplines and greater transparency in the use of trade remedy measures by our trading partners. Canada wants to examine key trade remedy provisions with the goal of strengthening and clarifying the rules to achieve greater international convergence and predictability in their application. Canada is participating in the discussion of issues proposed for negotiations, and it has tabled formal papers on anti-dumping and subsidies and on countervailing duty measures. Since March 2004, informal technical discussions have been taking place in the negotiating group with a view to helping advance the work of the group. Canada has submitted informal papers, elaborating on specific issues identified in its earlier formal submissions. Such documents, which are also being submitted by other WTO members, are intended to stimulate informal technical discussions.

Canada's papers are accessible on the department's Web site. The formal papers are at *www.international.gc.ca/tna-nac/goods-en.asp#9*, while the informal papers are at *www.international.gc.ca/tna-nac/TG/techpapers-en.asp*.

As well as contributing to the work of the WTO Anti-Dumping, Subsidies and Safeguards committees to ensure that WTO members administer their trade remedy laws in a WTO-consistent manner, Canada requests third-party rights in WTO dispute settlement proceedings involving trade issues that affect our interests. To this end, Canada is currently engaged as a third party in WTO proceedings in the following cases: the European sugar program, U.S. cotton subsidies, U.S. AD duties on cement from Mexico, and Korean AD duties on paper from Indonesia. In addition, in 2004, Canada remained a co-complainant in the WTO challenge of the U.S. Byrd Amendment (Continued Dumping and Subsidy Offset Act of 2000). (For information on the Byrd Amendment, see Chapter 4.) Finally, Canada participated as a third party in the WTO dispute involving the U.S. steel safeguard measures, which were terminated by the U.S. Government on December 4, 2003.

Organisation for Economic Cooperation and Development Steel Initiative

Work on possible multilateral disciplines on government intervention in the steel sector, which was being pursued under the auspices of the OECD High-Level Group on Steel, was suspended in June 2004, when participants agreed to shift their focus to informal bilateral and multilateral discussions. The chief objective of this work is to establish disciplines on government subsidies, specific to the steel industry, that distort steel markets. Such disciplines, combined with industry action to close inefficient and excess steel capacity, are an attempt to address the factors that distort markets and lead to trade actions. The group will meet again in January 2005 to evaluate the prospects for an agreement.

Organisation for Economic Cooperation and Development Shipbuilding Agreement

In 2002, certain OECD members began negotiations aimed at reaching an agreement on strengthened international disciplines related to government support for the shipbuilding sector. Participating economies represent 95% of global shipbuilding capacity and include non-OECD members that are significant in the shipbuilding sector, such as China. The United States is not participating. The target for conclusion of an agreement is the end of 2005. Canada has been participating in these negotiations as an observer.

North American Steel Trade Committee

In October 2003, the governments of Canada, Mexico and the United States announced the establishment of a North American Steel Trade Committee. The Committee, comprising officials from the NAFTA governments and industries, is a forum within which multilateral, trilateral and bilateral trade issues related to steel can be discussed. The Committee is also a forum for discussing the circumstances that may give rise to trade frictions. A number of proposals for trilateral government actions on issues of mutual concern and interest (e.g., OECD steel negotiations, monitoring) have emerged from the meetings that were held in November 2003 and May and November 2004. A fourth meeting is scheduled for May 2005.

RULES OF ORIGIN

The WTO Agreement on Rules of Origin established a work program to develop common rules of origin for non-preferential trade. The work program was originally slated for completion in July 1998; however, the deadline for completing the core policy issues identified in the December 2002 report of the Committee on Rules of Origin to the General Council has been extended to July 2005. Should the core policy issues be resolved by July 2005, the Committee on Rules of Origin is to complete its remaining technical work, including a review of the results for overall coherence, by the end of 2005. The inability of the Committee on Rules of Origin to meet the deadline for completing the work program stems from the technical complexity of reaching agreement on rules for all products; the entrenched positions of many members, particularly in the areas of agriculture, textiles and apparel, and industrial products; and the lack of consensus on the implications of the work program (i.e. if and when the harmonized rules should be used).

In the development of common rules of origin for non-preferential trade, Canada's objectives continue to be threefold: to achieve common rules that will provide greater transparency and certainty for traders; to prevent countries from using rules of origin to impair market access; and to achieve rules that are technically proficient, reflecting the global nature of the production and sourcing of goods and materials. Regarding the implications of harmonized rules of origin, Canada's position is that members should use such rules in the application of non-preferential commercial policy instruments only if other WTO agreements require determination of a country of origin.

TRADE FACILITATION

Although WTO rules already contain a variety of provisions aimed at enhancing transparency and setting minimum procedural standards (such as Articles V [freedom of transit], VIII [fees and border formalities] and X [publication and administration of trade regulations] of the General Agreement on Tariffs and Trade [GATT]) these rules date back to the original formation of the GATT in 1947 and, in some cases, build on predecessor arrangements from the early years of the 20th century.

At the fourth WTO Ministerial Conference in Doha in 2001, ministers agreed to a focused trade facilitation work program, leading to modalities for negotiations that were agreed upon in July 2004. Canada's priority for the negotiations is to secure strong and binding rules on trade facilitation in a manner that is both practical and meaningful to traders by building on the existing WTO obligations (i.e. GATT Articles V, VIII and X) so as to maximize transparency and streamline customs procedures.

Canada has also been an advocate of trade facilitation in the context of bilateral and regional agreements, and it continues to pursue inclusion of trade facilitation provisions in such agreements. For example, the Canada–Costa Rica Free Trade Agreement includes a chapter on trade facilitation, and this chapter has been presented by Costa Rica to the WTO as an example of what can be achieved in negotiations on trade facilitation.

Canada views trade facilitation as a win-win for all countries and as a natural complement to market access negotiations on goods. New rules on trade facilitation would help countries modernize border systems to expedite the flow of goods across borders, while fully meeting non-trade objectives such as security. At the same time, new rules have the potential to reduce the costs of doing business by facilitating access to information regarding countries' customs regulations and procedures while reducing "red tape" at borders. Progress on these issues would especially benefit small and medium-sized companies, for whom such costs can be particularly burdensome.

The WTO's focus on trade facilitation has already served to raise the significance of the issue on the agenda of WTO members. A wide variety of international financial institutions, donors, United Nations agencies, the World Customs Organization and non-governmental organizations are demonstrating renewed interest in supporting programs that facilitate trade and in the implementation of practical solutions. Canada actively supports efforts on technical assistance and capacity building that help developing countries meet higher standards of border management.

The Government of Canada is hopeful that the many benefits of trade facilitation, widely recognized both within and outside the WTO, will bring forth the necessary political will to make progress in this area. It will continue its efforts in support of a positive outcome in these negotiations.

Improving Access for Trade in Services

NEGOTIATION IN THE GENERAL AGREEMENT ON TRADE IN SERVICES

The service sector is leading Canada's transformation to a knowledge-based economy. As a significant exporter of services, Canada relies on multilateral, legally enforceable rules on trade in services. These rules help ensure that Canadian exporters receive fair and equitable treatment in foreign markets. The ongoing services negotiations at the World Trade Organization are thus important for Canada, promising to open up new markets to Canadian entrepreneurship, innovation and know-how.

Canada is pursuing multilateral, legally enforceable rules that will allow increased access to foreign markets for Canadian services firms, and it is working collectively with other WTO members to further enhance regulatory transparency. Issues for consideration during the talks include sectors of export interest to Canadian industry, current or potential barriers faced by Canadian industry in providing services to foreign markets or consumers, improving access to countries that are key export destinations for Canadian services providers, and providing Canadians with access to quality services at a competitive price.

The current round of negotiations started in January 2000, as required by the GATS (established as part of the WTO agreements in 1995). At the Ministerial Conference in Doha in November 2001, WTO members set two key negotiating deadlines: June 30, 2002, for submission of each country's initial requests to other countries, stating areas of interest for market access commitments; and March 31, 2003, for submission of each country's offer to open specific sectors. On August 1, 2004, members agreed to table revised offers by May 2005.

Canada presented its initial requests and its initial offer to other WTO members by the agreed deadlines. A description of the initial market access requests that Canada made of other countries as well as the full text of the initial conditional offer are available on-line (*www.international.gc.ca/tna-nac/TS/gats-negotiations-en.asp*). The requests sought greater market access in 12 sectors of key interest where there is considerable economic opportunity for Canadian services providers, including providers of professional, business, financial, telecommunications, computer and environmental services.

Canada was the first country to commit to making its offer public, and it is pleased that other WTO members have done so as well. Canada's initial offer contains the proposed guarantees of market access and non-discrimination that it would offer to other countries in exchange for greater access to foreign services markets. Canada proposed making increased market access commitments in financial services; business services (including accounting, legal, architectural, engineering, real estate, and management consulting); communications services (courier services); construction services; distribution services; tourism and travel-related services; and transport services. In addition, Canada offered to improve its horizontal commitments on the movement of natural persons (Mode 4).

The initial offers take into account the basic negotiating objectives that each country has set for itself, as well as the various bilateral requests it has received from other members. Canada's objectives are reflected in its initial offer, which does not include any commitments on health, public education, social services or culture. The initial offer and all subsequent offers are conditional on the overall level of liberalization achieved at the end of the negotiations. This means that the government will allow the offer to become binding at the end of the negotiations only if the outcome is satisfactory for Canada.

At the end of the negotiation process, the results of the bilateral request–offer negotiations will be made available on a most-favoured-nation basis to all WTO members. In this way, all member countries will benefit from the bilateral negotiations to some extent, regardless of whether they negotiated market access commitments bilaterally. As well, members will retain the flexibility to open the sectors that they choose.

The next section gives an overview of the financial services sector, using it to highlight the types of market access challenges facing Canadian services suppliers. This is followed by a section on regulatory transparency, which touches more generally on challenges facing Canadian services suppliers and the types of improvements Canada is seeking in negotiations.

FINANCIAL SERVICES

The financial sector in Canada includes services providers such as banks, life and health insurance companies, property and casualty insurance companies, insurance agents and brokers, trust and loan companies, credit unions and caisse populaires, mutual funds, securities dealers, pension managers and investment advisers, as well as specialized finance companies. Overall, the Canadian financial services industry employs about half a million people and contributes over 5% of Canada's gross domestic product (GDP).

Many Canadian financial institutions have a long history of being active abroad. As intermediaries, they were first "brought" abroad, often by Canadian clients that had significant export and/or production activities outside Canada. More recently, however, Canadian financial institutions have actively sought out organic growth opportunities in less mature international markets and acquisitions in established, but profitable, sectors in developed countries. In particular, the foreign operations of the six largest Canadian banks accounted for about 33% of revenue in 2003, while in the same year Canadian life and health insurance companies drew 58% of their total premium income from abroad. Their key foreign market is the United States. However, a number of Canadian financial institutions also have substantial interests beyond the U.S., for example, in South and East Asia, and to a lesser extent in Latin America, the Caribbean and Europe.

The WTO's General Agreement on Trade in Services governs the services trade relations of its members. With respect to financial services, the GATS applies through the general GATS obligations, through the GATS Annex on Financial Services and through individual member schedules that set out specific commitments taken by each member. The Annex on Financial Services modifies some of the general GATS rules and definitions to take into account the special characteristics of the financial sector, including provision of a prudential carve-out to protect investors, depositors, policy holders or persons to whom a fiduciary duty is owed by a financial service supplier, or to ensure the integrity and stability of the financial system. In addition, WTO members have the option of scheduling their commitments pursuant to the Understanding on Commitments in Financial Services, whereby countries choose to take on a generally higher level of commitments. The Understanding, which forms a part of the schedule of the members adopting it, provides a standardized list of liberalization commitments in financial services. A number of members, including Canada, have scheduled their commitments in financial services further to the Understanding. Canada has also taken on financial services trade and investment commitments under Chapter 14 (and its various annexes) of NAFTA.

The export markets that are of greatest interest to Canadian financial services providers include Brazil, the CA4, CARICOM, Chile, China, Costa Rica, Hong Kong, India, Indonesia, Ireland, Japan, Mexico, the Philippines, Singapore, the United Kingdom, the United States and Vietnam. The majority of barriers to trade for this sector are found in Asia and Latin America; barriers include restrictions on the types of legal establishment allowed, foreign ownership rules, lack of transparency in financial sector regulation, restrictions on permitted business lines and denial of national treatment in regulation, such as discriminatory capital requirements.

Canada's priority in the Doha Round of the GATS negotiations on financial services is to seek greater market access and national treatment opportunities, while encouraging further progress by certain trading partners in providing increased regulatory transparency for the financial sector. Where we have made market access requests to members, we have encouraged them to schedule their financial services commitments according to the Understanding on Commitments in Financial Services. Canada has also submitted financial services requests for more transparency to over a dozen WTO members.

REGULATORY TRANSPARENCY

The need to improve the transparency and predictability of regulatory conditions under which international business is conducted has been repeatedly emphasized by Canadian industry. As part of its various negotiations and discussions, the Government of Canada is exploring current best practices with members with respect to regulatory transparency to better determine whether existing GATS provisions can be enhanced.

The Government of Canada is a proponent of transparency and predictability in regulatory policy, in recognition of its wide-ranging benefits (*www.pco-bcp.gc.ca/raoics-srdc/default.asp?Language=e&Page=Home*). Many elements of the government's regulatory policy address directly, or otherwise encourage, transparency. The policy requires that stakeholders—industry, labour, consumer groups, professional associations, other governments and interested individuals—be consulted at all stages, from the identification of problems to the development of regulatory solutions.

The official news bulletin of the Government of Canada is the *Canada Gazette*. *Canada Gazette Part I*, published weekly, contains all formal public notices, official appointments, proposed regulations from the government and miscellaneous public notices from the private sector that are required to be published by a federal statute or regulation. *Canada Gazette Part II*, published every two weeks, contains regulations that are enacted and other statutory instruments. Only government departments and agencies publish in Part II. *Canada Gazette Part III*, published as soon as is reasonably practicable after legislation receives Royal Assent, contains the most recent public acts of Parliament and their enactment proclamations.

The need for additional trade disciplines to improve regulatory transparency is an issue of growing importance in a number of ongoing services trade negotiations and discussions. In the context of the WTO General Agreement on Trade in Services, in bilateral trade negotiations, and in APEC discussions, several proposals have been tabled that seek to establish a higher transparency standard for trade in services.

Canada is actively engaged in discussions of the GATS Working Party on Domestic Regulation, a subsidiary body of the Services Council. It was established in 1999 to continue work on the development of disciplines that would ensure that measures relating to qualification requirements and procedures, technical standards, and licensing requirements and procedures do not constitute unnecessary barriers to trade. Discussions continue to date on concepts relating to the development of disciplines including the development of the disciplines specific to professional services.

Canada has been recognized internationally for its high standards in regulatory transparency. In its 2003 Trade Policy Review of Canada, the WTO concluded that Canada's trade and investment regime remains one of the world's most transparent. "Transparency and accountability in policy-making are enhanced by evaluation requirements for all federal and most sub-federal government programmes." Further, members recognized that Canada's efforts in implementing economic reforms, as well as the openness and transparency of its trade regime, have enabled it to achieve strong economic performance despite the global economic slowdown. The OECD also praised Canada for its work in this area. In 2002, the OECD Review of Regulatory Reform in Canada concluded that this country is a world leader in good regulatory practice and an innovator in regulatory reform.

GATS CONSULTATION AND OUTREACH PROCESS

Domestic consultations are key to enhancing good governance and transparency and to promoting a democratic approach to trade policy development. Canada's trade policy encompasses interests beyond those of the business world, and all citizens can have a say in determining this policy. Intensive and ongoing consultations on the WTO's General Agreement on Trade in Services remain an important part of the Government of Canada's overall commitment to ensuring that Canada's position on the GATS continues to reflect the interests of all Canadians.

In 2004, the government engaged in another round of cross-sectoral consultations and outreach across the country. These consultations provided valuable input for the ongoing GATS negotiations as well as the services-related components of our ongoing bilateral and regional free trade negotiations. The government coordinated with the provinces and territories to hear not only from provincial officials but also from local business groups and local non-governmental organizations regarding Canada's negotiating position. In addition to ensuring a mutually beneficial dialogue between government officials and stakeholders, the consultations provided a regional dimension and balance to Canadian input concerning the negotiations.

These regional meetings are part of a broader ongoing consultative process. The government has been seeking, and will continue to seek, the views of Canadians in developing trade policies and positions, using a broad range of consultative mechanisms. These mechanisms include the Standing Committee on Foreign Affairs and International Trade (SCFAIT) process, the dissemination of information and solicitation of views via the Internet, and additional multi-stakeholder consultations. The government is working closely with provincial and territorial governments, which have jurisdiction in many areas of services trade, to develop our negotiating positions. Municipalities are also included in the government's consultation and outreach process.

In the context of the guidelines and procedures reaffirmed at the July 2004 meetings, the government will continue to consult, inform and engage citizens as the negotiations progress, ensuring that Canada's position on the GATS continues to incorporate the interests of the Canadian public. The government welcomes the views of interested Canadians. To provide your comments, please visit the Government of Canada Web site for the GATS negotiations (*www.international.gc.ca/tna-nac/service-en.asp*), where you will find questionnaires on specific services industries.

Issues That Affect Access for Trade in Goods and Services

TEMPORARY ENTRY FOR SERVICES PROVIDERS

Many Canadian firms export their services to markets around the world. In order to expand their export activities, these businesses require the additional certainty that comes from the development of international rules for trade in services. This certainty is particularly important with respect to the mobility of people. In today's global economy, companies often need to move temporarily key personnel (e.g., managers, executives and specialists) to foreign markets to provide services to a subsidiary or affiliate, assist with the sale or delivery of products or services, consult with clients or negotiate contracts. In addition, individual providers of services, such as professionals, require access to foreign markets to deliver their services.

Canadian services providers have benefited from the commitments obtained from other countries during the last round of negotiations in the General

Agreement on Trade in Services. In the current GATS negotiations, Canada continues to pursue additional commitments to secure improved access and predictability for Canadian services providers. For example, Canada has requested commitments on independent professionals in such sectors as computer and related services, engineering services and architectural services. Canada is also actively promoting increased transparency of temporary entry commitments so that business people, immigration practitioners, human resources managers, small and medium-sized enterprises and other affected parties can better understand the temporary entry commitments undertaken by members.

In its initial conditional offer, Canada proposes increasing the length of stay for business visitors, intra-corporate transferees and professionals; providing coverage for after-sales/after-lease services providers and their spouses and common law partners; and increasing the transparency of its temporary entry commitments.

In addition to the GATS, Canada is party to several regional and bilateral trade agreements containing labour mobility provisions that promote trade in goods, services and investment. These include the North American Free Trade Agreement (NAFTA), the Canada–Chile Free Trade Agreement (CCFTA), and the Canada–Costa Rica Free Trade Agreement (CCRFTA). The GATS, NAFTA and the CCFTA contain comprehensive temporary entry provisions facilitating the movement of business persons in three categories: business visitors, intra-company transferees and professionals. In addition, NAFTA and the CCFTA contain a fourth category to facilitate the temporary entry of traders and investors. Canada participates in a trilateral NAFTA Temporary Entry Working Group, which deals with ongoing implementation issues related to temporary entry and works closely with U.S. officials on bilateral temporary entry issues.

Canada is currently negotiating several other regional and/or bilateral trade agreements including the Free Trade Area of the Americas, Central America Four and Singapore, which may include temporary entry provisions.

SINGAPORE ISSUES

At the July 31, 2004, WTO General Council meeting in Geneva, WTO members agreed that the three Singapore issues of transparency in government procurement, investment and competition policy would not form part of the work program set out in the Doha Declaration. The decision followed strong opposition to negotiations on the three issues from the G20 and G90 groups of developing countries. Although no work toward negotiations on any of the three Singapore issues will take place within the WTO during the Doha Round, Canada continues to see value in addressing these issues in the multilateral trading system and will continue to promote their inclusion in future negotiating rounds.

GOVERNMENT PROCUREMENT

To take advantage of the significant potential for international trade represented by the hundreds of billions of dollars spent annually on government procurement worldwide, Canada has pursued market access in the World Trade Organization. Increased sectoral coverage and a reduction of discriminatory barriers in the United States and other key markets would create significant opportunities for Canadian exporters. To increase opportunities, Canada supports a range of activities to broaden and strengthen government procurement disciplines and ensure effective implementation of existing commitments.

Canada, along with 37 other countries, is party to the WTO Agreement on Government Procurement (AGP). The AGP provides the basis for guaranteed access for Canadian suppliers to the United States, the European Union, Japan and other key markets. Canada continues to pursue greater and more secure market access through the AGP. A review of the AGP, with a mandate to expand coverage, eliminate discriminatory provisions and simplify the agreement, remains a priority. Work is continuing, with input from the provinces and other stakeholders, to establish Canada's priorities for further market access.

DISPUTE SETTLEMENT

The WTO currently has 148 members. Disputes occasionally arise among members over the application of the rules contained in the Agreement Establishing the World Trade Organization (WTO Agreement). To resolve such disputes, WTO members have agreed to follow a process contained in the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes (Dispute Settlement Understanding or DSU). This process includes consultations, reviews by independent panels when parties are unable to settle their differences at the consultation stage, and possible recourse to a standing Appellate Body. The DSU helps ensure that members adhere to the trade rules they have negotiated and reduces the scope for unilateral trade actions. The DSU is, without question, a key element of the rules-based, multilateral trading system.

There are relatively few disputes among WTO members at any given time, and many are resolved without recourse to the WTO dispute settlement system.

During the past year, Canada has made use of the WTO's dispute settlement process to challenge a number of measures maintained by other members that Canada considers inconsistent with the WTO Agreement. The most significant of these measures concerns the anti-dumping and countervailing duties that the United States has imposed on Canadian softwood lumber exports.

- On February 17, 2004, the Panel and Appellate Body reports were adopted in Canada's complaint against the United States regarding the U.S. Department of Commerce's final determination of subsidy with respect to certain softwood lumber from Canada. The DOC's final determination was found to be inconsistent with the United States' WTO obligations under the Agreement on Subsidies and Countervailing Measures. Details can be found on the WTO dispute settlement Web site (*www.wto.org/english/tratop_e/dispu_e/dispu_e.htm*), under the symbols WT/DS257/R and WT/DS257/AB/R. On April 24, 2004, Canada and the United States agreed to a reasonable period of time for the United States to implement the recommendations and rulings of the Dispute Settlement Body (DSB). On December 17, 2004, the United States issued a determination, which in its view implemented the recommendations and rulings of the DSB. Canada does not believe that the United States has complied with its WTO obligations and on January 14, 2005, requested that a compliance panel review the U.S. implementation.
- On April 26, 2004, the Panel Report was adopted in Canada's challenge to the final determination of the U.S. International Trade Commission that a U.S. industry is threatened with material injury due to imports of softwood lumber from Canada. The final determination was found to be WTO-inconsistent. Details can be found on the WTO dispute settlement Web site (*www.wto.org/english/tratop_e/ dispu_e/dispu_e.htm*), under the symbol WT/DS277/R. On October 1, 2004, Canada and the United States agreed that the United States would implement the recommendations and rulings of the DSB by January 26, 2005. On November 24, 2004, the International Trade Commission issued a new affirmative threat of injury determination to implement the WTO findings. On February 25, 2005, the WTO DSB established, at Canada's request, a compliance panel to review the U.S. implementation of the DSB's rulings and recommendation. Canada also requested authority to retaliate against the U.S. in the amount of $4.25 billion. This request will be considered if Canada is successful in its compliance case.
- On August 31, 2004, the Panel and Appellate Body reports were adopted in Canada's challenge of the U.S. Department of Commerce's final determination of dumping with respect to certain softwood lumber from Canada. The DOC's final determination was found to be inconsistent with the United States' WTO obligations under the Anti-Dumping Agreement. Details can be found on the WTO dispute settlement Web site (*www.wto.org/english/tratop_e/dispu_e/dispu_e.htm*), under the symbols WT/DS264/R and WT/DS264/AB/R. On October 18, 2004, Canada requested arbitration on the reasonable period of time for the United States to implement the recommendations and rulings of the DSB. The parties have agreed to a reasonable period of time of eight months from August 31, 2004, the date when the Panel and Appellate Body reports were adopted. The United States is to complete implementation by May 2, 2005.

Canada was also a complainant in two other cases.

- On January 26, 2004, Canada and seven other complainants requested authorization to retaliate against the United States for its failure to implement the recommendations and rulings of the DSB regarding the Byrd Amendment. The United States requested arbitration of the level of suspension of concessions requested. The arbitrator's award was issued on August 31, 2004. Details can be found on the WTO dispute settlement Web site (*www.wto.org/english/tratop_e/dispu_e/dispu_e.htm*), under the symbol WT/DS234/ARB/CAN.
- On August 29, 2003, a panel was established to hear a complaint by Canada, the United States and Argentina against the European Community's moratorium on the approval and marketing of biotech products. The complainants consider that these measures are inconsistent with the European Community's obligations under the Agreement on the Application of Sanitary and Phytosanitary Measures, the Agreement on Technical Barriers to Trade and the GATT 1994. The panel was composed on March 4, 2004, and is expected to issue its report in the spring of 2005.

Canada was also a defendant in one case.

- On September 27, 2004, the Panel and Appellate Body reports were adopted in a U.S. complaint that certain actions of the Government of Canada and the Canadian Wheat Board, as well as some Canadian grain transportation policies, were WTO-inconsistent. The Canadian Wheat Board's export regime was found to be WTO-consistent. However, certain Canadian grain transportation policies and parts of the Canada Grain Act and Canada Grain Regulations relating to grain segregation and entry authorization for foreign grain were found to be WTO-inconsistent. Details can be found on the WTO dispute settlement Web site (*www.wto.org/english/tratop_e/dispu_e/dispu_e.htm*), under the symbols WT/DS276/R and WT/DS276/AB/R. Canada and the United States have agreed that Canada will have until August 1, 2005, to implement the recommendations and rulings of the DSB.

Turning to the issue of improving the DSU, it should be noted that the WTO's dispute settlement mechanism is arguably one of the most effective system in existence for resolving disputes between sovereign states. The DSU has worked quite well overall, but significant benefits could be realized by improving and clarifying a number of rules and procedures. At the fourth Ministerial Conference in Doha, Qatar, WTO members agreed to negotiate improvements and clarifications to the DSU by May 2003. That deadline was subsequently extended to May 2004; however, because members were unable to reach agreement by that date, the WTO General Council agreed in July to continue the DSU negotiations without imposing a deadline. Members also agreed to have the talks continue on the basis of the work already done, including a draft text produced by the chair and proposals by members. Canada supported this decision.

To advance the negotiations, Canada would like to see members set clear priorities that would form the basis for substantive negotiations on new text. Work that Canada is undertaking with other members, as well as some of the proposals by individual members, will help to bring the necessary focus to the negotiations.

Canada has circulated proposals to better protect confidential information, streamline the panel selection process and enhance the transparency of dispute settlement proceedings. In addition, Canada has brought together a group of developed and developing country members to refine and develop text on other key issues. In May 2004, this group made well-received proposals to the broader membership to address the sequencing of compliance and retaliation proceedings, to provide for the possibility of remanding issues from the Appellate Body to the original panel, and to establish rules to govern the lifting of retaliatory measures previously authorized by the DSB. Canada also supports clarifications and improvements to the DSU to enhance the rights of third parties to disputes and to govern participation by non-members as "amicus curiae." Canada continues to engage with other members to try to achieve consensus on these issues.

Accessions to the World Trade Organization

Canada continues to play an active role in the WTO accession process. Our goals are twofold:

- to secure more open, non-discriminatory and predictable access for Canadian exports of goods and services; and
- to achieve transparent and rules-based trade regimes in new markets, thus contributing to global economic stability and prosperity.

The WTO has 148 members, with Cambodia and Nepal being the most recent. The accession of Cambodia and Nepal, which were the first least-developed countries (LDCs) to join the WTO since 1995, brings the current number of LDCs in the WTO to 32.

Canada is active in the accession negotiations of all applicants. To date, the following 28 countries are seeking accession: Afghanistan, Algeria, Andorra, Azerbaijan, Bahamas, Belarus, Bhutan, Bosnia and Herzegovina, Cape Verde, Ethiopia, Iraq, Kazakhstan, Lao People's Democratic Republic, Lebanese Republic, Libyan Arab Jamahiriya, Russian Federation, Samoa, Saudi Arabia, Serbia and Montenegro, Seychelles, Sudan, Tajikistan, Tonga, Ukraine, Uzbekistan, Vanuatu, Vietnam and Yemen.

As well, Canada is working actively with other members to facilitate the accession of LDCs, recognizing that WTO accession will help LDCs in their development efforts and transition to fully participating members of the world trading system. Canada endorses using the Recommendations for Facilitating and Accelerating the Accession of the LDCs to the WTO Agreement, approved by the WTO General Council in December 2002.

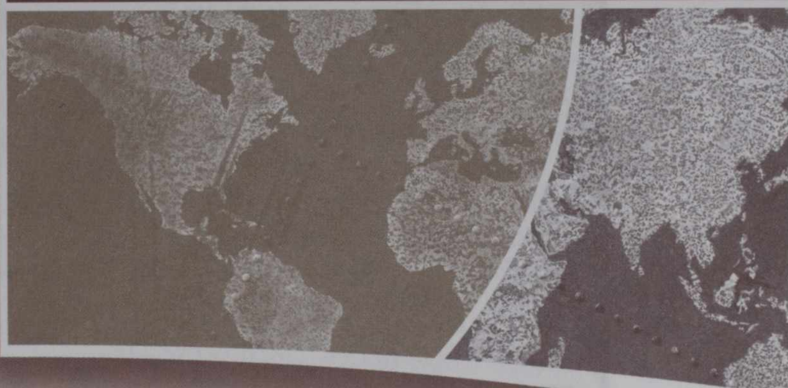
Accession negotiations take place on two parallel tracks: multilateral and bilateral. During the multilateral negotiations, a WTO working party, composed of interested WTO members, examines the acceding country's economic and trade regime to identify inconsistencies with WTO obligations and to ascertain what changes are required to achieve conformity with WTO rules. Progress depends on those changes, as reflected in the transparency, accuracy and detail provided by the applicant in response to questions tabled by working party members. By participating in working party deliberations, Canada satisfies itself that the accession will bring about more predictable trading conditions in the applicant's market.

In parallel with working party deliberations, WTO members hold bilateral market access negotiations with the acceding country. During the bilateral negotiations, Canada focuses on obtaining the reduction or elimination of tariffs and non-tariff barriers affecting access for goods and services that are of interest to Canadian exporters. Canada encourages applicants to bind their tariff commitments, provide non-discriminatory access, and join the various zero-for-zero tariff elimination agreements and tariff harmonization initiatives developed by the WTO.

Negotiating positions for accessions are developed interdepartmentally and in consultation with provincial and territorial governments and the private sector. Accession negotiations offer an important opportunity to resolve Canadian market access problems in the applicants' markets.

Further information on the WTO accession process can be obtained from the WTO Web site (*www.wto.org/english/thewto_e/acc_e/acc_e.htm*).

3 *Investment*



Canada has a vested interest in keeping the flow of trade and investment strong. The value of Canadian direct investment abroad increased more than fourfold between 1990 and 2003, from $98.4 billion to almost $400 billion. In addition, in 2003 Canada had a stock of foreign direct investment (FDI) amounting to $358 billion. This, in turn, generates higher levels of innovation, productivity, jobs and growth of the Canadian Economy.

Canadian Direct Investment Abroad

Canadian businesses know that if they are to prosper, they must compete for capital and market share in the international knowledge-based economy. Canadians are responding to this challenge by building some of the most competitive and innovative companies in the world. In this dynamic economic

CANADA'S INVESTMENT REGIME

Canada is consistently cited as an attractive place to invest. The Economist Intelligence Unit recently ranked Canada as the best country in the world in which to conduct business over the next five years (2004–2008), up from second place in the last period (1999–2003). Canada attractiveness was also noted in the 2004 United Nations Conference on Trade and Development *World Investment Report*. In one of the surveys conducted for the report, executives at transnational corporations and economic experts ranked Canada third behind the United States and the United Kingdom as a top destination for foreign direct investment among developed countries. Canada also remained high on the list of economies with high potential to attract foreign direct investment (it ranked fifth).

Further evidence of Canada's desirability as an investment destination comes from the 2004 KPMG study of international business costs in 11 countries in North America, Europe and the Asia-Pacific region (published in *Competitive Alternatives: The CEO's Guide to International Business Costs*). For the fifth time in a row, Canada took top honours with the lowest recorded business costs and a 9% cost advantage relative to the United States. When the results were broken down by municipality, Canadian cities were all more cost-competitive than any of those south of the border.

Furthermore, Canada was the most cost-competitive country in 9 of the 17 industry sectors studied, showing significant advantages over other countries in the following industries: biomedical research and development, clinical trials and back office/call centres. Canada was also singled out for having significant labour cost advantages relative to the United States. These findings, coupled with our strong economic fundamentals and our close trading relationship with the United States, indicate that Canada is an ideal location for international investors seeking to serve the North American market.

cont'd on next page

cont'd from previous page

Canada has one other key advantage as an investment destination: the government's commitment to transparency. Transparency-enhancing policies underpin the stable and predictable economic environment that enables the flow of productive capital; they send a positive signal to domestic and foreign investors about the government's determination to create an investment-friendly business environment. In 2003, Transparency International's Corruption Perception Index placed Canada in the top percentile, beating out all other G8 countries in being viewed as transparent and free of corruption.

The findings of these surveys and studies confirm Canada's standing as one of the most open and attractive places in the world in which to invest. However, while the macroeconomic climate for business investment is good, some international surveys suggest that investors feel that Canada's microeconomic environment might need attention. Policy action is required to improve some aspects of the business and investment climate. Here, the Smart Border and Smart Regulation initiatives have the potential to further reduce transaction costs and make Canada a more attractive investment destination. The Government of Canada's Innovation Strategy is intended to similarly improve the investment climate for knowledge-based industries.

The government recognizes the important role that investment plays in the Canadian economy and will continue to work to ensure that Canada remains a top choice for international investors. However, the government is also aware of the need to ensure that incoming investment benefits Canada. This need is addressed through the Investment Canada Act, which provides for the review of significant investments in Canada made by non-Canadians. Under the Act, an application for review must be filed for acquisitions of control of existing Canadian businesses or establishments of new businesses in Canada that exceed a certain dollar value. In 2004, direct acquisitions of Canadian businesses by WTO members were subject to a review threshold of $237 million. For acquisitions by non-WTO investors, the threshold for review is either $50 million or $5 million and at least 50% of global assets in Canada. The Investment Canada Web site provides guidelines on the application of the Investment Canada Act (*www.investcan.ic.gc.ca*).

system, these Canadian companies not only compete to secure markets in other countries, but many also establish distribution facilities abroad through international investment. Increasingly, many of their suppliers and investors, both in Canada and abroad, may be foreign. Over the past decade, Canadian investment abroad has increased to the point where Canada is now a net exporter of capital by a significant margin.

Although the most important destination for Canadian direct investment abroad as of 2003 was the United States (41% or $165 billion), Canadian firms have made significant inroads in Europe, especially in the European Union in recent years. The EU's share of total Canadian direct investment abroad (CDIA) rose from 18.6% in 1999 to 24.8% in 2003.

Foreign Direct Investment in Canada

Foreign investment is also critical to Canada's future. FDI accelerates productivity growth and funds economic transformation. In addition to bringing capital to the Canadian economy, FDI brings the latest technology embedded in machinery and production processes, as well as marketing and management expertise and access to export markets through established distribution networks. FDI also stimulates increased domestic competition, a major driver of innovation in a knowledge-based economy. Maintaining the flow of FDI into Canada and expanding existing investment are essential to generating economic growth and wealth to fund a world-class educational and health system for all Canadians. Canada welcomes foreign investment and its associated benefits for economic growth, employment and broadening of the tax base.

The stock of Foreign direct investment in Canada rose to about $358 billion in 2003, up by $8.6 billion over 2002. The United States, Europe and Asia all increased their FDI in Canada, with investment from the United States totalling over $228 billion, or 64% of total FDI in Canada.

Canada faces a serious challenge in continuing to attract FDI. In the past decade, Canada's share of NAFTA's inward FDI stock has declined by about a third, from 21% in 1990 to about 14% in 2003. Canada's share of global inward FDI stock also fell by half during this period, from 6% to 3%. Canada's share of global inward FDI did, however, remain slightly higher than our share of world GDP. The competition for FDI globally is likely to intensify further, especially from emerging markets such as China, India and Brazil. Those countries have emerged as magnets for FDI following a wave of trade and investment liberalization and privatizations, bolstered by the availability of labour and low production costs.

Canada's International Investment Agenda

Foreign investors in Canada already enjoy a long tradition of regulatory fairness and the strong legal protections available under Canadian law. Canada's commitment to international investment rules further reassures investors that Canada offers a fair, secure and predictable environment. While such rules aim to attract foreign investment into Canada, they also serve to protect Canadian investors abroad. Canadian businesses have been actively investing abroad and making foreign acquisitions. Providing investors with protection from arbitrary and discriminatory actions is important: it promotes a stable and secure environment for international investment, which in turn facilitates innovation, productivity and prosperity, both at home and abroad.

Today's globalized economy is increasingly based on the more intangible output of services firms, and it is to a large extent dependent upon international capital flows. A fundamental characteristic of this new economy is that it relies more and more on the creation, purchase and transfer of capital and knowledge. In addition, the growing importance of positioning within global value chains has increased competitive pressures—and opportunities—for Canadian firms in the marketplace.

Recognizing the keen competitive environment for international investment, the Government of Canada seeks to showcase Canadian economic strengths and attributes to an international audience of potential investors, site selectors, media and business influencers. The government engages its posts around the world, as well as its partners from all levels of government, in raising awareness of Canada's innovative business climate and business clusters. It also participates in various activities aimed at promoting investment and ensuring that decision makers receive the sector-specific information they need to consider Canada as a business location. Key promotional activities include the Business Leaders Initiative and presence at world-class signature events. In addition, government representatives meet with targeted CEOs of transnational firms to highlight business opportunities in Canada.

Canada is pursuing and is party to various agreements establishing a framework of rules and disciplines that provide investors with a predictable, rules-based investment climate, as well as dispute settlement procedures designed to provide timely recourse to an impartial tribunal. Such rules do not jeopardize our sovereignty or threaten our economic or social values. All levels of government are still able to legislate and regulate in the public interest. Foreign investors are subject to the same laws and regulations as Canadian investors—including those aimed at protecting the environment and ensuring high labour, health, building and safety standards—just as Canadian investors are subject to the laws of the foreign states in which they invest.

BILATERAL INITIATIVES

Bilateral investment treaties are used extensively by trading nations as instruments to protect their foreign investments abroad. More than 2,000 such agreements are in place worldwide. Since 1989, Canada has ratified 21 bilateral foreign investment protection and promotion agreements (FIPAs), bringing into force a framework of legally binding rules to protect and promote Canada's foreign investments in specific countries. Canada's FIPAs provide assurances to Canadian enterprises that rules governing their investment will remain bound by certain standards of fairness and predictability. FIPAs reduce the risks and costs associated with investing abroad, particularly in emerging economies, which are becoming increasingly attractive destinations for Canadian investment. Canada has engaged in a renewed effort to expand its network of FIPAs, and it is actively working toward agreements with China, India and Peru. A complete list and the texts of Canada's FIPAs can be found on the department's Web site (*www.international.gc.ca/tna-nac/fipa_list-e.asp*).

BILATERAL AND REGIONAL FREE TRADE AGREEMENTS

Rules covering investment form an important part of the comprehensive framework that Canada seeks in its free trade agreements (FTAs). An investment template exists in the NAFTA context, which forms the basis for the investment chapter of the Canada–Chile Free Trade Agreement and for most of Canada's FIPAs.

Canada pursues comprehensive investment rules in FTAs or in FIPAs, depending on circumstances such as prevailing trade and investment trends and other criteria.

WORLD TRADE ORGANIZATION

At the fourth World Trade Organization Ministerial Conference held in Doha in November 2001, ministers agreed to launch investment negotiations following the fifth Ministerial Conference, conditional upon an agreement on negotiating modalities. However, at the fifth WTO Ministerial, which took place in Cancun on September 10 to 14, 2003, ministers were unable to reach consensus on whether to initiate these negotiations. Similarly, at the July 31, 2004, General Council meeting in Geneva, WTO members could not reach consensus on a way forward on investment. As a result, the General Council agreed that no work toward multilateral investment negotiations will take place for the duration of the Doha Round.

Canada has submitted nine papers to the WTO Working Group on the Relationship between Trade and Investment. These papers examined a number of issues, including the seven elements identified for clarification in paragraph 22 of the Doha Declaration. These submissions can be found on the department's Web site (*www.international.gc.ca/tna-nac/other/wgti-en.asp*). Canada has also participated actively in technical assistance and capacity-building activities organized by the WTO, the United Nations Conference on Trade and Development and other appropriate organizations, in recognition of the importance ministers placed on such assistance in the Doha mandate.

The WTO incorporates a number of investment-related rules in its existing agreements. The Agreement on Trade-Related Investment Measures (TRIMs) prohibits a number of performance requirements, such as trade-balancing requirements, domestic sourcing requirements and export restrictions applicable to goods industries. The General Agreement on Trade in Services addresses foreign investment in services as one of four modes of supply of services (i.e. commercial presence).

ASIA-PACIFIC ECONOMIC COOPERATION FORUM

Canada is also involved in regional investment discussions with Pacific Rim countries through the Asia-Pacific Economic Cooperation forum. Under a program of voluntary individual action plans guided by non-binding investment principles, APEC economies work to liberalize their investment regimes by removing restrictions on market access and strengthening their legislation to protect foreign investment. In 2004, Canada integrated into its Individual Action Plan a set of "Transparency Standards on Investment," which were agreed upon by Canada and other APEC economies at the 14th APEC Ministerial Meeting held in Bangkok, Thailand, in October 2003. The purpose of these standards is to ensure, at a minimum, that APEC members promptly publish or otherwise make available their laws, regulations, guidelines and other measures affecting investment. In agreeing to these standards, APEC members are one step closer to meeting the Bogor goals of free and open trade and investment in the APEC region by 2010 for developed economies and 2020 for developing countries.

The standards can be viewed on the APEC Web site (*www.apec.org/apec/leaders__declarations/2003_leadersstmtimplapectranspstd.html*).

Canada's Individual Action Plan can also be accessed on the APEC Web site (*www.apec-iap.org*).

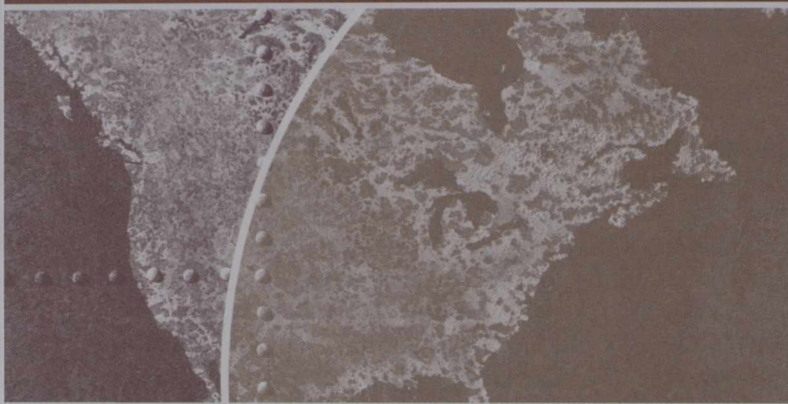
Corporate Social Responsibility

The Government of Canada expects Canadian companies to carry out their operations in a socially and environmentally responsible manner, at home and abroad. To this end, the government strongly encourages Canadian companies to adhere to standards of corporate social responsibility (CSR) such as those in the OECD Guidelines for Multinational Enterprises (MNEs). These guidelines, one of four investment instruments endorsed by 39 governments, provide a voluntary framework of standards and principles for responsible business conduct in areas such as the environment, labour, human rights and anti-corruption.

The government has established a National Contact Point (in the form of an interdepartmental committee) to work closely with business and other stakeholders to raise awareness of the guidelines and help resolve issues. The guidelines and other international standards and best practices, such as the UN Global Compact and Tripartite Declaration of the International Labour Organization, provide corporations with a common frame of reference for responsible business practices.

The government's work promoting CSR builds on private sector–led CSR initiatives and growing recognition in the business community of the business advantages of CSR. In addition to improving corporate reputation and competitive advantage, adherence to international CSR norms can assist companies in managing risks and in operating responsibly in emerging markets, where weak governance structures can be a concern.

Further information is available from Canada's National Contact Point for the OECD Guidelines for MNEs Web site (*www.ncp-pcn.gc.ca*) or the department's Web site (*www.international.gc.ca/tna-nac/social-e.asp*).



4 Opening Doors to North America

North American Free Trade Agreement

Overview

January 1, 2004, marked the 10th anniversary of NAFTA's entry into force. As we take stock of its impact to date, it is clear that it has served Canada very well. Canada's trade in merchandise with its NAFTA partners has nearly doubled since 1994, reaching $573.4 billion in 2004. Under the Agreement, Canadian producers are better able to realize their full potential by operating in a larger, more integrated and efficient North American economy. In turn, the enhanced economic activity and production in the region has contributed to the creation of more and better-paying jobs for Canadians. Consumers have also benefited from the heightened competition and integrated marketplace through better prices and a greater choice of higher quality goods and services.

Under NAFTA, Canada has consolidated its position as the largest merchandise trading partner of the United States. Canadian merchandise exports to the United States grew at a compounded annual rate of 8.5% between 1990 and 2004. With regard to Mexico, our other NAFTA partner, bilateral trade in 2004 reached $16.4 billion; Mexico is now Canada's fifth largest export destination and ranks third as a source of imports worldwide. Altogether, our NAFTA partners account for 85.4% of Canada's total merchandise exports.

Trade in services has also increased under NAFTA. In 2002, Canada's trade in services with the United States and Mexico was approximately $82 billion, up from $46 billion in 1994 (an average annual compounded growth rate of 7.4%). Since 1997, the two-way trade in services between Canada and Mexico has grown at a compounded annual rate of 9.5%, to reach over $1.4 billion. Our trade in services with the United States reached $78 billion in 2004, up from $42.3 billion in 1993. In terms of Canada's total services exports, approximately 61% goes to our NAFTA partners.

NAFTA has also had a positive impact on investment. Since 1994, annual foreign direct investment inflows into Canada averaged $28.7 billion, almost six times the average registered over the three pre-NAFTA years of 1991 to 1993. Total foreign direct investment in Canada reached $358 billion in 2003, of which more than 63% came from our NAFTA partners. Foreign direct investment in Canada from the United States increased to $228.4 billion in 2003. Canadian direct investment in its NAFTA partners also grew, reaching $164.9 billion in the United States in 2004 and $2.8 billion in Mexico.

The NAFTA framework will continue to offer an effective and efficient tool for further enhancing Canada's trade and economic relations with the United States and Mexico.

Looking Forward

The NAFTA parties continue to look for opportunities to further enhance trilateral trade and investment. The ongoing work focuses on reducing export-related transaction costs in the NAFTA region.

On July 16, 2004, the NAFTA Commission met in San Antonio, Texas. Trade ministers reviewed progress in ongoing initiatives and agreed on a series of practical steps to continue enhancing trilateral trade and investment.

On rules of origin, for example, ministers approved a proposal to liberalize the rules of origin for a broad range of food, consumer and industrial products, such as tea, spices, seasonings and carrageenan (a food and industrial ingredient), precious metals (gold, silver and platinum), speed drive controllers and their printed circuit assemblies, household appliances (e.g. personal fans, mixers, heaters, hair dryers, coffee makers, microwave ovens), loudspeakers, thermostats, toys and some parts used in specific equipment or machinery. These changes, which are supported by industries in the three NAFTA countries, will reduce administrative burdens as well as provide producers with more flexibility in sourcing components for use in the production of their goods. Together, these changes will affect over US$20 billion in trilateral trade. On January 1, 2005, Canada and the United States implemented measures to liberalize the NAFTA rules of origin applicable to these goods. The measures will come into force in Mexico following ratification by the Mexican Senate.

As well, ministers asked officials to continue considering new requests for liberalizing NAFTA rules of origin from consumers and producers. Specifically, ministers asked that work continue on sectors such as chemicals, pharmaceuticals, plastics and rubber, motor vehicles and their parts, footwear and copper, as well as any items for which all three countries have a common most-favoured-nation duty rate of zero. On August 7, 2004, a Canada Gazette notice was published that invited submissions for this initiative on a so-called Track Two approach. Officials will also examine the rules of origin in the free trade agreements that each country has negotiated subsequent to NAFTA to determine whether those new rules should apply to NAFTA.

Work is also being done to ensure that NAFTA continues to reflect the commercial reality of North America today and to make all three countries more competitive. For example, in the textile and apparel sectors, officials are looking at ways to combat illegal transshipment and enhance the competitiveness of these industries in North America through means such as cross-cumulation provisions in the rules of origin. The NAFTA parties are also working to facilitate access for business persons who need to work in any of the three NAFTA countries. On the investment front, Canada continues working to increase transparency and improve the implementation of Chapter 11.

Settling Disputes Under NAFTA

In a large trade and economic relationship such as exists under NAFTA, some disputes inevitably arise. NAFTA thus provides for expeditious and effective dispute settlement procedures when the parties cannot resolve their differences through informal discussion in the relevant committees and working groups, or through other consultations.

Chapter 20 of NAFTA includes provisions relating to the avoidance or settlement of disputes over the interpretation or application of NAFTA, except for trade remedy matters covered under Chapter 19. Chapter 19 provides a unique system of binational panel review as an alternative to judicial review for domestic decisions on anti-dumping and countervailing duty matters. There are also separate dispute settlement provisions for matters under Chapters 11 (Investment) and 14 (Financial Services).

Between November 1, 2003, and November 1, 2004, one request was filed for a Chapter 19 panel review of a decision made by Canadian agencies involving a Mexican product, and this review is still active. The decision centred on the injury determination relating to wood venetian blinds and slats originating in or exported from Mexico. During the same period, the panel proceeding regarding the dumping determination relating to certain iodinated contrast media was completed.

Additionally, two requests were filed during the same period for Chapter 19 panel review of decisions made by U.S. agencies regarding Canadian products, one involving hard red spring wheat (injury) and the other pure and alloy magnesium (CVD). As well, during this period, eight of the reviews of decisions made by U.S. agencies regarding Canadian products such as magnesium, carbon steel, softwood lumber, steel wire rod, durum wheat and hard red spring wheat remained active, while one review involving pure magnesium was completed and another one involving a dumping determination on steel wire rod was withdrawn. Also during this period, six panel decisions were issued involving magnesium, carbon steel and softwood lumber products.

In other developments, one Extraordinary Challenge Committee (ECC) proceeding involving the United States and Canada was filed relating to softwood lumber from Canada; this proceeding is still active. As well, the Committee issued a decision in another ECC proceeding involving Canada and the United States in the matter of pure magnesium.

At Canada's initiative, during the July 2004 Commission meeting, trade ministers noted the value of the NAFTA dispute settlement provisions and reaffirmed their commitment to their effective operation. Additionally, Canada continuously reminds its NAFTA partners that it is in the interests of all three countries to ensure that panel decisions are respected and implemented properly, in order to protect the integrity of the Agreement. The Prime Minister registered this message directly with President Bush during their meeting on November 3, 2004. The Prime Minister and the President agreed that officials should review NAFTA Chapter 19 (Review and Dispute Settlement in Anti-Dumping and Countervailing Duty Matters) to ensure its effective operation.

Standards-related Measures

Canada continues to engage in a constructive dialogue with its NAFTA partners, principally in the NAFTA Committee on Standards-related Measures. Canada's position is that national regulatory burdens on industry should be minimized given the increasingly integrated North American market.

The recently released report of the External Advisory Committee on Smart Regulation stressed the importance of international regulatory cooperation for building a competitive economy. It argued that minimizing regulatory differences is essential in order to enhance Canada's competitiveness in the global market.

The NAFTA sectoral subcommittees (automotive, land transportation, telecommunications and textile labelling) provide a forum for trilateral cooperation in the area of standards and regulations. Some headway is being made in these committees (e.g. a memorandum of understanding is close to being finalized with respect to the use of care symbols on textile and apparel goods). The committees serve as an excellent forum for the further development of regulatory cooperation.

Canada is also working to enhance bilateral dialogue at the provincial and state levels in order to increase cooperation in the development of standards and regulations.

Canada will continue to encourage and foster, through collaborative efforts with the United States and Mexico, compatible standards-related measures, including the development and use of voluntary consensus standards for the North American market as a substitute for national regulatory requirements. Success in this area would positively affect existing trilateral trade.

The United States

Overview

It is difficult to overstate the importance of Canada's trading relationship with the United States. Canada and the United States are each other's largest customers and biggest suppliers. This relationship is of paramount importance to Canada. Canada and the United States share the largest bilateral flow of goods, services, people and capital in the world, moving approximately $1.8 billion in goods and services across the border each day.

Between 1994 and 2004, two-way trade in goods increased at an annual compounded rate of approximately 6%. In 2004, Canada exported $352 billion in goods to the United States and imported $250 billion in return. About 79% of Canadian goods and services exports are destined for the United States, and these exports are equivalent to 30% of the value of our GDP. Services exports to the United States totalled $36 billion in 2004, with corresponding imports of $41.8 billion.

Since the implementation of the Canada–U.S. Free Trade Agreement (FTA) in 1989, two-way trade has tripled, and since January 1, 1998, virtually all Canada–U.S. trade has been tariff-free, fostering increased trade and investment among the partners.

U.S. direct investment in Canada increased from approximately $80 billion in 1989 to more than $228 billion in 2003, while Canadian direct investment in the United States grew from some $57 billion to close to $165 billion in the same period.

The visit of President George W. Bush to Canada in November 2004 was particularly critical to Canadian interests. During the visit, Prime Minister Martin and President Bush committed to deepening cooperation in North America and in the world. They agreed to work bilaterally to address Canada–U.S. priorities and to continue close cooperation with Mexico on issues of trilateral importance. They also announced a New Partnership to lay out an agenda designed to increase the security, prosperity and quality of life of citizens on both sides of the border. Mexico's President Vicente Fox has strongly endorsed the New Partnership and expressed his commitment to work with Canada and the United States on matters of trilateral interest.

As a first step under the New Partnership, Prime Minister Martin and President Bush agreed to accelerate efforts to liberalize rules of origin and to pursue joint approaches to partnerships, consensus standards and smarter regulations in order to promote greater efficiency and competitiveness while enhancing health and safety. Canada and the United States will also continue joint efforts on the Smart Border Accord to secure the safe movement of people and

TRADE AND INVESTMENT PROMOTION

Opportunities exist for Canadian business in virtually every sector. To realize these opportunities, the International Trade component of the department of Foreign Affairs and international Trade (DFAIT [IT]) introduces small and medium-sized enterprises to the market, with a particular focus on helping women, young entrepreneurs and Aboriginal firms begin business relationships in the United States. The ExportUSA initiative, which consists of the New Exporters to Border States (NEBS), Reverse NEBS and Exporters to the United States (EXTUS) programs, has been highly successful in this regard, having helped more than 20,000 companies make their entrance into the U.S. market since 1984. The Government of Canada also encourages Canadian exporters that have succeeded in more than one region of the United States to "graduate" to other international markets. For further information, visit the Department of Foreign Affairs and International Trade's Web site on Canada–U.S. relations (*www.can-am.gc.ca*).

The government also aims to attract and expand investment from the United States and to encourage Canadian technology partnerships with U.S. companies. The government's plan is to promote investment through the use of a more integrated, sector-focused approach that builds on the cooperation between the Department of Foreign Affairs and International Trade and partner departments and agencies. Further to the Government of Canada's launch of the Enhanced Representation Initiative (ERI) in September 2003, technology partnership business missions are being organized and implemented in concert with eight of the ERI partners in such sectors as nanotechnology, photonics, hydrogen fuel cells, medical devices and security products.

Within the United States, many individual states have economies that are comparable to those of industrialized countries. In fact, all U.S. states, including Hawaii and Alaska, have GDPs comparable to those of whole countries. Canadian federal cabinet ministers and other high-level government officials are in regular contact with key U.S. interlocutors to help forge relationships with government and business leaders. These initiatives are necessary to advance Canadian priorities and to highlight the attractiveness of Canada as an investment destination.

In view of the importance of the trade relationship, a new cabinet committee, chaired by the Prime Minister, has been created to ensure an integrated, government-wide approach to Canada–U.S. relations. A parliamentary secretary to the Prime Minister with a special emphasis on Canada–U.S. relations has also been appointed.

goods within North America, keeping our border open for business but closed to terrorism. On March 23, 2005, the NAFTA leaders met in Waco, Texas and announced the Security and Prosperity Partnership of North America, which builds on the New Partnership Initiative and constitutes a trilateral effort to increase the security, prosperity, and quality of life of North Americans. This work will be based on the principle that our security and prosperity are mutually dependent and complementary, and will reflect our shared belief in freedom, economic opportunity, and strong democratic values and institutions. It will also help consolidate our action into a North American framework to confront security and economic challenges, and promote the full potential of our people.

The Prime Minister and the President also agreed to expand economic opportunities by making businesses more competitive in the global marketplace. Today's economy increasingly reflects a model where design and production are managed on a global platform and where imports, driven in part by direct investment abroad, are critical inputs to exports. Given the integrated nature of Canadian and American industries, Canada and the United States must work together to reinforce North American competitiveness in this new economy.

While the vast majority (96%) of Canada–U.S. trade moves freely across the border each day, the relationship is not without its challenges. Given the amount of trade between the two countries, it is not surprising that disputes occur. But a few of these trade disputes pose serious concern for Canada, including softwood lumber and the Byrd Amendment. Trade irritants have negative impacts on both sides of the border.

Increasingly, companies—whether Canadian, American or Mexican—operate continent-wide supply chains and distribution systems. Approximately one-third of Canada–U.S. trade is "intra-firm," that is, between two branches of the same corporation. The Government of Canada is committed to doing everything it can to respect and foster this trading relationship.

Market Access Results in 2004

- During President Bush's visit to Ottawa on November 30, 2004, the Prime Minister and the President announced a New Partnership to lay out an agenda designed to increase the security, prosperity and quality of life of citizens on both sides of the border.
- On December 17, 2004, Canadian Deputy Prime Minister Anne McLellan and U.S. Secretary of Homeland Security Tom Ridge announced a framework to establish a land pre-clearance site at the Fort Erie–Buffalo Peace Bridge Crossing. Other announcements included an expansion of air pre-clearance to include Halifax airport, the finalization of regulations to implement the Safe Third Country Agreement and further expansion of the FAST (Free and Secure Trade) program.
- At the same time, Canada also committed to partner with the United States in the Container Security Initiative, which will include the deployment of Canada Border Services Agency officials to a foreign marine port by April 2005 to assist in the targeting and verification of shipping containers destined for North America.
- On November 30, 2004, the joint NEXUS Air pilot program was implemented at the Vancouver International Airport. The NEXUS Air project, which employs biometric technology and is open to citizens and permanent residents of both Canada and the United States, expedites clearance through customs and immigration.
- Canada and the United States are also moving forward with plans to open NEXUS Urban Enrollment Centres in Seattle (Washington) and Vancouver (British Columbia).
- The Government of Canada has supported the FAST program through the creation of two new dedicated FAST lanes: southbound at the Pacific Highway (British Columbia)–Blaine (Washington) crossing (October 20, 2004); and in both directions at the Windsor–Detroit Ambassador Bridge on November 1, 2004. The FAST program is currently operational at the 12 highest-volume commercial border crossings.
- On November 7, 2004, the U.S. Food and Drug Administration (FDA) announced the full enforcement of the interim final rules for prior notification and registration under the Bioterrorism Act. Implementation of the staged enforcement schedule had begun on December 12, 2003, and been accompanied by education and awareness activities

for the industry. The U.S. FDA and Customs and Border Protection considered many of Canada's comments in the rule-making process.

- On July 15, 2004, following ratification by the Mexican Senate, measures to liberalize the NAFTA rules of origin applicable to seven products were implemented trilaterally, making it easier for exporters of these products to comply with rules of origin and to benefit from duty-free treatment under NAFTA. Canada and the United States had earlier implemented these measures on January 1, 2003.
- Canada, in concert with eight of the Enhanced Representation Initiative partners, organized and implemented technology partnership business missions in such sectors as nanotechnology, photonics, hydrogen fuel cells, medical devices and security products.
- Canada and the United States agreed to establish a pilot project under which industrial alcohol and fuel alcohol produced in Canada could be shipped directly to U.S. customers without being subject to an excise tax upon entry; these items must normally be shipped to a U.S. distilled spirits plant in order to avoid the excise tax.
- On August 17, the United States became the first of Canada's trading partners to remove its avian influenza-related trade restrictions against British Columbia.

Canada's Market Access Priorities for 2005

- Continue to pursue the removal of duties on Canadian softwood lumber exports to the United States.
- Continue to press the United States to repeal the WTO-inconsistent Byrd Amendment.
- Regarding BSE, work with the U.S. Administration to ensure access for live animals and other products through the implementation of the U.S. Department of Agriculture's January 2005 final rule.
- To work with the U.S. Administration on a second rule that would fully normalize trade and allow access for animals and products not covered by the January 2005 rule.
- Continue implementing the Canada–U.S. Smart Border Action Plan to build a secure and efficient border that is open for business but closed to terrorists.
- Continue to pursue the removal of duties on Canadian wheat exports to the United States.
- Continue to work with the Canadian hog industry and provincial governments to defend the interests of hog exporters in the U.S. Department of Commerce "live swine" countervailing duty investigation.
- Explore possibilities for greater Canada–U.S. regulatory cooperation.
- Ensure that the United States respects its WTO domestic support commitments in implementing the Farm Act and continue to press the United States to fully repeal mandatory country-of-origin labelling (COOL) legislation.
- Continue to monitor the impact of the Bioterrorism Act on Canadian exports and press the U.S. Food and Drug Administration and Customs and Border Protection Bureau to harmonize regulations for prior notice of shipments to avoid unnecessary disruption of trade.
- Continue to press various U.S. states to ensure that Canadian firms are taxed in a fair and consistent manner in accordance with international taxation norms.
- Continue to pursue the removal of duties on Canadian wheat exports to the United States.
- Continue to work with the Canadian hog industry and provincial governments to defend the interests of hog exporters in the U.S. Department of Commerce "live swine" countervailing duty investigation.
- Continue to press various U.S. states to ensure that Canadian firms are taxed in a fair and consistent manner in accordance with international taxation norms.
- Continue to oppose the extraterritorial application of U.S. laws and regulations.
- Continue to extend Canada's network of representation in the United States for greater strategic impact and engagement on investment and trade issues.

- Continue to monitor closely and respond to key measures that may distort trade and investment decisions in the North American market.
- Continue to press the United States to repeal the WTO-inconsistent Byrd Amendment.
- Continue to pursue unrestricted access to the U.S. market for Canadian goods and services exports.
- Continue work through the NAFTA Working Group on Rules of Origin to reduce rules-of-origin costs on goods trade between Canada and the United States in such sectors as chemicals, pharmaceuticals, plastics and rubber, and motor vehicles.

IMPROVING ACCESS FOR TRADE IN GOODS

Softwood Lumber

Softwood lumber is one of Canada's most important export sectors: in 2004, Canadian firms exported over 21 billion board feet of lumber worth nearly $9 billion to the United States.

In May 2002, the United States imposed duties on imports of softwood lumber from Canada following subsidy and dumping investigations by the U.S. Department of Commerce and a "threat of injury" determination by the U.S. International Trade Commission (ITC). Between May 2002 and December 2004, Canadian exports of softwood lumber to the United States were subject to duty cash deposits of 27.22%. Since December 20, 2004, when the results of the first administrative review of the U.S. duties took effect, such exports have been subject to duty cash deposits of 20.15%. Cash deposits now total over $4 billion.

The Government of Canada, the provinces and Canadian industry have been pursuing a two-track strategy for resolving the softwood lumber dispute: (1) litigation, involving NAFTA, WTO, U.S. Court of International Trade (CIT) challenges of the U.S. duties and (2) negotiations toward a durable resolution of the dispute. On November 30, 2004, Prime Minister Martin and President Bush agreed on the need for a resolution to the lumber dispute.

The federal government, the provinces and industry are committed to pursuing a durable resolution to the dispute, and in this regard Canada remains open to any opportunities for further discussions with the United States. Minister for International Trade Jim Peterson and federal officials maintained regular contact with their U.S. counterparts throughout 2004. In January and February 2005, federal and provincial officials met with American representatives and held exploratory discussions to determine whether and on what basis to re-engage in negotiations. Canada will continue to engage in discussions with the United States in order to find a solution that is in the best interest of Canada.

Until the dispute is resolved, Canada will continue to pursue its NAFTA, WTO and CIT litigation against the U.S. subsidy, dumping and injury determinations. The NAFTA and WTO injury cases remain Canada's critical legal challenges because without a finding of a threat of injury, both the CVD and AD duty orders must be withdrawn. In October 2004, the NAFTA Injury Panel affirmed an ITC negative threat of injury determination. However, on November 24, 2004, the United States Trade Representative (USTR) requested the establishment of an Extraordinary Challenge Committee (ECC) to review the panel proceedings in this case. An ECC decision is expected in the spring of 2005. If Canada is ultimately successful in the ECC, the United States will be required to revoke the duty orders and refund with interest the cash deposits paid to date.

In March 2004, following a challenge by Canada, a WTO Panel ruled that the ITC's original threat of injury determination was inconsistent with U.S. international trade obligations. On November 24, the ITC issued a new determination to comply with the WTO ruling, upholding its original threat of injury ruling. A WTO compliance panel has been established to rule on the consistency of the new determination with the Panel's original ruling. Canada is also seeking WTO authority to retaliate in an amount of over $4.5 billion. Retaliation will be considered only in the event that Canada is successful in the compliance proceedings. Finally, Canada is challenging the new injury determination in NAFTA.

In addition, the United States is conducting annual administrative reviews of the CVD and AD duty orders. These reviews examine the subsidy and dumping rates for previous periods and establish cash deposit rates for future shipments. On December 14, 2004, final determinations in the first annual administrative reviews resulted in a lowering of the combined CVD and AD duty rate from 27.22% to 20.15%. The rates resulting from the administrative reviews took effect on December 20, 2004, as new cash deposit rates for Canadian exporters. On January 19, 2005, Canada requested a NAFTA panel review of the administrative review of the AD duty order in the U.S. Court of International Trade. On June 30, 2004, the DOC initiated the second administrative reviews of the AD and CVD orders, covering lumber shipments made during the 2003–2004 period.

The federal government continues to work with the provinces, industry stakeholders, U.S. posts, and allies in the United States to advocate in favour of a durable resolution of the dispute. The government and its advocacy partners have aimed to provide a counterweight to the U.S. lumber industry lobby by engaging the U.S. housing sector, consumer organizations, industrial associations, state legislators and influential members of the Congress. Canada's advocacy efforts underscore the negative effects this trade action has on the U.S. economy, the importance of the United States honouring its NAFTA obligations and the benefits of an integrated North American economy. Canada and its allies have used all occasions, both at the grassroots and federal levels, to deliver our softwood lumber advocacy messages. Allies such as the U.S. National Association of Home Builders (NAHB), the Home Depot, and American Consumers for Affordable Houses (ACAH), which represents over 95% of U.S. lumber users and consumers, have played a longstanding, important role in pressing these advocacy messages with the U.S. Administration, Congress and the media.

The Government of Canada is sensitive to the impact of the dispute on industry and communities in Canada and has made available $356 million in federal assistance to forestry workers, communities and industries. These include funds for displaced workers under expanded employment insurance programs, community capacity building, competitiveness initiatives, research and development programs and a boreal forest research consortium.

The government will continue to pursue unrestricted access to the U.S. market for Canadian softwood lumber as the top market access priority.

Bovine Spongiform Encephalopathy

Following Canada's announcement of its first BSE case on May 20, 2003, the United States banned the import of Canadian ruminant livestock and meat products. The United States is our largest export market for cattle and beef. Other products were also affected by the ban, including bison, sheep and goats.

On August 8, 2003, the United States announced its decision to reopen the border to Canadian boneless beef from cattle under 30 months of age and certain other products. In addition, on November 4, 2003, the U.S. Department of Agriculture (USDA) initiated a rule-making process to allow for the import of live animals and other products.

On January 4, 2005, the USDA published its final rule to provide access for live animals and other products in the U.S. *Federal Register*, effective March 7, 2005. When implemented, the rule will provide access for live cattle and bison less than 30 months of age for immediate slaughter or for feeding and then slaughter before 30 months of age, sheep and goats less than 12 months of age for immediate slaughter or for feeding and then slaughter before 12 months of age, meat and carcasses from cattle under 30 months of age from which specified risk material has been removed, meat and carcasses from sheep and goats derived from animals less than 12 months of age, and certain other products. The January rule does not provide access for live cattle over 30 months for immediate slaughter or other cattle (e.g., breeding and dairy). Access for additional products will be addressed in a subsequent rule.

The rule initially would have provided access for meat from cattle regardless of age when implemented on March 7. However, on February 9, 2005, the U.S. Secretary of Agriculture issued a statement advising of a delay to the effective date for allowing imports of meat from animals 30 months or over. The U.S. Secretary also stated that he was asking officials to move forward with a plan to allow imports of animals 30 months and older for slaughter as well as beef from animals 30 months and older as the next step in resuming trade. These imports will have to be addressed in a subsequent rule.

On January 10, 2005, the Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America (R-CALF) filed a lawsuit in U.S. District Court seeking an order declaring the implementation of the rule unlawful and disallowing the importation of Canadian cattle and meat products. On January 31, 2005, R-CALF petitioned for a preliminary injunction prohibiting the USDA from implementing the U.S. final rule until the lawfulness of this rule can be reviewed in full by the court. This injunction was granted on March 2, 2005, and will remain in place until the U.S. District Court hears the legal arguments of R-CALF's lawsuit, or until the injunction is overturned on appeal.

Avian Influenza

Following the Canadian Food Inspection Agency's confirmation of highly pathogenic avian influenza in the B.C. Fraser Valley on March 9, 2004, the United States imposed measures against poultry products from British Columbia. Other trading partners also imposed measures against British Columbia and in many cases against all of Canada. On August 17, the U.S. became the first of Canada's trading partners to remove its restrictions.

Systemic Trade Remedy Issues

Canada continues to monitor trade remedy developments in the United States to ensure that any new rules, as well as the implementation of existing ones, conform to U.S. international trade obligations. Accordingly, Canada continued to make specific representations regarding the U.S. Department of Commerce practices on duty assessment that could have serious adverse consequences for many Canadian exporters in future anti-dumping duty investigations. Canada also made representations on proposed new certification procedures for U.S. countervail investigations. As well, the government has made submissions to U.S. authorities conducting trade remedy investigations against Canadian products. For example, it has filed extensive responses and made a number of representations in the context of the U.S. DOC investigation of programs affecting Canadian live swine (further details on this case follow). The government also continues to follow developments in various disputes that involve Canadian products under Chapter 19 (Review and Dispute Settlement in Anti-Dumping and Countervailing Duty Matters) of the North American Free Trade Agreement. It defended Canadian interests in the unsuccessful extraordinary challenge that was launched by the United States regarding a NAFTA Chapter 19 panel decision instructing the U.S. DOC to revoke AD duties on pure magnesium from Canada.

At Canada's initiative, during the July 2004 Commission meeting, trade ministers noted the value of the NAFTA dispute settlement provisions and reaffirmed their commitment to their effective operation. Additionally, Canada continuously reminds its NAFTA partners that it is in the interests of all three countries to ensure that panel decisions are respected and implemented properly, in order to protect the integrity of the Agreement. The Prime Minister registered this message directly with President Bush during their meeting on November 3, 2004. The Prime Minister and the President agreed that officials should review NAFTA Chapter 19 to ensure its effective operation.

Byrd Amendment

On October 28, 2000, President Bill Clinton signed into law the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001. The Byrd Amendment (Continued Dumping and Subsidy Offset Act of 2000) was part of that Act. Under the Byrd Amendment, anti-dumping and countervailing duties are disbursed to U.S. industries that supported actions linked to the amendment. Prior to enactment of the Byrd Amendment, the duties were deposited in the U.S. Treasury.

Canada believes, and the WTO agreed, that these payments are not consistent with U.S. obligations under the WTO agreements governing anti-dumping and subsidies; rather, Canada's position is that the payments constitute action against injurious dumping and subsidization not contemplated in those agreements. The Byrd Amendment provides a "double remedy" to U.S. producers, which benefit not only from the imposition of AD and CVD duties on competing imports, but also from direct payments when those duties are disbursed. That double remedy amounts to a "double penalty" on Canadian exports subject to U.S. trade remedy action. Moreover, this law encourages U.S. industry to file AD and CVD petitions, to the detriment of Canadian export interests. Accordingly, Canada, along with 10 other WTO members (Australia, Brazil, Chile, the European Union, India, Indonesia, Japan, Mexico, South Korea and Thailand), successfully challenged the Byrd Amendment before the WTO.

The United States was given 11 months (until December 27, 2003) to bring its measure into compliance but failed to comply with the deadline. In order to protect their WTO retaliation rights, on January 26, 2004, Canada and seven other WTO members (Brazil, Chile, the European Union, India, Japan, Mexico and South Korea) requested authorization to retaliate. The United States challenged the request, prompting a seven-month arbitration process. On August 31, 2004, the WTO Arbitrator ruled that complaining WTO members could retaliate at a level up to 72% of disbursement of duties collected on their respective exports. This percentage is based on an economic model developed by the WTO to measure the trade effect of the Byrd Amendment on U.S. trading partners. Finally, on November 26, the WTO granted Canada final retaliation authorization against the United States for its continued failure to repeal the Byrd Amendment. The other WTO members involved in the arbitration also received final retaliation authorization.

In response to the continued U.S. failure to repeal the Byrd Amendment, on November 23 the Government of Canada launched public consultations on Canada's retaliatory options. These consultations, which generated responses from a wide range of interests, concluded on December 20. The government is currently assessing all the comments and will take a decision on the matter as quickly as possible. Further information on the Byrd Amendment can be found on the department's Web site (*www.international.gc.ca/tna-nac/disp/byrd-main-en.asp*).

U.S. Trade Remedy Investigations on Canadian Goods

Wheat

In 2003, countervailing and anti-dumping duties totalling 14.15% were implemented with respect to U.S. imports of hard red spring wheat from Canada. Taking issue with the countervailing of certain government programs, the Government of Canada and other Canadian parties challenged the U.S. Department of Commerce's countervail determination under NAFTA. As well, the Canadian Wheat Board launched a NAFTA challenge of the International Trade Commission's injury decision with respect to hard red spring wheat. In both cases, Canadian parties have submitted written briefs to the panels and have presented Canadian arguments at panel hearings. The report of the NAFTA panel reviewing the countervail determination, due in late January 2005, has been delayed. The NAFTA panel decision in the injury case is due in June 2005.

Magnesium

The Government of Canada continues to monitor developments surrounding the long-standing U.S. countervailing duties on Canadian magnesium, and it participates in the U.S. Department of Commerce's annual administrative reviews of these countervailing duties. In this context, it must be noted that the government continues to monitor the NAFTA challenges that were brought against the U.S. decision in 2000 to extend the application of the duties. To this end, Canada was actively engaged in the unsuccessful NAFTA extraordinary challenge filed by the United States on September 24, 2003, contesting a NAFTA Chapter 19 panel decision instructing the U.S. DOC to sunset the anti-dumping duties on Canadian exports of pure magnesium.

Live Swine

On April 8, 2004, the U.S. Department of Commerce initiated countervailing duty and anti-dumping investigations on imports of live swine from Canada, in response to a petition filed by the U.S. National Pork Producers Council (NPPC). The NPPC alleges that the Canadian hog industry is benefiting from countervailable subsidy programs provided by the federal and provincial governments, and is selling hogs in the United States at prices that are lower than average prices in Canada.

On August 17, 2004, the DOC released its CVD preliminary decision. The DOC found in Canada's favour and determined that trade in Canadian live swine is not unfairly subsidized. As a result of this preliminary determination, provisional countervailing duties are not being imposed on imports of live swine from Canada while this investigation continues.

On October 15, 2004, the DOC released its preliminary AD determination. It ruled that Canadian live swine are being sold in the United States at prices lower than those prevailing in the Canadian market or below full cost. Three Canadian exporters, who were the respondents in the DOC's AD investigation, received company-specific rates. All other Canadian exporters were given a rate of 14.06%.

The DOC's final determinations are due to be released on March 7, 2005. The federal government is the lead in the CVD investigation. The Canadian industry is the lead in the AD investigation, as it concerns the pricing practices of private sector enterprises.

U.S. Farm Act

The Government of Canada continues to express serious concerns about the 2002 U.S. Farm Security and Rural Investment Act, otherwise known as the Farm Act. Particular concerns centre on the increase in trade-distorting domestic support and the mandatory country-of-origin labelling requirements. The domestic support increases run counter to the agreed objective in the WTO agriculture negotiations to substantially reduce trade-distorting domestic support. The government is monitoring the implementation of the Act to ensure that the United States operates within its WTO domestic support commitments. It will continue to follow developments and make its concerns known to Congress and the Administration as the legislation is implemented. In coordination with our Canadian partners and U.S. allies, the Government of Canada will also continue its advocacy efforts in the United States in order to enhance awareness of the disruption that the country-of-origin labelling provision will cause to the integrated Canada–U.S. agricultural trade.

Country-of-Origin Labelling

The 2002 U.S. Farm Act provides for mandatory country-of-origin labelling, which will require certain U.S. food retailers (i.e. those licensed under the U.S. Perishable Agricultural Commodities Act) to display country-of-origin information at the final point of sale for covered commodities. The covered commodities include beef (including veal), lamb, pork, fish, shellfish, perishable agricultural commodities and peanuts. Under COOL requirements, fish and shellfish must also be labelled to indicate the applicable method of production (i.e. wild or farm-raised). Products sold in food service establishments and ingredients in processed food items are exempt from mandatory COOL requirements.

On September 30, 2004, the U.S. Department of Agriculture Agricultural Marketing Service issued the Interim Final Rule on COOL for fish and shellfish sold at retail, which will come into effect as of April 4, 2005. The applicability of mandatory COOL for all other covered commodities has been delayed until September 30, 2006.

Canada maintains that the COOL legislation is fundamentally flawed and that it places onerous costs on industry while providing no real consumer benefits. Mandatory COOL may also result in price distortions that would hurt all sectors of the red meat industry, and compliance costs could reduce the North American industry's competitiveness on world markets.

The Government of Canada, in partnership with provinces and territories, industry and U.S. allies, will continue advocacy efforts in the United States to build awareness of the disruption that mandatory COOL will cause in the integrated North American market; the government will urge the full repeal of the legislation.

Up-to-date material on COOL is available on the Agricultural Marketing Service Web site (*www.ams.usda.gov/cool/*).

Electricity

The U.S. Administration supports greater cross-border trade in electricity and is working to reform domestic mechanisms affecting trade. However, U.S. energy legislation could still raise issues with regard to the electricity trade by moving to mandatory reliability standards. Canada continues to seek assurance that the development of any future electricity reliability standards—as well as the creation of an independent, self-regulating, industry-led reliability organization—will be handled jointly by U.S. and Canadian authorities. This approach is reflected in the present draft of the legislation. The Bilateral Electricity Reliability Organization (ERO) Oversight Group is working to ensure that the ERO functions on both sides of the border and does not create any artificial barriers in the electricity trade.

Canada also remains concerned about minimum renewable energy provisions at the state level, which could be used to exclude Canadian-origin electricity generated from renewable resources, notably hydro-electricity, and thus impede access to the U.S. market. In the absence of federal legislation ensuring equal treatment for Canadian renewable electricity, U.S. states may proceed with initiatives that could be inconsistent with existing trade agreements. Canadian advocacy in this sector has raised U.S. awareness of a North American electricity market and the impact of discriminatory measures on the market, which would work against our shared energy security and environmental objectives.

Ongoing restructuring may create risks for Canadian electricity suppliers in the U.S. market. However, opportunities for increased trade are also available, influenced by new markets and market structures, innovation in services and expanding energy demand.

Pipeline Subsidies

Canada remains concerned about the legislated incentives for a new pipeline to bring natural gas from Prudhoe Bay, Alaska, to the "lower 48" states, which passed in October 2004. The effects of the loan guarantees and other industry incentives on pipeline development remain uncertain, and Canada remains opposed to any price support mechanism for Alaska gas.

Because any pipeline from Alaska to the lower 48 states must route through Canada, Canada is a necessary partner in that development. The government strongly supports natural gas development in Alaska; however, the private sector should ultimately decide the nature and timing of such a pipeline. As well, in Canada's view the private sector is best suited to decide the pipeline's route, subject to regulatory and environmental review procedures. The Bush Administration has also adopted a route-neutral position on the Alaska pipeline project.

IMPROVING ACCESS FOR TRADE IN SERVICES

Financial Services

The Gramm-Leach-Bliley Act, passed in 1999, is the most important piece of financial services legislation enacted in the United States in decades. The Act allows foreign financial institutions to become financial holding companies and to engage in activities that they could not engage in before. With respect to the cross-border provision of services, Canada continues to seek a level playing field in securities, and it continues bilateral discussions with the United States on this issue. Further, as required under NAFTA, Canada, the United States and Mexico meet regularly to address financial services issues.

The U.S. government's response to recent high-profile corporate failures was the Sarbanes-Oxley Act of 2002. It is sweeping legislation designed to promote confidence in U.S. capital markets. The federal government has been working to help ensure that Canadian public companies listed in the United States, and Canadian accounting firms auditing U.S.-listed companies, are treated fairly and, to the extent possible, are not unduly burdened by the new U.S. legislation.

Telecommunications

While there are occasional issues, Canadian telecommunications companies are generally able to obtain regulatory and licensing approvals within a reasonable time in the United States. This is important for Canadian companies competing in the U.S. market (or planning to). Canada will continue to actively monitor the United States' implementation of its WTO commitments.

Shipping

A number of maritime laws (collectively known as the Jones Act) impose restrictions on foreign participation in the U.S. domestic maritime industry. Canada's particular concern relates to the "U.S. build" requirement, which severely limits the use of Canadian-built vessels in the U.S. domestic commercial maritime industry. In addition, several subsidies and other support measures are available to operators of U.S. vessels. Canadian shipbuilders are also virtually barred from participating in the U.S. defence maritime industry: the defence-related prohibitions of the Byrnes-Tollefson Amendment preclude the Department of Defense from using a foreign shipyard to construct any vessel or major component of the hull or superstructure, or to conduct repair, overhaul or maintenance of ship hull structures in foreign shipyards. Canada will continue to use every appropriate opportunity to raise the issue of the U.S.-build requirement relating to maritime transportation.

Temporary Entry

Facilitating the temporary entry of business people into the United States in order to promote trade in services, goods and investment remains a priority. Canada continues to discuss broader border management issues with the United States through the Smart Border process. NAFTA contains comprehensive temporary-entry provisions that facilitate the movement of business persons in four categories: business visitors, intra-company transferees, professionals, and traders and investors. There is ongoing work in the NAFTA Temporary Entry Working Group to further facilitate the movement of business persons and to develop a trilateral approach to expanding the number of professions that are eligible for NAFTA treatment. Recent additions to the list of eligible professions under NAFTA include actuaries and plant pathologists. In addition, there is an agreement to consider NAFTA coverage for additional information technology professionals.

Despite NAFTA Chapter 16, general immigration provisions and the work being done on the Smart Border Action Plan, U.S. temporary entry remains a concern. Delays at the border or denial of entry can result in loss of business and additional expense for businesspeople, employers and their clients. Moreover, there still appears to be a lack of knowledge or understanding of the NAFTA cross-border provisions among Canadian business persons. Government officials will continue their efforts to raise awareness of the NAFTA provisions within the Canadian business community and to work with U.S. immigration officials to ease some of the U.S. temporary-entry difficulties.

MONITORING DEVELOPMENTS AFFECTING CANADIAN INTERESTS

Canada–U.S. Consultative Committee on Agriculture

Established as a result of the 1998 Canada–U.S. Record of Understanding on Agricultural Trade, the Canada–U.S. Consultative Committee on Agriculture (CCA) provides an ongoing process for enhancing the management of bilateral agricultural trade relations. Specifically, the CCA institutionalizes a comprehensive early warning and consultation process to resolve emerging problems before they develop. The semi-annual meetings of the CCA provide a high-level forum for strengthening agricultural trade relations between Canada and the United States through cooperation and coordination on matters related to agriculture. These include, but are not limited to, agricultural trade and market access, and sanitary and phytosanitary issues.

Further opportunities to enhance cooperation and coordination in areas of common concern occur in the Canada–U.S. Provincial/State Advisory Group (PSAG), established under the rubric of the CCA. The PSAG provides a forum in which producers and exporters, through their provincial and state governments, can raise bilateral agricultural trade issues. The PSAG generally meets twice a year and refers matters as appropriate to the CCA for consideration. In addition, the CCA also encourages joint bilateral industry groups to inform the CCA of their views on trade issues, particularly those that affect bilateral trade.

As bilateral agricultural trade continues to expand, the CCA will continue to serve as a key mechanism for addressing early stage agricultural trade issues between Canada and the United States, in partnership with the provinces and key stakeholders.

Bioterrorism Legislation

On June 12, 2002, President Bush signed into law the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act or BTA). The stated objective of the BTA is to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

The U.S. Food and Drug Administration (FDA) has published four rules pursuant to the BTA: (1) prior notice, (2) registration, (3) administrative detention and (4) record keeping. These requirements apply to the import of products such as live animals, fish, fresh fruits and vegetables, dairy products, bakery goods and animal feed. Products such as meat, poultry and shell eggs, all of which are under the exclusive jurisdiction of the U.S. Department of Agriculture, are not covered by the FDA's rules.

The interim final rules concerning prior notification and registration came into effect on December 12, 2003, and were fully enforced on November 7, 2004. These rules require (1) electronic prior notification of each shipment of food and feed exported to and via the United States and (2) registration with the FDA of all Canadian facilities that manufacture, process, pack or hold food for human or animal consumption in the United States and the designation of a U.S. resident agent. Canada has submitted formal comments on both of these interim rules.

The final rule for administrative detention was published on June 4, 2004. It authorizes the FDA to detain food or feed for which there is credible evidence or information indicating that it presents a threat of serious adverse health consequences or death to humans or animals. This rule applies to all products in the United States, regardless of origin.

On December 6, 2004, the FDA published the final rule concerning record-keeping by all persons residing in the United States and involved in the manufacture of food and/or feed. This rule also requires the establishment and maintenance of records by all Canadians involved in the transportation of food and/or feed to and via the United States. Such records are to be kept for a minimum of six months (depending on the type of goods), must be available within 24 hours of request, and must allow for the identification of the immediate previous sources and immediate subsequent recipients of the food and/or feed.

The Government of Canada supports the objectives of the BTA; however, the Act's implementation comes with real costs for affected Canadian firms and may also cause some confusion in the export community. Responding to Canadian suggestions, the U.S. FDA and Customs and Border Protection have adopted a staged enforcement schedule and are undertaking education and awareness activities for industry. The FDA has indicated that all of Canada's comments will be taken into account prior to finalization of the rules in June 2005.

Up-to-date information on the BTA regulations is available on the Agriculture and Agri-Food Canada Web site (*http://ats.agr.gc.ca/us/bioterrorism_e.htm*).

Rules of Origin

On January 1, 2003, Canada and the United States implemented measures to liberalize the NAFTA rules of origin applicable to seven products, including alcoholic beverages and petroleum/topped crude oil. The NAFTA Trade Commission (including Mexico) had agreed to these changes in 2002. Following Mexican Senate ratification, the changes were implemented trilaterally on July 15, 2004. These changes, requested by industry associations in Canada, the United States and Mexico, make it easier for exporters to meet the rules of origin and benefit from duty-free treatment under NAFTA. This increases the competitiveness of Canadian exporters, in particular the petroleum industry, which exported over $25 billion worth of petroleum oils to the United States in 2004.

At the July 2004 NAFTA Commission meeting, ministers endorsed a rules-of-origin liberalization package covering a broad range of food, consumer and industrial products affecting approximately US$20 billion in trilateral trade. Canada and the United States implemented the package on January 1, 2005, while Mexico's implementation is expected early this year. Work is well under way trilaterally to explore the scope for agreement on a second group of liberalized rules of origin, to be implemented in January 2006 in sectors such as chemicals, pharmaceuticals, plastics and rubber, and motor vehicles.

Forest Certification

In the last few years, U.S. demand for certified wood products has continued to grow, fuelled in part by the recent decision of a few large U.S. wood retailers to give preference to certified wood products. The Canadian forest industry is responding to this recent trend through increased certification of its operations and wood products. As of June 2004, more than 57 million hectares of forest land in Canada had been third-party-certified under one or other of the three sustainable forest management certification schemes available in Canada. Expectations are that 136 million hectares will be certified under sustainable forestry management schemes by 2006.

Canada supports certification as a voluntary, market-based tool to promote sustainable forest management. However, it wants to ensure that certification is not used as a market access barrier. In particular, Canada would be concerned about any measure requiring mandatory labelling for forest products based on non-product-related process and production methods. Also of concern are procurement policies, potentially imposed by large U.S. businesses or local governments, that specify that all products must carry the label of one particular certification scheme to the exclusion of other equivalent approaches. Canada will continue to monitor its access to key markets with a view to ensuring that certification remains a voluntary marketplace activity and that criteria are consistent with Canadian forest values.

Certification best supports sustainable forest management when all equivalent certification schemes are recognized in the market. For this reason, Canada supports those who propose equivalency and mutual recognition of various similar certification schemes. It is also Canada's view that a diversity of certification systems is necessary to reflect the variety of producers' circumstances and to safeguard against the risks associated with monopolies. In this context, Canada will continue to encourage and support the recognition of a diversity of forest certification systems.

Marine Mammal Protection Act

The U.S. Marine Mammal Protection Act (MMPA) prevents the import of almost all marine mammal products, including Canadian seal products, into the United States. In Canada's view, the MMPA prohibition on the import of seals and seal products cannot be justified on conservation grounds, since it applies to species that are not endangered. There are an estimated 5.2 million harp seals and 460,000 hooded seals in Canada. Canada supports the efforts of all coastal communities that depend on sealing and will continue to consult these communities in order to develop the best means of addressing this U.S. import ban. Canada has communicated its concerns about the ban on seal product imports to the U.S. government and will continue to do so.

OTHER ISSUES

Government Procurement

Canada will continue to press the United States to further open its procurement markets to Canadian suppliers. Currently, U.S. government exceptions under NAFTA Chapter 10 and the WTO Agreement on Government Procurement prevent Canadian suppliers from bidding on a broad range of government contracts in sectors of key importance. Especially onerous are the set-aside programs for small and minority-owned businesses and the Buy America provisions. In addition, both long-standing and ad hoc legislative provisions, such as the fiscal year 2004 and 2005 defence authorization bills, as well as conditions attached to funding programs, impede access for Canadian suppliers. The need for progress in both assuring and improving access for Canadian suppliers at the U.S. federal, state and local levels remains a key issue for provincial governments as they consider whether to offer to open Canadian provincial procurement markets.

Small Business Set-Asides

The Government of Canada remains concerned about the extensive and unpredictable use of exceptions for Small Business Set-asides under NAFTA Chapter 10 and the WTO Agreement on Government Procurement. Canadian suppliers face the ever-present possibility that government markets that they have successfully developed and supplied may be closed through application of the set-aside exception. The definition of a U.S. small business varies by industry, but it is typically an entity with fewer than 500 employees in a manufacturing firm (up to 1,500 employees in certain sectors) or annual revenues of up to US$17 million for services firms (as determined by the North American Industry Classification System or NAICS code). Data for fiscal years 2000 and 2001 demonstrated that U.S. federal departments and agencies were not meeting their target of awarding 23% of contract dollars to small business. This finding resulted in new directives on enforcement of the existing programs and increased pressure on federal agencies by the Small Business Administration to meet small business procurement goals. In addition, the U.S. government requires contractors and major subcontractors on projects worth more than US$500,000 to include plans to subcontract work to U.S. small business. Canada is concerned that the use of such subcontracting plans impedes Canadian access to the U.S. market, and it will continue to press the U.S. Administration on this matter. In 2001, 39% of subcontracting procurement dollars were awarded to small business. The goal for 2004 is 40%. This represents a significant restriction of market access for Canadian business.

Buy America

Buy America provisions are applied extensively to U.S. federal government procurement that is not covered by NAFTA or the WTO Agreement on Government Procurement, as well as to procurement that has been excluded from these agreements through the small business set-aside exceptions. Buy America provisions, such as price preferences for U.S. domestic source materials, put Canadian goods and services at a serious disadvantage when they form all or part of a bid by any supplier, whether U.S. or Canadian.

Buy America Provisions in Federally Funded Sub-federal Procurement

Buy America provisions are attached by the U.S. federal government to federally funded sub-federal procurement, by making such provisions a condition of U.S. federal government grants to state and municipal organizations. Canada continues to seek improvements to the important U.S. state and municipal procurement markets, including transit, highway and aviation projects.

Almost all large transportation contracts in the United States are federally funded, but they are administered by state and local governments or private sector organizations. The Transportation Equity Act for the 21st Century (known as TEA-21) provides funding for these projects through fiscal year 2005. The Federal Highway Administration (FHWA) and Federal Transit Administration grant TEA-21 funds to state and local governments and transportation authorities for transportation projects on condition that U.S. material and equipment are used. Projects funded by the FHWA require all iron and steel products and their coatings to be 100% U.S.-manufactured. Projects funded by the Federal Transit Administration require all steel and manufactured products to have 100% U.S. content and to be 100% U.S.-manufactured. Rolling stock (trains, buses, ferries, trolley cars, etc.) components must have 60% U.S. content, with final assembly occurring in the United States. The codification, in 1998, of a definition of "final assembly," which was formerly left to the discretion of the procuring organization, has resulted in a further narrowing of opportunities for Canadian suppliers to participate in such projects.

Similar conditions prevail for airport projects that receive funds from the Federal Aviation Administration as authorized by the Airport and Airways Facilities Improvement Act. Such projects require that all steel and manufactured products have 60% U.S. content and that final assembly occur in the United States. Canada will continue to press for improved access to procurement markets in these areas.

State and Local Government Preferences

A wide variety of procurement preferences exist at the state and local levels. For example, in 2000, New York State amended legislation, resulting in the addition of Ontario and Quebec suppliers to a list of several U.S. states whose suppliers are excluded from New York State procurement. Ontario and Quebec suppliers were removed from this list in 2001. In addition, many U.S. federal government Buy America provisions are included in state and local procurement when federal funding is provided. Canada remains concerned that access for Canadian suppliers is constrained and unpredictable as a result of these preferences. Canada will continue to press for elimination of U.S. state and local level preferences.

Legislative and Regulatory Changes

Regulations in civilian and defence procurement, which can affect market access for Canadian suppliers, change constantly. Canada continues to press the United States to clarify and resolve potential inconsistencies between its NAFTA obligations and certain acquisition procedures that appear to limit Canadian participation. These include simplified acquisition procedures for all procurement under US$100,000 and those used for commercial items to a value of US$5 million. Recent legislation regarding procurement by the Department of Homeland Security broadens the use of simplified acquisition procedures. Canada is also concerned about the propensity of U.S. legislators to incorporate restrictive procurement provisions into legislation, such as appropriations acts, on an ad hoc basis. Often relating to specific products, such action appears to be taken without full consideration of the potential for inconsistency with international trade obligations.

Waste

Michigan has legislation that attempts to limit imports of Canadian municipal solid waste, while draft legislation allowing states to limit receipt of out-of-state and foreign waste is before Congress. If the United States were to restrict Canadian municipal solid waste exports, the impact on Ontario would be serious. Any trade response that could be taken under the WTO would take too long to have any practical effect, given that Toronto and other municipalities have only a few days' storage capacity for their solid

CANADA'S ADVOCACY IN THE UNITED STATES

Canada is actively working to advance its interests in the United States through targeted advocacy approaches. This work involves customized, sustained strategies and messaging on key issues as well as the use of all channels of influence to reach U.S. decision makers. For example, our representatives in the United States work to influence the U.S. decision-making system through coordinated and strategic contact with Congress, the Administration, state governments, opinion leaders, industry, media, academia and NGOs. These advocacy efforts are enhanced through active interdepartmental collaboration in Canada, as well as partnerships with provincial and territorial governments, parliamentarians, municipalities, industry, academia and unions. For this reason, Canada has established a new Secretariat at the Canadian Embassy in Washington with a mandate to work with the provinces, territories and parliamentarians in support of outreach activities with key U.S interlocutors.

On March 1, 2005, Canada held an advocacy Day in Washington DC, which took place on Capitol Hill in the context of the Canada-US Partnership Day, an event to "welcome" the 109th Congress. On that occasion, Minister Peterson led a Canadian delegation comprised of parliamentarians, provincial and territorial ministers, as well as private sector representatives with the purpose of drawing the attention of U.S. legislators and their staff on the importance of the Canada-U.S. relationship, and to highlight specific themes such as North American competitiveness and the need to resolve trade disputes. Other developments in recent years have focused on the importance of Canadian advocacy in a range of priority areas including borders, BSE, softwood lumber, agriculture, wheat, energy, the environment and key areas of social policy. For example, the various advocacy campaigns have worked in concrete ways to keep the Canada–U.S. border open and ensure the flow of people and goods. Measures have included the development of early warning systems to counter legislation that could be damaging to Canadian interests, mobilizing senior officials and working with industry to raise the profile of key Canadian interests with U.S. allies, and highlighting Canada's contribution to the United States as its largest and most secure energy supplier.

waste. In addition, the Department of Homeland Security has been investigating the screening process for municipal solid waste trucks entering the United States from Canada on the basis of the security threat posed by those vehicles. Singling out garbage trucks for special inspection could cause serious border delays and set a dangerous precedent. Canada continues to encourage the United States to work cooperatively to manage waste in an environmentally sound manner, without regard to borders and in a manner consistent with the Canada–U.S. Agreement on the Transboundary Movement of Hazardous Waste.

ENHANCED REPRESENTATION INITIATIVE

Canada's fall 2002 Speech from the Throne called for an increase in our country's consular presence across the United States in order to expand fair and secure trade and commerce.

Shortly thereafter, the February 2003 budget identified funding for an initiative designed to bolster the Government of Canada's ability to promote advocacy and business development in the United States within the context of an increasingly integrated North American economy.

Less than a year later, the Enhanced Representation Initiative was introduced. The ERI enables Canada to take advantage of opportunities and innovations in the U.S. market, while recognizing emerging geographic centres of political and economic power in the south and southwest. Defending Canada's existing interests, increasing business development and investment, and attracting science and technology (objectives that are all critical to Canadian prosperity) require resources on the ground to build effective market intelligence networks and relationships with influential players.

Reflecting a "whole of government" approach, the ERI is a horizontal partnership of eight federal departments and agencies. Joining the Department of Foreign Affairs and International Trade are Agriculture and Agri-Food Canada, the Atlantic Canada Opportunities Agency, Canada Economic Development for Quebec Regions, Industry Canada, the National Research Council, and Western Economic Diversification. Thanks to the synergy created through the links between these key partners, the ERI is able to focus resources on the Government of Canada's stated priorities and to leverage shared resources on behalf of business.

The ERI has increased Canada's representation in the United States from 15 to 22 offices. The consulate in Miami has been upgraded to the level of consulate general, with San Francisco scheduled for its own upgrade in 2005. A new consulate general has also been established in Denver, and new consulates are opening in other U.S. regions of trade and political interest such as Houston, San Diego, Raleigh–Durham, Phoenix, Philadelphia and Anchorage.

The ERI partnership also manages a network of 20 honorary consuls to facilitate advocacy and business development goals in key U.S. cities where Canada does not have a diplomatic presence. Eight of these honorary consuls have already been appointed to serve in Cleveland (Ohio), Memphis (Tennessee), New Orleans (Louisiana), Omaha (Nebraska), Pittsburgh (Pennsylvania), Portland (Maine), Portland (Oregon) and Richmond (Virginia).

Additional positions in various missions across the United States further build upon Canada's capacity to advocate its interests in vital economic and political matters.

NEW PARTNERSHIP

During the visit of President George W. Bush to Canada on November 30 to December 1, 2004, the Prime Minister and President committed to deepening cooperation in North America and in the world. They agreed to work bilaterally to address Canada–U.S. priorities and to continue close cooperation with Mexico on issues of trilateral importance. They also announced a "new partnership" to lay out an agenda designed to increase the security, prosperity and quality of life of citizens on both sides of our border. On March 23, 2005, the NAFTA leaders met in Waco, Texas and announced the Security and Prosperity Partnership of North America, which builds on the New Partnership Initiative and constitutes a trilateral effort to increase the security, prosperity, and quality of life of North Americans. This work will be based on the principle that our security and prosperity are mutually dependent and complementary, and will reflect our shared belief in freedom, economic opportunity, and strong democratic values and institutions. It will also help consolidate our action into a North American framework to confront security and economic challenges, and promote the full potential of our people.

The New Partnership agenda is composed of four pillars: security, prosperity, quality of life, and beyond North America. The security pillar deals with objectives such as improving intelligence gathering, border security, infrastructure and NORAD (North American Aerospace Defence Command) renewal. The prosperity pillar calls for joint approaches to partnerships, consensus standards and smarter regulations and for stepping up efforts to liberalize NAFTA rules of origin. The quality of life pillar covers environmental and public health cooperation, while the beyond North America pillar deals with Canada–U.S. collaboration on issues such as counterterrorism, democratic institutions, humanitarian crises, infectious diseases and multilateral cooperation, including working toward the early completion of an ambitious Doha Development Round.

Through the New Partnership, Canada and the United States will continue their joint efforts on the Smart Border Accord to secure the safe movement of people and goods within North America, keeping our border open for business but closed to terrorism. The Government of Canada is committed to striking the right balance between ensuring effective border security and facilitating the cross-border flow of low-risk goods and services.

The Prime Minister and President also agreed to expand economic opportunity by making businesses more competitive in the global marketplace. Today's economy increasingly reflects a model where design and production are managed on a global platform and where imports, driven in part by direct investment abroad, are critical inputs to exports. Given the integrated nature of industries, Canada and the United States must work together to reinforce North American competitiveness in this new economy.

As one step in reinforcing this competitiveness, Prime Minister Martin and President Bush agreed that officials should work together in developing standards and regulations to promote greater efficiency and competitiveness, while enhancing the health and safety of our citizens.

The two leaders also agreed to accelerate efforts to reduce rules-of-origin costs on goods trade between the two countries. NAFTA has established a strong foundation for work in this area. At the July 2004 NAFTA Commission meeting, ministers endorsed a rules-of-origin liberalization package covering a broad range of food, consumer and industrial products affecting approximately US$20 billion in trilateral trade. Canada and the United States implemented the package on January 1, 2005, while Mexico's implementation is expected early this year. Work is well under way trilaterally to explore the scope for agreement on a second group of liberalized rules of origin to be implemented in January 2006 in sectors such as chemicals, pharmaceuticals, plastics and rubber and motor vehicles.

Mexico

Overview

The fundamentals of the Mexican economy are strong, and Mexico's commitment to free trade remains solid. Mexico recognizes the success of the North American Free Trade Agreement and is looking to build on the Agreement as a means of responding to challenges from other regions in the world, particularly Asia.

NAFTA has been a success for all three partners. According to Statistics Canada, in 2004 Mexico was Canada's 5th largest merchandise export market and 3rd most important source of imports. Total two-way merchandise trade in 2004 reached $16.4 billion. NAFTA has also increased foreign direct investment. According to Mexico's Economy Ministry, in 2003 FDI in Mexico reached $143.9 billion, with Canada being Mexico's 5th most important investor. Currently, close to 1,400 Canadian companies have offices or representatives in Mexico. Mexican FDI in Canada, while still relatively small, is growing.

Over the last 10 years, Mexico has actively sought to build on the success of NAFTA, establishing a wide network of 12 free trade agreements (including a free trade agreement with Japan, which is expected to enter into force in the spring of 2005) and providing preferential access to 43 countries on three continents. Mexico is an active participant in the WTO Doha Development Round and in the Free Trade Area of the Americas negotiations. Mexico has also reached out to its South American trading partners, and in 2004 it began negotiations with Mercosur to become an associate member.

In 2004, the Mexican government announced a series of measures designed to increase the country's competitiveness, strengthen economic development and transform Mexico into a major world manufacturing centre. The program includes reductions in Mexico's duties on specific goods from its non-FTA partners; the government states that these reductions are urgently needed if Mexico is to retain its share of the U.S. and other markets. While the government insists that these reductions have been negotiated with domestic industry, there are still pockets of resistance to a unilateral opening of the economy in what is seen as the last bastion of Mexican protectionism: its most-favoured-nation (MFN) duties. Canadian exporters could face competition from non-FTA partners as Mexico begins to reduce its MFN duties.

THE CANADA–MEXICO PARTNERSHIP

In October 2004, Mexican President Vicente Fox Quesada led a team of ministers, parliamentarians, members of the press and a large business delegation on a working visit to Canada. The centrepiece of the visit was the launch of the Canada–Mexico Partnership (CMP), a high-level public–private forum that will bring together business leaders, academics and senior policy-makers to build strategic networks and partnerships, facilitate cooperation, and enhance opportunities for economic development and investment.

The CMP will serve as a mechanism for identifying policy areas in which we can facilitate cooperation and enhance opportunities for economic development and investment with the objective of improving our competitiveness as North American economies. The agreement was designed as a cooperative arrangement that will be complementary to NAFTA and will not duplicate efforts under way in other forums or organizations. The titular leaders of the CMP are Prime Minister Martin and President Fox, who will receive regular progress reports. The quadripartite approach, which involves the public and private sectors of both countries (with academic input), will focus on results in advancing initiatives.

A binational steering group involving key stakeholders has been created to guide the process, and an action plan for the CMP was completed in March 2005. By June 2005, a number of working groups are expected to have selected potential opportunities from among those initially identified for cooperative action under the Partnership. Subsequent areas of cooperation will be evaluated and selected as the Partnership gains momentum.

The possibility of increased protectionism in the agriculture sector remains, along with Mexican concerns over NAFTA's impact on the sector. In line with the National Agreement on Agriculture negotiated in 2003 with Mexican farmers, the Mexican government has committed to using every instrument at its disposal to protect the agriculture industry, including the increased use of non-tariff barriers. This has resulted in the increased use of safeguard and anti-dumping investigations, along with the application of mandatory regulations and the levying of duties and other fees on imports.

Market Access Results in 2004

- Canada negotiated import conditions with Mexican authorities that allow the import of various agricultural products including meats, pet food and grains.
- Regarding BSE, during 2004 Mexico agreed to resume imports of some additional beef products including veal meat (bone-in and boneless) from calves under nine months of age; tripe, cheek and meat products containing beef and prepared beef (marinated or otherwise prepared) from animals under 30 months of age; fetal bovine serum; tallow for industrial use; pet food; sheep offals (head); and sheep or goat meat, carcasses and viscera.
- In April 2004, Mexico agreed to remove its avian influenza-related measures against duck meat from Canada.
- Canada and Mexico signed a cross-Canada Work Plan in July 2004 for the resumption of trade in seed potatoes from across Canada.
- Canada and Mexico continued work on the mutual recognition agreement (MRA) for engineers and added other professions (actuaries and plant pathologists) to the list.
- In July 2004, Mexico implemented a series of measures to liberalize the NAFTA rules of origin applicable to seven products, making it easier for exporters of these products to benefit from duty-free treatment under NAFTA.

Canada's Market Access Priorities for 2005

- Monitor key aspects of Mexican domestic policy that may affect Canadian market access, including amendments to Mexico's animal health law to require the inspection of imported live animals on the Mexican side of the border.
- Continue discussions with Mexico, and as necessary with the United States, aimed at removal of all remaining BSE-related trade measures including those on beef products (bone-in beef and beef from animals over 30 months) and live animals (including dairy breeding cattle).
- Continue to make representations to Mexico seeking removal of all remaining avian influenza-related trade measures against poultry from Canada.
- Ensure that Mexican mandatory technical regulations, such as NOM 194 on meat and NOM 66 on mandatory consolidation of all animal and animal product regulations, are not trade-restrictive or in violation of Mexico's international trade obligations.
- Monitor Mexican biosafety legislation to ensure that Canadian interests are not adversely affected.
- Continue to monitor the high-fructose corn syrup/sugar dispute between Mexico and the United States to ensure that Canadian interests are protected.
- Assist Canadian suppliers with respect to the application of NAFTA Chapter 10 (Government Procurement) by Mexican government agencies and state-owned enterprises, as well as monitor and lobby the Mexican government with respect to any identified systemic problems with Mexican government procurement.
- Work with interested Canadian professional associations to expand their access to the Mexican market.
- Monitor implementation in Mexico of measures to liberalize rules of origin and work to expand the list of included items.

IMPROVING ACCESS FOR TRADE IN GOODS

Bovine Spongiform Encephalopathy

Following Canada's announcement of its first BSE case in Alberta on May 20, 2003, Mexico and other trading partners banned the import of Canadian cattle, beef and other products. On August 8, 2003, Mexico announced that it would resume imports of boneless beef from animals under 30 months and certain other products. By October 2003, final certification arrangements had been worked out between Canadian and Mexican regulatory officials and trade was able to resume. During 2004, Mexico agreed to resume trade in a few additional beef products such as veal meat (bone-in and boneless) from calves under nine months of age; tripe, cheek and meat products containing beef and prepared beef (marinated or otherwise prepared) from animals under 30 months of age; fetal bovine serum; tallow for industrial use; pet food; sheep offals (head); and sheep and goat meat, carcasses and viscera. Canada has been working with both Mexican and U.S. officials to secure a resumption of trade in additional beef products and live animals. Mexico has indicated its willingness to reopen the border for live animals and additional beef products as long as this does not change Mexico's BSE status vis-à-vis the United States, thereby jeopardizing Mexico's own access to the U.S. market. Bilateral and trilateral discussions are continuing to address these issues.

Avian Influenza

Following the Canadian Food Inspection Agency's confirmation of highly pathogenic avian influenza in the B.C. Fraser Valley on March 9, 2004, Mexico imposed a ban against all poultry products from Canada (except for cooked poultry products subject to pasteurization or to a temperature of at least 60°C for 10 minutes, and registered biological poultry products for veterinary use). Other trading partners also imposed measures against Canada, but some limited their measures to imports from British Columbia. In early April 2004, Mexico agreed to restore access for duck meat from Canada. However, Mexico continues to ban imports of other poultry products from Canada.

New Mandatory Technical Regulation for Meat

The Mexican Ministry of Health (Salud) published, on September 18, 2004, a new mandatory technical regulation (NOM 194) that would establish new sanitary provisions for domestic and imported meat. Implementation is set for one year from the publication date. One of the main concerns regarding the proposed NOM is the requirement of zero tolerance for salmonella in uncooked meat, which is not based on sound science and is inconsistent with international sampling protocols. Canada has made several representations before Salud and submitted comments regarding its concerns about the proposed regulation for meat. Although Salud agreed to consider Canada's comments and consult Canada before publication, no prior notification was given and the comments were not considered. Canada will continue engaging Salud to ensure that the NOM does not adversely affect Canadian meat exports to Mexico and that the NOM respects Mexico's international trade obligations.

Consolidation of Animal and Animal Product Import Requirements Under NOM 66

Mexico has proposed the consolidation of over 7,000 Hojas de Requisitos (sanitary import conditions for all animal and animal products) under one NOM, as a way to reduce costs to importers and provide for more efficient administration of its import laws. Canada (along with other affected export countries) has concerns that the individual import conditions for each country will be lost under this approach, leading to potential losses in market access for many products. This issue will need to be monitored closely to ensure that any new NOM offers acceptable import conditions for Canadian products.

On October 22, 2004, Salud announced in the Official Gazette the cancellation of several proposed NOMs that included sanitary specifications for cheese, fishery products, snacks and confectionery products. This measure is positive for trade, since the NOMs would have generated additional administrative procedures for importers and were of concern to Canada.

Regulation of Biotechnology

Mexico is in the process of creating a legal framework for the regulation of biotechnology and the products of biotechnology (e.g. food based on genetically modified organisms—GMOs). Canada has been lobbying Mexican legislators, as well as Mexican authorities, expressing concerns about the new framework and has shared information regarding Canada's own biotech regulatory experience. A draft Biosafety Law was tabled in the Mexican Senate in November 2002, on which Canada provided formal comments. Although the Biosafety Law passed the Senate in April 2003, the Lower House committee did not complete its review. Consequently, there is some uncertainty regarding the time frame for approval of the Mexican Biosafety Law, though it may be approved by Congress in 2005. In its current version, the draft law would require labelling of all products containing GMOs. The Mexican government has set up an interdepartmental consultative mechanism (CIBIOGEM) on biosecurity and GMOs, which has to date been headed by SAGARPA (the Agriculture Ministry). A change of leadership to SEMARNAT (the Environment Ministry) could result in a new and less trade-friendly approach that will need to be closely monitored.

In 2004, members of Mexico's Lower House and environmental organizations expressed their concern with regard to the trilateral arrangement on documentation requirements for Living Modified Organisms for Food, Feed or Processing, which was signed by the three NAFTA partners in October 2003. They claim that this arrangement violates the Cartagena BioSafety Protocol and have asked for an explanation from the Mexican government as to the scope, content and obligations of this document. SAGARPA is working to clarify these concerns and has confirmed its intention to continue with the implementation of the arrangement. In December 2004, the Congress approved a version of the Biosafety Law with certain changes, but the law still requires labelling of all products containing GMOs. The law is now with the Mexican Senate.

Border Clearance

Mexico has very complex and continually evolving import regulations for agri-food products. To deal with this issue, in 2001 Canada contracted a border clearance representative (BCR), located at the Nuevo Laredo border crossing, to assist Canadian exporters of agri-food products. The BCR works directly with Canadian agri-food exporters before they ship their products, educating exporters on the correct procedures in order to ensure that proper documentation is in place. The BCR has developed a strong professional relationship with Mexican officials, which facilitates communication and on-the-spot resolution of border clearance difficulties at Nuevo Laredo and other border crossings. The BCR has proven to be a useful mechanism for reducing border clearance delays and expediting the movement of Canadian agri-food products across the Mexican border. This is a pilot project, which will expire in 2005 unless additional funding can be identified.

High-Fructose Corn Syrup

On January 2, 2002, the Mexican government introduced a 20% tax on beverages containing sweeteners other than cane sugar. This effectively halted Canadian exports to Mexico of high-fructose corn syrup (HFCS), as beverage manufacturers in Mexico switched to using cane sugar as their principal sweetener. Canadian exports of HFCS to Mexico had increased steadily in the years preceding the new tax and were expected to rise further. The tax has adversely affected Canadian corn producers, and questions have been raised regarding its consistency with Mexico's international trade obligations. Under NAFTA, two U.S. companies affected by the tax have filed requests for arbitral proceedings to claim damages for expropriation. In December 2004, Mexico's Chamber of Deputies (with subsequent Senate approval) voted to maintain the 20% tax, despite lobbying by the Economy Ministry and President Fox to have it rescinded.

The Government of Canada has made several representations to the Mexican government outlining its concerns regarding the tax, and has joined the U.S. WTO challenge of the tax under third-party status.

IMPROVING ACCESS FOR TRADE IN SERVICES

Professional Services

Professional engineering associations in Canada, Mexico and Texas are in the final stages of implementing the 1995 Canada–Mexico–U.S. Mutual Recognition Agreement for Professional Engineers. This would allow engineers in participating jurisdictions to be recognized as professional engineers in those jurisdictions, fully authorized to independently perform engineering work. All three parties have signed a letter of intent to go back to their members for approval to implement the MRA. The Canadian Council of Professional Engineers has contacted the Canadian provincial engineering associations in this regard, and so far eight provincial and/or territorial associations have given their approval. The associations of Quebec and Ontario have not yet approved. Mexico's professional association has given its approval, and the Mexican Education Ministry is working to finalize the language test and other requirements for which it is responsible.

In other developments, representatives of the Canadian Institute of Chartered Accountants and its Mexican and U.S. counterparts have signed an MRA that recognizes the professional qualifications of chartered/certified accountants in their respective jurisdictions. As well, representatives of the Canadian Council of Land Surveyors and its Mexican and U.S. counterparts have approved a draft MRA and are working toward a final agreement.

Canada will continue to work with other interested Canadian professional associations to expand their access to the Mexican market.

OTHER ISSUES

Government Procurement

Procurement by Mexican entities listed in NAFTA Chapter 10 is governed by the disciplines of this chapter. Mexico may exclude up to US$1.2 billion per year of government procurement from the disciplines of NAFTA Chapter 10. In addition, Mexico may exclude up to US$300 million for the state-owned oil (PEMEX) and electricity (CFE) firms. These exemptions reduce the opportunities available for Canadian exporters seeking to bid on procurement by Mexican government agencies and public companies. Canada will continue to assist Canadian exporters on a case-by-case basis and to monitor Mexico's application of these exemptions. Canada remains concerned that Mexico has not demonstrated its compliance with these limits on exclusions. Canada continues to press Mexico for relevant statistical and other information that could demonstrate that these limits have not been exceeded.

Mexican Initiative to Require Bottling of Tequila in Mexico

Mexico has proposed a mandatory technical regulation (NOM) that could require all tequila (which is produced only in Mexico) to be bottled in Mexico. At present, some tequila is exported to other markets in bulk, where it is bottled and sold as Mexican tequila. The majority (75%) of tequila exported to Canada and the United States is shipped in bulk. Mexican industry claims that the quality of some tequila that is bottled abroad is highly suspect, with disreputable foreign bottlers diluting and lowering the quality of the tequila and damaging its reputation.

Existing tequila trade between Mexico and Canada is mutually beneficial and is expected to grow significantly in the near term. Canada is the fourth most important importer of bulk tequila, after the United States, Germany and France. Introduction of the NOM will interfere with both existing and anticipated commercial arrangements and negatively affect anticipated export growth. Shipments in bulk for bottling in destination countries is common business practice in the beverage alcohol industry. There are various safeguards in place to ensure product quality and integrity.

There have been 10 trilateral meetings (between the Canadian, U.S. and Mexican governments) to discuss this issue, the most recent being in January 2005. Parallel industry meetings concluded in June 2004, with industry recommendations subsequently presented to governments. In future trilateral discussions, Canada and the United States will be working to ensure that tequila exports to our countries continue unimpeded while respecting NAFTA parties' rights and obligations under Annex 313 (Distinctive Products).

Trade Data Reconciliation

The statistics produced by countries on their merchandise trade with the rest of the world frequently differ from the statistics published by their trading partners. These differences reflect legitimate conceptual differences between import and export statistics, as well as possible errors. The *Merchandise Trade Reconciliation Canada–Mexico 2000–2001* report produced by Statistics Canada and the Mexican agency INEGI shows a discrepancy of over $4 billion between what Statistics Canada reports as exports to Mexico and what INEGI reports as imports from Canada. The major factor contributing to this gap is transshipment or indirect trade through the United States. The implication is that Canada's actual exports to Mexico are far greater than the reported figures using Canada's export statistics.

5 Opening Doors to Central and South America

Free Trade Area of the Americas

Overview

The proposed Free Trade Area of the Americas holds the potential to create the world's largest free trade area, with over 837 million people and a combined gross domestic product of more than $18.8 trillion. In addition to liberalizing trade in goods, the FTAA has the potential to secure improved market access commitments in the services sector and to establish stronger investment protection measures throughout the hemisphere.

The FTAA is an integral part of the larger Summit of the Americas process. It was conceived in principle in December 1994 at the inaugural Summit of the Americas in Miami. At the second Summit, in Santiago in April 1998, the leaders of the 34 democratic countries of the Americas launched the negotiations toward a hemisphere-wide free trade area. The FTAA complements the Summit objectives of strengthening democracy, promoting human rights and finding ways to address a range of social and economic issues through hemispheric cooperation. The FTAA is perhaps the most visible element of the Summit process, but its principal objectives of growth and development through enhanced economic integration are ultimately intended to reinforce the Summit's broader objectives. Canada hosted the Third Summit of the Americas in Quebec City in April 2001, and it continues to play a significant role in the broader Summit process.

Nine FTAA negotiating groups were established in 1998, with mandates from ministers to negotiate in specific substantive areas: market access; investment; services; government procurement; dispute settlement; agriculture; intellectual property rights; subsidies, anti-dumping and countervailing duties; and competition policy. In addition, a consultative group and two committees were created to address horizontal issues related to the negotiations: smaller economies, and civil society and electronic commerce. Later, a committee was established to address general and institutional issues.

The FTAA will build on Canada's existing free trade ties with the United States, Mexico, Chile and Costa Rica, and our expanding links elsewhere in the hemisphere, enabling Canada to take full advantage of emerging hemispheric markets. The FTAA will coexist with pre-existing agreements, such as the North American Free Trade Agreement. This means that Canada's trade with the United States and Mexico will continue to be governed by NAFTA, and the FTAA will substitute in these relations only if all three parties agree.

Excluding Canada's NAFTA partners, in 2004 the FTAA countries were the destination for $3.7 billion in Canadian merchandise exports. In addition, in 2003 the stock of Canadian direct investment in the region exceeded $55.3 billion, or about 13.9% of Canada's total outward investment.

In accordance with ministers' instructions outlined in the November 2003 Miami Ministerial Declaration, the FTAA process will adopt a two-tier approach: work on a set of common rights and obligations in each of the existing nine subject areas (first tier), and work on optional, more ambitious trade liberalization measures through additional negotiations among interested countries (second tier). Despite several formal and informal meetings, negotiators have not been able to agree on the design and procedures for the new negotiating framework. As a result, formal negotiations are suspended, and the January 2005 deadline for the conclusion of the negotiations has not been met. Although this means that the countries of the hemisphere will not realize the benefits of a potential FTAA as quickly as initially envisaged, the vision behind this initiative remains valid. Once consensus is reached on how to implement the new negotiating framework, the negotiations should be able to proceed at a faster pace.

In November 2004, Prime Minister Martin and President Luiz Inacio Lula da Silva of Brazil issued a joint declaration stating their intention to negotiate enhanced market access in the areas of goods, services and investment in the context of the FTAA. The hope is that this initiative will help move the FTAA negotiations forward, toward the conclusion of a comprehensive and high-quality agreement that promotes regional economic integration.

Market Access Results in 2004

- Due to the pause in the formal negotiations, there are no market access developments to report.

Canada's Market Access Priorities for 2005

- Recommence formal negotiations to develop and implement a negotiation framework, as instructed by ministers, which will advance work on the integrated draft text of the FTAA Agreement and the market access negotiations for goods, services, investment and government procurement.
- Pursue the conclusion of a high-quality, comprehensive Agreement.
- Seek agreement with other countries on a process to establish parallel agreements on labour and the environment in the context of the FTAA.
- Continue to pursue measures, including institutional measures, that increase the transparency and participation of civil society in the FTAA.

MERCOSUR

Overview

Argentina, Brazil, Paraguay and Uruguay established the Southern Cone Common Market (Mercosur) in 1991 through the Treaty of Asuncion. Mercosur provides for the free circulation of goods, services, capital and labour; a common external tariff; and harmonized macroeconomic and sectoral policies by 2006. With 215 million consumers (compared with 400 million in NAFTA), this customs union was Canada's second largest export market in Latin America in 2003, after Mexico. Partially harmonized common external tariffs were implemented in 1995. Approximately 90% of all internal trade is duty-free, with the remaining exceptions to the common external tariff scheduled to be eliminated by 2006.

Since its inception, four other countries have joined Mercosur as associate members and have negotiated free trade agreements with Mercosur: Chile (1996), Bolivia (1997), Peru (2003) and Venezuela (2004). Mexico is slated to become an associate member in the near future. Mercosur also signed an agreement to create a free trade area with the Andean Community in 2003 and has been engaged in negotiations with the European Union. In addition, Mercosur has sought closer ties with other developing countries such as China, Egypt, India and South Africa.

In November 2004, Prime Minister Martin and President da Silva of Brazil issued a joint declaration stating their intention to negotiate enhanced market access in the areas of goods, services and investment in the context of the FTAA. The hope is that this initiative will help to move the FTAA negotiations forward, toward the conclusion of a comprehensive and high-quality agreement that promotes regional economic integration.

Canadian merchandise exports to Mercosur countries totalled $1.1 billion in 2004, a 14% increase from the previous year. Canada's main exports to Mercosur are fertilizers, paper products, machinery, petroleum products, electrical machinery and equipment, minerals, optical and medical equipment, motor vehicles, chemicals, rubber, plastics, vegetables, pharmaceuticals and wheat. Canadian imports from Mercosur members totalled $2.8 billion in 2004, an increase of 10% from the previous year.

Canadian direct investment is concentrated in the aluminum, oil and gas, mining, power generation, agricultural nutrients, telecommunications equipment and services sectors and has increased significantly in recent years.

Brazil

Overview

Brazil is officially designated as a priority market for Canada and is Canada's most important trading partner in South America. Two-way trade reached $3.3 billion in 2004. Canadian merchandise exports to Brazil expanded to almost $953 million in 2004, an increase of 7% over the previous year. Major exports included fertilizers, paper products, mechanical machinery, mineral fuels, electrical equipment and minerals. Canadian merchandise imports from Brazil totalled $2.3 billion in 2004, up 18% over 2003. Major imports included industrial goods such as iron and steel, manufactured goods, such as automobiles and mechanical machinery, agricultural goods (raw sugar, prepared fruit and vegetable products), as well as wood, footwear and precious stones.

Export Development Canada (EDC) now has two offices open in Brazil (Sao Paulo and Rio de Janeiro), to meet the growing demand from Canadian exporters. Prime sectors in Brazil for Canadian exporters and investors are energy, mining, oil and gas, information technologies, telecommunications, financial services, pulp and paper, biotechnology, agriculture and environmental services.

Canadian cumulative direct investment in Brazil exceeded $7.5 billion in 2003.

Since the January 2003 inauguration of the government of President da Silva, Brazilian trade policy has placed considerable emphasis on furthering South American integration. This administration has also taken strong steps to enhance trade and political relations with the rapidly industrializing economies of China, India and South Africa and with less-developed economies throughout the world.

Brazil has further demonstrated its commitment to monetary and fiscal policy reforms to ensure the continued support of the International Monetary Fund (IMF) and has largely succeeded in reassuring international investors of Brazil's financial stability. Primary fiscal surpluses are high at 4.25% of GDP, inflation is on target at 7.3%, and the rate of growth was forecast at 4.5% for year-end 2004 and is projected to be 3.5% for 2005. A standby financing arrangement with the IMF (totalling US$6.6 billion) was announced in December 2003, a move that was favourably received by the financial markets. The ratio of public debt to GDP decreased to 56% by mid-2004, and Brazil is working to reduce this proportion, as it has constrained policy choices.

Exports continued to grow strongly in 2004 and led to a record trade surplus of US$25 billion in 2003. Growth in goods exports has been driven by a diversification of products and an emphasis on opening new markets. There has also been growth in the export share of non-traditional Brazilian exporter states and an increase in the overall number of exporters. Commodities exports have grown, largely due to rising international prices, and manufactured exports have shown a steep increase in volume. The external sector should continue to make a positive contribution to economic growth in 2005, with exports supported by robust external demand and the anticipated stability of commodity prices. Imports, which were in decline from 2001 through 2003, began an upturn in 2004 and are expected to remain strong in 2005 in response to a growing recovery in domestic demand.

An important challenge for Brazil in 2005 will be to find the means to stimulate strong growth in private consumption and investment. Brazil's investment regime is largely open to foreign investors, and there are generally no restrictions on the remission of profits and the repatriation of capital that has been duly registered with the Central Bank. However, Brazil's share of worldwide investments has decreased, and improvements to the investment climate are required to reverse this situation. Brazil is developing a system for public–private partnerships, which it hopes will help to boost investment in the country and build much-needed infrastructure.

Brazil is an original member of the World Trade Organization and is one of the most active participants in the multilateral trading system. As leader of the WTO G20, the group of developing countries concerned about market access in agriculture, Brazil has taken a prominent role in the negotiations. Through its membership in the Southern Cone Common Market (Mercosur), Brazil offers the opportunity to access the larger trading arrangement. Along with the United States, Brazil is a co-chair of the FTAA negotiations. The next FTAA Ministerial Meeting is scheduled to take place in Brazil.

Market Access Results in 2004

- Canada's long-standing concerns about its access to the Brazilian seed potato market were addressed when Brazil relaxed tolerance levels for some non-regulated quarantine pests.
- In August 2004, Canada and Brazil agreed on conditions allowing for the resumption of trade in bovine embryos.

Canada's Market Access Priorities for 2005

- Continue representations concerning the levying of duties and charges on imports from Canada that are not consistent with Brazil's international trade obligations; an example is Brazil's Merchant Marine Renewal Tax, which imposes a 25% tax on the ocean freight of imported goods.
- Promote dialogue in the FTAA negotiations and successful completion of an ambitious Doha Round in the World Trade Organization negotiations.
- Continue representations aimed at removing Brazil's BSE measures on imports of beef and cattle from Canada.

IMPROVING ACCESS TO TRADE IN GOODS AND SERVICES

Merchant Marine Renewal Tax

Canada has raised concerns about the imposition of duties and charges on imports that are not notified in Brazil's WTO schedule, such as the Merchant Marine Renewal Tax with its potential trade-restricting and trade-distorting effect. The amount of this tax is 25% of the ocean freight on imported goods. Since the tax does not apply to domestically produced goods, or to goods imported over land from neighbouring countries, Canada considers that it violates both the national treatment and most-favoured-nation obligations of the General Agreement on Tariffs and Trade. Also, in many cases where Brazil's applied tariff is within the level of its WTO binding, the combination of the Merchant Marine Renewal Tax and the applied tariff exceeds the WTO binding.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a bovine spongiform encephalopathy case, Brazil imposed a ban on imports of ruminants, embryos and by-products from the same species originating from Canada. Canada has kept all its trading partners, including Brazil, fully informed of the results of its investigation and regulatory response, and it is requesting a resumption of trade on scientific grounds. In March 2004, Brazil agreed to resume trade in bovine embryos. In August 2004, officials agreed on the terms of an export certificate allowing trade of embryos to resume. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On February 20, 2004, Brazil suspended the import of live birds from Canada. After revising information provided by CFIA, Brazil lifted restrictions on all provinces except British Columbia and required that imports of hatching eggs be subject to facility approval by Brazilian authorities. (For further information, see the avian influenza overview in Chapter 2.)

Tariff on Wheat

In 1996, Brazil notified WTO members that it had withdrawn from its WTO schedule a market access concession under which 750,000 tonnes of wheat entered Brazil duty-free, and that it would begin applying a duty, currently set at 10%, to all wheat imports. As the largest non-preferential exporter of wheat to Brazil at that time, Canada notified WTO members of its claim of "principal supplying interest" in order to safeguard its right to compensation from Brazil for the non-implementation of this concession and the new tariff. Brazil's view is that there is no compensation owing because Canada's market share remained unaffected.

Regional Aircraft Dispute

Protracted litigation at the World Trade Organization regarding Brazilian and Canadian financing support for regional jet aircraft sales resulted in substantial, but so far unexercised, retaliation awards to both sides. For the past three years, Canada and Brazil have sought a negotiated solution to the long-running dispute. The goal is an understanding that will minimize the impact of government financing on airlines' decisions to purchase aircraft.

The current negotiations focus on an understanding that would capture the progress made to date and establish a future work plan to address the outstanding issues.

Argentina

Overview

Following the social, economic and financial crisis of late 2001, real output contracted by 10.9% in 2002, after contracting 10% between 1998 and 2001. Output began to grow again in the second quarter of 2002. Real GDP rose by 8.8% in 2003, outstripping the most optimistic forecasts. Growth was driven by a 38.2% increase in gross fixed investment and an 8.2% rise in private consumption. Two-thirds of the investment expansion was in construction, with the remainder in machinery and equipment. Imports grew by 37.6% as they recovered from the depressed levels of 2002. In the first half of 2004, output growth was 8.4% year on year, driven by continued strong investment. During the first nine months of 2004, inflation did not exceed 6%, industrial activity was up 10% (led by the automotive industry and the cement, rubber, plastics and chemicals sectors), and exports grew by 15% while imports increased by 68%. Imports of capital goods rose by 151%, reaching year 2000 levels. Growth is expected to reach at least 7% in 2004.

Nonetheless, the scars of Argentina's 2001 crisis remain visible throughout the country. About 44% of the population, including 5.5 million young people aged between 15 and 29 years, live under the poverty line—in sharp contrast to conditions between 1992 and 1995, when only 22% of the population was poor. Poverty and unemployment are widespread and represent a potential source of social tension. The country remains vulnerable to adverse changes in the international environment, such as increases in interest rates on its debt and price declines for its primary commodities.

Since 1991, Argentina has received almost continuous support from the International Monetary Fund, and it is one of the five largest borrowers from the Fund, owing US$15.5 billion at the end of 2003. In September 2003, the authorities signed a three-year standby agreement with the IMF, under which the Fund agreed to refinance Argentina's IMF obligations. In return, the Argentine government committed to meeting quantitative targets for the monetary base and fiscal performance and to fulfilling structural reform commitments. These included compensating the banks for the effects of asymmetric pesification, passing a revenue-sharing law to limit transfers to the provinces, and negotiating in good faith with the holders of defaulted bonds. Argentina passed the first two performance reviews; however, its failure to pass a revenue-sharing law and delays in debt renegotiations and utility tariffs led to delays in the third review. In August 2004, a month before the government was scheduled to meet the Fund to set out a target for the primary fiscal surplus, the government suspended the agreement, postponing the negotiation of new targets until early 2005 and pressing ahead with an offer to bondholders in the meantime.

In November 2004, the Argentine government submitted to the U.S. Securities and Exchange Commission what it considered to be its final proposal for the swap of Argentine defaulted debt bonds. Over an aggregate amount subject to restructuring of US$81.8 billion, the government intends to issue bonds totalling US$38.2 billion or US$43.2 billion, depending on whether the rate of acceptance of the proposal is above or below 70%. The proposal was submitted for consideration by foreign creditors, and there will be two underwriting periods extending from January 14, 2005 to February 25, 2005. In its quest for a high acceptance rate, the Argentine government managed to reach an important agreement with private pension funds, which hold approximately 20% of the defaulted bonds.

The World Bank is currently financing 31 projects, with a total commitment of about US$4.7 billion. In addition, the new 2004–2005 Country Assistance Strategy (CAS) for Argentina outlines a program that projects up to US$2.0 billion of new World Bank financing from April 2004 through December 2005 to help reduce poverty as the country recovers from the crisis. The new CAS supports the government's commitment to rebuilding the economy while delivering sustained growth and promoting a framework of social programs. The CAS also stresses the need for improvements in governance, accompanied by institutional and structural reforms to ensure the sustainability of the improvements over time. The International Financial Corporation (the private sector arm of the World Bank Group) will continue to emphasize support for export-oriented investments: it will focus on alleviating the credit crunch faced by export-driven companies while engaging in selective investments in new operations with returns commensurate with risks.

More than a third of all cases before the International Centre for the Settlement of Investment Disputes, representing some US$15 billion, are against the Government of Argentina. A few cases started hearings in 2004, and the outcomes will most likely have an impact on current negotiations with privatized utilities.

Canadian investment, notably in the oil and gas, and mining and energy sectors, reached $5.2 billion in 2003, making Canada one of the most important foreign investors in Argentina. Canadian mining juniors are actively exploring opportunities. Other major Canadian investments are in agro-industry, printing and telecommunications. Although additional investment opportunities exist in these sectors, the extent to which they can be explored depends on Argentina's continuing recovery from the crisis. In particular, domestic access to medium- and long-term financing for small and medium-sized enterprises remains difficult to secure, unless in an export-driven sector.

Canada and Argentina signed a foreign investment protection and promotion agreement in 1991. This FIPA follows the OECD model, which does not include all of the enhanced investment protection afforded under NAFTA and Canada's newer FIPAs. Argentina and Canada also agreed to a bilateral trade and investment cooperation arrangement (TICA) in 1991, and Argentina supported Canada's proposal for a TICA with Mercosur (signed in 1998). Canada and Argentina have a double taxation agreement.

In 2004, bilateral merchandise trade fell to $416 million, down from $452 million in 2003. This represents a year-over-year decrease of 8%. Statistics Canada reports that Canadian exports jumped to $128 million in 2004 (up 64% from the previous year), while imports decreased to $288 million (down 23% from 2003).

Canada's Market Access Priorities for 2005

- Continue representations aimed at removing Argentina's BSE measures on imports from Canada, especially on dairy products and health devices (including products of bovine origin) and encouraging Argentina to align its BSE policies with World Organisation for Animal Health (OIE) recommendations.
- Continue discussions with Argentina to restore access for Canadian pork.
- Support the Canadian business community in Argentina, particularly in the area of investment, with a focus on promoting judicial security, financial stability and a free market in the mining investment regime and fertilizer sector.
- Promote dialogue in the Free Trade Area of the Americas and World Trade Organization negotiations.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of case of bovine spongiform encephalopathy, Argentina temporarily suspended all imports of Canadian products of ruminant origin, including bovine semen and embryos. Canada has kept all its trading partners, including Argentina, fully informed of the results of its investigation and regulatory response, and it is requesting a resumption of trade on scientific grounds. As a first step, Argentina reopened its market for bovine semen coming from Canada in April 2004. In January 2005, Argentina lifted its restrictions on bovine embryos. (For further information, see the BSE overview in Chapter 2.)

Chile

Overview

July 5, 2004, marked the seventh anniversary of the entry into force of the Canada–Chile Free Trade Agreement, which has been the cornerstone of our bilateral trade and economic relationship. The CCFTA established a comprehensive bilateral commercial framework covering trade in goods and services, investment and dispute settlement, as well as significant commitments in the area of trade remedies (a mutual exemption from the application of anti-dumping measures). The CCFTA is complemented by numerous bilateral agreements, including bilateral cooperation agreements on labour and the environment, the 2000 Double Taxation Treaty and the 2003 Bilateral Air Transport Agreement.

Canada views Chile as a key regional partner, and many Canadian companies consider Chile to be a gateway to neighbouring markets. Prudent fiscal policies, stringent financial sector supervision, structural reforms, and an open trade and investment regime make Chile one of the most open and stable economies in Latin America. In its *2004–2005 Global Competitiveness Report*, the World Economic Forum rated Chile as the most competitive country in Latin America.

While Canada took an early lead in partnering with Chile to establish key trade links, other important economies—the European Union, the United States and South Korea—have also implemented FTAs with Chile. Chile's economy will undoubtedly benefit from strengthened confidence and new opportunities arising from these FTAs, as well as from new FTAs that are being negotiated with China, India, New Zealand and Singapore.

Chile's GDP growth was 3.3% in 2003 and is projected to reach more than 5.5% in 2004. Mining was the most dynamic sector on the supply side in 2004, due to double digit growth in copper output. Chile's long term foreign currency debt is the best rated in Latin America and has been considered investment grade by all credit rating agencies since 1992.

Since implementation of the CCFTA in 1997, Canada's bilateral merchandise trade with Chile has flourished and diversified, moving to encompass non-traditional and niche sectors. Total two way trade between Canada and Chile has more than tripled over the past decade, from $553 million in 1994 to $1.4 billion in 2004. Two way trade has increased by 132% from $718 million since the FTA entered into force in 1997, and most Canadian exports now enter Chile duty-free.

The leading Canadian goods exports to Chile are machinery, durum wheat, electrical machinery, petroleum products, paper and paperboard, plastics, iron and steel, aircraft and coal. Canada's leading imports from Chile are copper and copper articles, fruits (particularly grapes), copper ores, wood, wine, fish and seafood, and wine. The major sectors of opportunity for Canadian companies in the medium term include equipment and services in the following areas: mining and metals, energy, environment, information technology and telecommunications, construction and building products, transportation and infrastructure, and plastics.

Canadian services exports have also increased significantly since the entry into force of the CCFTA. In 2002, services exports reached $162 million, which represents an 86% increase over the pre-CCFTA level. In 2002, service imports from Chile were $52 million, a 24% increase over the pre-CCFTA level.

Investment in Chile remains a real success story for Canada: Canada is Chile's third largest investor after the United States and Spain. The stock of Canadian direct investment in Chile totalled $5.9 billion in 2003, according to Statistics Canada. The mining sector remains the main destination for investment, with significant exposure in the energy, chemical, financial services, equipment manufacturing and telecommunications sectors.

Chile remains committed to the promotion of foreign investment, and investment legislation has been incrementally liberalized since 1974. The flexibility of the well-educated workforce is a major attraction for foreign investors, and international capital will continue to flow into export-oriented industries such as mining, manufacturing and agriculture.

The CCFTA and the Canada–Chile Double Taxation Agreement have proven to be highly successful tools for Canadian investment, providing additional benefits and guarantees unprecedented outside the NAFTA context. The CCFTA ensures that Canadian investors will be treated in a similar fashion to Chilean investors and will receive benefits equivalent to those Chile may grant to other countries in future agreements.

Market Access Results in 2004

- Canada and Chile held a successful first meeting of the Canada–Chile Sanitary and Phytosanitary Committee in Ottawa on July 7, 2004. The Committee dealt with a number of bilateral issues, as well as with multilateral issues of common interest.
- Negotiations began to broaden the CCFTA to include a chapter on government procurement.
- Canada and Chile signed a protocol to amend Chile's tariff elimination schedule, giving Canada parity with the United States regarding the tariff treatment of beef and pork.
- Both countries agreed to technical rectifications to the rules of origin within the CCFTA.
- Canada and Chile adopted two declarations that improve the transparency and efficiency of the investment chapter. A declaration on non-disputing party submissions helps to clarify the process for third-party submissions in investor-state arbitration. The second declaration refers to open hearings and confirms the parties' intention to request that all investor–state arbitral hearings be open to the public.

Canada's Market Access Priorities for 2005

- Continue representations aimed removing BSE measures on imports from Canada.
- Continue representations on the import of embryos collected in vitro.
- Hold a second meeting of the CCFTA SPS Committee to continue addressing issues of bilateral interest in this area, as well as issues of shared interest in multilateral forums.
- Seek to conclude negotiations toward a government procurement chapter within the CCFTA.
- Encourage engineering professions in both countries to negotiate a mutual recognition agreement.
- Continue to develop a basis for addressing financial services disciplines in the CCFTA.

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

Automobiles

On January 1, 2004, Chile began to phase out the 85% luxury tax on automobiles valued at over US$15,834, following a Chilean Supreme Court ruling that the tax is equivalent to a tariff. The luxury tax will be completely removed by January 1, 2007. Vehicles from Canada will receive treatment on par with that accorded to vehicles imported from other countries, including the United States.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Chile issued a ban on imports of bovines and bovine products from Canada with some exceptions. Canada has kept all its trading partners, including Chile, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. On December 31, 2004, Chile lifted its restrictions on imports of bovine embryos collected in vivo. Restrictions remain on the import of embryos collected in vitro. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On March 8, 2004, the Canadian Food Inspection Agency confirmed the presence of highly pathogenic avian influenza in southern British Columbia, prompting Chile and other trading partners to impose import restrictions. On November 24, 2004, Chile removed its import restrictions on poultry and poultry products from British Columbia.

ANDEAN COMMUNITY

Bilateral merchandise trade with the Andean Community amounted to $3.6 billion in 2004. This represents an increase of 48% over the same period the previous year. Canadian exports totalled $1.2 million. According to Statistics Canada, the Canadian stock of direct investment in the Andean region totalled $2.9 billion in 2003.

In August 2002, Canada began exploring the possibility of a free trade agreement with all five Andean countries (Bolivia, Colombia, Ecuador, Peru and Venezuela) at their request. The Government of Canada launched extensive domestic consultations in November 2002 with business, citizen-based organizations and individual Canadians, as well as with provincial and territorial governments, to obtain advice and views on priorities, objectives and concerns that would help define the scope of further trade initiatives with these countries, including a possible FTA. The majority of responses received support eventual free trade negotiations with the Andean Community. Additional exploratory discussions with the countries of the Andean Community would be necessary before negotiations could commence. Canada and the Andean Community already have a trade and investment cooperation arrangement, signed in May 1999.

The Andean Group (Colombia, Ecuador and Peru) is currently negotiating an FTA with the United States, which may have an impact on the competitive positions of Canadian companies.

Canada is actively negotiating a foreign investment protection and promotion agreement with Peru. In 2003, the Canadian stock of direct Investment in Peru totalled $1.8 billion. Peru is an important destination for investment by Canadian mining companies, among others. Canada has FIPAs in place with Venezuela and Ecuador.

Venezuela

Overview

Venezuela is an important commercial partner for Canada, with bilateral merchandise trade totalling just over $1.8 billion in 2004. Canadian exports to Venezuela were valued at $508 million in 2004, with imports worth $1.31 billion. This makes Venezuela Canada's second largest trading partner in South America. Bilateral trade has increased approximately 78% relative to 2003, indicating a partial recovery of ground lost in 2002 and 2003 due to adverse economic conditions in Venezuela. While the overall economic situation has improved somewhat, due primarily to high oil prices, Canadian and other foreign suppliers continue to be affected by foreign exchange controls imposed in February 2003 and the general decrease in the purchasing power of Venezuelans. The main Canadian exports to Venezuela are wheat, machinery, motor vehicles, paper and paperboard, optical and medical equipment, vegetables, wood pulp, preserved food and electrical machinery. Canada's imports from Venezuela consist of petroleum products, iron and steel products, inorganic chemicals, ores, slag and ash, fertilizer, vehicles, iron and steel, electrical machinery, aluminum, and organic chemicals.

Canadian investment is concentrated in Venezuela's telecommunications, banking, mining, legal services, and oil and gas sectors. In addition, Canadian exporters and investors are pursuing opportunities in the agri-food, energy, environment and security products sectors.

A foreign investment protection and promotion agreement between Canada and Venezuela was signed in 1996 and came into force in January 1998. A double taxation agreement came into effect on January 1, 2005.

Canada's Market Access Priorities for 2005

- Continue representations to Venezuela aimed at elimination of its discretionary import licensing system for agricultural products.
- Continue encouraging Venezuela to resolve investment disputes in accordance with the principles of transparency and the due process of law.
- Continue representations to Venezuela aimed at resumption of trade in beef and beef products from Canada.
- Continue representations to Venezuela aimed at resumption of trade in poultry and poultry products from Canada.

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

Foreign Exchange Administration Commission

The 2003 imposition of foreign exchange controls continues to affect exporters of selected goods and services to Venezuela. These controls make it difficult for Venezuelan importers to legally access foreign exchange for goods and services that are not on the priority import lists administered by the Foreign Exchange Administration Commission (CADIVI). To import goods and services not on these lists, importers may have to buy foreign exchange on the black market at rates approximately 25% higher than the official rate. While there was a marked increase in the flow of dollars granted by CADIVI over the course of 2004, the administrative process required to obtain foreign currency via CADIVI represents a bureaucratic delay to the flow of trade. The Venezuelan government has stated that the regime is to remain in place indefinitely, but indications are that the controls will be implemented with some flexibility.

Agricultural Products

Sanitary regulations at the Ministry of Agriculture and Lands (MAT-SASA) are not fully transparent, and authorities do not respond in a timely fashion to official enquiries regarding sanitary and phytosanitary issues. Venezuela's commitment to an open and rules-based trading system continues to be questioned. During the past few years, Canada has made numerous representations to Venezuelan authorities, raising concerns about Venezuela's SPS-related import licensing system, which restricts agricultural products. Canada's specific concerns have been with respect to meat (beef and pork), table potatoes, onions and, most recently, pulses. According to industry, import licences are either not granted on a timely basis, granted but not for the full amount of the request, or not granted at all. No legitimate reasons are provided for denying or delaying the licences. Canada's position is that as long as Venezuela's legitimate SPS concerns have been addressed, any SPS-related licences should be granted on a timely and automatic basis. On November 26, 2002, and on October 26, 2004, Canada registered its concerns with Venezuela regarding the spotty issuance of permits and rejection of other import permit applications for table potatoes, onions and pulses. A letter outlining these concerns and seeking a resolution to this barrier to trade has been sent to Venezuelan authorities.

OTHER ISSUES

Continuing political and economic difficulties call into question Venezuela's attractiveness as a foreign investment destination. Las Cristinas is a major gold mining project in Venezuela that remains the subject of long-standing and complex legal disputes involving various parties, including the Venezuelan government and several Canadian companies. The case has been registered with the International Center for Settlement of Investment Disputes. The Government of Canada has underlined to Venezuelan authorities the importance of resolving the disputes in accordance with the principles of transparency, good faith and due process of law.

CENTRAL AMERICA

Overview

The Central American countries of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama are emerging economies with generally good economic growth. Annual two-way merchandise trade between Canada and the Central American countries amounted to $1.18 billion in 2004, with Canadian exports to Central America totalling $386 million and imports totalling $791 million. (Note: These statistics do not include many goods transshipped through the United States.)

The Canada–Costa Rica Free Trade Agreement, which came into effect on November 1, 2002, demonstrates that it is possible to take into account differences in the levels of development and size of free trade partners. Two cooperation agreements on labour and the environment have also come into force. The conclusion of a free trade agreement with El Salvador, Guatemala, Honduras and Nicaragua will also enhance Canada's presence and influence in the region and help to further develop the trading relationship between our countries.

Canada has a bilateral foreign investment protection and promotion agreement with Costa Rica and a memorandum of understanding on trade and investment with Central America.

Market Access Results in 2004

- Canada continued negotiations toward a free trade agreement with El Salvador, Guatemala, Honduras and Nicaragua (CA4).
- Canada and Costa Rica continued to implement the Canada–Costa Rica Free Trade Agreement, including the third scheduled tariff reduction on January 1, 2004.
- Costa Rica removed its requirement for a customs information declaration for Canadian imports.
- Canada made representations to the governments of Costa Rica, Honduras and Nicaragua to support and advance Canadian mining interests in the region.
- Canada made representations to the Government of Honduras to request reconsideration of the ban on the import of products containing chrysotile fibres.
- Canada gained access to the Honduran market for boneless beef products.
- Nicaragua reopened its market for pork and beef embryos and semen, frozen pork meat products, onions and table potatoes.
- Canada achieved continued access to the Costa Rican market for pork meat products, based on Costa Rican inspection of Canadian meat-processing establishments.
- Canada gained access to the Costa Rican market for chicken and turkey meat products.
- Canada achieved continued access to the Panamanian market for pork, despite the individual plant inspection approval system in Panama.
- Guatemala removed its BSE-related measures against pork and its products, enabling trade in these products to resume.
- On September 13, 2004, Guatemala removed its avian influenza-related measures against British Columbia.

Canada's Market Access Priorities for 2005

- Conclude free trade agreement negotiations with El Salvador, Guatemala, Honduras and Nicaragua—the Central America Four (CA4).
- Pursue system-wide approval from Costa Rica, Panama and El Salvador for Canadian meat exporting establishments—the current approval system, which is based on the inspection of individual plants, is costly and onerous for Canadian exporters.
- Monitor the development of Salvadoran and Guatemalan regulations affecting business operations and foreign investment; provide advice to Canadian exporters; and lobby the Salvadoran government, when necessary, on behalf of Canadian export interests.
- Ensure better protection and promotion of Canadian investments in the CA4 countries through inclusion of a comprehensive investment chapter in the Canada–CA4 Free Trade Agreement.
- Continue representations aimed at removing El Salvadoran and the further removal of Guatemalan, Nicaraguan and Honduran BSE measures on imports from Canada.
- Continue representations on behalf of Canadian mining interests in the region.

- Pursue removal of the Honduran ban on products containing chrysotile.
- In El Salvador, promote Canadian goods in the following areas: construction (home and office furnishings), agriculture (food and beverages, fertilizers), and environmental technologies (solid waste disposal techniques, waste-water treatment).

Costa Rica

With 4.1 million people, the smallest population in Central America, Costa Rica boasts the second highest GDP per capita in the region. It also attracts more foreign investment than any other country in Central America, averaging $795 million per year since 1997. The country's stable political environment and educated workforce continue to offer attractive business opportunities for Canadian exporters of goods and services. Costa Rica accounts for 33% of Canada's two-way merchandise trade with Central America. In 2004, bilateral trade between Canada and Costa Rica totalled $392 million, with Canadian exports valued at $76 million and imports at $316 million. The main Canadian exports to Costa Rica are newsprint and paper, fertilizers, machinery, prepared vegetables and malt. Canada imports mainly fruit (pineapples, bananas, watermelons), electrical machinery, sugar, medical instruments and coffee. Canadian investment in Costa Rica is concentrated in the hotel and tourism industry, banking, news media, mining, environmental technologies and hydroelectric power. Canadian exporters and investors are pursuing opportunities in priority sectors such as agriculture and agri-food, construction and building materials, environmental technologies, information and communications technologies, tourism, energy and road infrastructure.

The Canada–Costa Rica Free Trade Agreement has become the cornerstone of our increasingly important trade and investment relationship with Costa Rica.

The Agreement provides for the progressive elimination of tariffs. Costa Rica eliminated its tariffs on some 67% of its tariff lines at the time the Agreement came into force, and it will do so for the remaining goods over a period of up to 14 years. For its part, Canada provided immediate duty-free access on some 86% of its tariff lines; tariffs on the remaining goods covered by the Agreement will be eliminated over a period of up to eight years. Both parties have made four tariff cuts already, one at the time of entry into force and the other three on January 1, 2003, 2004 and 2005.

Other agreements that contribute to the effective enforcement of domestic standards are the Canada–Costa Rica Agreement on Environmental Cooperation (CCRAEC) and the Canada–Costa Rica Agreement on Labour Cooperation (CCRALC). The CCRAEC provides for technical cooperation to strengthen environmental management systems and expand the participation of the public in environmental policy making, while the CCRALC establishes a work program and a process designed to enable the public to raise concerns about the effective application of labour law in the other country.

Central America Four: El Salvador, Guatemala, Honduras and Nicaragua

In 2004, two-way merchandise trade between Canada and the Central America Four totalled $666 million. Canadian exports to the CA4 accounted for $237 million, while imports stood at $429 million.

Free trade negotiations with the CA4, which were launched by the Minister for International Trade on November 21, 2001, continued. The parties are negotiating a comprehensive agreement covering market access for goods and services, investment, financial services and government procurement. Key Canadian interests include telecommunications goods and services, environmental equipment and services, value-added processed foods, mining, automotive parts, and construction equipment and services. Parallel agreements on labour and environmental cooperation are also being pursued. While progress has been made, key sensitive issues in the negotiations have now been reached and must be resolved.

The current resurgence of Canadian mining interest in Central America, particularly in Guatemala, fuelled by historically high prices for gold and nickel and supported by renewed investor confidence in the Berger regime, has the potential to involve our missions on several different levels in the coming months. This resurgence of interest is reflected in the fact that Canadian mining interests will soon form the largest single source of both foreign investment and revenue for the Guatemalan government for the next several decades. The three major Canadian mining companies in Guatemala are expected to have investments in that country totalling approximately $660 million in the near future.

El Salvador

El Salvador is an economic engine of Central America. Home to the region's largest banks, it also features a modern infrastructure for telecommunications and shipping. In 2004, two-way merchandise trade between Canada and El Salvador totalled $105.5 million. Canadian exports to El Salvador stood at $52.2 million, while imports were $53.3 million.

The country's growing prosperity is based on a philosophy of open trade, incentives to encourage foreign investment, and economic reforms. Remittances from Salvadorans living abroad continue to be a driving force in the economy and are expected to reach US$2.4 million by the end of 2004. The Central Bank has estimated that 80% of family remittances go toward the purchase of consumer goods. It is expected that GDP, currently at $19.6 billion, will grow at a rate of less than 2% in 2004, the same as the previous year but still one of the highest rates in Central America. Inflation will remain low. The National Assembly has recently passed a fiscal reform package aimed at increasing contributions and diminishing the number of tax evasions.

Imports of consumer goods grew at an annual rate of 10.1%, totalling over US$4 billion in August 2004. Consumer and intermediate goods, led by food and beverages, continued to record the highest increases. Exports also expanded, rising 7% compared with the previous year and passing the US$3-billion mark for the first time. Exports to Canada have grown in the last five years, reaching C$52.3 million in 2003.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, El Salvador banned the import of live animals, beef and beef products from Canada. Canada has kept all its trading partners, including El Salvador, fully informed of the results of its investigations and regulatory response, and it is requesting resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Guatemala

Guatemala has the largest population in Central America (12.7 million) and is the region's largest economy with a GDP of $35 billion. The country remains Canada's second largest client in the region, importing primarily basic agricultural commodities, value-added agri-food products, newsprint and machinery. In 2004, two-way merchandise trade between Canada and Guatemala totalled $324 million. Canadian exports to Guatemala accounted for $143 million (accounting for almost 56% of total Canadian exports to the region), while imports stood at $181 million. The potential for growth in Canadian goods and services exports to Guatemala remains substantial, particularly given the advantages and security that the impending Canada–CA4 free trade agreement will bring. New opportunities can be expected to emerge in a number of different sectors, but especially in the priority sectors for this country: agriculture (including forestry), food and beverages, environment and mining.

Over the past several years, the overall macroeconomic picture for Guatemala has continued to be fundamentally sound, due to careful management by the Bank of Guatemala, in collaboration with the International Monetary Fund. Economic growth has slowed from a peak in 1998 of 5.0% but, reflecting the resurgence in the economy, was expected to reach 2.5% in 2003. Inflation has continued to decline to manageable levels of 4% to 6% in the last two years. Guatemalan exports have also declined somewhat in 2001 and 2002 (primarily due to the collapse of coffee prices and the slowdown in key export markets for the maquila industries), but increased in 2003; however, they are expected to increase substantially over the next three years as a new government places increased emphasis on infrastructure spending and international trade concessions.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Guatemala issued a ban on imports of beef and various other products including pork. No other trading partner has included pork in their BSE measures against Canada, and we have raised strong objections. Canada has kept all its trading partners, including Guatemala, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. Guatemala removed its BSE restrictions on pork and pork products in 2004, and trade in pork and its products have resumed. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On February 23, 2004, Guatemala imposed measures against imports of poultry from British Columbia due to avian influenza. On September 13, 2004, Guatemala removed all measures. (For further information, see the avian influenza overview in Chapter 2.)

Honduras

With a GDP of $9.8 billion in 2003, Honduras is the second poorest country in Central America with nearly two-thirds of its population living below the poverty level. After years of struggling with the devastating effects of Hurricane Mitch in 1998, the economy is gradually showing signs of recovery. GDP growth, which hovered at 2.5% in 2001 and 2002, stood at 3.2% in 2003 and is expected to reach 3.8% in 2004 and 4.0% in 2005. In line with agreements reached with the IMF, the World Bank and other multilateral and bilateral lenders, the government has implemented a series of measures to meet its commitments under the debt relief and poverty reduction programs. Although the fiscal deficit and inflation remain a concern, the government has fulfilled its commitments in fiscal reform (improved revenue collection, cuts in non-essential public spending), financial sector reform (improved banking regulation and supervision), and political and judicial sector reforms. It has also increased spending on education, health, social security, housing and rural development. Honduras has an open market economy oriented toward free trade and attracting foreign investment (through export processing zones, free port regulations, tourism investment incentives and benefits, and customs and tax privileges). FDI is increasing, particularly in the textiles industry. Opportunities for Canadian businesses include agricultural and food products, building and construction equipment, information and communications technologies, environmental technologies and tourism.

In 2004, bilateral trade totalled $158 million, with Canadian exports valued at $25 million and imports at $133 million.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Honduras banned the import of beef and beef products from Canada. Canada has kept all its trading partners, including Honduras, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. In January 2004, trade in boneless beef from Canada resumed. (For further information, see the BSE overview in Chapter 2.)

Nicaragua

Nicaragua is the largest country in Central America and its poorest economy, with a GDP of $5.7 billion in 2003. The government has undertaken a series of reforms to boost the economy in recent years, privatizing state enterprises, improving conditions for foreign investors and expanding free trade zones. Nicaragua is still heavily dependent on bilateral and multilateral aid and on the debt relief programs of the IMF.

In 2004, two-way merchandise trade between Canada and Nicaragua totalled $78 million, with Canadian exports to Nicaragua valued at $17 million and imports from Nicaragua at $61 million.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Nicaragua banned the import of beef and beef products from Canada. Canada has kept all its trading partners, including Nicaragua, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. On January 16, 2004, Nicaraguan officials stated that they would allow the import of only special cuts of beef from cattle less than 30 months of age. (For further information, see the BSE overview in Chapter 2.)

Panama

Overview

With a GDP of $18.1 billion, the second-highest per capita income and the most stable consumer prices in the region, Panama offers significant potential for Canadian goods and services. In 2004, bilateral merchandise trade totalled $119 million, with Canadian exports valued at $73 million and imports at $47 million.

The Government of Canada will continue to encourage Canadian firms to pursue business opportunities with the Panama Canal Administration. With a yearly budget of nearly US$1 billion, no receivables and possibly the most straightforward procurement process in the region, the Panama Canal Administration continues to be an excellent client. The diversity of the goods and services procured yearly by the Canal, as well as ongoing capacity-expansion projects and the impending modernization of the Canal (a multi-billion-dollar project), offers a number of opportunities for Canadian companies.

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

Non-tariff import barriers continue to affect Canadian agri-food exports to Panama, although the situation is improving. While the issuance of import permits for pork has been partly resolved, occasional problems still arise due to local government policy changes enacted to appease domestic stakeholders. The requirement for individual inspections of plants wishing to export to Panama continues to be a matter of concern, even though most exporting plants have passed inspection by Panamanian authorities. Canada continues to press the Panamanian government for overall approval of the Canadian system.

CARIBBEAN

Caribbean Community (CARICOM)

Overview

The 15-member Caribbean Community includes Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago, and Montserrat (U.K. dependency). The Bahamas is a member of CARICOM but not of the Caribbean Common Market.

CARICOM is a welcoming market for Canadians, with few barriers to trade, well-established Canadian banks in the region, English as a common language, and legal codes and business practices that are similar to those in Canada. Haiti is an exception. French and Creole are the official languages of Haiti, and its legal codes have evolved from the Napoleonic code.

Annual two-way merchandise trade between Canada and the CARICOM countries amounted to $1.4 billion in 2004, with Canadian exports totalling $491 million and imports $950 million. (Note: Statistics do not include many goods transshipped through the United States.) In addition, more than $200 million in contracts for Canadian consulting and engineering services are awarded annually with government and development bank financing. Many privately funded service contracts go unrecorded.

Canadian investment in, and flowing through, CARICOM countries as a group exceeded $34 billion in 2003 (8.4% of total Canadian investment abroad) and is mainly in financial services (banking, insurance), particularly in Barbados and the Bahamas. In the 1990s, Canadian investment diversified to include Trinidad and Tobago's energy sector and Guyana and Suriname's mining sectors.

Market Access Results in 2004

- Regarding BSE, there was a partial resumption of trade in beef and other products with Antigua and Barbuda, Barbados and Trinidad and Tobago.

Canada's Market Access Priorities for 2005

- Commence negotiations toward a free trade agreement with CARICOM.
- Regarding BSE, finalize arrangements with the Bahamas and Jamaica to resume trade in beef and other products and continue representations with other CARICOM countries for the resumption of trade.
- Continue negotiating with St. Lucia to resume trade in beef and beef products.
- Continue representations to Barbados and St. Lucia aimed at removing their avian influenza restrictions.

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

At the Canada–CARICOM Summit in Jamaica in January 2001, then Prime Minister Jean Chrétien and the heads of government of the CARICOM countries agreed to initiate discussions toward a possible free trade agreement. Government officials formally met on a number of occasions to exchange information and views on the scope of possible free trade negotiations, and exploratory discussions continued in 2003. Prime Minister Paul Martin reiterated Canada's commitment during bilateral discussions with CARICOM leaders at the Monterrey Special Summit of the Americas in January 2004.

The Government of Canada launched extensive domestic consultations in late 2001 with business, citizen-based organizations and individual Canadians, as well as with provincial and territorial governments, to obtain advice and views on priorities, objectives and concerns to help define the possible scope of a free trade agreement with the CARICOM countries. The majority of responses received supported eventual free trade negotiations.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, many Caribbean countries banned the import of beef and other products. Canada has kept all its trading partners, including the Caribbean countries, fully informed of the results of its investigation and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Antigua and Barbuda: In September 2003, Antigua and Barbuda announced the partial lifting of its ban, resulting in the resumption of trade in certain beef and other products.

Bahamas: Bahamas has recently advised that it is willing to lift the ban. Canada is in discussions now with Bahamian authorities to resume trade.

Barbados: In October 2003, Barbados advised of the partial lifting of its ban, resulting in the resumption of trade in certain beef and other products.

Jamaica: In September 2003, Jamaica announced a partial lifting of its ban. However, final details have not yet been arranged. Canada is in discussions now with Jamaican authorities to resume trade.

Trinidad and Tobago: In September 2003, Trinidad and Tobago advised of the partial lifting of its ban, resulting in the resumption of trade in beef and certain beef products.

St. Lucia: In December 2004, Canada and St. Lucia commenced negotiations for the resumption of trade in beef and beef products.

Haiti

Haiti is the only least-developed country in the Western Hemisphere. Under the LDC Initiative, tariffs and quotas on most Haitian exports to Canada, with the exception of supply-managed agricultural products (dairy, poultry and eggs) have been eliminated. All remaining imports are now assessed a tariff rate of zero.

In July 2003, Haiti signed a memorandum of understanding with Canada that will allow Haiti to benefit from the duty-free treatment of imports of textiles and apparel.

Haitian access to the Canadian market, through the LDC Initiative, could contribute to the reduction of poverty in Haiti by strengthening economic growth. Canada has extended the LDC Initiative to 2014.

Cuba

Overview

Cuba is Canada's largest export market in the Caribbean and its fifth largest in Latin America, with exports totalling $322 million in 2004. Canada is one of Cuba's largest trading partners and its second largest source of foreign investment. Cuba is an emerging market with some potential for Canadian exporters and investors. The attractiveness of opportunities is tempered by the continuing U.S. embargo of Cuba and by U.S. legislation that attempts to impose American laws on companies from other countries. Canada has enacted amendments to the Foreign Extraterritorial Measures Act, which attempt to counteract the U.S. laws by enabling a "clawback" of any losses awarded in U.S. courts that is enforceable against American assets in Canada. The Government of Canada is opposed to the extraterritorial application of U.S. law and does not support the embargo on Cuba.

The eventual end of the American embargo could create significant new business opportunities. Canadian investors must weigh the advantages of early entry into a dynamic market against the risks of abrupt changes in business conditions.

Market Access Results in 2004

- Trade in beef resumed following the successful negotiation of an export certificate for beef exports to Cuba.

Canada's Market Access Priorities for 2005

- Monitor the development and implementation of Cuban regulations affecting business operations and foreign investment, providing advice to Canadian exporters and lobbying the Cuban government, when necessary, on behalf of Canadian business interests.
- Monitor the implementation of tariff exemptions granted to Canadian investors, under Cuba's Law (Cuban Decree Law 77) on Foreign Investment, for imports of products necessary for investment projects.
- Continue representations aimed at removing Cuba's remaining BSE-related measures on imports from Canada, including live cattle.

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

In 2004, Cuba continued to buy agricultural commodities from the United States, despite the U.S. prohibition on exports to Cuba. Since 2001, Cuba has bought close to $1 billion from U.S. exporters. These purchases were made pursuant to the U.S. Trade Sanctions Reform and Export Enhancement Act of 2000, which effectively removed agricultural commodities from the U.S. embargo on Cuba providing the purchases were made in cash. These cash terms, offered only to U.S. exporters, have given an advantage to certain U.S. agricultural exports. The Government of Canada continues to raise this issue with Cuban officials in order to ensure a level playing field for Canadian exporters.

On October 23, 2004, the Cuban Central Bank issued a directive restricting use of the U.S. dollar and stipulating that all domestic transactions formerly made in cash in U.S. dollars would now have to be made in convertible pesos (still pegged 1:1 to the dollar). Holding U.S. dollars will still be legal, but a 10% fee will be charged for buying convertible pesos with U.S. dollars. The 10% fee will not be charged when other currencies, such as the Canadian dollar, are used to buy convertible pesos.

This measure follows the introduction in July 2003 of a de facto foreign exchange control, whereby Cuban companies must now receive permission from the Central Bank to access the foreign currencies needed to meet their international obligations. Canada will continue to monitor the implementation of such measures closely. So far, there has been no noticeable impact on trade flows.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Cuba banned the import of live cattle, beef and other products from Canada. A delegation of Cuban veterinarians visited Canada in September 2004 to discuss all aspects of trade in animal products. On December 14, 2004, the certificate for beef was successfully negotiated and beef exports have resumed. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On March 22, 2004, Cuba imposed measures against imports of poultry products from Canada. On January 21, 2005, Cuba removed all restrictions. (For further information, see the avian influenza overview in Chapter 2.)

The Dominican Republic

Overview

The Dominican Republic is one of the Caribbean's largest and fastest growing markets and duty-free manufacturing zones. Official statistics put two-way trade between Canada and the Dominican Republic at $228 million in 2004, with Canadian exports totalling $100 million and imports totalling $128 million. The Dominican Republic is Canada's sixth largest merchandise export market in the Central America and Caribbean region. Canada is the second largest foreign investor in the Dominican Republic, mainly in telecommunications, mining, banking and tourism.

After a significant slowdown caused by the banking crisis of 2003, the country's economy has recovered steadily. The recovery has been helped by the signing of an agreement with the IMF, with its attendant economic and fiscal reforms.

Market Access Results in 2004

- Three operators of scheduled air service between Canada and the Dominican Republic were designated.

Canada's Market Access Priorities for 2005

- Continue work to enhance trade and investment relations with the Dominican Republic, including through a possible free trade agreement.
- Continue work to improve trade and investment opportunities in the Dominican Republic through the FTAA and the WTO negotiations.
- Continue representations aimed at removing the Dominican Republic's BSE measures on imports from Canada.
- Continue representations aimed at removing the Dominican Republic's avian influenza restrictions.
- Press the Dominican Republic to issue import permits for Canadian agricultural commodities in an automatic and timely manner when applications are received.

IMPROVING ACCESS FOR TRADE IN GOODS

In March 2002, the President of the Dominican Republic and then Prime Minister Chrétien agreed to consider bilateral free trade negotiations and decided that the two countries would initiate exploratory discussions on enhancing their trade relationship. Extensive public consultations were launched in November 2002 to obtain the views of Canadians. Work toward improving trade relations with the Dominican Republic continued in 2004.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, the Dominican Republic suspended the import of Canadian cattle and beef. Canada has kept all its trading partners, including the Dominican Republic, fully informed of the results of its investigation and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On March 19, 2004, the Dominican Republic imposed measures against imports of poultry from British Columbia due to avian influenza. (For further information, see the avian influenza overview in Chapter 2.)

6 Opening Doors to Europe

European Union

Overview

Canada and Europe have long-standing commercial links, and the European Union (EU) is a key trade and investment partner. Canada was the first country to sign a cooperation agreement (the Framework Agreement) with the EU in 1976. Building on this, the 1996 Joint Political Declaration on Canada–EU Relations and the Canada–EU Action Plan (*www.international.gc.ca/english/geo/europe/eu/action-e.htm*) set goals for broadening bilateral relations, not only in the trade and economic areas, but also on a broad range of foreign and domestic policy issues as well. Both parties conducted a comprehensive review of their relationship in 2003. Canada also works closely with the European Union on the promotion of the multilateral trading system, and the parties are now starting the negotiation of a bilateral trade and investment enhancement agreement.

The European Union is the world's second largest single market, having surpassed the United States in population and in exports but trailing it in gross domestic product. Its population was 380 million on January 1, 2003, and its share of the world's aggregate GDP in 2003 was 28.8%, compared with 29.9% for the United States and 2.3% for Canada. In May 2004, 10 central and southern countries joined the EU, increasing its population to over 450 million.

As a group, the current 25 EU member states continue to rank as Canada's second most important trading partner. They represent the largest source of foreign direct investment into Canada, as well as the largest destination for Canadian direct investment abroad, after the United States. The total trade between Canada and the EU in 2004 was $87 billion. Canadian investment flows to the EU amounted $4.8 billion in 2004 while inward flows from the EU fell by $12.7 billion. Increasingly, Canadian and EU firms rely less on selling to each market and more on establishing a presence in each market.

Total Canadian merchandise exports to the European Union amounted to $22.6 billion in 2004, accounting for 5.5% of Canada's global exports and 35% of Canada's non-U.S. exports. Canada's main exports are precious stones, machinery, and aircrafts. The European Union represents approximately 18% of Canadian services exports. Although the United States absorbed 88% of the growth in Canada's global exports from 1993 to 2004, the European Union accounted for 40% of the growth in non-U.S. exports (or about 5% of the total).

In 2004, Canadian merchandise imports from the EU grew at a faster pace than exports (8.9% compared to 6.2%). Merchandise imports from the EU reached $42 billion in 2004, with the main imports being machinery, petroleum products, pharmaceuticals, vehicles, and aircraft. As a result, Canada has a deficit in its balance of trade with the EU, which stood at $19.4 billion in 2004. However, at $77 billion in 2001, sales by Canadian affiliates based in the EU are now more than four times greater than Canadian exports and will continue to grow as investment increases.

Canada and the EU are leading investors in each other's economies. Over 1,800 European companies have investments in Canada. This makes the EU the second largest investor in Canada, accounting for 27% of all FDI.

Canada is the third largest investor in Europe (after the United States and Japan). The stock of Canadian direct investment in the EU has grown substantially during the past decade. The aggregate value of Canadian direct investment in the EU (15) stood at $99.1 billion in 2003. Twenty-five percent of all Canadian direct investment abroad is in the Europe Union, a proportion topped only by our investment in the United States.

Certain recent developments in the EU have implications for Canada. These include the expansion of the economic and monetary union, market distortions in agriculture, protective tariffs, the harmonization of regulations for a single market, new bilateral free trade agreements, and certain bans and restrictions on imports imposed by the EU for health, environmental and consumer protection reasons.

Canada–EU trade relations are covered by World Trade Organization agreements and bilateral agreements on cooperation in customs, competition policy, science and technology, trapping standards, veterinary inspections, and mutual recognition of certification and testing of products for standards purposes.

The EU is negotiating regional free trade agreements with other parts of the world, including with the Mercosur countries and Chile. In recent years, free trade agreements have been reached with Mexico and South Africa. Some 77 developing countries that are signatories to the Cotonou Agreement already enjoy preferential access to the European Union. In addition, the EU is moving to deepen its economic ties with its new neighbouring economies, which include Belarus, Moldova, Russia, Ukraine and the southern Mediterranean economies (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestinian Authority, Syria and Tunisia). Canada is one of only eight economies worldwide that does not have some form of preferential trading relationship with the European Union.

Canada–EU Trade Relations

A number of bilateral instruments are in place to help manage Canada–EU trade relations, and the Minister for International Trade and his counterpart, the EU Commissioner for Trade, meet frequently to discuss the bilateral and multilateral trade agenda. The Joint Cooperation Committee meets annually at the senior official level. Canada–EU trade issues are also addressed by officials through the Trade and Investment Sub-Committee as well as in other sectoral working groups.

Canada–EU Trade and Investment Enhancement Agreement

One of the key outcomes of the December 2002 Canada–EU Summit was the commitment by leaders to "design a new type of forward-looking, wide-ranging bilateral trade and investment enhancement agreement" (TIEA). This new agreement, in combination with the anticipated results of the Doha Round, is intended to move beyond traditional market access issues and would include areas such as investment and trade facilitation, as well as science, technology and regulatory cooperation. It is expected that negotiations will start in 2005 and will run on a parallel track with the WTO Doha negotiations, where market access issues such as tariffs are being dealt with.

The TIEA will be an important element in the development of Canada's broader relations with the EU. Canada sees the proposed TIEA as a forward-looking initiative, responding not just to current issues, but also anticipating future challenges and creating opportunities to broaden and deepen the trade, investment and overall relationship.

Although trade between Canada and the newly added countries is relatively modest, there will be some impact on trade flows as new members harmonize tariffs and regulatory schemes with the EU. The new member states also no longer have access to Canada's General Preferential Tariff. In terms of investment treaties, Canada currently has bilateral foreign investment protection and promotion agreements with five of the new member states: the Czech Republic, Hungary, Latvia, Poland and Slovakia. Maintaining high-level investment protection for Canadian investors is important as the new EU members bring their investment regimes into conformity with EU laws and regulations.

Regulatory Cooperation

International trade relations are increasingly affected by domestic decision making and regulatory activity. Consequently, Canada–EU regulatory issues are considered to be central to trade discussions. On December 21, 2004, Canada and the European Commission adopted a Framework for Regulatory Cooperation. The Framework seeks to prevent and eliminate unnecessary regulatory barriers to trade and investment by encouraging increased information sharing, dialogue, transparency and working-level cooperation among regulators. The Framework is expected to enhance market access for producers on both sides of the Atlantic and to promote dialogue between regulators in the early stages of developing regulations. The Framework will also be a key element of the Canada–EU trade and investment enhancement agreement.

Market Access Results in 2004

- Canada and the European Community (EC) negotiated amendments to Annexes V and VIII of the Canada–EC Veterinary Agreement with respect to fresh pork, bovine semen and live lobster.
- Canada achieved market access for Canadian exports of saskatoon berries throughout the EU.
- Canada and the EU adopted the bilateral Framework on Regulatory Cooperation, which aims to increase market access and enhance trade by reducing regulatory irritants and promoting good regulatory practice.
- Canada and the EU finalized the bilateral Agreement on Trade in Wines and Spirit Drinks.
- Canada the EU finalized the bilateral Agreement on Cereals.

Canada's Market Access Priorities for 2005

- Renew the three-year derogation for seed potatoes from New Brunswick and Prince Edward Island, and discuss with the EU the possible expansion of the derogation to all potato-growing regions of Canada.
- Bring the amendments to the Canada–EC Veterinary Agreement into force; this will provide particularly significant market access opportunities for Canadian pork exporters.
- Press the EU for improved market access for cooked and peeled shrimp, including relaxation of the requirement for further EU processing.
- Advance negotiations in the TIEA and through the WTO Doha Round.
- Press for the removal of Greece's new inspection and testing requirements for imported wheat to ensure continued access to this important market.

IMPROVING ACCESS FOR TRADE IN GOODS

Fish and Seafood

Canadian fish and seafood exports to the EU reached $484 million in 2004. In 1990, seafood exports to the EU represented about 19% of Canada's global fish and seafood exports; the 2004 figure was 10.7%. Major factors in the decline have been the reduced supplies of groundfish, high EU tariffs and privileged access to the EU market enjoyed by Canada's major competitors. EU tariffs on many fish and seafood items of interest to Canada range from 12% to 23%. Canada is seeking tariff reductions on a range of fishery products during the current multilateral trading round; however, it is particularly concerned about the EU tariff of 20% applied to cold water cooked and peeled shrimp exports. The Government of Canada is lobbying European Commission officials on a regular basis to secure enhanced access to the EU market for Canadian shrimp exports.

Another issue of concern to Canada in 2004 was an unexpected halt to exports of live Canadian molluscs, including those for direct human consumption, to the EU. This stoppage was a result of revised EU requirements that all live mollusc imports include mollusc health certification in addition to food safety certification. After numerous interventions by Canadian officials over a period of two and a half months, the new requirements were amended to allow the resumption of Canadian exports of live molluscs to the EU in July 2004 with food safety certification only. The question of access to European markets for live molluscs for further development and processing remains under discussion.

New Chemicals Policy

In October 2003, the Commission endorsed the draft regulation for a new chemicals policy that will now have to be approved by the European Parliament and the Council. The proposal replaces more than 40 existing directives and regulations. It foresees one single, integrated system for the registration, evaluation and authorization of chemicals (referred to as "REACH"). Under the new system, manufactured or imported chemical substances weighing over one tonne would require registration. Companies that produce and import chemicals will need to assess the risks arising from their use and take the necessary measures to manage any identified risk. The new system will thus shift the burden of proof from public authorities to industry for ensuring the safety of chemicals on the market.

Canada has expressed concerns in a number of areas of the proposed regulation. Concerns include a registration process that appears unnecessarily costly, burdensome and complex; unclear criteria and procedures for inclusion under REACH and unclear rationale for exemptions; possible anti-competitive behaviour from manufacturers through voluntary consortia; issues around the protection of confidential business information; and the use of production volume thresholds instead of an incremental approach to information submission.

The proposal is in its initial legislative stages; no final decision is expected before the next European Parliament elections. Canada will continue to monitor developments.

Saskatoon Berries

Canadian saskatoon berries were sold by a retail chain in the United Kingdom this past winter. Shortly after introducing saskatoons to the market, the importer and the retailer were advised by the U.K. Food Standards Agency (FSA) that saskatoons could not be sold in the United Kingdom until they had been approved as being safe for consumption under the EU Novel Foods Regulations (Regulation 258/97). Canada considers that the EU Regulation indicates that a history of safe human consumption in Canada would exempt a food from the requirements of the Regulation. Moreover, the Government of Finland has argued that saskatoons should not be considered a novel food under the EU regulation, given that there was "significant" consumption of saskatoon berries in Finland prior to the passage of the Novel Foods Regulation in 1997.

On December 10, 2004, a committee of EU member states declared that the berries are not novel. This means that the EU market is currently open to Canadian saskatoon berries and Canadian exports of the berry can resume. Canada will continue to monitor the situation in the coming months to ensure that exports of saskatoon berries are able to enter the European Union without mishap.

Organic Food Products

The EU has implemented a mandatory organic standard and certification system under EU Regulation 2092/91, which requires exporting countries to be on a third-country equivalence list by December 31, 2005. Thus, to maintain access to the EU market for organic products, Canada must negotiate an equivalency agreement with the EU on its organic standard and conformity assurance system. The Government of Canada recognizes the importance of the EU market for Canadian organic producers. Agriculture and Agri-Food Canada and the Canadian Food Inspection Agency (with support from DFAIT) have created a joint task force with the mandate to look at different regulatory schemes and develop recommendations on ways to address domestic as well as international market access issues for Canadian organic products.

Canada will submit a formal application for inclusion on the EU list, which will demonstrate how Canada's certification system and national production standard are equivalent to that of the EU. This application will be submitted once the Canadian organic food standards and certification and control process are determined.

Risk Assessment

The EU is currently assessing the health and environmental risks associated with the use of three metals of significant export interest to Canada: cadmium (by

Belgium), zinc (by the Netherlands) and nickel (by Denmark). The lead and copper industries have initiated voluntary risk assessments. If a product "fails" the assessment and is deemed a health or environmental risk, the use of the product can be severely restricted or banned. Current EU practice is for member states to take the lead in developing a risk assessment for a given substance. The risk assessment process is an internal EU process that precludes third-party assessment; however, a draft report is submitted to OECD members for review.

Draft risk assessment reports for zinc and cadmium are expected to be completed in the first quarter of 2005, while work continues on copper, lead and nickel. The Government of Canada looks forward to the release of the draft assessment reports and intends to fully participate in future consultation processes. Canada supports science-based assessments of health and environmental risks. However, it is concerned that the use of risk assessment methodologies designed for organic substances can lead to inappropriate outcomes for inorganic substances, such as minerals and metals, resulting in unnecessary market restrictions. The pursuit of legitimate objectives should not result in the implementation of new, unnecessarily trade-restrictive measures.

Forest Products

The "green labelling" bill of Dutch Green Left MP Marijke Vos has met with considerable resistance from trade and industry groups, due to concerns about its threat to free trade should it ever become law. In its original form, it proposed mandatory red or green labelling of products: red for those that cannot be demonstrated to be "sustainably produced" and green for those that, in the view of the initiator of the bill, can (e.g. products certified according to the Forest Stewardship Council system). The current version proposes only green labelling and on a voluntary basis. The Dutch re-notification to the EU regarding this bill recently resulted in comments from various EU member states as well as from Canada and Malaysia at the WTO level. The EU Commission subsequently reacted with a number of concerns, and Canada is awaiting further developments.

A parallel development in the Netherlands is the national assessment guideline (known in Dutch as the "BRL" or "beoordelingsrichtlijn"), which sets out proposed criteria against which incoming shipments of certified wood and wood products would be evaluated prior to distribution in the Netherlands. Canada is waiting for Dutch authorities to release a formal draft of the guideline upon which trading partners may submit comments, as required under international trade obligations. The Dutch timber industry's position is that the system must permit the evaluation of all certificates and that no monopoly should be created for any one standard, such as that of the Forest Stewardship Council. Canada will advocate for the recognition and equivalency of all sustainable forest products certification schemes (Canadian Standards Association, Sustainable Forestry Initiative and Forest Stewardship Council).

Seal Products Ban in Belgium

The Belgian parliament is considering legislation that would effectively confirm a decree banning the import of all seal products. A ministerial decree dated June 4, 2004, imposed an import licensing requirement for seal products, until the legislation barring their import is in place. The Belgian government has notified the EC of its licensing requirement under this decree. The proposed legislation may violate EC directives; however, formal comments by the EC are pending. Canada believes that the Belgian ban is an unnecessarily trade-restrictive measure and has made formal interventions at the WTO Technical Barriers to Trade Committee.

The decree contains several misleading assertions about the seal species harvested, harvesting methods and the sustainability of the seal population in Canada.

The Belgian decree ignores the findings of the Canadian Royal Commission on Seals and Sealing and the *Canadian Veterinary Journal*, which conclude that the methods used in the seal hunt are comparable to those used to hunt other wild animals and are acceptably humane. In April 2003, the Canadian Marine Mammal Regulations were amended to establish the practice of administering a blinking eye reflex test in order to clearly determine death.

Canada maintains that the seal hunt is based on sound conservation principles and humane harvesting methods. While Belgium is not a major market for Canadian seal product exports, there is concern that the Belgian legislation may set a precedent for similar action by other European countries or encourage the European Commission to revise its position. The overall impact might, therefore, be highly detrimental to the Canadian sealing industry. The Fur Council of Canada is concerned that a ban on seal fur imports would prompt similar action against other types of fur and fur products.

Canada has made numerous representations to Belgian authorities calling for a halt to the implementation and a review of the proposed legislation. The seal hunt is of great economic importance to coastal communities and Aboriginal peoples in both Eastern and Northern Canada, and it is part of their traditional way of life.

Sanitary and Phytosanitary Import Regulations

Beef Hormones

Both Canada and the United States have consistently opposed the EU hormones ban (i.e. the ban on the importation of meat derived from cattle treated with growth-promoting hormones) since it was imposed in 1989. Our position is that the ban is not based on science and that it therefore constitutes an unjustified barrier to trade.

Canada and the United States requested WTO panels in 1996. In 1997, the panels ruled that the EU ban is not based on science and is therefore inconsistent with the EU's WTO obligations. This finding was confirmed by the WTO Appellate Body in 1998. The EU did not comply with the rulings, and on July 26, 1999, Canada and the United States received authority from the WTO Dispute Settlement Body to retaliate against the EU. On August 1, 1999, Canada imposed retaliatory tariffs of 100% on EU products (beef, pork, and cucumbers and gherkins) in the amount of $11.3 million annually. The United States imposed retaliatory tariffs on EU products in the amount of US$116.8 million.

In October 2003, the EU announced that it was in compliance with the WTO rulings on the basis of 17 new studies, which the EU claimed supported continuation of the ban. In December 2003, the EU asked both Canada and the United States to initiate a compliance panel under Article 21.5 of the Dispute Settlement Understanding. We responded that, since it is the EU that is in violation of the WTO ruling, the onus is on the EU to substantiate its claims of compliance.

Canadian experts have engaged in technical discussions with EU experts and have reviewed the 17 studies that form the basis of the EU claims of compliance. However, these efforts have yielded no additional substantive evidence to justify the EU hormones ban.

On several occasions, both prior to the 1999 retaliation and since, the EU has explored with the United States (and to a lesser degree Canada) compensation as an alternative to retaliation. Canada has repeatedly indicated its openness to discussing a possible compensation package as an interim measure, pending the EU's full compliance with the WTO rulings. However, EU discussions with both Canada and the United States have never resulted in an agreement.

On November 8, 2004, the EU requested consultations with both Canada and the United States under the procedures of the WTO Dispute Settlement Understanding, alleging that our retaliation is no longer justified. Consultations with both parties were held on December 16 in Geneva. The EU concluded that the consultations did not resolve the dispute, and at the EU's request, a panel was established on February 17, 2005. We expect to be in active litigation in the WTO by early spring and would expect to see a Panel report later this year. Canada is confident in its positions in this case and is well prepared to successfully defend them before a WTO dispute settlement panel.

Canada–EC Veterinary Agreement

The Canada–European Community Veterinary Agreement was signed in December 1998. The main objective of the Agreement is to facilitate trade in live animals and animal products (including fish) by establishing a mechanism for the mutual recognition of the equivalency of inspection and certification requirements. A Joint Management Committee, chaired by the Canadian Food Inspection Agency and the European Commission's Health and Consumer Protection Directorate General (SANCO), oversees the operation of the Veterinary Agreement.

The CFIA and SANCO have agreed to make several amendments to the Agreement. Most notably, these amendments reflect the reciprocal recognition of the equivalency of Canadian and European Community public health measures pertaining to fresh and frozen pork and animal health measures for bovine semen. These amendments will reduce the number of requirements placed on Canadian exports of fresh and frozen pork and bovine semen, thereby facilitating access to the EU market. These amendments will also reduce the burden of frontier checks for Canadian exports of live lobsters. These are the first proposed amendments to the Agreement and represent a significant achievement.

This equivalency agreement will be of particular benefit to Canadian pork exporters. In the past, EU requirements for pork exports have been considered too onerous by Canadian producers, and we have effectively been shut out of these markets. The Canadian pork industry has indicated that equivalence on public health measures for fresh pork would make it possible for its members to access this large market. The Agreement will also apply to the 10 new member states that joined the EU on May 1, 2004: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia and the Slovak Republic. Canada was a significant exporter of pork to these countries prior to accession, but it has lost market access due to the extension of EU requirements to these countries. The proposed amendments should serve to reopen these markets.

Both Canada and the EU are committed to bringing these amendments into force as soon as possible. The pork equivalency agreement will need to be reviewed to take into account the EU's hygiene requirements, which will apply as of January 1, 2006, and changes to the Canadian meat inspection regulation.

Moratorium on Approval of GMOs

On August 29, 2003, at the request of Canada, Argentina and the United States, the Dispute Settlement Body of the World Trade Organization established a panel on European Commission measures affecting the approval and marketing of genetically modified organisms.

Seven EU member states have blocked the approval of GMOs for marketing in the EU since 1998. There is now a de facto moratorium on these products, including four "events" (i.e. genomes) of canola grown commercially in Canada. The approval process was to have restarted on October 17, 2002, with the introduction of new regulations on GMOs, but this did not take place. Canada has made a number of high-level representations regarding the moratorium since 1998.

In a final effort to press the EC to lift the ban, Canada held formal WTO consultations with the EU on June 25, 2003. Canada was not satisfied with the outcome of the consultations and, along with the United States and Argentina, requested a WTO panel to resolve the dispute. The first substantive meeting was held June 2 to 4, 2004. Following this meeting, the panel decided to consult with experts on certain issues pertaining to the dispute. The second substantive meeting was held in February 2005. The panel report is expected in summer 2005 (likely June).

Since spring 2004, the EC has forwarded to the European Council submissions to approve two GM corns. In both cases, the Council did not approve the products; however, the applications returned to the Commission, where they were adopted as part of the Commission's administrative procedure. One other corn and one canola remain to be submitted to the Council. Canada remains concerned that despite favourable science-based risk assessments, the products were approved only by default at the last stage of a prolonged procedure. Another development is the EC's addition of 17 varieties of corn derived from one GM event to the catalogue of varieties on September 8, 2004, effectively allowing their cultivation throughout the EU.

Canada is committed to a science-based evaluation and approvals process, and it continues to advance this approach in international forums. Canada's view is that, since it has no scientific basis, the moratorium creates an unjustifiable barrier to trade. Although there has been some movement within the system since spring 2004, we do not consider that two approvals necessarily translates to real and sustained market access. Canada continues to look for a pattern of approvals, including the withdrawal of member state bans on specific products.

Labelling and Traceability of GMOs

On April 18, 2004, new regulations for GM food, feed and the traceability and labelling of GMOs came into effect in the European Union. Member states and the European Parliament had stated that strict compulsory regulations would assist in rebuilding EU consumer confidence and would have to be in place as a condition of restarting the GMO approval process.

Canada remains concerned with the EU measures on mandatory traceability and labelling of GMOs in food and feed. A particular issue is the threshold for the adventitious presence of GMOs in shipments to the European Union, set at 0.9% for authorized GMOs and 0.5% for unauthorized GMOs with a positive scientific opinion. Such measures could have an impact on current Canadian commodity and processed food exports to the EU, which are valued at more than $750 million per year. The technical difficulties in testing for a 0.9% threshold, particularly in bulk shipments, or for detecting the presence of modified DNA or protein in products that have been highly processed (such as oil and starch), raise serious concerns about the efficacy of the regulation and could increase the risk of fraud and misrepresentation of products. As well, there is no international standard or protocol on GM testing methodologies at this time. Canada has outlined its concerns about these regulations on many occasions since the EU issued its first proposals.

Canada remains opposed to the proposed EU regulations on compulsory labelling and traceability, because they are aimed at only one particular method of production and are not commensurate with the risks.

Kiln-dried Heat-treated Lumber Paperless Certification

In 2000–2001, Canada developed and sought EU approval of an innovative paperless certification program to streamline paperwork requirements for exports of kiln-dried lumber that has been heat-treated (KD-HT) as part of the kiln-drying process. During the September 2002 EU visit, significant progress was made on the KD-HT paperless certification file, and discussions continued throughout 2003. The EU's plant health committee unanimously approved Canada's KD-HT paperless certification proposal in November 2003, with a 17-month trial period beginning on February 1, 2004. Details of the program are still under discussion.

Seed Potatoes

A derogation from EU phytosanitary requirements is required for continued access to the European Union for Canadian seed potatoes. The particular pests of concern are bacterial ring rot and potato spindle tuber viroid. Typically, an annual derogation has been granted based on the requirement that Canada conduct stringent laboratory testing and certification of disease-free zones in Prince Edward Island and New Brunswick for all exports to the European Union. In September 1999, the EU Standing Plant Health Committee approved a three-year derogation for Canadian seed potatoes. Historically, Italy and Portugal are the only member states that take advantage of the derogation.

In December 2002, the EU approved another three-year derogation for seed potatoes from New Brunswick and Prince Edward Island. Canada has conveyed its strong interest in the issue and has presented information to the EU in order to expand the derogation to all potato-growing regions of Canada. Canada will continue to work with the EU to meet this objective.

Export of Cereals to Greece

On August 25, 2004, Greece introduced Decision 552/2004, establishing new inspection and testing procedures for imported cereals from non-EU members, including Canada. These new procedures are onerous, costly and time-consuming and threaten Canadian wheat exports to Greece, Canada's top export to the country.

Canada considers that this decision is inconsistent with WTO obligations, and it has informed both Greece and the EC of this view at senior levels. These procedures are also contrary to a December 2002 agreement between Canada and the EC that established the inspection practices for shipments of Canadian wheat.

Greek officials have provided no evidence of any concern over the safety of cereals from Canada or any other third country. Rather, senior Greek officials have stated publicly that these measures are designed to hinder imports of wheat in order to protect domestic producers.

The EU agrees with Canada that these measures are unacceptable, and it is currently exploring all available options to remedy this situation. As Greek authorities have given no indication that they will remove these measures, Canada will continue to actively protect the interests of our exporters and to insist on adherence to international agreements.

OTHER ISSUES

Government Procurement

Canadian suppliers do not have full access to EU public procurement opportunities in a number of sectors, including telecommunications equipment and services, transportation equipment and electric utilities. Particular barriers that restrict access include standards, certification, qualification and local-content requirements. Canada is addressing these issues with the EU in the WTO Committee on Government Procurement, with the aim of further reducing or eliminating tariff and non-tariff barriers.

Telecommunications

Canadian companies have benefited from the ongoing liberalization of EU telecommunications services and markets. As this publication has noted in previous years, particularly in regard to Germany, there have been problems in effectively implementing some provisions. However, national regulators (including Germany's) and the European Commission are addressing such problems. As well, the new European Union regulatory framework for electronic communications networks includes pre-emptive use of regulation where there is significant market power in relevant markets. Canada will monitor how effectively all EU member states transpose and implement this new framework in order to address and resolve any continuing problems.

European Free Trade Association

Canada's bilateral relations with the European Free Trade Association (EFTA) states are strong, and its commercial ties with them continue to grow. Negotiations on a free trade agreement with the EFTA states (Iceland, Liechtenstein, Norway and Switzerland) were launched on October 9, 1998. The last negotiating session was held in May 2000, in Geneva, where agreement was reached on most issues. The principal outstanding issue remains the treatment of ships. Extensive industry consultations have been undertaken to better understand the issues that are of particular concern and to determine the scope for a compromise solution that would mitigate the potential effects of an agreement on the Canadian shipbuilding industry. At present, no dates have been set for the resumption of negotiations.

Russian Federation

Overview

Russia enjoyed strong macroeconomic performance in 2004, with real economic growth of 6.8%, the fifth fiscal surplus in a row and inflation of about 12%. This growth, coupled with high oil prices, declines in public and external debt and growth of foreign currency reserves, has led to an improved Russian credit rating. At the end of January 2005, Standard & Poor's was the last of the three major international credit rating agencies to give Russia's long-term foreign currency debt an investment-grade rating (after Moody's in 2003 and Fitch in 2004). High oil and gas prices and rising petroleum output continue to be the main sources of growth. The petroleum sector accounts for more than 35% of government revenues and over 55% of exports. Thus, there are concerns about the predominance of the energy sector and the economy's vulnerability to changes in oil prices.

While foreign direct investment still lags behind levels in other Eastern European economies, 2004 is expected to be a record year with an estimated US$11 billion inflow. Paradoxically, capital flight by Russian investors has also started to rise again, largely due to fears of greater state intervention in the economy, a perceived weakening of property rights and instability in the banking sector. Much of new Western investment is being driven by a combination of strategic interests, perceptions of greater political stability, market size and growth rates, natural resource endowment and a skilled labour force. The energy sector has been the recipient of most incoming FDI, with the agri-food, financial, transportation and telecom sectors all attracting some interest.

High domestic demand and an appreciating rouble led to increasing imports over the course of 2004 of some 25%. Russia's largest trading partner remains the European Union, which accounts for about 55% of the country's imports and exports. Total Canadian merchandise exports to Russia in 2004 were $412 million, a 23.3% increase over 2003. Since a significant volume of Canadian exports to Russia is shipped through third countries (in particular, Finland, Korea, Latvia, Poland and the United States), this figure significantly understates the true size of our trade with Russia. Among Canada's main exports to Russia in 2004 were machinery and equipment for the oil and gas, mining and agriculture sectors; meat and fish; special purpose vehicles and automobiles; building products; and telecommunications equipment. There is also a notable volume of Canadian services exports to Russia, especially in the engineering, construction and legal areas.

The rapid increase in Canadian exports underwritten by Export Development Canada (EDC) underscores the growing importance of Russia as an export market. EDC's total business volume in Russia grew to approximately $135 million for 2004, significantly outstripping the $4 million for 2002 and the $16 million for 2003. In addition to providing export credit insurance, EDC completed a number of long-term financings to Russian corporations (Gazprombank, ALROSA, SUAL, UralSIB Bank and RTK-Leasing) in support of Canadian exporters in 2004. In December 2004, EDC concluded negotiations with Vneshtorgbank (VTB), Russia's leading trade finance bank, on a US$50-million general purpose line of credit to be used to finance purchases of Canadian exports by VTB's Russian clients. This is the first multi-purpose line of credit that EDC has established with a Russian bank since the financial crisis of 1998. In addition to promoting use of the VTB line of credit in 2005, EDC is developing several new transactions in the oil and gas, mining and metallurgy, telecommunications, transportation and agri-business sectors. The corporation has identified Russia as one of its key emerging market priorities in 2005.

In 2003, Canadian foreign direct investment in Russia totalled $221 million, much of which is in natural resource development, infrastructure, services, industrial development, high technology and agri-food. While concerns remain about corporate governance, an underdeveloped judicial system, rule of law, inefficient bureaucracy and uneven treatment from regional administrations, major Canadian firms are now taking a strategic, long-term approach to Russia, particularly in the natural resource and information technology sectors.

Over the past year, the Russian government has introduced new legislation in areas such as taxation, sub-soil resources, customs procedures and judicial reform. It has also improved the laws on enterprise bankruptcy and joint stock companies. As well, business registration, licensing and verification requirements have been streamlined, and a new voluntary corporate governance code was introduced in 2002.

Canada's merchandise imports from Russia in 2004 totalled $1.4 billion. This represents a significant 72% or $577 million increase over the same period last year. Crude oil dominates Canadian imports from Russia, accounting for $884 million in 2004 compared with $493 million in 2003. Other significant imports from Russia are vodka, fertilizer, fish, precious metals, and inorganic chemicals.

Market Access Results in 2004

- Regarding BSE, Russia approved the certificate for bovine embryos.

Canada's Market Access Priorities for 2005

- Achieve progress in bilateral market access negotiations with Russia as part of its accession to the WTO.
- Restore Canada's former market access for meat products and seek improvements on this access for the future.
- Pursue most-favoured-nation treatment for space equipment as provided for in the Canada–Russia Agreement on Trade and Commerce of 1992.
- Continue to seek the removal of Russia's remaining BSE measures on imports from Canada, in particular live cattle and beef.
- Continue to make representations to Russia asking for removal of its avian influenza measures.

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

World Trade Organization Accession Negotiations

In 1993, the Russian Federation applied for membership in the GATT, which later became the World Trade Organization. It made initial market access offers to WTO members in 1998 (for goods) and 1999 (for services). Since 2002, there has been a concerted effort among current WTO members to accelerate the pace of Russia's accession negotiations. Several members concluded bilateral negotiations with Russia in 2004, including the European Union and China. However, Russia has yet to sign agreements with Canada and other key members such as Australia, Switzerland and the United States. Canada supports Russia's WTO accession and has been an active participant in the negotiations.

Canada's bilateral negotiations with Russia on market access for agricultural products made good progress until 2003, when Russia took a step backward by creating a more trade-restricting tariff rate quota regime for pork, poultry and beef imports. Canada is insisting on the restoration of its former market access and on improvements to this access as a key condition for completing the bilateral negotiations. In the negotiations on market access for services, the focus has been on financial, energy-related and professional services, although Canada has some interests in other areas. Negotiations on Russia's import tariffs are targeting products for which Russia's current tariff rate offer remains above international norms such as aerospace goods, mining equipment and building products (where Canada has technologies suited to the geography, geology and climate that it shares with Russia) and machinery, transportation equipment, pharmaceuticals, fish and meat (where Canada has significant export capacity).

Russia's economic and trade regime, as well as its internal policies affecting trade, are discussed in a WTO working party consisting of interested WTO members including Canada. Canada is seeking improvements to Russia's trade regime in a number of areas, including:

- the transparency and predictability of sanitary and phytosanitary measures applied by Russia to imports of food;
- the level of trade-distorting agricultural subsidies that Russia will be able to apply in the future;
- Russian standards and technical regulations applied to imports;
- the protection of intellectual property rights including, in particular, the enforcement of existing laws and regulations;
- the discriminatory tax and tariff treatment of imported goods;
- the trade-distorting effects of below-market energy prices, especially as they benefit Russian fertilizer manufacturers;
- the transparency and predictability of licensing for service providers; and
- the consistency of Russian customs procedures with WTO obligations.

Tariff Rate Quotas on Meat Products

Canada objected to the introduction in April 2003 of tariff rate quotas (TRQ) on meat products, specifically on pork, beef and poultry as these measures have reduced Canadian pork and poultry exports to Russia by about 40% in 2003. Canada's pork exports to Russia in 2004 were about 40% below that of 2002, pre-TRQ year. Russia's TRQ regime (with country reserves for the EU and the U.S.) would have further reduced Canada's pork exports to its market had Russia not banned the pork of another major supplier for sanitary reasons late in the year. Through bilateral and multilateral negotiations in the context of Russia's accession to the WTO, Canada will continue to seek terms and conditions that restore and improve access for Canadian meat products.

Application of the Canada–Russia Agreement on Trade and Commerce Provisions

According to the Canada–Russia Agreement on Trade and Commerce of 1992, Canada is entitled to receive most-favoured-nation treatment with respect to trade in goods and services. Pursuant to this, Canada is seeking waivers to the import duty and value added tax (VAT) that Russia currently applies to space equipment from Canada; Russia provides such waivers to some other trading partners.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Russia issued temporary restrictions on the import of Canadian live cattle, bovine embryos, beef and beef products, as well as feed and feed additives that contain processed animal protein. Canada has kept all its trading partners, including Russia, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. In May 2004, Russia announced the implementation of a ban on the import of beef and live cattle from any country where BSE cases have been registered. On June 4, Russia approved the proposed certificate for bovine embryos. We continue to press for access for beef and live cattle. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On February 24, 2004, Russia imposed measures against imports of poultry from British Columbia due to avian influenza. (For further information, see the avian influenza overview in Chapter 2.)

OTHER ISSUES

Next Session of the Intergovernmental Economic Commission

The Canada–Russia Intergovernmental Economic Commission (IEC) was established in 1994 through the Canada–Russia Agreement on Economic Cooperation. The IEC provides a forum for government dialogue to promote and enhance commercial and trade relationships between Canada and Russia. The most recent IEC meeting was held in Ottawa in 2001, and discussions are under way to hold the next one in 2005 in Moscow.

In December 2004, The Canada–Russia Business Council (CRBC) was created by the Canada Eurasia Russia Business Association and the Russian Union of Industrialists and Entrepreneurs. The new CRBC will be managed exclusively by representatives of the private sector to address bilateral trade and commercial issues. The CRBC will liaise and make representations to both governments and play a key role in the IEC process through the establishment of sectoral working groups.

Ukraine

Overview

The Ukrainian economy likely posted the highest growth in the world last year at 12%. The major factors behind this growth were increases in real wages, exports and domestic investment. In particular, strong demand and higher prices for steel and agricultural products boosted export revenues. On the investment side, despite the fact that Ukraine continues to underperform in attracting foreign direct investment, domestic investment in the form of new construction, machinery and equipment purchases grew substantially. Ukraine also achieved a record current account surplus in the fall. Overshadowing the impressive growth in 2004 was the political and economic uncertainty caused by the fall presidential elections, which raised the question of how fast the economy could bounce back to previous levels of activity. We expect the new government to introduce widespread economic reforms; however, its capacity to do so quickly will be an issue.

Total Canadian merchandise exports to Ukraine fell by 14% in 2004 to $57 million, after rising 113% in 2003. Canada's primary exports to Ukraine include agricultural machinery, vehicles, textiles and pharmaceuticals. There continues to be significant market potential for Canadian goods and services firms in the agriculture, oil and gas, construction, and information and communications technology sectors. Trade Team Canada has also identified interest in services industries such as management consulting, professional services and environmental services. Canada's large Ukraininan diaspora community is expected to continue to play a significant role in trade with Ukraine.

In 2004, Canada's merchandise imports from Ukraine grew by some 106% to $160.9 million. Iron and steel products and petroleum products dominate Canadian imports from Ukraine. Growth also occurred in the imports of clothing and railway equipment parts.

Canada's cumulative investments are classified confidential by Statistics Canada. Canada signed a foreign investment protection agreement with Ukraine in 1994. Investment-related problems in the form of corporate governance issues for Canadian investors increased in the run-up to the fall presidential elections. The new administration has pledged to work toward resolving outstanding disputes and improving the foreign investment climate.

The Government of Canada is working to increase bilateral trade and investment with Ukraine through the Canada–Ukraine Intergovernmental Economic Commission established in 1996 and through Ukraine's WTO accession negotiations. The IEC was created to promote business-to-business networking and to resolve trade and investment irritants for Ukrainian and Canadian companies. The last IEC meeting took place in October 2001, with the next one expected some time in 2005.

With the strengthening of the Ukrainian economy over the past three years and improvements in financial transparency, Ukraine is becoming a market of increasing interest to Export Development Canada. EDC's focus in Ukraine is on the private sector. While a growing number of companies are producing financial statements according to international accounting standards, the practice is not yet widespread. In the interim, EDC is working with Ukrainian banks to support transactions. For example, EDC has concluded a number of transactions with the State Export–Import Bank of Ukraine and has proposed entering into a line of credit with the Bank in 2005.

The sector of most interest to EDC is agricultural equipment. EDC is establishing a business development plan for this sector to better respond to the needs of Canadian exporters. Other sectors that show promise include food processing and packaging, metallurgy and possibly construction and construction technology.

Market Access Results in 2004

- In November, Ukraine approved export certificates for fresh pork meat and spray-dried animal protein for use in animal feed.

Canada's Market Access Priorities for 2005

- Continue representations aimed at removing Ukraine's remaining BSE measures on imports from Canada.
- Continue representations aimed at removing Ukraine's avian influenza restrictions.
- Lobby Ukraine to implement its tariff offer on pulse products prior to its WTO accession. Ukraine currently applies tariffs of approximately 90% on pulse products, even though it does not produce these products. As per the Canada–Ukraine market access agreement signed in February 2002, the bound tariff will not be higher than 10% when Ukraine joins the WTO.

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

Bovine Spongiform Encephalopathy

In 2003, Ukraine issued a ban on imports of Canadian live cattle, beef and beef products, milk, milk products, leather and raw materials, bovine embryos and semen. Canada has kept all its trading partners, including Ukraine, fully informed of the results of its investigations and regulatory response. Canada continues to make representations requesting a resumption of trade on scientific grounds. Imports of Canadian live cattle, beef or beef products are still banned. However, Ukraine now allows imports of Canadian milk, milk products, leather and raw materials, bovine embryos and semen. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On March 24, 2004, Ukraine imposed measures against imports of poultry from British Columbia due to avian influenza. (For further information, see the avian influenza overview in Chapter 2.)

World Trade Organization Accession Negotiations

In 1993, Ukraine applied to join the World Trade Organization. Since then, Canada has focused on securing more open, secure and non-discriminatory market access for Canadian exports of goods and services.

The pace of progress toward WTO accession has accelerated in the past two years. Ukraine has continued to take important steps in preparing the domestic legislation and regulations required to bring significant parts of its trade regime into conformity with WTO obligations. However, work remains to be done in a number of areas, in particular on commitments for agricultural supports, technical barriers to trade, sanitary and phytosanitary regulations, customs procedures and intellectual property. Ukraine must also establish the domestic regulations and administrative practices needed to implement the required domestic legislation.

A bilateral goods and services market access agreement was signed by Canada and Ukraine on February 20, 2002. Ukraine has completed bilateral negotiations with several other key WTO members, including the EU. However, negotiations continue with several countries including the United States, China and Australia. Lower and simplified import fees and charges, less burdensome customs procedures and reduced non-tariff measures must be implemented to support the market access commitments secured by Canada and other WTO members. Canada will continue to closely monitor Ukraine's efforts to liberalize such measures in the context of its WTO accession process.

The Centre for Trade Policy and Law of Ottawa and Carleton universities continues to work with the Ukrainian Ministry of Economy to build Ukraine's capacity to participate effectively in the accession process and to enable it to implement its WTO obligations.

Kazakhstan

Overview

Kazakhstan has enjoyed significant economic growth since 2000, thanks to its booming energy sector, economic reform, good harvests and foreign investment. Oil now accounts for over half of industrial output. Other significant sectors are semi-processing of metal, steel production and construction. The largest employer, the agricultural sector, represents about 7% of gross domestic product, down from 23% in 1992.

In 2004, Kazakhstan's GDP is expected to rise by 9.3% to over $40.98 billion. Growth is fuelled primarily by high oil and commodity prices, but also by buoyant domestic consumption. Average annual inflation rate could reach 7.5% in 2004, up from 6.4% in 2003, partly because of large inflows of foreign exchange.

Canadian exports to Kazakhstan in 2004 rose by 80% to $74 million. Main exports to Kazakhstan include agricultural machinery, vehicles, iron and steel products, medical instruments, furniture and plastics. In 2004, imports from Kazakhstan totalled $48 million, an increase of 162% over the previous year. Iron and steel dominate by far Canadian imports from Kazakhstan, followed by chemicals and base metals.

Export Development Canada has identified the energy and agricultural equipment sectors as having significant potential for Canadian exporters in Kazakhstan. A key to EDC's strategy for Kazakhstan is the country's strong banking system, which enables EDC to partner with Kazakhstan's banks and other financial intermediaries in financing transactions with Kazakhstan buyers. EDC recently completed its first direct financing of Canadian agricultural equipment through Kazkommertsbank, and it is looking at similar deals with others such as Bank TuranAlem. Canadian services providers have highlighted financial, energy, transport and professional services as priorities for Kazakhstan.

Canada and Kazakhstan signed a trade agreement in 1995. This was followed by the Joint Action Plan for an Enhanced Economic Bilateral Partnership, signed during the visit of President Nazarbayev in June 2003. A double taxation agreement has been in place with Kazakhstan since March 1998.

Canadian investments in the country are confidential according to Statistics Canada. The country also has potential for Canadian investment in certain oil and gas spinoff areas, for example, industrial housing, pipeline construction, offshore equipment and training. Development of offshore Caspian deposits and new pipelines is expected to continue to drive economic growth over the next 15 years.

The agriculture sector has suffered greatly since 1991 due to internal and external factors. The Kazakhstan government has now adopted a strategy to revive the industry that will require foreign expertise and equipment. Up to 80% of existing machinery needs replacing, representing an outlay of about $305 million annually for the next five years. Construction and mining are other areas of significant opportunity for Canadian business.

Under its 12-year industrial development strategy (2003–2015), Kazakhstan is aiming to diversify its economy before oil output reaches a plateau. In January 2004, Kazakhstan reduced the flat-rate VAT on all goods from 16% to 15%. Corporate taxes have remained unchanged, reflecting the government's strategy of maximizing tax revenue from investors, particularly foreign investors. During 2004, the government launched various programs to restructure national companies and open some services to competition, notably railway and telecommunications services. The results of these efforts remain unclear.

Canada's Market Access Priorities for 2005

- Continue to use bilateral and multilateral discussions to improve access for Canadian goods and services to Kazakhstan.
- Continue to make representations asking Kazakhstan to remove it's avian influenza restrictions.

Avian Influenza

On March 2, 2004, Kazakhstan imposed measures against imports of poultry from Canada due to avian influenza. (For further information, see the avian influenza overview in Chapter 2.)

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

World Trade Organization Accession Negotiations

The working party for the accession of Kazakhstan to the WTO was established in February 1996. Topics under discussion in the working party include agriculture, the customs system (and customs union arrangements), price controls, import licensing, industrial subsidies, sanitary and phytosanitary measures and technical barriers to trade, transparency of the legal system, legislative reform, services and trade-related aspects of intellectual property rights.

Canada is an active participant in the WTO accession negotiations with Kazakhstan. Bilateral market access negotiations between Canada and Kazakhstan started in October 1997. Canada's overall objectives are to ensure Kazakhstan's full compliance with WTO obligations and to seek more open, secure and predictable access for Canadian goods and services.

7 Opening Doors to Asia Pacific

Asia-Pacific Economic Cooperation Forum

Overview

Since its inception in 1989, the Asia-Pacific Economic Cooperation (APEC) forum's agenda has evolved in response to developments in world trade. APEC ministers and leaders have acted as an informal caucus in support of strengthening the multilateral trading system. During the latest APEC Economic Leaders Meeting held in Santiago, Chile, in November 2004, leaders expressed continued support for the World Trade Organization's Doha Development Agenda, welcomed the July package of agreements reached by the WTO General Council, and pledged an APEC contribution to trade facilitation negotiations, building on APEC's expertise in that area. (APEC ministers had previously endorsed the APEC Business Advisory Council's recommendations on trade facilitation negotiations in the WTO, which include a list of specific areas in which a trade facilitation agreement should include commitments.) Leaders also pledged to redouble technical assistance and capacity-building efforts to ensure the full and effective participation of all APEC members in the WTO. They recognized that regional and bilateral trade agreements (RTAs/FTAs) can accelerate liberalization, but they stressed that such agreements must be of high quality. They agreed to a set of APEC best practices for RTAs/FTAs and committed to greater RTA/FTA transparency.

Since the Shanghai Summit of 2001, APEC has been active in counterterrorism efforts through the promotion of secure trade, highlighting the linkages between security and prosperity. In 2004, leaders continued to stress this APEC theme with commitments on combatting terrorist financing and money laundering, ship and port security standards, and business mobility initiatives such as advance passenger information systems. They also agreed on guidelines for the control of portable anti-aircraft missiles, identified best practices for export control systems for weapons of mass destruction, and agreed to implement or conclude additional protocols with the International Atomic Energy Agency for the control of nuclear materials.

Following up on the "Shanghai Accord"—adopted in 2001 to reinvigorate APEC's trade agenda and help provide momentum toward APEC's goal of free and open trade and investment in the region by 2010 for developed economies and 2020 for developing economies—members continued to implement the APEC Trade Facilitation Action Plan. This plan aims to cut transaction costs in the region by 5% by 2006, and it includes a menu of concrete actions and measures that members can implement to reach this goal. A mid-term review of APEC's progress in implementing the Action Plan showed that APEC members are well on their way to implementing all of the actions and measures they committed to. Leaders and ministers agreed to a set of recommendations from the mid-term review and from an associated "Expanded Dialogue on Trade Facilitation," which will see greater monitoring of APEC's trade facilitation work, closer cooperation with the business community in identifying and implementing trade facilitation measures, and more APEC work to promote WTO trade facilitation negotiations.

APEC leaders also agreed to an anti-corruption action plan, which calls for signature and ratification of the UN Convention Against Corruption, stronger transparency measures, denying safe haven to those guilty of corruption, fighting both public and private sector corruption, and cooperation mechanisms among APEC members. In addition, in 2004 APEC established a self-assessment mechanism to track members' progress in implementing transparency measures, and it agreed on a set of transparency standards for government procurement, thus completing the nine sets of area-specific standards called for by the 2002 Leaders' Statement on Transparency. APEC's transparency standards are designed to foster greater transparency in the laws, procedures and administrative rulings of APEC members. The eight other areas with specific transparency standards are services, investment, competition policy and deregulation, intellectual property, customs procedures, business mobility, market access and standards.

Throughout 2004, Canada was involved in a number of initiatives aimed at building the capacity of developing economies. With respect to trade negotiations, DFAIT (FA) organized a workshop on environmental impact assessment in trade negotiations, as well as a ground-breaking APEC symposium on best practices in WTO capacity building, which attracted participation from the WTO, the United Nations Conference on Trade and Development, the World Bank, regional development banks and the Organisation for Economic Cooperation and Development, as well as both developing and developed APEC members. As co-chair of the APEC Group on WTO Capacity Building, which coordinates all of APEC's work in this area, Canada worked to improve the focus and relevance of APEC's trade-related capacity-building activities. The Canadian International Development Agency continues to implement its $9-million APEC economic integration program, which is providing WTO capacity-building assistance throughout Southeast Asia. Canada also organized capacity-building events in a number of other areas, including customs procedures, secure trade and international financing instruments.

Market Access Results in 2004

- At their meeting in June, APEC trade ministers called for the launch of WTO negotiations on trade facilitation, adding to momentum on this issue and precipitating the launch of such negotiations a few weeks later.
- Ministers endorsed the July package adopted by the WTO General Council, as well as the APEC Business Advisory Council's recommendations on trade facilitation negotiations in the WTO.
- Ministers agreed to a list of information technology products to forward to the WTO for consideration and possible tariff elimination. (The products were modems, multi-function digital machines and multi-chip integrated circuits.)
- Ministers adopted APEC best practices for regional and bilateral free trade agreements.
- Ministers endorsed the recommendations of the APEC Expanded Dialogue on Trade Facilitation on implementing the APEC Trade Facilitation Action Plan, increasing interaction with business, and advancing trade facilitation negotiations in the WTO.
- Leaders expressed strong political support for continued liberalization efforts and, in particular, for the Doha Round of WTO negotiations.
- Leaders adopted an APEC "anti-corruption course of action."
- Leaders adopted APEC transparency standards on government procurement.
- APEC members, including Canada, implemented a wide range of capacity-building projects on trade policy and counterterrorism.

Canada's Market Access Priorities for 2005

Korea, which will host APEC in 2005, is expected to emphasize APEC's work in support of the multilateral trading system, regional and free trade agreements, and security. In 2005, Canada's major objectives will include support for the WTO; implementing the Trade Facilitation Action Plan consistent with the direction provided by the 2001 Shanghai Accord; and the expansion of opportunities for Canadian businesses in the region. In addition, Canada will play a major role in APEC's WTO capacity-building initiatives, with further projects expected to take place in 2006. Canada will also continue work on counterterrorism capacity building.

Japan

Overview

Japan is Canada's second largest export destination, receiving 2.1% of our total merchandise exports, and is the fifth largest source of foreign direct investment in Canada. Canada is a leading supplier to Japan of a number of products of key export interest, including lumber, oilseeds, meat, pulp and paper, coal, fish and aluminum.

While resource-based exports continue to represent much of our trading relationship, Canada is an increasingly important source of sophisticated, value-added, technology-driven products and services for Japan. There is an increasing interest in and demand for Canadian technology in areas such as aircraft, information technology, environmental products and services, optical instruments, vehicles and chemicals.

The total stock of Japanese FDI in Canada increased by about 55% over the last decade. In 2003, with a stock of $9.7 billion, Japan accounted for about 2.7% of FDI in Canada. Thus, Japan is the most important investor from Asia–Oceania, accounting for about half of all FDI from the region. Canadian direct investment in Japan has doubled over the last five years, with the current total stock standing at $9.1 billion.

In 2004, total merchandise trade between Canada and Japan was $22 billion. Canadian exports to Japan have been declining steadily since the mid-1990s. Our exports to Japan rose slightly to $8.5 billion in 2004, from $8.1 billion in 2003. Imports from Japan decreased by 3% in 2004 to $13.4 billion. In 2004, Canada exported $1.9 billion in services and imported $3.5 billion. The long-term trend in Japan is toward a growing demand for cost-competitive and innovative imports, which represents a significant market opportunity for Canadian exporters.

To identify opportunities arising through regulatory reform and restructuring in Japan's changing marketplace, International Trade Canada analyzed trading patterns in potential sectors of opportunity. The results of this study have been shared with Canadian and Japanese business, as well as with interested representatives of the Japanese government. The analysis points to new opportunities in information and communications technologies, value-added food products, transportation equipment, building products and prefabricated buildings, medical devices and pharmaceuticals, new energy products such as fuel cells, power generation and environmental services.

In addition, DFAIT (IT) and Industry Canada commissioned a study on opportunities in the services sector, which identified where shifts in the Japanese economy have created significant potential. Produced by the Japan Market Resource Network in August 2002, this study found that the most potential for Canadian business lies in services related to information technology, the environment, accounting, architecture and health care. It also found, however, that barriers to trade such as domestic opposition to foreign competition, excessive regulation and opposition to deregulation of certain sectors pose serious challenges for Canadian companies aiming to enter the Japanese market. The Government of Canada will use these findings to supplement its efforts in established trade sectors (such as automotive, aerospace, forest products, minerals, agriculture and fisheries, and consumer products) with new initiatives aimed at supporting these emerging priority industries.

To encourage further diversification of Canada's traditional commodities-based trade relationship with Japan, efforts are being made to emphasize Canada's strengths in high-technology sectors and to re-brand Canada as a technologically sophisticated society. These efforts have begun to bear fruit, with signs of increased business activity, especially in the high-technology sectors. Despite a worldwide slowdown in the information and communications technologies (ICT) sectors, Canadian companies continue to take advantage of opportunities in the huge Japanese ICT market, valued by InfoCom Research Inc. at $490 billion in 2001. This amounted to 13% of the world ICT market in 2001, with a growth rate of 4.5% during that year. During the past two years, many Canadian ICT companies have entered the market directly or indirectly through partners, agents or distributors, and the share of manufactured goods and value-added services exports to Japan continues to increase.

Japanese awareness of Canada as a sophisticated business partner will also be raised through Canadian efforts to attract Japanese FDI. International Trade Canada is working closely with other federal government departments, as well as provincial and municipal authorities, to maintain and attract Japanese investment into Canada. More than 550 Japanese companies have investments in Canada, which have directly created over 55,000 new jobs. The largest sector influenced by Japanese investment is the auto industry: Honda, Toyota and Suzuki have a major presence, along with 52 auto parts manufacturers operating in Canada.

Collaboration with the Japan External Trade Organization (JETRO) is ongoing and productive. For example, JETRO has supported Canada's efforts by sending information technology (IT) missions to Canada in each of 2000, 2001 and 2002; it has assisted financially in the organization of events, by providing funds for interpretation and translation; its offices in Montreal, Toronto and Vancouver provide Canadian IT companies with information about the Japanese market and advice on entering it; and it helps companies find partners and distributors. In addition, Canadian companies are invited to the annual JETRO-organized TechnoBusiness Forum, a trade show held in Japan where small and medium-sized businesses with innovative products or technology are introduced to Japanese companies. Finally, JETRO and Industry Canada signed a memorandum of understanding in April 2003 to increase levels of data sharing and technical cooperation and to improve electronic access for both Japanese and Canadian firms.

Managing the Relationship

The basic framework for Canada–Japan trade and investment is provided by the multilateral WTO system, supplemented by a number of bilateral instruments, such as the 1976 Framework for Economic Cooperation Agreement and the Joint Economic Committee (JEC). The JEC, which meets every 12 to 18 months at the deputy minister level, helps focus attention on enhancing bilateral trade (including solutions to specific problems) and encourages cooperation in multilateral forums.

Prime Minister Martin's visit to Japan in January 2005 was an opportunity to take stock of the economic relationship and build on previous bilateral cooperation. Prime Minister Martin and Prime Minister Junichiro Koizumi recognized that the Canada–Japan partnership of trust and friendship fostered over the years remains solid but still has potential for further development. In order to strengthen economic relations, the prime ministers confirmed their intention to address strategic economic priorities and emerging opportunities through an innovative Canada–Japan economic framework to be developed within the next six months.

This framework will be a comprehensive document bringing together various areas of Canada–Japan trade and economic cooperation, and it will include the terms of reference for a 12-month study on the further promotion of the bilateral economic relationship. In addition, in enhancing the role of the JEC, the framework will allow for, inter alia, appropriate and effective ways to take into account issues raised by the Canadian and Japanese private sectors. Some the work described below will flow from the framework; further details on other areas and progress on the framework can be found on the department's Web site (*www.international.gc.ca/tna-nac/can-jap-ecoframe-en.asp*).

Regulatory cooperation between Canada and Japan continues to advance on many fronts, both multilaterally and bilaterally. Canada will continue efforts to extend cooperation in areas such as biotechnology, building codes, competition policy and customs administration. In particular, we will continue discussions between health authorities on the observation of inspections and the possibility of mutual recognition of good manufacturing practices in the pharmaceutical industry.

In the area of competition policy, Canada and Japan have been negotiating a cooperation agreement to facilitate the enforcement of anti-competitive activities of mutual interest. Successful completion of this agreement is expected in the very near future.

Canada and Japan have also entered negotiations to conclude a social security agreement. The first round of formal negotiations was held between Canadian and Japanese authorities in October 2004. Such an agreement would improve the business environment for the businesses of one country operating in the other's jurisdiction by encouraging labour mobility, and it would also bring significant costs savings for their workers.

Regulatory reform has been a priority for the Japanese government for a number of years. Canada has made regular annual submissions to the Japanese regulatory reform authorities, as have Australia, the United States, the European Union and domestic organizations such as Keidanren. On March 19, 2003, a new three-year program to promote regulatory reform replaced an earlier program instituted under the Council for Regulatory Reform. This body has been renewed as the Council for the Promotion of Regulatory Reform, and a new component, a ministerial-level headquarters for regulatory reform, has been added. This step will help ensure that recommendations from the Council make their way directly to the relevant cabinet ministers. Canada's 2004 submission to the Council for the Promotion of Regulatory Reform included not only areas of particular concern to Canada, such as financial services, telecommunications and building standards, but also more cross-cutting structural issues related to the overall investment environment in Japan.

Many of these issues have serious implications for the overall recovery of the Japanese economy and for the ability of Japan to attract foreign, including Canadian, investment. We have seen some progress in deregulation—including on issues included in the Canadian submission—with improvements in the areas of foreign lawyers, customs procedures, competition policy, reviews of medical devices and pharmaceuticals, judicial reform and corporate governance. Canada will continue to promote further reform, as well as the efficient and transparent application of those measures already adopted.

In 2003, the Japanese government began implementing a program for the "promotion of special zones for structural reform," and hundreds of special zones have already been created. A zone may be a region, city or business that has requested and received approval for a modification to or exemption from specific rules, with the goal of promoting innovative thinking in the zone. Many of the proposed modifications have now been expanded on a national level. It is hoped that examples of successful deregulation in these limited areas will have a demonstration effect and promote further bottom-up reform initiatives. They will make it easier for new entrants with novel concepts to enter the Japanese market.

Market Access Results in 2004

- Canada worked with the Japanese government to reduce the impact on Canadian exporters of new regulations to control the use of formaldehyde in building products. The regulations, introduced in 2003, impose stringent requirements for certification and have the potential to limit market access for Canadian exporters. Japan has agreed to exempt hardwood flooring, a major Canadian export to Japan, and to accept foreign test data for certifying products. However, Canada has not yet succeeded in having a Canadian evaluation body accredited by Japan.
- In May 2004, Japanese authorities granted approval for fire-resistant construction using the 2x4 construction method. Canada has worked closely with the Japan 2x4 Association to undertake supervised fire tests since Japan introduced a performance-based system for fireproof buildings under the revised Building Standards Law (BSL).
- Canada, in collaboration with embassies from other countries, worked with Japan's Ministry of Health, Labour and Welfare to facilitate the approval of food additives in regular use internationally and to help bring Japanese legislation into line with international practice. This work is ongoing with respect to a large number of food additives.
- Canada made substantial efforts to engage Japan's cooperation on living modified organisms. Although the bilateral discussions did not lead to a memorandum of understanding, the exchanges served to increase mutual understanding of the respective agricultural commodity handling systems and regulations on agricultural products of biotechnology.

- The Japanese government introduced legislation to promote cooperation and collaboration between Japanese lawyers and foreign lawyers qualified under Japanese law, which will make it easier for Canadian lawyers to practise in Japan and to provide legal assistance on international transactions involving Canadian and other foreign companies.
- On September 17, 2004, Japan lifted all avian influenza restrictions on the import of poultry products from Canada.

Canada's Market Access Priorities for 2005

- Continue representations aimed at removing Japan's BSE measures on imports from Canada.
- Develop the Canada–Japan Economic Framework and launch a joint study on the benefits and costs of further promotion of trade and investment, as well as other cooperative issues between the two countries.
- Continue to press for a reduction of duties applied to vegetable oils (particularly canola), processed foods, red meats, fish, forest products (spruce-pine-fir lumber, softwood plywood, laminated veneer lumber, oriented strand board and laminated beams), non-ferrous metals and leather footwear.
- Continue to press for the elimination of specific technical and regulatory barriers in Japan. These barriers include regulations and standards that vary from international norms (e.g. practices regarding the use of foreign clinical data when approving pharmaceutical products and medical devices, and levels of formaldehyde in infant's clothing).
- Negotiate and finalize an agreement on social security and totalizations, whereby the calculation of benefits would be based on the period of time contributions were made in either country. The aim is to reduce the costs of social security contributions and to help protect the pension rights of employees in both countries.
- Continue to press for increased access to slots at Narita Airport and enhanced air services between the two countries.

IMPROVING ACCESS FOR TRADE IN GOODS

Agri-food, Fish and Beverage Products

Japan is the world's largest net importer of agri-food, fish and beverage products. In 2004, Canadian agri-food and fish exports to Japan amounted to $3.1 billion. Canada seeks further access to this important market and has concerns regarding Japanese tariffs, safeguards, labelling of food derived from genetically modified organisms, and import requirements dealing with organic standards, food sanitation and plant health. Most market access concessions and tariff reductions will be discussed in the context of the current WTO negotiations; however, other issues are being addressed at the bilateral level.

Safeguard Measure on Chilled and Frozen Pork

Canada remains concerned about the Japanese "snap-back" safeguard measure on pork, which raises the minimum import price by approximately 25%. This safeguard was triggered again on August 1, 2004, for the fourth consecutive year and will last until the end of the current fiscal year, March 31, 2005. Since it was first triggered in 1995, the snapback safeguard has been a significant issue for the Canadian pork sector. As currently administered, this measure creates considerable market fluctuations for Canadian suppliers and Japanese importers. Canada is seeking a resolution that addresses the concerns of both exporters and importers by eliminating the negative market impacts of the snapback safeguard. This is a priority in the WTO agriculture negotiations.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Japan imposed a temporary ban on imports of all ruminant animals, meat and meat products including embryos and ova. The ban on embryos was lifted in January 2004. Pork or poultry meat sausages made with ruminant casings from Canada and sausages made with cattle casings remain banned. In July 2004, Canada and Japan established the Canada–Japan BSE working group, which has met three times to discuss technical issues.

Discussions with Japan on conditions to resume trade are ongoing. (For further information, see the BSE overview in Chapter 2.)

Safeguards on Beef

During the Uruguay Round of WTO/GATT negotiations, Japan's trading partners agreed to a specific safeguard mechanism for beef that would protect domestic producers from sudden import surges.

The occurrence of bovine spongiform encephalopathy in Japan in September 2001 resulted in unusually low consumption of beef and a decline in both domestic and imported beef sales. Since then, the market has recovered, domestic production is now above pre-BSE levels and live animal prices are above the government-recommended price band. In contrast, import volumes, while they have grown, are still below pre-BSE levels. Although the growth in beef imports in 2003 was merely a return toward the former level of imports, not a surge, it nevertheless triggered, on August 1, the application of the safeguard on chilled beef, which lasted until March 31, 2004. The outcomes have been higher prices for importers and a slower recovery of Japan's beef market, neither of which are advantageous for Japanese producers or consumers.

The Canadian embassy has expressed, jointly with the embassies of other beef-exporting countries, a serious concern about the implementation of the snapback safeguard. Despite this, the beef safeguard system has been maintained for the current fiscal year ending March 31, 2005. As a result of the ban on imports from the United States, it has not been triggered in the current fiscal year. The import of beef from Canada has been banned since May 21, 2003.

The import ban on beef from the United States and Canada has reduced the import of beef into Japan to an extremely low level. Once that ban is lifted, it is likely that the volume of imports could again trigger implementation of the safeguard. Canada will therefore continue to work with key exporting countries to ensure that Japanese officials do not automatically apply this safeguard mechanism. This is another priority in the WTO agriculture negotiations.

Tariffs on Canola Oil

Japan's duties on imported cooking oils are applied on a specific rate basis (i.e. a certain number of yen per kilogram). As a result of the Uruguay Round of multilateral trade negotiations, specific duties for these products have decreased in Japan. Because ad valorem equivalents (AVEs) of specific duties are inversely related to import prices (i.e. when import prices fall, the AVEs rise, and vice versa), specific duties progressively cushion domestic producers against competition from lower-priced imports. The AVEs of specific rates on canola generally approach or exceed 20%. These high tariffs give Japan's domestic oil-crushing industry (and producers of other related products, such as margarine) a significant advantage over the Canadian oil-crushing industry when competing for a limited supply of oilseeds. Canada will seek the maximum negotiable reduction in these high tariffs in the WTO agriculture negotiations.

Japan Agricultural Standards Organic Certification System

On October 1, 2004, Japan stopped accepting Canadian organic products that are accredited under the U.S. Department of Agriculture's National Organic Program (under a U.S.–Japan agreement). In this regard, Canada has been working on revising its own national organic standard with the objective of entering into discussions with Japan on the acceptance of Canadian organic products. However, Japan is now considering abolishing the equivalency requirements for registered foreign certification organizations to be able to certify Canadian organic products as meeting the Japanese standard for organics, although this would not be implemented before June 2006.

Positive List System for Maximum Residue Levels

Japan will be implementing a "positive list system" to prohibit the distribution of foods that contain agricultural chemicals above a certain level unless maximum residue levels for the chemicals on or in the foods have been established. The agricultural chemicals include pesticides, veterinary drugs and feed additives. This activity is based on the revised Food Sanitation Law published in May 2003. The law is scheduled for implementation by May 2006. Since the release of the first draft of provisional maximum residue levels in October 2003, Canada has provided comments and has worked with Japan's Ministry of Health, Labour and Welfare.

Building Products and Housing

The building products industry in Japan is subject to many laws and regulations that Canadian exporters must comply with before they can access the Japanese market. Of particular importance is the Building Standards Law (BSL). Japanese regulations are frequently criticized for being difficult to understand, complex and costly, developed without public input and slow to change. Japan is being urged to revise the BSL as it relates to test methods, criteria and related restrictions, and to adopt international codes, standards and practices. Canada has a number of formal and informal links with the Japanese government that provide opportunities to press for change. These links include joint work between Canadian and Japanese scientists (e.g. the Canada–Japan Research and Development Workshop) and formal bilateral meetings (e.g. the Canada–Japan Housing Committee). In 2004, Canada hosted the Canada–U.S.–Japan talks on Japanese building codes and standards that take place in the Building Experts Committee, as well as the Japan Agricultural Standards Technical Committee. These meetings provided a good opportunity for Canada to demonstrate its regulatory system and use of building products. The same committees will meet in the United States in 2005.

Three- and Four-Storey Wood-Frame Construction

Japanese demand for three- and four-storey mixed-use buildings is significant. Although three-storey wood-frame apartment construction is allowed in quasi-fire protection (QFP) zones, it is restricted to a maximum of 1,500 square metres and requires uneconomic property line setbacks and limiting distance calculations for exterior wall openings. These restrictions unfairly and sharply limit the use of three-storey wood-frame construction. There is also a size limit of 3,000 square metres for non-QFP zones, and the calculations for Japanese firewall specifications (which could allow larger structures) are not science-based. Since a performance-based system for fireproof buildings was introduced under the revised BSL, Canada has worked closely with the Japan 2x4 Association to undertake supervised fire tests, and in May 2004 ministerial approval was obtained for fire-resistant construction using the 2x4 construction method.

Value-added Building Products

To help Canadian exporters better understand the process for product certification under the revised Building Standards Law, Canada has developed a road map document for several value-added building products. In 2003, Japan implemented regulations concerning emissions of volatile organic compounds (VOCs) from building products. In spite of the challenges that foreign exporters faced initially, many Canadian companies have successfully had their products tested and obtained approvals. At present, only formaldehyde is subject to these regulations, but there is a possibility that additional VOCs will be regulated at a later date. Canada will monitor the situation and report back to Canadian industry.

Agricultural Standards for Building Products: Standards Review Process

In accordance with the five-year review system of Japan Agricultural Standards, the Ministry of Agriculture, Forestry and Fisheries (MAFF) launched a review of standards for dimension lumber in 2003. Canada supplies about 95% of Japan's imported dimension lumber. Outstanding issues with other standards remain, however. Canada will work to ensure that Canadian stakeholders have access to the MAFF process and full membership on the review committees.

Tariffs on Spruce-Pine-Fir Lumber and Panel Products

Japan's system of tariff classification distinguishes between the species and dimensions of lumber, regardless of end use. As a consequence, spruce-pine-fir (SPF) lumber imports, worth over $400 million per year to Canada, are subject to duties ranging from 4.8% to 6%, whereas other species imported for the same purpose enter duty-free. The 6% tariff on softwood plywood and oriented strand board is also considered to severely limit Canadian exports and favour the domestic Japanese industry. Industry estimates that the 6% tariff on plywood reduces Canadian exports by $100 million per year. Reducing SPF and softwood plywood tariffs are a high priority for Canada and will be pursued in the WTO multilateral trade negotiations.

IMPROVING ACCESS FOR TRADE IN SERVICES

As the number of international firms doing business in Japan continues to rise, there is an increasing focus on regulatory and other non-tariff barriers that may be impeding the development of business in underdeveloped areas of the Japanese economy, particularly in services. There has been significant business development in those areas that have undergone regulatory reform, notably financial services and telecommunications. Canada continues to point out areas in which further regulatory reform would have similar stimulative effects. Canada hopes to continue to build on the Japan Market Resource Network's study of August 2002, which identified significant opportunities in business and professional services such as accounting, legal, and education and training. This market is of particular interest for Canada's newly created Language Industries Association.

Environmental Services

In addition to the normal challenges faced by services providers, companies in the environmental sector face other barriers particular to their field. The differences in standards and definitions of various services offered are particularly burdensome. Furthermore, the administrative qualification (bid) procedures for government-related projects are quite different from Canada's, creating more challenges for Canadian companies. It is also difficult for Canadian companies to gain access to environmental projects funded by overseas development assistance. Canada will continue to monitor the situation.

Telecommunications Services

The Japanese telecommunications services market has become quite accessible to foreign companies. All restrictions on foreign investment in the telecommunications sector, except in Nippon Telegraph and Telephone Corporation, have been lifted. Canada particularly welcomes the new Telecommunications Business Law (which was amended in 2003 and came into force in the spring of 2004), especially its provisions removing the obligation to notify tariffs for certain services. This law is seen as a significant step toward Japanese competitiveness in the telecommunications sector.

Air Transport

Canadian officials held consultations with their Japanese counterparts in Tokyo in May 2004 concerning our long-standing and productive bilateral air transport relationship. The meeting resulted in some progress. Canadian carriers have gained increased access to Japan and enhanced capacity. Code-sharing rights were also significantly increased. Frequency limitations were lifted and additional rights beyond Japan were obtained, although restricted in both cases to cooperation with Japanese carriers. Canada will continue to push to gain code-sharing rights with third-country carriers.

The pending issue of additional slots at Tokyo-Narita was not solved, but Japanese authorities have assured the Canadian delegation that Canada will be given equal treatment when they are in a position to allocate future slots at Narita. New runways and resulting slots at Narita might not be available until 2009. This limits Canada's opportunity to expand air services to Tokyo, as well as constraining Canadians' travel plans and the possibilities for both sides to realize additional commercial benefits. Canada will continue to press Japan for increased capacity at Tokyo. The planned expansion of Haneda airport could indirectly free up spaces at Narita in advance of the 2009 deadline.

Financial Services

Positive Change in the Financial Sector Continues, but Risks Remain

It is clear that the positive changes we noted last year continue, and the pace of change and financial sector revitalization appears to be accelerating.

While issues remain that prevent Tokyo from realizing its full potential as a global financial capital, we are encouraged by recent developments in the sector and in regulatory approaches. We also recognize that, particularly with the privatization of Japan Post now in the cards, the forward-looking agenda is ambitious. This agenda has the potential to bring very positive change to the financial sector in Japan, as well as direct benefits to savers, investors and consumers of financial services. The wider economy would also benefit through a more efficient financial system.

Competition is increasing in the marketplace, non-performing loans are on a downward trend and on track to meet the government target for their reduction, and credit practices are improving. Financial reconstruction has proceeded, notably thanks to a clear target and clear enforcement (including sanctions) by the Financial Services Agency (FSA), and a more resilient financial system has emerged. Canada welcomes proposed changes in the distribution channel, in particular the easing of restrictions on bank branches selling securities and insurance. We are also encouraging the Japanese government in its efforts to widen consumer choice, which will facilitate a more varied use of household savings and greater risk-taking by individual investors.

However, the system still remains vulnerable, and new lending is still on a downward trend. Continued and robust financial sector supervision, increased shareholder accountability and continued action on industrial revitalization are required to foster a dynamic, sustainable and efficient financial sector.

Canada continues to request that the Financial Services Agency offer a more flexible regime that is sensitive to smaller institutions' need to contain costs. A longer-term goal, which fits with the FSA's current efforts to define a medium-term "vision" for the financial sector, should be to move regulation to a more macro-level approach.

Supervision and Regulation: Greater Simplification and a Regime More Supportive of Product Innovation Are Needed

To introduce genuine and transparent regulatory reform, a regulatory system that focuses on macro-level financial supervision is desirable. Applying an ex post supervisory approach that promotes efficiency and competition (in place of the current a priori regulation and supervision approach) would enhance the efficiency of Japan's financial system without harming its safety or soundness.

With the purported goal of ensuring consumer transparency, the FSA applies a micro-level analysis to product and rate approvals. This supervisory approach hinders competition because it is time-consuming and stifles the forces of innovation. We have noted the progress achieved since the establishment of the FSA, but we are requesting that greater efforts be made to move from a system of prior product approval to a system of notification combined with clear standards of disclosure. Supervision should move to a focus on solvency ratios, capital adequacy and appropriate modern accounting practices.

Canada is also of the view that, although the independence of the inspection division is of prime importance under the current supervisory regime of the FSA, better coordination and communication between the inspection division and the supervisory division is needed to ensure a more efficient supervisory administration. Canada is requesting that firms be given more complete feedback on the results of discussions and consultations with the supervisory division; these results should also be well communicated to the inspection division. Such feedback would help firms ensure their compliance with laws and regulations ahead of inspections.

Finally, in order to lighten the burden of regulatory compliance, we are encouraging agencies with a role in regulating the financial sector to harmonize their information requirements. In this way, financial institutions would only need to provide one standard set of information, which could then be used by all regulators.

Public Sector Financial Institutions Still Distort the Market: Privatizing Japan Post Could Resolve This Issue in the Long Run

There continues to be a general concern that government financial institutions in Japan provide many services that private sector institutions can provide efficiently. The involvement of government enterprises in the financial sector, some of which have very sizable market shares, distorts competition significantly and could be seen to contravene Japan's General Agreement on Trade in Services commitments. Examples of government institutions that have large market shares are the Postal Savings system (yucho) and the Postal Life Insurance system (kampo).

Public institutions should be made to compete in a manner that does not discriminate against the private sector. Canada supports the efforts of Prime Minister Junichiro Koizumi's government to streamline and privatize government financial institutions. As much as possible, Japan should seek to use private institutions to promote increased financing and corporate rehabilitation unless a clear market failure exists. Foreign financial institutions and companies can play a useful role in the Japanese government's reform efforts.

Recent decisions to move ahead with privatization of Japan Post are good news. In the interests of a competitive market for financial services and the efficient allocation of household savings, Canada is urging the government to follow through on its intention to (1) split the company into four separate entities, with savings and insurance operating on a purely commercial basis, and (2) subject postal savings and insurance to the same rules and regulations as private sector competitors.

The government should also ensure that the branches of the future government-controlled counter services company offer a range of competing products from various suppliers of financial services. Much as bank branches can be more effectively used as points of distribution for insurance and securities, so can the branches of a privatized Japan Post. To protect customers, products offered by the new company should be selected based on a transparent and competitive process that is open to all financial services firms.

Despite the positive, forward-looking developments, the postal insurance system, or kampo, still holds about 40% of life insurance assets in Japan but does not compete in the market on the same basis as private firms. Kampo is still not subject to the same kind of regulatory oversight, or operating costs, as private sector life insurers. It is not subject to the Insurance Business Law, the Law on Sales of Financial Products or the Commercial Code. Furthermore, it is not supervised by the FSA. Finally, because its products are fully guaranteed by the government, kampo is not required to contribute to the Policyholders Protection Corporation. Until this situation is rectified through the process of privatization, kampo will continue to distort the market.

As well, to ensure that kampo as presently constituted does not encroach further on private sector activities, the government should instruct kampo not to create new products that could be provided by private sector insurers. Failing this, Canada continues to request that any new financial service activities proposed for the postal financial institutions (whether kampo or yucho) be subject to FSA supervision and to full public notice and comment, with responses being given due consideration by officials before their introduction. Canada also continues to request that legislation relating to the financial services activities of Japan Post be subject to full public notice, comment and consideration before legislators make final decisions.

Specific Issues

Operations of financial conglomerates: Most major industrialized countries have moved to a regulatory framework that allows for greater synergies among their financial activities. However, the requirement in Japan for so-called firewalls between banking and securities has been a concern to Canadian financial institutions operating in Japan. It imposes considerable additional costs and does not allow for optimal efficiencies for clients. One example is the requirement for advance written consent from the customer to enable sharing of customer information between banking and securities. In some cases, the requirement for firewalls may actually increase risk. Canada continues to request that the Financial Services Agency offer a more flexible regime that is sensitive to smaller institutions' need to contain costs.

Proposed new capital and reserve requirements for variable annuity products: Canada is concerned that these requirements will be so onerous that consumers will be required to pay far more than is needed or that the products will no longer be made available to the consumer. These products play an important role in enabling the public to save in a prudent fashion for their long-term needs, especially their retirement needs. These products also provide an important stimulus to the equity markets, by giving the consumer a cost-effective way to participate in those markets as an alternative to low-interest rate savings accounts.

Funding for the Policyholders Protection Corporation: The current scheme will expire in early 2006. Canada has encouraged the Japanese government to consult closely with domestic and foreign life insurance firms in a transparent and open manner when developing and implementing any legislation associated with reform of the Corporation.

Deregulation of the distribution of insurance products: There has been progress in this area. This positive development should be built upon, by expanding the scope of previous reforms to new product classes. In addition, we would specifically note the need to eliminate the so-called kosei-in rule, which limits the products that agencies can sell in-house, and to allow commissions to be paid by life insurers to corporate agencies that sell insurance policies to the agency itself (or affiliated companies).

Legal Services

Canada applauded the enactment of legislation that substantially eliminates restrictions on freedom of association between Japanese lawyers and foreign lawyers qualified under Japanese law. We are now closely following the development of rules and regulations to implement this legislation. Canada will continue to promote reforms that will allow for a more transparent and predictable legal environment, which will be conducive to business activities. Canada has requested that Japan improve its market access commitments with respect to legal services in the context of the market access phase of the ongoing GATS negotiations.

Competition Policy

The Japanese government has made efforts to strengthen the competition policy regime. For example, draft amendments to the Antimonopoly Act (AMA), which went before the Diet in October 2004, were some of the most drastic since 1977. They included raising the basic amount of surcharge from 6% to 10% for firms that violate the AMA and enabling the Fair Trade Commission to make compulsory investigations on suspicious firms. The surcharges in the draft, however, are low by international standards and, therefore, might not be punitive enough to deter cartels and bid-rigging. Thus, Canada will continue to encourage the Japanese government to make further efforts in this regard while improving enforcement.

Investment

In his general policy speech to the Diet on January 31, 2003, Prime Minister Koizumi strongly welcomed foreign direct investment as a way to help revive the country's economy and achieve sustained growth. Mr. Koizumi stated that "[f]oreign direct investment in Japan will bring new technology and innovative management methods, and will also lead to greater employment opportunities. We will take measures to present Japan as an attractive destination for foreign firms, with the aim of doubling the cumulative amount of investment in five years." To help facilitate investment, the Japan External Trade Organization established a one-stop Invest Japan centre to offer information and support to potential investors.

Japan has continued to promote foreign direct investment aggressively and has held investment seminars in Canada and around the world. In Japan, the Government of Canada has worked with JETRO to help promote bilateral investment generally as well as foreign direct investment in priority sectors. These sectors include the automotive, biotechnology, nanotechnology, energy and agricultural sectors. Canada is committed to attracting investment in growth sectors.

Japan was the largest recipient of Canadian direct investment in the Asia–Oceania region in 2003, with total Canadian investment valued at $9.1 billion. On a prefectural level, there has been growing interest in attracting foreign investment, especially into high-technology areas, although so far growth in Canadian direct investment has been concentrated in the important urban areas. As an example of Canadian investment, Manulife is the 16th largest foreign employer in Japan.

Nevertheless, long-standing structural impediments continue to hamper foreign direct investment into Japan. These impediments include a high overall cost structure, bureaucratic discretion, exclusive buyer–supplier networks, a lack of labour mobility, bankruptcy regulations, merger and acquisition regulations for foreign companies, and a lack of financial transparency, all of which serve to inhibit the establishment and acquisition of businesses. It is still very difficult for foreign investors to execute ownership transfers and merger and acquisition transactions. Some areas that still need to be opened to investment are medical care, education, retailing, utilities, agriculture, postal and delivery services, and financial advisory and asset management services.

Japan is the fifth largest source of foreign direct investment in Canada (behind the United States and the European Union), with a stock of $9.7 billion in 2003. Although Japan's relationship with Canada through its FDI greatly enhances the ability of Canadian industry to compete in the global marketplace, Canada accounts for a relatively minor portion of Japanese FDI worldwide.

The lion's share of Japanese FDI is in the automotive industries. This investment trend has maintained its impetus over the past years, reflecting the strong showing of Japanese autos in the North American marketplace. Canada's efforts to attract Japanese investment into Canada focused on six priority sectors in 2003. These sectors were agri-food, automotive, chemicals, information and communications technologies, life sciences, and metals and minerals.

Although large greenfield investments do still occur, an increasing number of smaller investments, strategic partnering and joint ventures are taking place. These investment decisions are often made by Japanese subsidiaries in North America, which are assuming the responsibility that once belonged to Japanese head offices. Canadian senior officials regularly visit the North American headquarters of Japanese companies, in addition to headquarters in Japan, to promote further investments in Canada.

China

Overview

The People's Republic of China (excluding the Hong Kong Special Administrative Region) is Canada's fourth largest export market. In 2004, Canada's total merchandise exports of goods to China amounted to $6.6 billion, an increase of 39% over 2003. Total merchandise imports from China increased to $24.1 billion in 2004, up 30% over 2003.

China has accelerated the pace of trade and investment liberalization and reaffirmed its commitment to social and economic reform. China has become one of the drivers of the world economy and an increasingly important market for the world's goods and services. Only the United States and the European Union import more. Moreover, in 2003 China attracted more foreign direct investment than any other country.

Canada's approach to its relationship with China takes full account of its rapidly growing importance in world affairs. An economic partnership between China and Canada is a key element in supporting long-term relations and encouraging China's further integration into the global economy.

Despite the opportunities that China presents, a number of significant problems and practices impede Canadian access to the Chinese market. Additionally, some elements of the former planned economy remain.

During Chinese Premier Wen Jiabao's official visit to Canada in December 2003, a strategic working group (SWG) was formed to discuss long-term political and economic strategic issues without the distraction of current irritants. A joint action plan for the SWG was released during Prime Minister Martin's visit to China in 2005.

Canada and China engage in regular formal consultations to review matters related to economic development, trade and investment. These meetings give Canada the opportunity to register specific market access concerns and to underline the importance of transparency in a rules-based market economy.

China formally acceded to the WTO on December 11, 2001. The extensive commitments China has made to substantially lower barriers to foreign trade and investment, as well as to increase the predictability and transparency of its trade regime, will engender profound changes in its economy and governance. As a result, significant new business opportunities are opening up for Canadian exporters and investors in sectors in which Canadian firms have a competitive advantage. China will continue to face considerable challenges in fully implementing its WTO commitments and in pursuing further economic reform. In the long run, however, economic growth and prosperity will be strengthened.

As a member of the WTO with a significant portion of world trade, China is an important participant in the Doha Round of multilateral trade negotiations. Canada will continue to cooperate with China to support the early conclusion of these negotiations.

Market Access Results in 2004

- Chinese regulatory bodies authorized a range of activities by Canadian firms in the financial sector:
  - one company was granted "qualified financial institutional investor" status;
  - two banks received approval to establish a representative office in Shanghai;
  - one bank received a licence to sell derivatives in China;
  - one bank received approval for a minority investment in a Chinese commercial bank;
  - two life insurance companies received approval to establish a branch in Beijing; and
  - one life insurance company has been authorized to begin preparatory work to open a branch in Ningbo.
- Chinese authorities lowered capital requirements for the expansion of insurance companies, responding to concerns raised by Canada and other WTO members (refer to the Regulations on the Administration of Insurance Companies, Detailed Rules on the Regulation for the Administration of Foreign Investment Insurance Companies).
- Chinese authorities eliminated the one-year waiting period and reduced capital requirements for establishing new foreign bank branches in response to concerns expressed by Canada and other WTO members (refer to the Implementation Details for Regulations of Foreign-invested Financial Institutions).
- Canada ensured the uninterrupted access of canola to the Chinese market by cooperating with local authorities on new regulations governing the evaluation and import of genetically modified organisms.
- China addressed a long-standing Canadian objective by introducing a new building code that permits construction of wood-frame housing.
- China lifted the ban on imports from Canada of cosmetics, which was imposed after the announcement of a BSE case in May 2003.
- Canada negotiated the resumption of porcine gelatine exports to China.
- In January 2005, trade in poultry products, bovine semen, bovine embryos and porcine blood products resumed. Registration of porcine semen centres was renewed to enable trade to take place.

Canada's Market Access Priorities for 2005

- Conclude a foreign investment protection and promotion agreement.
- Work with Canadian companies to ensure effective implementation of China's WTO commitments, especially in the financial, agriculture and agri-food sectors.
- Monitor the impact of new laws, regulations and customs procedures to ensure equitable treatment for Canadian exporters and investors.
- Continue representations aimed at complete removal of China's remaining BSE-related restrictions on imports of beef, beef products and live cattle from Canada.
- Work with Chinese authorities to address the burdensome inner-labelling requirement on packaged meat products.
- Work with China to further develop the 2004 building code in support of higher-density wood-framed and mixed structure construction.
- Continue to urge China to harmonize the tariff for canola seed with that for soybeans.
- Continue to urge China to reduce the value-added tax on small and medium-sized aircraft, such as regional jets, so that it is the same as the value-added tax on large aircraft.
- Continue representations aimed at removing China's restrictions on the import of deer and elk products.
- Continue to work with China to eliminate barriers that restrict the marketing of Canadian travel services and destinations.
- Develop an agreement with China on technical and regulatory cooperation in bio-engineered agricultural products.

- Work with China to remove chemical treatment requirements for alfalfa seeds from Saskatchewan.

IMPROVING ACCESS FOR TRADE IN GOODS

Implementation of China's WTO Commitments: Highlights

Since its entry into the WTO, China has been working energetically to implement its accession commitments. Tangible progress is being made on several fronts. China is reforming its systems for the management of international economic activities according to WTO rules. A solid domestic legal foundation for the fulfilment of its WTO commitments is being laid. The range of commodities subject to quota and other licensing restrictions is being narrowed, and tariffs are being reduced on over 5,000 tariff lines, ensuring that China will attain an overall average tariff level of 12% by 2005, in keeping with its commitments. There is a discernible trend away from macroeconomic control and adjustment through administrative measures and toward market signals and mechanisms, which will accelerate the establishment of a market economy in China. Profound changes are being made to the structure of China's economy, the relationship between government and industry, government structures and procedures, and legal and regulatory frameworks. However, these changes will take time.

Canada and other parties will continue to ensure that China adheres to WTO rules aimed at transparency and consultation with trading partners, as it implements new policies and procedures.

A Transitional Review Mechanism (TRM) was established as part of China's accession. This review will take place every year for the first eight years following China's accession and then again in the 10th year. The TRM gives WTO members an opportunity to review China's progress in implementing its commitments in a manner consistent with WTO rules. Canada participates actively in this process.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, China issued a ban on the import of Canadian live cattle, meat and meat products, tallow and feed of ruminant animal origin. Canada has kept all its trading partners, including China, fully informed of the results of its investigation and regulatory response, and it is requesting a resumption of trade on scientific grounds. In October 2004, China and Canada resumed trade in porcine gel and signed protocols on conditions for the resumption of trade in bovine semen and embryos. In January 2005, China approved Canadian collection centres allowing trade to resume. Canada will continue discussion with China on conditions for resuming trade in beef, beef products, live cattle and tallow. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On January 18, 2005, China lifted all avian influenza restrictions on the import of poultry and poultry products from Canada. (For further information, see the avian influenza overview in Chapter 2.)

Meat Labelling

In August 2004, China notified the World Trade Organization that it would implement Decree 49, the Regulation of Inspection and Quarantine on Import Meat and Its Product, on November 1, 2004. Article VI (1) of the Regulation requires that the inner package shall be labelled with the product name and plant registration number.

Following consultations with exporters, Canada provided comments to Chinese authorities on the inside labelling requirements. Following representations by Canada and other exporting countries, Chinese authorities agreed that goods shipped to China on or after December 1, 2004, must have the product names printed in English and Chinese on inside bags.

Alfalfa Seed

China considers Saskatchewan to be an area infected with verticillium wilt and currently requires all shipments of alfalfa seed from this province to be chemically treated for this pathogen. This requirement has adversely affected the export of Saskatchewan alfalfa seed to China. The CFIA and Chinese authorities are currently discussing approaches to validate testing methods for verticillium wilt, and discussion will continue toward a mutually agreed testing protocol that will enable the eventual resumption of trade in this commodity.

Genetically Modified Organisms

China's Regulation on Biosafety Management for Agricultural Genetically Modified Organisms, established in 1993, was revised in 2002 to include new implementation measures on GMO safety evaluations, GMO imports and GMO labelling. Key elements of the current measures include the addition of an extra pre-product trial stage prior to commercial approval, new regulations for processing GMO products, mandatory labelling requirements for domestic and international use, new import and export regulations, and local and provincial GMO monitoring guidelines.

Under this new regulation, Canada was issued safety certificates for seven transgenic rapeseed events from China's Ministry of Agriculture (MOA) GMO office. These safety certificates have enabled Canadian canola exports to China to continue. However, the safety certificates are issued for a period of only three years, and Canada will have to renew the certificates prior to April 2007. The measure is intended to assess and monitor GMO products and to minimize the involuntary release of GM canola into the environment.

The Government of Canada has recently engaged in dialogue with both AQSIQ (the Administration for Quality Supervision, Inspection and Quarantine), the government body responsible for inspection, import/export and quarantine requirements in China, and MOA, which is responsible for implementing biosafety regulations for agriculture biotechnology. The intent is to initiate future technical and regulatory exchanges and to negotiate conditions in the development of a bilateral regulatory agreement.

Deer, Elk and Their Products

In August 2003, China had suspended the issuance of permits for the import of antler velvet from Canada, due to concerns about chronic wasting disease in deer and elk. Canada is trying to involve in technical discussions with Chinese authorities aimed at the resumption of trade.

STANDARDS AND TECHNICAL REGULATIONS

Since joining the WTO, China has been moving ahead with implementation of its WTO commitments on standards and technical regulations. These commitments include establishing contact points for enquiries about regulations, improving transparency by notifying the WTO of new regulations being put in place, and ensuring that standards, technical regulations and conformity-assessment procedures are the same for imported and domestic products. Canada will continue to monitor the impact of standards and technical regulations to ensure that they are both transparent and consistent with WTO commitments.

Canadian-style Wood-Frame Construction

In January 2004, China adopted a revised building code allowing for wood-frame construction. The code imposes restrictions on the size of buildings and the distance between these types of wood-frame structures. Consequently, only single-family dwellings are covered by the code. Canada is working with the Chinese Ministry of Construction and Ministry of Public Security to reduce some of the restrictions imposed by the codes and to introduce mixed-structure, higher-density construction.

The Canadian system of wood-frame construction has become a niche subsector for high-end villa developments in China. Canada is working to develop more opportunities in this market. The level of activity has remained modest in 2004 with approximately 1,000 wood-frame houses constructed in China's largest cities.

Value-added Tax on Aircraft

Large aircraft (above 25 tonnes) currently face a value-added tax of 4%, which is significantly lower than the 17% VAT applied to smaller aircraft, such as regional jets produced in Canada. Canada believes that this differential tax hinders the growth of regional aviation in China. Moreover, it limits the ability of all producers of smaller aircraft to sell their products in China.

IMPROVING ACCESS FOR TRADE IN SERVICES

Financial Services

China has put in place new regulations in the banking, insurance and fund management sectors, which have provided increased transparency and helped to facilitate foreign investment and competition. However, there are difficulties with these regulations, which we are seeking to address. For example, the banking regulations contain high minimum capital requirements and other provisions that limit the ability of Canadian banks to expand their branch networks and finance lending operations. The insurance regulations remain insufficiently clear and contain high minimum capital and reserve requirements. Moreover, complex, and often multi-stage, approval procedures remain for licensing new operations and products in all financial subsectors.

Investment

In 2003, China was the second largest recipient of foreign direct investment inflows in the world. Canadian direct investment in China has shown a consistent increase in recent years, rising from a stock of $419 million in 1997 to $542 million in 2003 (while direct Chinese investment in Canada reached a level of $422 million in 2003). The average size of new investments is steadily increasing, and the profile of the average investment is shifting from small family enterprises to the more sophisticated operations of multinational companies. China is also starting to become a source of FDI, and we are increasing efforts to attract such investment.

Foreign Investment Protection and Promotion Agreement

Canada and China are currently negotiating a foreign investment protection and promotion agreement (FIPA). Canada has introduced and explained the nature of its FIPA proposal. Although Canada and China agree on the key principles of non-discrimination, investor protection and dispute-settlement procedures, differences remain on a number of technical but important issues. Concluding a FIPA will likely take until mid- to late 2005. Once implemented, the FIPA should create more predictability for Canadian investors when dealing with otherwise irregular and complex Chinese investment scenarios.

Tourism Marketing

China grants "approved destination status" (ADS) to selected countries to facilitate the travel of Chinese nationals abroad. China agreed to grant ADS to Canada in early 2005. Modalities and timing for the implementation of ADS remain to be determined.

Hong Kong

Overview

The Hong Kong Special Administrative Region maintains considerable autonomy in economic, trade, cultural and political affairs and will continue to do so until 2047. Hong Kong has its own fiscal system: it does not remit revenue to the central government, nor does the central government levy any taxes. The Hong Kong dollar, pegged to the U.S. dollar, continues to circulate as legal tender, and Hong Kong remains a free port and a separate customs territory. This distinct economy is a member of APEC and the WTO under the name "Hong Kong, People's Republic of China."

Hong Kong remains an aggressively free market economy, with virtually no barriers to entry or doing business. With the exception of excise taxes on autos, fuel, liquor and cigarettes, there are no duties, taxes or quotas on imported goods.

On January 1 2004, Hong Kong and the Chinese mainland signed their Closer Economic Partnership Arrangement, which corresponds to a bilateral free trade deal between the two entities. The Arrangement facilitates trade in goods, services and investments.

Canadian firms continue to enjoy excellent access to the Hong Kong market, and there are no outstanding bilateral market access issues. Canada exported $1.4 billion to Hong Kong in 2004 and imported merchandise worth $720 million. Trade in services is extensive. The Hong Kong government continues to develop its own economic, fiscal and budgetary policies based on its own interests and its dependence on trade. The policy of minimal government interference in the economy continues to apply equally with respect to trade in goods and services and to investment. In addition to being an attractive market in its own right, Hong Kong remains China's largest port and the entrepôt for most of China's value-added imports and exports, particularly goods exported by small and medium-sized enterprises.

Market Access Results in 2004

- Hong Kong partially lifted the ban on the import of Canadian beef and beef products, imposed following Canada's announcement of a case of BSE in May 2003.
- Hong Kong lifted the ban on poultry products from all regions of Canada and now regards Canada as free of highly pathogenic avian influenza.

Canada's Market Access Priorities for 2005

- Continue representations aimed at the complete removal of Hong Kong's BSE measures on imports from Canada.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Hong Kong banned the import of Canadian beef and beef products. Following extensive technical discussions, on November 30, 2004, Hong Kong announced the resumption of imports of boneless beef from Canada derived from animals under 30 months of age. Discussions continue on expanding the list of eligible products and registered establishments that may export. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

In November 2004, Hong Kong lifted its avian influenza restrictions on the import of live birds and poultry meat from Canada. (For further information, see the avian influenza overview in Chapter 2.)

Investment

In 2004, Hong Kong was the eighth largest investor in Canada with $4.7 billion (stock) in investments. Canada has invested $2.7 billion in Hong Kong. There was a significant concentration of Canadian investments in the financial services sector. In general, Canadian investors face few difficulties in the Hong Kong market, which features excellent infrastructure, low taxes and a full range of modern business services.

Republic of Korea

Overview

Korea is Canada's third largest market in the Asia-Pacific region (after Japan and China) and the eighth largest worldwide. In 2004, Canada's merchandise exports to the Republic of Korea totalled $2.3 billion, while imports were $5.8 billion. Korean direct investment in Canada in 2003 was $280 million, while Canadian investment in Korea in 2003 totalled $609 million. In 2002, services exports totalled $653 million and imports $218 million.

Although considerable market liberalization occurred after Korea's 1997 financial crisis, Korea's economic policies are typically designed to protect its domestic industry, encourage exports and discourage imports of some value-added goods. Generally, tariffs, import licences, import procedures and social norms all favour the import of raw materials and industrial equipment rather than finished goods. Despite the liberalization of import procedures over the past few years, significant obstacles and rigidities remain a problem in some areas.

The Canada–Korea Special Partnership Working Group (SPWG), launched in April 1994, aims to increase cooperation in areas such as trade, investment, industrial cooperation and technology transfer. One subcommittee of the SPWG specifically addresses market access issues, while another subcommittee was created to further cooperation between the private sectors of both countries. This subcommittee is initially focusing on manufacturing technology, new materials, biotechnology, the environment, energy and telecommunications.

In 2002, Canada initiated an ongoing, comprehensive strategy aimed at resolving outstanding sanitary and phytosanitary issues through discussions among technical officials.

The Republic of Korea approached Canada in 2004 with a strong expression of interest in pursuing an ambitious free trade agreement. On November 19, 2004, Prime Minister Martin and Korean President Roh Moo-Hyun announced that Canada and Korea would explore the feasibility of negotiating an FTA. The announcement was made in Santiago, Chile, following a bilateral meeting held on the margins of the APEC Leaders' Meeting. In keeping with its commitment to engage Canadians on issues of trade and investment, policy, the Government of Canada has launched comprehensive consultations with the provinces and territories, the Canadian public, businesses and non-governmental organizations. The results of these consultations will help advise officials on Canadians' priorities, objectives and concerns to help define the possible scope of an FTA with Korea.

A high-growth and rapidly advancing market, Korea is widely recognized as a gateway to Northeast Asia, a region of strategic importance to global value chains. With an estimated 48 million inhabitants and a GDP of $849 billion, Korea is the largest of the four "Asian tigers" (Hong Kong, Singapore and Taiwan are the other three). An FTA between Canada and Korea has the potential not only to enhance Canada's important bilateral economic relationship with Korea but also to strengthen Canada's presence in the region by serving as a stepping stone to greater economic ties with China and Japan. Canada's interest in Korea lies in three main areas: tapping into the value chains of globally competitive production and supply from Korean corporations, selling raw materials and key technologies and products, and using Korea as a strategic base for establishing an export and manufacturing presence in Northeast Asia.

Market Access Results in 2004

- Korea increased its 2004 tariff rate quota for feed peas to 450,000 tonnes.
- In March 2004, Korea lifted its import ban on tallow, and accepted the import certificate on March 10, 2004
- Korea lifted import bans on fetal blood serum and porcine blood plasma on June 4, 2004, and accepted modified certificates.
- Korea decided on June 29, 2004, to lift import bans on gelatin, collagen and di-calcium phosphate (with no trace of protein or fat) and provided notification of the conditions on July 15, 2004.
- Korea expanded the phytosanitary protocols for softwood lumber to include approved markings.

Canada's Market Access Priorities for 2005

- Pursue removal of Korea's BSE measures on imports from Canada.
- Seek removal of Korea's restrictions on the importation of poultry and poultry products from Canada because of avian influenza.
- Continue discussion toward agreement on a protocol for fumigation of feed peas.
- Ensure that the tariff rate quota (TRQ) for feed peas is pursued in subsequent years.
- Continue to press for tariff parity between canola and soy products.
- Continue to press for changes in the tendering procedures for soybeans and honey.
- Continue annual monitoring of applied tariffs that are subject to possible adjustment to ensure that market access for Canadian products is not reduced.
- Pursue implementation of phytosanitary protocols for heat treatment certification of softwood lumber.
- Conclude exploratory talks with Korea and consultations with Canadians in preparation for a decision on whether to proceed with formal negotiations toward a bilateral free trade agreement.

IMPROVING ACCESS FOR TRADE IN GOODS

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Korea issued a ban on the import of Canadian ruminant animals, meat and meat products, including semen, embryos, ova, tallow, gelatine and collagen. While access for some products has been obtained, Korea still bans the import of meat and live animals. Canada has kept all its trading partners, including Korea, fully informed of the results of its investigation and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On February 20, 2004, Korea suspended imports of poultry and poultry derived products from Canada. The Canadian Food Inspection Agency will be asking Korean authorities to lift the suspension. (For further information, see the avian influenza overview in Chapter 2.)

Canola Oil

Canada continues to seek tariff parity between canola oil and other competing products such as soybean oil, as well as the elimination of tariff escalation (i.e. low tariffs on raw materials and higher tariffs on processed goods). Korea applies a tariff of 10% on crude canola oil and 30% on refined. Canola oil is the only imported edible oil that is subject to this treatment. In comparison, Korea applies a 5.75% tariff on crude and refined soybean oil.

Tariffs on Feed Peas

In 2004, Korea provided differential tariff treatment for dried peas for human consumption and feed peas through the creation of a tariff rate quota on feed peas. The quantity and rate for the TRQ is announced annually. In 2004, the applied rate for feed peas was 2% for an amended volume of 450,000 tonnes. Imports above this volume face a 27% tariff (the same as the tariff on dried peas for human consumption). The tariffs for most of the competing feed products are as follows: barley, 20% or 30%; wheat (for milling and feed), 1.8%; and lupin seed, 0%. The TRQ allows the import of feed peas, up to the quota level, at a reduced rate, which is an improvement over previous years, but which does not provide complete parity with other feed ingredients. Ultimately, parity will be sought as an outcome of the WTO agriculture negotiations. Maintaining a TRQ is a temporary solution in the absence of permanent tariff parity, as the TRQ is renewed on a yearly basis and can be cancelled or reduced unilaterally by Korea.

Protocol for Fumigation of Feed Peas

Korea has phytosanitary concerns about Hessian flies and, because straw can be a host for Hessian flies, has rigorous requirements that there be no straw in shipments of agricultural products such as feed peas. To address Korea's concerns, Canada has proposed to Korean authorities a fumigation process for feed pea shipments that would kill any Hessian flies that may be in the straw. Discussions with Korean technical officials to resolve this issue continue.

Soybean Tendering

The tendering system administered by Korea's Agricultural Fishery Marketing Corporation prevents Korean importers from accessing the high-quality, premium-priced food-grade soybeans that Canada produces. Korea has a tariff rate quota for food-grade soybeans, which is administered through international open tender, mainly on the basis of price. This is an inflexible system that has no provision for price premiums for quality, tendering on small lots or long-term contracting. Korea produces less than 40% of its soybean requirements and cannot currently fully supply its soy-processing sector with the required high-quality product.

Chronic Wasting Disease: Elk and Deer Products

On December 28, 2000, Korea suspended the import of live cervids and their products (elk and deer products including antler velvet) from Canada and the United States, because of concerns relating to chronic wasting disease. In 2004, Canada made numerous high-level representations and initiated technical discussions with Korean authorities aimed at the resumption of trade.

Honey

The current tariff rate quota for honey is 420 tonnes; the tariff on in-quota imports is 20%, while the tariff over the TRQ is 243%. Under the competitive bidding process for import rights, the price of the honey becomes the determining factor, and it is difficult for higher-quality or higher-priced products to compete within the TRQ.

Softwood Lumber

Korea currently requires all Canadian softwood lumber exports to be kiln-dried and heat-treated in order to eliminate plant pests. As a result of a number of meetings between the Canadian Food Inspection Agency and Korean plant health officials, Korea has amended its regulations to provide for the issuance of phytosanitary certificates and will visit Canada to consider the use of industry-issued heat treatment certificates.

Chinese Taipei (Taiwan)

Overview

In 2004, Canadian merchandise exports to Chinese Taipei totalled $1.2 billion. Chinese Taipei ranked sixth among Canada's export markets in the Asia-Pacific region, accounting for 4.7% of our total exports to the region. Canada's goods imports from Chinese Taipei in 2004 totalled $3.9 billion.

Chinese Taipei's economy remains highly dependent on trade. It is a major exporter to the region, particularly to China and Southeast Asia, as well as a major source of investment. It is also growing in importance as a regional importer. These factors have provided a strong impetus for trade and market liberalization, though domestic political pressures continue to support a degree of protection, particularly with respect to certain agricultural and agri-food imports.

Chinese Taipei officially joined the WTO on January 1, 2002. As Chinese Taipei is a prominent export market for Canadian suppliers, its formal membership in the international rules-based trading system was an important development. Chinese Taipei has undertaken significant reforms and liberalization in order to bring its economic and trade regime into line with the WTO framework. A key outcome has been the disappearance of the preferential market access previously accorded to U.S. suppliers in a number of product areas, consistent with Chinese Taipei's obligations under the WTO principle of non-discrimination.

World Trade Organization Accession Negotiations

Chinese Taipei has implemented many improvements in market access for goods and services under terms negotiated with Canada and other WTO members. These include the elimination of tariffs in some sectors under so-called zero-for-zeros, as well as reductions, and/or harmonization, for goods of export interest to Canada such as chemicals, pharmaceuticals, paper and medical devices. Prior to acceding to the WTO, Chinese Taipei had already signed on to the Information Technology Agreement, agreeing to full tariff elimination on specified information technology products. Canadian suppliers have gained more secure and open access for these and other industrial priorities, including plywood and aerospace products. Canadian suppliers' access to the Chinese Taipei market for automobiles remains favourable, as Chinese Taipei proceeds to liberalize its import regime in this sector.

Access has also improved for a range of agricultural, agri-food and fish and seafood products, including meat products, grains, oilseeds and processed foods. Accession means equitable and more open access for suppliers of canola oil and beef. The dismantling of earlier import prohibitions on products such as meat offal and several fish products, including mackerel, sardines and herring, was begun before accession and has now been fully implemented.

In services, Chinese Taipei has included commitments in areas of prime interest to Canada, including financial services, basic and advanced telecommunications services and professional services.

Chinese Taipei has committed to join the WTO Agreement on Government Procurement and has agreed to market access concessions in the Agreement for some key sectors of interest to Canada. Although the formal accession process has been slowed for technical reasons, Chinese Taipei has stated that its public tendering procedures will be fair, transparent and consistent with the WTO Agreement on Government Procurement. Despite this commitment, public project tendering often continues to favour local suppliers.

Market Access Results in 2004

- Chinese Taipei lifted its BSE-related ban on certain pet food products. Canadian pet food plants that are not using raw materials derived from domestic ruminants can now apply through the Canadian Food Inspection Agency to obtain Taiwanese approval to export to Taiwan.

Canada's Market Access Priorities for 2005

- Continue representations aimed at removing Chinese Taipei's remaining BSE measures on imports of beef and beef products from Canada.
- Continue representations aimed at removing Chinese Taipei's BSE measures on avian and porcine meat and bone meal, processed porcine blood and protein-free tallow.
- Continue representations aimed at removing Chinese Taipei's avian influenza measures on poultry products from British Columbia.
- Monitor Chinese Taipei's compliance with its WTO accession commitments, as they affect access for products of interest to Canadian firms.
- Encourage the accession of Chinese Taipei to the WTO Agreement on Government Procurement.
- Press for tariff parity with soybeans and corn for Canadian feed peas.
- Encourage Chinese Taipei to adopt a standard for icewine.
- Continue to encourage Chinese Taipei to recognize the equivalency of Canadian and U.S. quality control regimes for medical devices.
- Continue to press for advance notification of any changes in Chinese Taipei's regulations affecting trade in agricultural and forestry products.
- Request recognition of Canada's regulatory regime for products, which would reduce the need for Chinese Taipei's regular inspections of Canadian operations, for example, apple orchard inspections. Inspections are paid for by industry.

IMPROVING ACCESS FOR TRADE IN GOODS

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Chinese Taipei issued a temporary ban on the import of Canadian meat and meat products including offals, animal feed, tallow and embryos. Effective August 27, 2003, Chinese Taipei authorities lifted the ban on imports of bovine, sheep and goat embryos from Canada. Canada has kept all its trading partners, including Chinese Taipei, fully informed of the results of its investigation and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Feed Peas

Chinese Taipei applies the same import tariff rate to feed peas as it does to peas for human consumption. This puts Canadian feed peas at a competitive disadvantage compared with soybeans and corn, which are used for animal feed. In WTO accession negotiations, Chinese Taipei agreed to reduce the tariff on feed peas to zero by 2007. The tariff rates on soybeans and corn meal are already zero.

Ice Wine

The Canadian Vintners Association and member wineries have complained that the presence of "false ice wine" in Chinese Taipei is undercutting the market for Canadian Vintners Quality Alliance ice wine and is having a negative impact on consumers' appreciation and acceptance of the product. Canada would like Chinese Taipei to follow the lead of Canada, the United States and European Union countries, which have adopted minimum quality standards for ice wine.

Softwood Lumber

Chinese Taipei is a major market for softwood lumber, but only for the lower grades used for packaging. While the market is open to increased use of wood in construction, the opportunity is limited by the concern of financial and insurance institutions that the island's wood building code is insufficiently prescriptive to assure adequate quality. In May 2003, Chinese Taipei made changes to sections of its wood building code, providing for wood-frame construction using softwood lumber. The Canadian wood products industry is working with the Chinese Taipei government to achieve recognition of the equivalency of Canadian and Chinese Taipei standards for various wood building products, as well as to deliver technical training to local industry.

Consultations on Regulatory Changes in Agriculture

Canada has expressed concerns to Chinese Taipei's Board of Foreign Trade and Bureau of Animal and Plant Health Inspection and Quarantine about the lack of prior consultation on changes to regulations affecting the import of food products. For example, in 2003, Canada did not receive notification of amendments to the quarantine requirements for the import of plants or plant products until the implementation date, leaving no time to request clarification prior to the measures being applied. In late 2004, Chinese Taipei announced certification requirements for bark-on lumber imports, leaving little time for industry to seek needed clarifications and to comply.

Australia

Overview

In 2004, two-way merchandise trade between Canada and Australia was worth $3.3 billion, a 7.4% increase on the previous year. During the year, Canada exported $1.6 billion worth of merchandise to Australia, while imports were valued at $1.8 billion. Canada's main exports continue to be car engines, pork, aircrafts, lumber, telecommunications components and wood pulp.

The Canadian stock of direct investment reached $7.8 billion in 2003, a 10% increase from 2002 ($7 billion). This growth was due mainly to the large number of Canadian firms that have acquired interests in the Australian mining industry. It is now estimated that Canadian firms own over 25% of Australia's gold resources.

There are natural affinities between Canada and Australia arising from similar legal and regulatory systems, comparable federal structures and a trading relationship reaching back over 100 years. Most trade between the two countries takes place at most-favoured-nation rates, although a substantial amount benefits from duty-free rates.

Some important non-tariff measures have an impact on market access. Measures affecting access for Canadian goods and services include product standards, government procurement practices (which vary from sector to sector, and from Commonwealth to state levels) and trade-remedy laws (Australia is among the most active users of anti-dumping and countervailing duty statutes).

Australia has been particularly active in signing bilateral trade agreements with Thailand, Singapore and, most recently, the United States. The impact of these FTAs on Canada–Australia trade will be monitored closely.

Canada's Market Access Priorities for 2005

- Continue to make representations for improved access for Canadian pork and support Canadian industry participation in the Productivity Commission inquiry in an effort to ensure that it does not recommend any further restrictions.
- Closely follow the Australian Customs Service's dumping investigation of linear low-density polyethylene from Canada.

IMPROVING ACCESS FOR TRADE IN GOODS

Pork: Import Conditions

For several years, Australia has imposed requirements preventing the import of unprocessed pork products from Canada and other countries due to alleged concerns relating to porcine respiratory and reproductive syndrome. The measures require that imported pork be cooked either in the exporting country or in a transitional facility in Australia. These measures raise the cost of Canadian pork and exclude Canadian exporters from direct access to Australia's retail market. Canada considers the restrictions to be more trade-restrictive than necessary.

In May 1998, Australian authorities initiated a generic import risk analysis (IRA) on imported pork. Canada participated in the IRA process that led to the release of the final IRA in February 2004. The new import conditions, implemented in July 2004, include quarantine import requirements to control entry of the post-weaning multi-systemic wasting syndrome (PMWS) into Australia. Canada believes that Australia's PMWS measures do not reflect the most current scientific literature, and it is making representations with appropriate Australian authorities on this issue.

Pork: Productivity Commission Inquiry

At the request of the Australian government, the Productivity Commission initiated an inquiry into Australia's pig meat industry on August 31, 2004. On December 15, 2004, the Commission issued a draft report that concluded that the economic difficulties faced by Australian pig meat producers do not justify additional government assistance. The Australian industry is using this inquiry as an opportunity to argue that the Australian government should impose temporary safeguards measures against imports. Canadian industry made a submission to the inquiry in October 2004. The draft inquiry report included an analysis of the structure and regional distribution of the industry, key factors influencing its profitability, the international competitiveness of the industry, and the impact and effectiveness of government and industry programs. The Canadian government continues to closely monitor the progress of the inquiry. The final report is expected in March 2005.

Linear Low-Density Polyethylene: Antidumping Investigation

On November 9, 2004, the Australian Customs Service initiated an investigation into the alleged dumping of linear low-density polyethylene exported from Canada. The preliminary determination, which could lead to provisional duties is expected in January 2005. A final report and recommendations are due by April 12, 2005. The Canadian industry is participating in the investigation, and the Canadian government will monitor the process.

New Zealand

Overview

In 2004, Canada exported $457 million in merchandise to New Zealand and imported $538 million in return. In 2004, Canada's leading exports to New Zealand were vehicles, machinery, fertilizers, wood and meat. Canada was New Zealand's largest foreign supplier of each of these products. In the same period, Canada's leading imports from New Zealand were fresh, chilled and frozen beef and lamb meat, dairy and machinery. Total Canadian direct investment in New Zealand was $454 million in 2003.

Canada's Market Access Priorities for 2005

- Continue to press for improved access for Canadian pork.
- Make representations for removal of New Zealand's trout import ban, which has just been extended until November 2007.

IMPROVING ACCESS FOR TRADE IN GOODS

Pork

Effective September 1, 2001, New Zealand imposed requirements suspending the import of unprocessed pork products from Canada and other countries due to alleged animal health concerns relating to porcine respiratory and reproductive syndrome. The measure requires that imported pork must be cooked either in the exporting country or in a transitional facility in New Zealand. These measures raise the cost of Canadian pork and exclude Canadian exporters from direct access to New Zealand's retail market. Canada considers the measure to be more trade-restrictive than necessary. Canadian and New Zealand animal health authorities are consulting on the matter.

Trout

In December 1998, New Zealand imposed a "temporary" ban on the import of trout. Since then, the ban has been extended five times. In October 2004, the ban was extended for another three years (up to 2007). New Zealand claims that the ban was imposed to complement and ensure the effectiveness of the domestic sales ban and for conservation reasons. Canada's position is that New Zealand has provided no scientific information to justify the ban on conservation or any other grounds, and that it is inconsistent with New Zealand's international trade obligations. Canada is continuing to make representations, bilaterally and multilaterally, to remove the ban, and New Zealand authorities have undertaken to examine less trade-restrictive alternatives to meet desired objectives.

SOUTHEAST ASIA

Southeast Asia continues to have some of the most dynamic economies in the world. They offer better market access than a number of other Asia-Pacific nations and, as a group, are one of Canada's major trading partners, ranking fourth after North America, Europe and East Asia. In 2004, bilateral trade with the region totalled approximately $10.9 billion. Southeast Asia is also one of the major destinations for Canadian investment abroad, which was valued in excess of $11 billion in 2003. The region comprises the 10 economies of the Association of Southeast Asian Nations (ASEAN)—Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand and Vietnam—plus East Timor.

Structural reform and trade liberalization in most of the Southeast Asian countries have helped to improve trade prospects. All Southeast Asian states, with the exception of East Timor, Laos and Vietnam, are members of the World Trade Organization. All indications are that Vietnam will complete the process of WTO accession by the end of 2005. This is testimony to the progress these countries have made in opening markets, strengthening institutional structures and adopting international standards. ASEAN members of the WTO have been active in the Doha Round of negotiations, and they agree that continued progress is tied to gains in agricultural and non-agricultural market access and rules such as those on anti-dumping, subsidies and countervailing measures.

Further liberalization is, however, warranted in the area of market access for trade in services. Seven of the 10 ASEAN countries have market access priorities for Canada. Of those seven, Indonesia, Malaysia, the Philippines and Thailand are among the top 40 countries identified by the Canadian Trade Commissioner Service as target markets. In recent GATS multilateral negotiations at the WTO, Canada has sought commitments from Indonesia, Malaysia, the Philippines and Thailand to liberalize their services markets. In seeking liberalization, Canada's interests differ from country to country, but they are mainly in financial services, professional services, movement of natural persons, oil and gas services, and mining services.

Southeast Asia, like Canada, stands to gain from better access to global markets for services and from commercially significant liberalization in goods. The requirements of the ASEAN Free Trade Area (AFTA) and bilateral trade agreements have also contributed to deregulation in the region. All indications are that access to this market will continue to become more open.

Indonesia

Overview

With a population of approximately 240 million people, Indonesia offers a large and growing domestic market and a large workforce, diverse and abundant natural resources, reasonable communication and other infrastructure, and a strategic location along some of the world's major trade routes. If Indonesia, particularly with a new administration in place, continues to move toward implementing a sound policy framework and maintains a strong commitment to reform, it should be able to take advantage of its fundamental economic strengths to restore investor confidence.

In 2004, the Indonesian economy grew by 5.1%, with domestic private consumption and higher prices for commodity exports continuing to replace investment as the country's primary engine of economic growth. Inflation has been reduced from nearly 60% in 1998 to 6.4% in 2004. Foreign reserves have risen, and Indonesia's rupiah currency is hovering at a three-year high. More important for business, the rupiah has remained relatively stable over the past year facilitating longer-term planning. Indonesia's debt burden, which swelled to over 100% of gross domestic product after the 1997–1998 crash, has since eased to about two-thirds of GDP.

On the fiscal and monetary policy fronts, Indonesia is performing well. This fact has not gone unnoticed. Several international rating agencies recently upgraded Indonesia's sovereign currency ratings in light of rising external reserves and falling debt. At the end of 2003, the government exited the International Monetary Fund economic support program and entered a post-IMF economic reform program. This program aims to maintain investor confidence in the economy by creating macroeconomic stability (through low inflation levels and healthy foreign exchange reserves), continuing banking sector reform, and increasing investment, export and employment opportunities. The Bankruptcy Law was amended in September 2004 in an effort to close loopholes that could have allowed creditors, even if unproven, to place solvent firms into bankruptcy. The new government, elected in October 2004, has committed itself to increasing security, fighting corruption, fiscal responsibility and economic growth.

Indonesia remains one of Canada's largest merchandise export markets in Southeast Asia and was the second largest investment destination in Asia (after Japan) in 2003. In 2004, Canadian merchandise exports to Indonesia were valued at $672 million, an increase of 48% over 2003. Canadian imports from Indonesia totalled $930 million.

Canadian investment provides jobs for more than 30,000 Indonesians, and total Canadian direct investment reached $5.5 billion in 2004. New Canadian direct investment has increased in the resource sector. New small and medium-sized Canadian investments, which are more immune to uncertainties, have continued. Within these new investments, there has been a shift from manufacturing for the domestic market to manufacturing for export markets because of lower production costs.

Market Access Results in 2004

- Indonesia revised its Forestry Law, effectively restoring the property rights of several Canadian mining companies and enabling them to continue developing their existing mining operations (in an environmentally responsible manner).
- Indonesia completed revisions to the Bankruptcy Law, giving greater protection against unjustified civil suits against Canadian investors.
- Indonesia removed its avian influenza restrictions on the importation of poultry and poultry products from Canada.

Canada's Market Access Priorities for 2005

- Seek a more transparent tendering process for government procurement of goods and services, particularly on contracts that require external financing and for which financial proposals should form part of the tender document.
- Continue representations aimed at removing Indonesia's BSE import measures on beef from Canada.
- Continue to seek reductions in the numbers of regulations impeding the development of a free market, particularly the requirement to register principal and agency relationships.
- Cooperate with Indonesia's telecom regulator to establish clear directions in the wireless and fixed-line telecommunications industry, including regulations on interconnection tariffs, spectrum licensing and voice-over-Internet protocol (VoIP). The lack of regulation restricts growth in the industry, impeding market access for Canadian exporters of information and communications technologies.

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Indonesia issued a ban on the import from Canada of live ruminants, meat and meat products, including offal, embryos and semen. Canada has kept all its trading partners, including Indonesia, fully informed of the results of its investigation and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

In April 2004, Indonesia banned the import of poultry and poultry products from Canada. In December, Indonesia lifted the ban. (For further information, see the avian influenza overview in Chapter 2.)

Investment

Canadian investors continue to face numerous challenges in accessing the Indonesian market. Existing and potential investors cite concerns that include political uncertainty, unclear decentralization, uneven implementation of economic reforms, unreliable judicial system, security issues and the treatment of existing investors. On the plus side, Indonesia's government is making efforts to reform the judicial system and to streamline the time-consuming procedures for obtaining the licences and permits required for investment in Indonesia.

With new investments currently under consideration by Canadian firms in the manufacturing and domestic services sectors, as well as in the resource-based sector, Canadian investment is expected to increase once broader stability returns to the country and obstacles to investment security are removed. The Government of Canada will continue to monitor developments and to make representations on behalf of specific companies.

Malaysia

Overview

Although Malaysia has a relatively small population, it is Canada's largest merchandise trading partner in Southeast Asia. Canadian merchandise exports totalled $444 million in 2004, a 7.6% decrease from 2003. In 2004, imports from Malaysia were valued at $2.6 billion. Trade in services is far more balanced. As the Malaysian economy picks up momentum in 2005, overall trade is expected to continue to grow. Canada is exporting an increasing amount of information technology and telecommunications parts and equipment. Sales of Canadian newsprint have been reduced to a trickle since April 2003, when newsprint originating in or exported from Canada was hit with a 33.55% anti-dumping duty.

Malaysia has a relatively open, market-oriented economy. This situation is expected to continue under the administration of Prime Minister Abdullah Badawi. Export Development Canada has noted, however, that politics play a role in the economy. The transparency of the decision-making process for projects involving the government requires that Canadian exporters appoint strong local representatives. The Malaysian government allows 100% foreign equity in investments in most sectors. A notable exception is the oil and gas sector, where joint ventures with Petronas are the norm.

Market Access Results in 2004

- Malaysia's high-profile campaign against piracy of software and movies has resulted in the closure of some of the factories manufacturing the pirated items.
- Malaysia removed its avian influenza related restrictions on the importation of Canadian chicken.

Canada's Market Access Priorities for 2005

- Continue representations aimed at removing Malaysia's BSE measures on imports from Canada.
- Monitor intellectual property legislation and enforcement.
- Pursue further trade liberalization for goods and services in the context of the WTO negotiations, especially in the banking sector, which holds potential for Canadian companies. No banking licence has been issued to a foreign bank for more than 20 years, and existing foreign banks face numerous restrictions in expanding retail banking.
- Continue to press for further progress in corporate governance and judicial reform; the current lack of progress acts as a non-tariff barrier to Canadian trade and investment.

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Malaysia issued a temporary suspension on the import of live bovines, meat and meat products, including offal. Canada has kept all its trading partners, including Malaysia, fully informed of the results of its investigation and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

Malaysia lifted its temporary ban on the import of poultry and poultry products from Canada on October 29, 2004. However, the import ban on game birds remains, and there is no indication as to when it may be lifted. Canada will continue to press for the elimination of these restrictions. (For further information, see the avian influenza overview in Chapter 2.)

Financial Services Sector

The financial services sector in Malaysia is relatively well developed, with local expertise available in most areas. Although the financial system is considered to be restrictive, there are encouraging signs that the government is moving toward a more liberal approach. The aim of the government's Financial Sector Master Plan is to first improve the strength of the financial sector before opening it up to greater foreign competition in the medium term. The Master Plan covers a 10-year time frame to 2010. The government also has a detailed framework for developing Malaysia's capital markets over the next 10 years, which is set out in the Capital Markets Master Plan. The plan is published by the Securities Commission, the central authority in the regulation and development of the securities and futures industries in Malaysia.

Banking

With respect to commercial banking, there are 14 foreign banks with approximately 140 branches. The 51 domestic banking institutions have been merged into just 10 banking groups, and further mergers are believed likely. The 10 merged banks are Maybank, Alliance Bank, Bumiputra-Commerce bank, Affin Bank, Public Bank, Southern Bank, RHB-Utama Bank, EON Bank, Arab-Malaysian Bank and Hong Leong Bank. The foreign banks account for approximately 25% of total banking assets. Investment banks, where American banks dominate, are subject to more stringent restrictions than are commercial banks. Bank of Nova Scotia, the only Canadian bank with a presence in Malaysia, has one branch in Kuala Lumpur offering a comprehensive range of banking products.

Insurance

The insurance market in Malaysia is still highly regulated. However, it is also to be opened up to foreign competition under the Financial Sector Master Plan. This will occur only when the domestic industry is fully consolidated (from 64 to 15 domestic insurers by 2010) and ready, by government standards, to withstand international competition. Foreign firms are already benefiting alongside domestic ones from some of the liberalizing measures, including the lifting of restrictions on outsourcing and employment of expatriates, as well as a generally more flexible attitude by Bank Negara. The 14 foreign firms that are already active in Malaysia hold about 40% of the equity and 50% of the assets in the market, and they dominate the fast-growing life insurance market. Canadian insurer Manulife will be represented in this market now that it has acquired the worldwide assets of John Hancock.

Islamic Banking and Finance

Malaysia is promoting itself as a centre for Islamic banking and finance. It already has a comprehensive system, with a new Islamic Financial Services Board to set standards and harmonize practices and a centralized Sharia council in the Bank Negara. The Islamic banking sector currently accounts for a little less than 10% of the banking sector's total assets, and the government has a target of doubling this to 20% by 2010.

Selective Capital Controls

The selective capital controls introduced on September 1, 1998, have been amended on several occasions since then. All that remains in effect since May 2001 are measures to prevent international trading in the ringgit and, in particular, hedging against it. These measures include restrictions on borrowing in ringgit, on transfers between ringgit and foreign exchange accounts, and on amounts of foreign currency that can be brought into the country. Despite a current discussion on the merits of this policy, the ringgit remains pegged to the U.S. dollar at a ratio of 3.8 to 1.

Budget 2005 unveiled initiatives to enhance international participation in the Malaysian capital market. Five foreign stockbrokers and five global fund managers will be issued new licences to enable them to establish fully owned operations in Malaysia. The five foreign stockbrokers may also acquire existing licensed stock-broking companies subject to certain conditions. Limitations on foreign equity ownership in futures broking and venture capital companies will be lifted completely. Employment of foreign employees will also be liberalized.

Philippines

Overview

In a landmark and far-reaching decision released December 1, 2004, the Philippine Supreme Court declared the 1995 Mining Act constitutional, thereby setting aside a contrary decision promulgated only 11 months earlier. The decision is landmark because the Supreme Court has stated that it will take the economic well-being of the country into account when ruling on issues of national importance and constitutionality. It is far-reaching because, while not yet final and executory, it sends an unequivocal signal that the Philippines again welcomes long-term foreign investment, with security for that investment, not only in mining but also in other key extractive sectors, including oil and gas.

The ruling did not spare the Philippines a credit rating downgrade only days later, nor the real potential of another. However, it has rekindled optimism in an economy otherwise driven by consumption. The Philippine economy remains fuelled by an ongoing flow of substantial foreign remittances, estimated at between US$8 billion and $21 billion, and by its growing population of 84 million. The Philippines remains well positioned to compete in the global services market. However, business competitiveness continues to be hampered by the slow progress of fiscal reform, lack of infrastructure, high energy prices, lingering corruption, institutional barriers, low savings rates and the inability of local sources of finance to meet the current investment savings gap, and the perception of indecisive government. The Philippines is unlikely to pass key tax reform measures before the end of the year, with the exception of one watered-down tax reform measure. Consequently, the Philippines remains increasingly at risk of being left behind by its regional neighbours.

As a result of the Mining Act decision of December 1, 2004, the Philippines is better positioned to reorient itself toward an investment-led paradigm for economic growth. However, its GDP grew by 6.1% in 2004, and a target in a range of 5.3% to 6.3% is set for 2005.

In 2004, the Philippines registered its first trade surplus in recent years, with exports edging up by 9.3% and imports increasing 7.5%. Indeed, the Philippines continues to post trade balances with Japan, the United States and China. Nevertheless, with its ASEAN neighbours averaging export increases of 18% as global demand rebounded in 2004, the Philippines has yet to leverage its potential. With global demand expected to slow in 2005, the ability of the Philippines to achieve its proposed 10% growth in exports for this year is in question.

Since coming to power, the new administration has proposed a series of reforms to address fiscal, power and banking sector issues. At the same time, the Philippines continues its minimalist approach to trade liberalization. For example, as the ASEAN harmonized tariff scheme exerts regional pressure on the Philippines to adopt a more liberal approach, the Philippines' protectionist reflexes will more than likely ensure that the government does not exceed its minimum multilateral trade liberalization commitments. While the government remains particularly sensitive to agricultural imports, particularly pork, chicken and vegetables, it remains committed to special and differential treatment for developing countries.

In 2004, Canadian merchandise exports to the Philippines reached $417 million (a 10% rise over the previous year). The principal exports are wheat, ores, slag and ash, wood, machinery, mechanical appliances and fertilizers. The Philippines continues to enjoy a positive trade balance with Canada, with Canadian imports valued at $955 million in 2004. With the Philippines now actively geared toward building a world-class mining industry—it has offered some 23 proven mining projects for foreign partnerships—the impending investment potential, and related sale of equipment and services, could change that trade relationship in 2005.

In 2003, cumulative Canadian direct investment in the Philippines was valued at $111 million. The largest Canadian investors in the country remain Sun Life and Manulife, respectively the second and fourth largest insurers in the country. The newest investors are represented by Celestica, Nucomm International and Royal Ventures.

Market Access Results in 2004

- The Philippines lifted its avian influenza–related import ban on B.C. poultry effective September 13, 2004, as per Bureau of Animal Industry Memorandum Order 32.
- On June 25, 2004, the Philippines lifted its BSE-related import ban on bovine tripe and tongue, as per Department of Agriculture Memorandum Order 19, subject to the same conditions as imposed on Canadian boneless beef and bison. In January 2005, the Philippines re-imposed the restriction.
- Canada successfully negotiated with the Philippines an import protocol and acceptable Canadian Food Inspection Agency export certification for dairy products and animal feed, as per the letter of acceptance from Bureau of Animal Industry Director Jose Molina dated June 9, 2004.
- Canada successfully renegotiated with the Philippines the import protocol for Canadian boar semen. The Philippines' acceptance of the revised CFIA export certificate for boar semen was contained in a June 4, 2004, certification from the Bureau of Animal Industry.
- Outstanding issues on a Philippine import protocol for Canadian seed potatoes were resolved, as per the February 20, 2004, letter from the Director of the Bureau of Plant Industry.

Canada's Market Access Priorities for 2005

- Monitor closely any possible resurrection of the inspection requirements embodied in Memorandum Order 7 or any entirely new regulations being tabled through Administrative Order 39, thereby ensuring continued access of CFIA-certified meat and meat products into the Philippine market.
- Seek renewed access for beef and other edible beef offal from cattle.
- In view of the Philippines' intention to seek an extension of its special treatment for rice, as per WTO Agreement on Agriculture Annex 5, attempt to leverage expanded market access and special concessions such as a reduced tariff for pork.
- Ensure that full implementation of Department of Agriculture administrative regulations supporting the Cartagena Protocol does not impose unreasonable constraints on Canadian exports of agri-food products derived through biotechnology.
- Continue to advocate the benefits of a socially and environmentally responsible mining industry.
- Monitor and assess the investment climate for transparency and due process, and continue to press for due process on a number of specific investment cases.

IMPROVING ACCESS FOR TRADE IN GOODS

Bovine Spongiform Encephalopathy

In November 2003, the Philippines granted renewed access to Canadian boneless beef, tripe and tongue from cattle under 30 months of age. However, in January 2005, the Philippines renewed the restrictions following the new Canadian cases of BSE. Canada continues to advocate a resumption of trade on scientific grounds for all other beef products such as bone-in beef and other offals from cattle aged under or over 30 months. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

In September 2004, the Philippines lifted its restrictions on the import of poultry products from Canada. (For further information, see the avian influenza overview in Chapter 2.)

Annex 5 Negotiations on Philippine Extension to Special Treatment for Rice

Canada is seeking an accord with the Philippines regarding tariffs for its rice quota when its special treatment expires in 2004. If no accord can be reached, Canada may seek "additional and acceptable concessions" in return. One suggestion is to request a tariff reduction in pork from the current in-quota rate of 30% to 10%.

OTHER ISSUES

Investment

Government decision making can be complex and slow. Although the recent Philippine Supreme Court decision suggests that the legal environment could become more predictable, investors remain cautious, especially in certain sectors. Prospective Canadian investments in infrastructure have been hampered by less than fully predictable government decision making on build-operate-transfer (BOT) and private sector participation projects, with (in particular) the law and regulations on unsolicited BOTs subject to differing interpretations. Foreign investors are further deterred by the limitation on foreign equity in certain areas to 40%, notably in public utilities, mass media and educational facilities. There are also restrictions on foreign ownership of lands. Struggling with some of the highest electricity rates, the Philippine government is caught between trying to assess how best to deal with contracts that could be damaging to the national interest and further discouraging foreign investors by challenging the sanctity of foreign investor contracts. The initial reaction from foreign investors has been to applaud the Supreme Court's recent decision declaring as constitutional all provisions of the 1995 Mining Act that allow the direct participation of foreign-owned corporations in mineral resources exploration and development in the country. Nevertheless, memories linger of the Supreme Court's earlier annulment of the contract to build a new, world-class international airport terminal, which remains built but closed, as well as several other contracts. Foreign investment in some sectors (e.g. call centres, manufacturing and financial services) has proven more straightforward.

Mining

The Philippines is considered to hold some of the largest deposits of minerals in the world. Geologists estimate that minerals (including gold, copper and chromites) constitute an onshore area of about 9 million hectares. In 2003 alone, the industry accounted for upwards of US$519 million in export earnings from mining permits that cover only 1% of the country's land area.

The government's Minerals Action Plan is intended to revitalize the industry through the promotion of responsible mining grounded in the principles of sustainable development. Once all the reforms proposed under the Action Plan have been implemented, the Philippine government expects that mining investments could reach US$4.36 billion, with annual potential revenues of US$2.23 billion over the next 10 years.

The Supreme Court's December 1, 2004, majority decision rules that the 1995 Mining Act's implementing rules and regulations (crafted by the Department of Environment and Natural Resources—DENR), as well as the 1995 Financial and Technical Assistance Agreement between the Philippine government and Western Mining Corporation Philippines, do not contravene the constitution. Since its issuance, local industry, through the Philippine Chamber of Mines, has begun a series of targeted initiatives to re-acquaint foreign investors with the country's wealthy resource base. A further signal of the President's strong advocacy of mining investment, premised upon specific environment and social responsibility commitments, was the earlier appointment of a more pro-mining Secretary of DENR, as well as the first-ever Undersecretary of Mines. DENR is now assessing ways to enhance its administrative capacity in the regions, and it is working with other government departments to clarify issues of importance to the National Council of Indigenous Peoples, including ancestral land claims. Another outstanding issue is the role of local governments, notably their ability to enact laws that obstruct legitimate mining operations. At the same time, there remains vigorous opposition to mineral development from civil society and church groups. Canadian investors have already begun monitoring new policies and initiatives aimed at revitalizing the Philippines' mineral industry.

Singapore

Overview

With one of the world's most open and transparent trade and investment regimes, Singapore presents few barriers to Canadian goods and services. Only six product lines are subject to tariffs (stout, porter, beer, ale and two samsu products). Singapore is a strong supporter of the multilateral trading system, but it has also signed several free trade agreements (both at the regional and bilateral levels) and is actively pursuing many others in an effort to further liberalize and facilitate trade and investment with its key trading partners.

Already the financial services and transportation hub of the region, Singapore continues to promote the development of key knowledge-based sectors, including biotechnology and life sciences, information and communications technologies, news media, electronic and precision engineering, professional services and education services. These sectors offer growing trade and investment opportunities for Canadian companies.

In 2004, Canadian exports of merchandise to Singapore were valued at $614 million, up 38% from 2003. Merchandise imported from Singapore amounted to $977 million in 2004, a decrease of 6% over the previous year. Bilateral trade in services between the two countries also continues to grow and was valued at $1.12 billion in 2002.

In October 2001, Canada and Singapore launched negotiations toward a bilateral free trade agreement. Since then, Canada and Singapore have held six full rounds of negotiations, covering a comprehensive range of topics, including trade in goods, customs procedures, trade facilitation, financial services, investment, government procurement, competition and telecommunications. In addition, Canada is pursuing parallel arrangements on labour and environmental cooperation with Singapore. Significant progress has been made to date. However, key sensitive issues in the negotiations have now been reached and must be resolved. The trade agreement, when complete, would improve the ability of Canadian firms to export to, and invest in, Singapore.

Market Access Results in 2004

- Canadian and Singaporean officials continued to engage informally on the free trade agreement to bridge remaining differences.

Canada's Market Access Priorities for 2005

- Continue representations aimed at removing Singapore's BSE and avian influenza measures on imports from Canada.
- Work toward resolving outstanding issues in the bilateral free trade negotiations and obtain an appropriate level of market access and protection for Canadian services and investment in Singapore.
- Continue to encourage discussions on outstanding matters with a view to concluding an air transport agreement, following consultations between the respective airlines and completion of Canada's air policy review.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Singapore suspended the import of Canadian beef. Singapore views the United States and Canada as an integrated market, and until steps are taken to resume beef exports from the United States, Canada is not likely to make progress on the existing ban. Canada has kept all its trading partners, including Singapore, fully informed of the results of its investigation and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

Restrictions on live and raw Canadian poultry products to Singapore have been in effect since the avian influenza outbreak in British Columbia. Canada has kept all its trading partners, including Singapore, fully informed of the results of its investigation and regulatory response, and it is requesting a resumption of trade on scientific grounds. Singaporean authorities are currently reviewing Canada's request to lift the ban. (For more information, see the avian influenza overview in Chapter 2.)

Investment

The Singaporean government actively encourages foreign investment and offers several incentive schemes (mostly tax exemptions) to attract foreign investment, particularly in key target sectors (see above). There are no foreign investment restrictions in the manufacturing sector; however, foreign ownership limitations exist in broadcasting, newspaper services and in some government-linked companies.

Canadian direct investment in Singapore is considerable at $3.7 billion (2003), making it Canada's third largest investment destination in Asia. Most of the investment is in the form of regional offices in the banking and insurance, information and communications technology, aerospace, tourism and retail sectors. Singapore's direct investment in Canada declined slightly to $75 million in 2003.

Thailand

Overview

Despite the avian flu crisis and the soaring price of imported oil, Thailand's economic performance remains impressive, with GDP growth rate for 2004 at 6.1%. The country still faces challenges, notably in its financial sector, but its prospects remain bright, particularly with additional reform legislation. The government has announced major infrastructure projects that, if implemented as planned, will contribute not only to economic growth but also to import growth over the next six years.

Thailand is one of Canada's largest export markets in Southeast Asia. Between 1999 and 2004, Canadian merchandise exports to Thailand increased by 61% to $514 million. Canadian imports from Thailand over the same period grew by 34%, reaching a record high of $2.0 billion in 2004. The stock of Canadian investment in Thailand was valued at over $923 million in 2003. Thailand's continued growth, particularly in the consumer sector, presents opportunities for Canadian businesses investing and exporting to the country, even though the business environment remains relatively challenging. Thailand's reduced vulnerability to financial shocks means that investors are less likely to be caught in a devaluation, such as occurred in 1997. The appreciation of the baht has improved confidence.

Thailand continues to actively pursue regional and bilateral free trade agreements with a number of countries. It has already reached some agreements on trade arrangements, sometimes limited in scope, with Australia, Bahrain, China, India and Peru. It has started FTA negotiations with Japan, New Zealand and the United States.

Market Access Results in 2004

- In August 2004, the National Telecommunication Commission (NTC) was established as part of Thailand's WTO commitment to lift market barriers in telecommunications by 2006. The NTC is an independent state telecommunications regulator whose job is to set policy and prepare a master plan for telecommunications services; prescribe the characteristics and categories of telecommunications services; license and regulate the use of frequency spectrum in telecommunications services; and license and regulate telecommunications business operations.

Canada's Market Access Priorities for 2005

- Continue representations aimed at removing Thailand's BSE measures on imports from Canada.
- Continue to pursue further reductions in the tariff for dried peas; the goal is to have it reduced to 5%, where it would compare favourably with those for other feed ingredients.
- Monitor intellectual property legislation and enforcement.

- Monitor the draft legislation relating to computer crime, personal data protection, national information infrastructure and electronic funds transfer.

IMPROVING ACCESS FOR TRADE IN GOODS

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Thailand banned the import of Canadian live cattle, meat and meat products, including embryos, tallow and offal. Canada has kept all its trading partners, including Thailand, fully informed of the results of its investigation and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On February 9, Thailand lifted its ban on imports of poultry and poultry products from Canada. (For further information, see the avian influenza overview in Chapter 2.)

IMPROVING ACCESS FOR TRADE IN SERVICES

Canada is seeking improved market access for trade in services. In recent GATS multilateral negotiations at the WTO, Canada sought commitments from Thailand to liberalize its services market. Canada's interests in Thailand are mainly in financial services, professional services and movement of natural persons.

Vietnam

Overview

In 2004, Canada's merchandise exports to Vietnam totalled $110 million, an annual increase of 28%, while Canada's imports of Vietnamese products were valued at $450 million. Vietnam is absorbing increasing levels of debt associated with infrastructure development. However, the International Monetary Fund is satisfied that the fundamental economic indicators are sound. Vietnam is also dependent on large amounts of financial aid.

Economic reform continues to be a top priority. To this end, Vietnam is making an effort to play a greater role in the international trading system. It is pursuing membership in the WTO and could accede as soon as 2005. Vietnam tabled revised market access offers on goods and services in 2004, and its accession negotiations are expected to intensify in 2005. Vietnam has recently made further progress in its accession negotiations, including the conclusion of a bilateral agreement with the European Union. Vietnam's membership in the WTO would help consolidate its economic reforms and yield a more open, stable and predictable environment for Canadian traders and investors. Canada supports Vietnam's efforts to accede and has provided accession-related technical assistance. Canada is also providing funding for the APEC Economic Integration Program, which aims to help six Southeast Asian developing economies (including Vietnam) strengthen their trade facilitation and negotiating capacities.

Vietnam recognizes that attracting foreign investment is essential to expanding economic opportunities, and to that end it is trying to reform its economic, legal and judicial systems. Foreign donors, including Canada, have urged Vietnam to accelerate the equitization (purchase of shares by employees) of state-owned enterprises and to dismantle competitive barriers against private sector companies (notably in regard to access to finance and land). However, progress by the Vietnamese government has been slow.

Market Access Results in 2004

- The Vietnamese government continued to signal its commitment to early WTO accession. Canada and Vietnam had useful bilateral negotiations that helped each side better understand the positions of the other side. However, more negotiations are expected.
- As mentioned above, Canada is assisting Vietnam in the accession process through ongoing trade-related technical assistance and capacity building; it is also providing funding for the APEC Economic Integration Program, which is helping

six Southeast Asian economies (including Vietnam) strengthen their trade facilitation and negotiating capacities.

- Canada also included a representative from the Vietnamese Ministry of Finance in a Canadian-organized APEC Workshop on WTO Capacity Building, which was held in Santiago, Chile.
- The Vietnamese government continued to implement key reforms, including in the financial sector and with respect to private sector development. Canadian businesses will benefit from improved commercial conditions, although Vietnam remains far less developed than the regional average.
- Vietnam removed its avian influenza related restrictions on the importation of Canadian poultry and poultry products.

Canada's Market Access Priorities for 2005

- Press for improved treatment for Canada's goods and services in bilateral negotiations with Vietnam.
- Support multilateral efforts at the WTO designed to assist Vietnam in developing a consistent, transparent and open trade policy regime.
- Continue to play a positive role, through bilateral programs and in forums such as APEC (which Vietnam will host in 2006), in setting up a capacity-building program to assist Vietnam in developing and implementing trade and economic policy.
- Continue representations aimed at removing Vietnam's remaining BSE measures on imports from Canada.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Vietnam issued a temporary ban on the import of Canadian live ruminants, meat and meat products, including semen and embryos. In September 2003, the Canadian Food Inspection Agency and Vietnamese officials reached agreement on bovine semen and embryo health certificates, thereby allowing trade to resume. Canada has kept all its trading partners, including Vietnam, fully informed of the results of its investigation and regulatory response, and it is requesting a resumption of trade on scientific grounds for live animals and beef products. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

In December 2004, Vietnam agreed to resume trade in poultry and poultry products from Canada. (For further information, see the avian influenza overview in Chapter 2.)

Brunei Darussalam

Overview

Brunei is a politically stable and economically wealthy country. Brunei's economy is dominated by the oil and gas industry, which fuels 50% of GDP and accounts for between 75% and 90% of the government's revenue.

The Brunei government is aware of its over-reliance on finite oil reserves. Since 2000, it has taken steps to strengthen and diversify the economy, promoting local small- and medium-sized enterprises, encouraging greater local and foreign participation in the economy, developing downstream industries, encouraging the development of service industries such as eco-tourism and financial services, and reviewing education policies.

The government has often stressed the role of the private sector in economic growth. However, Brunei has a limited entrepreneurial culture; 75% of Bruneians are employed by the government.

There are some barriers to trade. These include slow decision making by senior government officials, the need for a local partner to bid for a government contract, and high labour costs which hamper competitiveness. In recent years, the government has introduced strict halal regulations (Islamic laws that require the slaughter of meat in a prescribed way) and a prohibition on alcohol. These moves have restricted the food import industry and increased costs.

Market Access Results in 2004

- Canada made progress in the education sector, with various Canadian universities training local Bruneian students and civil officials in many fields. However, Bruneians traditionally turn to the United Kingdom for education and training.

Canada's Market Access Priorities for 2005

- Continue capacity-building initiatives, especially in the areas of good governance, education, e-government, defence and environment.

Cambodia

Overview

Cambodia has a relatively open, market-oriented economy. Government reforms are ongoing, and Canadian exporters do not face major market access barriers. GDP fell steadily to 5.3% in 2003, and real GDP is expected to decrease again in 2005 due to Cambodia's projected termination of the U.S. garment quota system—the engine behind the country's growth in recent years.

Local partners are essential to doing business successfully in Cambodia since informal barriers to trade exist. In 2004, Canadian merchandise exports to Cambodia totalled $1.6 million, while merchandise imports from Cambodia shot up to $140 million in 2004 as a result of a market access memorandum of understanding signed in January 2003.

WTO members approved the accession of Cambodia in September 2003, making it one of only two least-developed countries (with Nepal) to have gained access to the organization since 1995. Canada supported Cambodia's efforts to accede and provided accession-related technical assistance. Canada is also co-sponsoring the APEC Economic Integration Program, which aims to help six Southeast Asian developing economies (including Cambodia) strengthen their trade facilitation and negotiation capacities.

Cambodia has developed a "pro-poor trade policy strategy," as one of three pilot countries under an integrated framework supported by six core agencies (International Monetary Fund, U.S. International Trade Commission, UN Conference on Trade and Development, UN Development Programme, World Bank and WTO).

Market Access Results in 2004

- Cambodia's legislature ratified the country's accession to the WTO.

Canada's Market Access Priorities for 2005

- Advocate the interests of Canadian companies with respect to projects funded by international financial institutions and sectors of interests such as information and communications technologies, agri-food and power.
- Continue to press for progress in corporate governance and judicial reform, which act as non-tariff barriers to Canadian trade and investment.

India

Overview

The Indian economy has changed dramatically since 1991, when India launched its program of economic reforms, which included trade and investment liberalization. The process of economic reform continues. All remaining quantitative restrictions were lifted in April 2001. The insurance sector has been opened to private and foreign investment, and other sectors (e.g. garments, leather, toys and shoes) have been removed from the list of sectors reserved for small-scale industries. Further liberalization of capital account, foreign direct investment and foreign institutional investment rules has been effected. Legislation to reform the bankruptcy, competition, pension and labour regimes, among others, is also being contemplated.

Total Canada–India merchandise trade for 2004 reached almost $2.5 billion, with a balance of $701 million in India's favour. Paper products, vegetables, fertilizers, electrical machinery and wood pulp are Canada's principal exports to India.

The stock of Canadian direct investment in India is relatively modest but increased from $183 million in 2002 to $184 million in 2003.

Indian investment in Canada remains underreported for a variety of technical reasons; according to official figures, it reached $62 million in 2003. The opening of several software development centres in Canada by major India-based information technology firms and investments from major Indian banks point to the attractiveness of Canada as an investment destination. The growing Canada–India bilateral trade and investment ties have been facilitated by a number of business associations, most notably the Confederation of Indian Industry, the Federation of Indian Chambers of Commerce and Industry, the Canada–India Business Chamber and the Indo–Canadian Chamber of Commerce.

India constitutes a potentially significant market for almost any type of good, service or technology. An expanding middle class, estimated at up to 300 million people, is interested in new products from around the world and offers significant opportunities for trade and investment, particularly in areas of traditional Canadian strength. These include telecommunications, transportation, agriculture and agri-food, power equipment and engineering, infrastructure development, oil and gas, mining and environmental technology, as well as banking, insurance and educational services.

Market Access Results in 2004

- Canada reached an interim agreement with the Indian government to allow imports of Canadian pulses to India to continue without methyl bromide fumigation, while a more permanent solution is negotiated. Under its Plant Quarantine Order of 2003, India requires the fumigation of pulses with methyl bromide, a requirement that has proved very disruptive to the pulse trade.
- Canada reached agreement with the Indian government on a new health certificate for bovine semen that will enable Canadian exports to India to resume. In 1997, India banned the import of bovine semen from Canada.

Canada's Market Access Priorities for 2005

- Continue to seek approval of Canada's export certificate for pork.
- Seek to reduce the level of tariffs on spirits.
- Seek permanent removal of the requirement for methyl bromide fumigation of pulses exported to India.
- Continue to encourage India to raise its ceiling on foreign direct investment in the insurance sector.
- Seek amendments to India's Plant Quarantine Order of 2003, to minimize negative impacts on Canadian agricultural exports.

IMPROVING ACCESS FOR TRADE IN GOODS

Agricultural and Manufactured Goods

In 2004, Canada's agri-food exports to India totalled $111 million, the majority of which were pulses (peas, chickpeas and lentils). Canadian exporters are seeking improved access to the Indian market for some additional agricultural products but have concerns regarding India's import requirements and tariff levels. India's Plant Quarantine Order of 2003 has introduced additional import requirements that have further restricted Canadian exports.

India maintains a negative list of imports, which encompasses prohibited, restricted and canalized items. Prohibited items include wild animals and birds; tallow, fat or oils of animal origin; ivory; beef and beef products; and rennet. Restricted items include firearms, certain medicines and drugs, and poppy seeds. Import permits are required for some agricultural products such as seeds for sowing and livestock products. Canalized items are channelled through a designated product-specific state trading enterprise. For example, the Food Corporation of India is the canalizing agency responsible for imports of most cereals. Canada will continue to encourage the Indian government to bring its import regime into full compliance with WTO disciplines.

Bovine Semen

In mid-1997, India stopped imports of bovine semen from Canada, citing concerns about Canada's BSE status. In April 2000, India formally notified the WTO of its import conditions. Following upon several political and technical level interventions on this issue, the Canadian Food Inspection Agency was provided with a draft import protocol for bovine semen in June 2004. The CFIA provided India with an official response and comments on the proposed certification in October 20, 2004, and is awaiting a response from Indian authorities.

Pork

India does not accept Canada's pork export certificate, because certification does not cover some diseases that India requires to be reported. Canada views India's requirements as more trade-restrictive than necessary and will continue to press for changes so that trade can take place.

Canola Oil

Canada is seeking improved market access for canola oil to increase its competitiveness vis-à-vis other edible oils. Tariff rates applied by India on edible oils currently vary widely. For example, olive oil imports are subject to a 45% rate while canola imports face a rate of 85%. Canada will continue to make representations to request that India ensure that canola imports are treated no less favourably than imports of other edible oils.

Spirits

While India consumes about 75 million cases of spirits annually, imported products account for only 1% of this total. Domestic producers are powerful and have successfully lobbied the government to restrict imports to a minimum. India's basic rate of duty is slated to fall from 210% to 150% over the next five years, as per its WTO commitment; however, this rate is still far higher than that in other developing countries, such as China. After the elimination of quantity restrictions, the Indian government imposed an additional duty on imported spirits in the range of 20% to 150%, depending on landed cost. Indian states also impose their own duties. As a result, the total effective rate of duty on imported spirits can range between 400% and 700%. Canada is seeking reductions in these tariffs.

Pulses

Under its Plant Quarantine Order of 2003, India requires the fumigation of pulses with methyl bromide at 28 degrees Celsius before import into India is permitted. Methyl bromide is an ozone-depleting substance and is to be phased out in the near future. In addition, climatic conditions in Canada do not allow for the fumigation at the required temperature during winter months. Canada will continue to make representations requesting the removal of this condition or its replacement by less disruptive requirements. Imports are continuing under an interim arrangement that will remain valid until June 30, 2005. Canada will continue to press Indian authorities to resolve this issue and to permit imports of pulses to continue without barriers.

OTHER ISSUES

Investment

Foreign direct investment is allowed in all sectors, except for arms and ammunition, atomic energy, railways, coal and lignite, ore mining, magnesium, chrome, sulphur, gypsum, gold, diamonds, copper and zinc. FDI ceilings and approval processes have been progressively relaxed, so that a large majority of sectors are now open to 100% foreign equity, via the automatic approval route. Ceilings on FDI remain in a diminishing number of sectors, such as insurance (26%), defence (26%), banking (74%) and telecommunications (49%). In certain cases, approval has to be obtained from the Foreign Investment Promotion Board under the Ministry of Finance. The current government elected in May 2004 has indicated that it would raise the FDI ceilings in the insurance (49%), civil aviation (49%) and telecom (74%) sectors. Canada will continue to make representations to encourage the Indian government to implement these proposals and to further increase these ceilings.

Pakistan

Overview

Pakistan continues to enjoy strong economic performance. In 2004, GDP growth is set to attain 6.4%, exceeding the target rate of 5.3% and the 2003 growth rate of 5.1%. The government, under President Pervez Musharraf, has implemented a comprehensive agenda of macroeconomic stabilization and economic and governance reforms. Various positive effects are apparent, including reduced domestic and external debts, reduced fiscal deficit, increased current account surplus and increased foreign exchange reserves. The international credit rating agencies have also taken notice and increased the country credit rating for a second year in a row. In 2004, Pakistan successfully returned to the international capital market with a well-received Eurobond issue worth US$500 million. In addition, Pakistan's economic reforms permitted the Pakistani government to proceed with termination of its loan program with the International Monetary Fund.

There were signs of progress toward increased stability in the South Asia region in 2004 with the start of a meaningful India–Pakistan dialogue. The signature of the South Asia Free Trade Agreement in January 2004 is also a welcome sign for businesses wanting to trade in the region.

During 2004, inflationary pressures started to appear. The World Bank anticipates 8% inflation in 2004 compared with 3.1% in 2003. These pressures reflect higher food prices and some transmission of the rapid escalation of world oil prices. Other factors posing some threat to Pakistan's continued economic progress are poor indicators of human development and the need to improve security and the rule of law.

Canada–Pakistan merchandise trade totalled $594 million in 2004, with Canadian exports of $349 million and imports of $245 million. Canadian export figures are likely much higher when transshipment through the United States and regional ports such as Dubai and Singapore are taken into account. Additionally, services are not included in the figures, and Canada's presence in Pakistan's service sector is significant.

The composition of our exports evolved significantly in 2004. Canola oilseed was our largest export to Pakistan in 2003 but, due to unfavourable weather conditions in Canada, it failed to reach the same level in 2004. Our leading export that year was aerospace products. Canada's other ranking exports include pulses, coal, pulp and industrial manufacturing equipment. Textiles and clothing represent the lead import items from Pakistan.

Aware of the benefits associated with North American Free Trade Agreement, Pakistani entrepreneurs have been showing interest in Canada as both a business and an investment destination. Initiatives under consideration include investment proposals for textile plant, pharmaceutical, automotive parts and financial services.

Market Access Results in 2004

- Pakistan ratified the Cape Town Convention, establishing an international legal framework for modern asset-based financing and leasing to protect high-value equipment, including aircraft and aircraft engines. Such ratification will help to further open doors to the Canadian aerospace industry in Pakistan.
- Pakistan's telecommunications sector was the main recipient of foreign direct investment in Pakistan in 2004. Local and foreign investors have been actively pursuing business opportunities in this sector, which has seen tremendous growth since Pakistan implemented a policy to deregulate the sector in July 2003.
- In its 2004–2005 budget, the Pakistani government introduced a single sales tax rate and abolished multiple sales tax rates levied on different imported items, in an effort to promote international and domestic investment.

Canada's Market Access Priorities for 2005

- Provide regular information to the Ministry of Food, Agriculture and Livestock on the Government of Canada's BSE initiative.
- Continue to press the Pakistani government to ease the ban on imports of livestock from Canada.
- Promote acceptance of Canadian wheat specifications.
- Monitor the Pakistani government's agenda for infrastructure development.
- Monitor the Pakistani government's process for developing biosafety guidelines for GMOs.

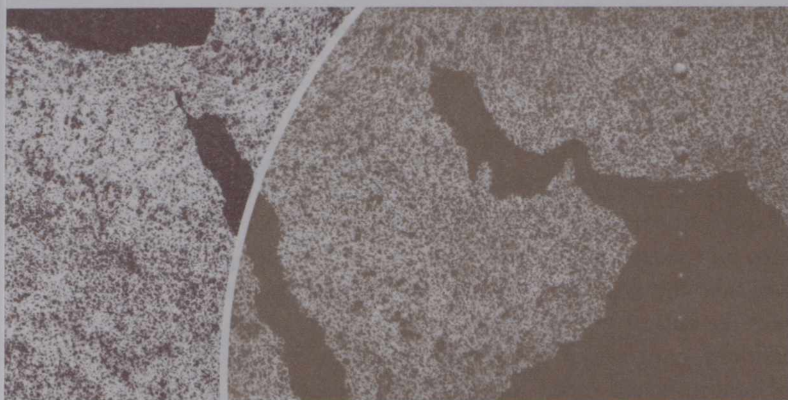
Oil and Gas Sector Program

This project is funded by the Canadian International Development Agency. Its purpose is to strengthen the capacity of the Ministry of Petroleum and Natural Resources to develop, manage and implement policies for the oil and gas sector in Pakistan. Now in its third phase, the Oil and Gas Sector Program contributes to the privatization of Pakistan's oil and gas sector by creating an enabling environment for foreign investment in new ventures as well as existing entities.

Investment

The Pakistani parliament has enacted a provision that enables non-resident taxpayers to obtain advance rulings on the interpretation of the tax laws. A ruling will take the form of a binding statement from the revenue authorities, issued upon the request of a non-resident, concerning the treatment and consequences of contemplated future actions or transactions in Pakistan. Canada closely monitors the application of this ordinance.

In order to facilitate the financing of infrastructure projects by banks and development financial institutions, the State Bank of Pakistan has devised Guidelines for Infrastructure Project Financing. These guidelines will enable private sector participation in and funding of infrastructure projects.



8 Opening Doors to Other Key Markets

MIDDLE EAST

Israel

Overview

Israel is a sophisticated, energetic, highly technological, democratic and free market system of more than 6.7 million people. It continues to maintain a robust economy, despite the ongoing challenges in the region. Israel can boast good economic indicators for 2004, based largely upon the recovery of the global advanced technology sector. The Israeli government is committed to a program to rein in the growth of the public sector, reinvigorate its privatization program and set realistic fiscal targets. There are a growing number of initiatives for major infrastructure programs, which are open to foreign companies in the tendering process. Israel is increasingly reaching out to Europe and emerging markets such as China and India.

Israel possesses a business environment and opportunities that are comparable to those of OECD countries. With a GDP per capita equivalent to that of OECD countries, in 2004 Israel is projected to have the fourth largest GDP growth (after Singapore, Taiwan and Hong Kong) among 29 emerging markets (projections from The Economist Intelligence Unit).

Israel's labour force is multilingual and highly educated, with almost 20% of the workforce holding academic degrees. The country has more doctors, scientists and engineers per capita than any other nation. Israel's economic base and activities over the past three decades have shifted to reflect its intellectual capital, moving from traditional sectors to services and the production of higher-value products for the advanced technology sector. Israel's advanced technology sector is now among the most competitive in the world, accounting for over 17% of Israel's exports.

Israel also continues to rank favourably in the 2004 Index of Economic Freedom (compiled by NGOs), which categorizes its economy as "mostly free" in terms of openness to market forces. Areas where Israel ranks highest are monetary policy, trade policy, foreign investment, property rights, and wages and prices. Areas where it receives mid-ranking are government intervention, regulations, and banking and finance. Fiscal burden is noted as the area in most need of improvement.

The government's general economic philosophy is toward greater market orientation and openness to the world economy. This philosophy has been reflected in Israel's fundamental economic reforms, its provision of foreign investment incentives and its negotiation of free trade agreements with many countries, including Canada (1997). An important attraction for foreign investors is Israel's double taxation agreements with various countries including Canada, the United States, and most of Western Europe and Japan.

Due to the global economic situation and regional security issues, Israel's economy grew by 1.3% in 2003. The security situation had a particularly adverse effect on traditional sectors such as tourism, construction and agriculture. Nonetheless, Israel's economy has shown remarkable resilience in the face of severe strain.

A significant recovery was experienced in 2004, with rising business and consumer confidence, as well as higher demand for Israeli exports. However, Israel's economy began to slow in the last quarter, and growth reached 4.2% for 2004. With a global cooling of economic growth, The Economist Intelligence Unit forecasts 3.6% growth for Israel in 2005, higher than the Bank of Israel's prediction of 3.2% and lower than the Finance Ministry prediction of 3.8%.

Canada–Israel Bilateral Trade and Economic Issues

Canada and Israel have maintained a robust trade relationship, with two-way merchandise trade totalling $1.1 billion in 2004 ($381 million in exports to Israel and $697 million in imports). Our trade with Israel almost doubled since the Canada–Israel Free Trade Agreement (CIFTA) came into effect in 1997, and tariffs on almost all industrial products manufactured in Canada and Israel have been eliminated. Canada's major exports to Israel include machinery and electrical equipment, aircraft parts, wood and paper, and telecommunications equipment.

Pursuant to a 2003 expansion of the product coverage of CIFTA, Israel now grants duty-free access to Canadian exports of wheat, frozen blueberries, potato flakes, flour and corn, as well as to some frozen vegetables and various dried peas and beans. In addition, improved market access was granted to imports of other agri-food products, including chickpeas, canary seed, beef, pet food and french fries. These measures will allow several export products to regain markets lost to the United States and the European Union.

Israel is also an important market for Canadian services exports, which were estimated at over $196 million in 2002. Canadian firms have also developed successful joint venture partnerships in information technology, biotechnology and construction.

Market Access Results in 2004

- On September 1, 2004, Israel removed its avian influenza measure on poultry products from Canada.
- In October 2004, the Air Minutes Agreement extended access and landing rights for the winter season for Air Canada and El Al Airlines.

Canada's Market Access Priorities for 2005

- Ensure that the 2003 expansion of CIFTA, which included a wider range of agricultural products, provides optimum market access conditions for Canadian exports to Israel.
- As provided for under CIFTA, continue discussions with Israel to further liberalize bilateral trade in agricultural and agri-food products.
- Negotiate a technical amendment to CIFTA that would harmonize the agreement with the international Harmonized System code.
- Negotiate a memorandum of understanding (MOU) on the space industry to ensure benefits to both countries; this will clear the way for a space industry mission to Israel later in the year. (The Canadian Space Agency and Israeli Space Agency are working on the MOU.)
- Continue representations aimed at removing Israel's BSE measures on imports from Canada.

Bovine Spongiform Encephalopathy

Israel has an import ban on bovine animals, meat and meat products, animal feed and meals and other products from countries with cases of BSE. This ban has been applied to Canada. Canada has kept all its trading partners, including Israel, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On March 16, 2004, Israel imposed measures against imports of poultry from Canada due to avian influenza. On September 1, 2004, Israel removed its restrictions on poultry products from Canada. (For further information, see the avian influenza overview in Chapter 2.)

West Bank and Gaza

Canada is committed to promoting trade and investment relations with the Palestinians. The Joint Canadian–Palestinian Framework on Economic Cooperation and Trade (the Framework), signed in 1999, established a two-way commercial relationship based on free trade. Aside from eliminating tariffs, the Framework aims to improve market access and customs procedures while supporting emerging industries in this market. Services are not included in the agreement. Palestinian law stipulates that a local agent or representative is required to sell into this market. The status of the Middle East Peace Process has affected the movement of goods into and out of the West Bank and Gaza. Since the current intifada began in 2000, economic activity has slowed considerably. However, there is a pent-up demand for goods and services in the West Bank and Gaza. An improvement of the present situation following the January 2005 elections, combined with a renewal of the Middle East Peace Process, will create good opportunities for Canadian companies wishing to enter or re-enter that market.

Egypt

Overview

Egypt is one of the largest and leading states in the Arab world; it enjoys a unique, geographically strategic location and plays a key role in the region. Egypt also represents a market of 72 million people, is an excellent hub for the Middle Eastern and African countries, and is a key member of the Common Market for Eastern and Southern Africa (COMESA). There is good scope for Canadian and Egyptian cooperation across a broad spectrum of goods and services sectors, including agriculture, forestry products, education, environment, health, high technology, telecommunications, oil and gas, transportation and infrastructure.

With the recent appointment of a new prime minister and a new cabinet, Egypt is moving ahead with economic reforms that could provide a much-needed boost to the economy. The Ministry of the Economy announced in September 2004 several major economic reform initiatives addressing areas of long-standing concern; they include reform of the banking and tax systems, a slashing of tariffs and reorganization of the customs system, and an effort to stimulate the long-stalled privatization program.

The June 2003 Unified Banking Law, which set down parameters for a revitalized sector, now seems likely to be implemented. It includes a new minimum capitalization requirement of 500 million Egyptian pounds ($80 million), which would eliminate many of the smaller institutions. The government is to merge six of the smallest banks into the larger public sector banks and then completely overhaul their operations. Banks will be restructured with capital injections linked to performance. The customs reform will remove some of the expenses and difficulties associated with getting products in and out of Egypt; customs fees and tariffs, for example, have been slashed. The average tariff has dropped from 14.6% to 9% and the number of tariff brackets has decreased from 27 to 6. The list of products subject to tariffs has been shortened from 13,000 to 6,000. Under the revived privatization program, there would no longer be "strategic" commodities or sectors that must remain in government hands.

Egypt is ranked 45th globally and fifth regionally among Canada's merchandise export markets, and it is ranked by Agriculture and Agri-Food Canada as one of the top five emerging markets worldwide. It is ranked globally as Canada's 54th largest import supplier. During the 2001 to 2003 period, external impediments (9/11, the war in Iraq and continued tension in the Middle East region) coupled with economic stagnation negatively affected bilateral trade. Nonetheless, in 2003, Canada's merchandise exports to Egypt reached $232 million and in 2004, $200 million, down 13% from 2003 despite a severe devaluation of the Egyptian pound (42%). Exports for the first nine months of 2004 are valued at $134.84 million.

Principal Canadian exports to Egypt are paper, aircraft, coal, machinery, wood pulp, dairy products, pharmaceutical products, ores, plastics, vegetables, and grains and cereals. Canadian successes during the past three years include sales of wheat, lentils, and aircraft; investment in the oil and gas sector; and several projects in the education sector (primary and secondary, technical institutions and colleges, and a memorandum of understanding signed in October 2003 for the creation of a Canadian university). Much of the rise in exports in 2003 was due to cereals (especially wheat), paper products and some fossil fuels (coal).

Canada's merchandise imports from Egypt reached $116.8 million in 2003, more than double the figure achieved in 2002. Exports have reached $199.4 million in 2004. The sectors accounting for most of the rise in 2004 were iron products, carbon products and petroleum products. Canadian imports from Egypt include iron products, carbon products, petroleum oils, fertilizers, and clothing. Canadian direct investment in Egypt, which is mainly in the oil and gas sector, is estimated at approximately $37 million.

Market Access Results in 2004

- Egypt authorized the import of canola.
- Egypt licensed two Canadian companies to undertake oil and gas exploration in southern Egypt; these are the first foreign companies to receive such licences, opening doors for other small and medium-sized Canadian companies to play a role in the market.
- Canada organized the Educ-Canada fair to promote Canadian education in the Middle East and North Africa and create a brand name (EDUC-CANADA) for the international promotion of Canadian education.
- The Egyptian cabinet gave final approval for the establishment of the new Al-Ahram Canadian University, which will open its doors in September 2005.
- The Northern Alberta Institute of Technology (NAIT) secured a licence from local authorities giving it the necessary legal status to operate a gas pipeline training institute.
- CMHC International signed a contract with Taamir Mortgage Company (the first mortgage financing company) to develop its business plan. CMHC's experience, both domestically and internationally, is valuable to Egypt as it continues to implement the new mortgage law and develop its housing finance system. The contract is expected to be the first in a series of contracts to help regulators and mortgage finance institutions in Egypt.

Canada's Market Access Priorities for 2005

- Secure access for exports of halal beef.
- Commercialize canola oil supplies to Egypt through bulk shipments.
- Secure sales of wheat to Egypt.
- Resume wood exports to Egypt.
- Building on positive momentum in the oil and gas sector, promote further bilateral collaboration in the petrochemical industry.
- Promote Canadian capabilities in the IT and communications sector and encourage Canadian companies to take advantage of Egypt's ambitious national plan for the sector, which includes postal services.
- Follow up several projects to establish a second Canadian international school following the B.C. curriculum.
- Promote Canadian capabilities and capacity building in the mortgage law sector.
- Secure a licence to operate a technical Canadian school (University College of Cape Breton) from the Egyptian Ministry of Higher Education.
- Secure a licence to operate the Al Ahram Canadian university, a joint effort between Al Ahram Establishment (the most widely distributed Arabic daily newspaper in the Middle East) and the Association of Universities and Colleges of Canada. Cabinet approval has already been obtained, but the presidential decree is still pending.
- Continue representations aimed at removing Egypt's BSE measures on imports from Canada.

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Egypt banned the import of live animals, beef and beef products from Canada. Canada has kept all its trading partners, including Egypt, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

IMPROVING ACCESS FOR TRADE IN SERVICES

Canada has been a key supporter of Egypt's liberalization policies. It has encouraged foreign direct investment in Egypt; assisted in capacity building through the transfer of bridging technologies, know-how and training; and encouraged Egypt to adopt more transparent policies. These steps are key to the continued growth of the Egyptian private sector and the overall economy. They will help promote an environment that is friendly to foreign trade and investment.

Syrian Arab Republic

Overview

In 2004, the Syrian population continued to grow at a robust rate of 2.4% to 2.8%. It will soon reach 18 million. Coupled with a young and expanding population base is a growing problem of youth unemployment. Approximately 250,000 young people are entering the labour force each year; however, the economy has been, at best, able to generate only 130,000 new jobs.

GDP growth in 2004, at 2.3%, was slightly better than the meagre 0.6% recorded in 2003. The virtual stagnation in 2003 was largely attributed to reduced trade with Iraq due to the U.S. invasion of Iraq and continued unrest in the region. GDP is not expected to grow much beyond the 2004 rate in the next few years.

Since May 2004, the country has been under U.S. trade sanctions due to implementation of the Syria Accountability and Lebanon Sovereignty Restoration Act. This has caused some slowdowns in certain sectors such as oil and gas equipment, which had previously been almost exclusively supplied by U.S. manufacturers.

Despite steadily declining production, oil continued to play a dominant role in the economy, due in part to the significant surge in oil prices in the second half of the year. This surge helped boost government revenues and current account balances.

The government has continued, in a tentative way, to push through further political and economic reforms aimed at reducing state control of the economy and encouraging further private and foreign investment. These efforts are slowly bearing fruit in some sectors. For example, in 2001 the government changed the banking laws to allow for the creation of private banks with foreign partners. In 2004, four banks were established with foreign partners (three Lebanese and one Jordanian). These banks are also being allowed to repatriate some foreign reserves. While these are positive first steps, there is still a long way to go before Syria's banking system can claim to be fully integrated into the global financial system. Consumer savings and credit facilities are virtually absent as is bank financing for new business ventures.

The country has initialled an Association Accord with the European Union that should lead to its eventual membership in an EU–Mediterranean free trade zone; however, the date for full implementation will be dependent on continued political and economic reforms. With the initialling of the accord, the EU has released more development money to finance major infrastructure improvements.

As a member of the Arab Free Trade Agreement (AFTA), Syria has seen a further reduction of tariffs with its Arabic trade partners, and it is looking forward to complete elimination of tariffs by 2006.

Syria submitted its application for accession to the WTO in 2004 and is now preparing for what is expected to be a fairly long approval process.

In January 2005, the government issued the first major revision since 1973 to Trade and Contract Law 195. The revision is important for foreign firms because the Law has now fixed bid bonds at 5% of contract value and performance bonds at 10%. There has also been explicit clarification that bonds are to be released immediately when a bid is rejected or withdrawn. Bid bonds must be converted to performance bonds immediately upon successful conclusion of a bid offer.

Syria's main exports in 2003 (latest year for which complete statistics are available) were crude oil, petroleum products, fruits and vegetables, cotton fibre, clothing, meat and live animals, and wheat. Exports totalled approximately US$5.1 billion, and the top five export destinations were Germany, Italy, the United Arab Emirates, Lebanon and Turkey. Imports for 2003 reached $4.8 billion and consisted of machinery and transport equipment, electric power machinery, food and livestock, metal and metal products, chemicals and chemical products, plastics, yarn and paper. The top five source countries were Germany, Italy, China, France and Turkey.

Canada's merchandise exports to Syria in 2004 reached over $41 million, placing Syria in 82nd place worldwide as a destination for Canadian merchandise and in 14th place in the region. This represents more than threefold increase since 2000. These figures represent goods only and do not include a significant dollar volume of engineering services, technology transfer, investment in oil and gas exploration and production-sharing agreements.

In 2004, Canada imported more than $24 million from Syria. The country is Canada's 97th most important source of merchandise imports in the world and 10th in the region. Imports from Syria have see-sawed from lows of $2.4 million in 1999 to highs of $96.9 million in 2003.

Market Access Results in 2004

- Syria agreed to ease restrictions on the import of seed potatoes, leading to the award of a feasibility study to the Canadian Agro Sustainability Partnership and longer-term potential for joint ventures in this field.
- Canadian companies achieved increased market penetration in the pulp and paper sector, with several major contracts awarded to Canadian paper manufacturers.
- Syria liberalized entry rules for foreign companies in the oil and gas sector, and streamlined procedures for granting oil and gas exploration and development permits; as a result, Canadian firms were able to successfully negotiate new exploration rights, production-sharing agreements and field rehabilitation contracts.
- Canadian companies achieved increased market penetration in the industrial goods sector, including the sale of an entire $12-million aluminum siding plant to Syrian enterprises.

Canada's Market Access Priorities for 2005

- Continue to provide market information on sectors where competition has been significantly reduced or eliminated by the withdrawal of American firms and to educate Syrian industry representatives on the availability of high-quality North American goods from Canada.
- Work with Canadian firms to understand U.S. content restrictions, which could be affected by the U.S. sanctions.
- Work with Canadian firms who are involved in force majeure issues in the market resulting from U.S. sanctions.
- Continue to provide market intelligence on the implementation of banking reforms and resulting opportunities for consulting, software, equipment and financial services.
- Continue to provide market intelligence on new project tenders in the agricultural sector and to explore opportunities for Canadian institutions to partner with Syrian equivalents to transfer Canadian technology and standards (related to agricultural machinery and food processing technology, in particular). It should be noted that Syria has import restrictions and bans on most food commodities and canned goods.
- Continue to support Canadian consortia interested in the planned major energy infrastructure projects and future opportunities in the energy sector.
- Continue to assist Canadian companies in the pursuit of opportunities and projects in the information and communications technologies sectors.
- Continue to provide market intelligence on the need for technical training in a number of fields, such as the oil and gas sector, and support Canadian companies involved in these areas.
- Continue representations aimed at removing Syria's BSE measures on imports from Canada.
- Continue representations aimed at removing Syria's avian influenza restrictions.

IMPROVING ACCESS FOR TRADE IN GOODS

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Syria banned the import of live animals, beef and beef products from Canada. Canada has kept all its trading partners, including Syria, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On February 23, 2004, Syria imposed measures against imports of poultry from Canada due to avian influenza. (For further information, see the avian influenza overview in Chapter 2.)

OTHER ISSUES

Access to the Iraq Market

Syria has historically maintained strong trade ties with Iraq, especially the northern provinces. These trading relationships, as well as the approximately 250,000 Iraqi refugees resident in the country, provide a wealth of excellent contacts and potential partners for the pursuit of future opportunities in Iraq. The current safety situation in Iraq, combined with political tensions between Syria and the United States, prevents Canadian firms from pursuing reconstruction projects in Iraq with Syrian partners. However, there will be increasing opportunities to pursue private business contracts once stability and an elected government return to Iraq. Ports in both Lebanon and Syria provide some of the shortest shipping routes into northern Iraq, and there is an operational rail link between Syria and Iraq. Existing oil pipelines that have been shut down since the U.S. invasion but will be reopened in the future provide additional interesting opportunities. In recent months, a number of government-to-government business deals have been concluded between Syria and Iraq. These have included contracts for the supply of electricity and the purchase of commodities.

Jordan

Overview

Jordan's economy remains vulnerable to external shocks beyond the government's control and heavily dependent on foreign aid. Jordan signed in late 2002 a financial accord with the IMF spanning the period 2002–2004. The accord focuses on the continuation of fiscal, monetary and structural reforms. The IMF-prescribed reforms call for a higher sales tax, effective income tax collection procedures, lower customs tariffs and the swift privatization of public institutions. These reforms represent highly sensitive issues for the Jordanian citizen and, consequently, the Jordanian government. While the reforms have achieved financial successes, it remains to be seen how the new programs and policies have affected the Jordanian standard of living and the two major problems of poverty and unemployment.

In 2000, Jordan acceded to the World Trade Organization, having amended or introduced a number of laws to open up the economy and having ratified an association agreement with the European Union. In addition, a free trade agreement between Jordan and the United States came into effect in 2002. Jordan will also become a member of the Arab Free Trade Agreement, which aims to dismantle barriers to inter-Arab trade and investment. In addition, Jordan has bilateral trade agreements with a number of Arab economies including Algeria, Bahrain, Djibouti, Egypt, Iraq, Kuwait, Lebanon, Libya, Morocco, Oman, Palestinian National Authority, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, Yemen and United Arab Emirates.

Jordanian exports increased by 11.3% to \$4 billion in 2003, while imports rose by 12.8% to \$7.4 billion. The trade deficit stood at \$3.4 billion. The bulk of Jordan's exports (chemicals, food and live animals, and manufactured goods) go to other Arab countries (\$928 million in 2003), followed by the United States (\$857 million) and India (\$258 million).

The major worldwide Jordanian imports are machinery ($1.7 billion), manufactured goods ($1.5 billion), foodstuffs, mineral fuels and lubricants ($1.2 billion), food and live animals ($1.15 billion) and chemicals ($815 million). The bulk of imports come from Arab countries ($2.1 billion in 2003), followed by European countries ($1.9 billion), China ($590 million), the United States ($505 million) and Japan ($259 million).

The value of Canadian merchandise exports to Jordan was $41.6 million in 2004, against imports from Jordan totalling $6.7 million. The major exports were paper products, machinery, wood, vehicles, and electrical machinery. The top imports were apparel, vehicles, vegetables, cosmetics, prepared vegetables, fruits and nuts.

Although the disposable income of the Jordanian consumer has been growing steadily, the Jordanian market remains highly price-sensitive, making it difficult for Canadian products to compete against cheaper sources of supply. Other obstacles include the small size of the market, its distance from Canada (which makes business travel and transportation costs high relative to the value of goods traded), fierce competition from traditional sources of supply (such as Europe, the United States, Arab countries and Japan), and Canadian exporters' unfamiliarity with Middle East business customs and practices.

Canada and Jordan have good bilateral trade relations and have reached an agreement to prevent double taxation. The treaty will encourage and facilitate Canadian investment in Jordan.

Market Access Results in 2004

- Increased sales of Canadian food products to the United Nations Relief and Works Agency.
- Increased market penetration of Canadian paper products.
- Increased market penetration of Canadian education institutions.
- Agreement between the Royal Scientific Society and Canada's International Development Research Centre for the adoption and implementation of wastewater management policies and technologies for marginal communities in Jordan.

Canada's Market Access Priorities for 2005

- Continue to support export growth in the processed food, dairy products and confectionery sectors.
- Provide market intelligence on opportunities for suppliers of equipment and veterinary health products, as well as strategic alliances to enhance livestock production and processing, particularly in the poultry subsector.
- Provide market intelligence on opportunities for sales of transportation equipment and machinery, and on the sale or lease of passenger aircraft and equipment and services related to railway links.
- Provide market intelligence and support for Canadian companies regarding opportunities in the water sector, particularly the planned construction of a canal bringing water from the Red Sea to the Dead Sea. Besides conventional contracting for the canal and pipeline, opportunities will include build-own-operate and build-operate-transfer structures for the hydropower stations and desalination plants.
- Encourage and support Canadian participation in the GITEX fair in Dubai, the region's most important information technology fair.
- Monitor developments and opportunities arising from the government's privatization program, particularly in electricity generation and distribution, phosphate mining (Jordan Phosphate Mines Company), telecommunications (Jordan Telecommunications Company), airlines (non-core units of Royal Jordanian Airlines), and mail distribution (Jordan Post Company).
- Continue representations aimed at removing Jordan's BSE measures on imports from Canada.
- Continue representations aimed at removing Jordan's avian influenza measures against Canada.

IMPROVING ACCESS FOR TRADE IN GOODS

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Jordan banned the import of live animals, beef and beef products from Canada. Canada has kept all its trading partners, including Jordan, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On February 26, 2004, Jordan imposed measures against imports of poultry from Canada due to avian influenza. (For further information, see the avian influenza overview in Chapter 2.)

OTHER ISSUES

Access to the Iraqi Market

Jordan represents a significant channel for Iraqi trade, primarily through the port of Aqaba. Historical trading relationships, as well as a large population of Iraqi refugees resident in the country, provide a wealth of excellent contacts and potential partners for the pursuit of future opportunities in Iraq. As the security situation in Iraq continues to deteriorate, more Iraqi business is being conducted in Jordan. Various NGOs, foreign government aid programs, UN agencies, the U.S. military and private Iraqi businesses with foreign trade interests have set up offices in Amman. This city is thus an important destination for any firm seeking some of the billions of dollars of international aid and reconstruction money pledged for Iraq, as well as for firms seeking to develop trade over the longer term. For many private sector Iraqi tenders, the currency of transaction is the Jordanian currency, and the contracts stipulate that Jordanian law and courts will apply in case of dispute.

Iraq

With the adoption of Resolution 1483 on May 22, 2003, the United Nations Security Council lifted most sanctions against Iraq, with the exception of the arms embargo. Although the UN sanctions regime has ended, Canada requires that exporters obtain an export permit for any goods on the Export Control List. Exports of such goods will be carefully scrutinized according to their final destination. Companies considering exports in these fields should contact the Export Control Division at International Trade Canada. For more information, call (613) 996-2387.

Canada–Iraq trade peaked at over $440 million before the Gulf War in 1989. At the time, Iraq was one of the most important export markets for Canada in the Middle East. Although Iraq has the potential to once again be an important market for Canadian firms, major challenges will remain in the medium to long term. However, once the security situation has stabilized and governance issues are resolved, Canadian companies should be able to participate fully in the redevelopment of Iraq. For now, the main avenue for Canadian enterprises wishing to enter the Iraqi market is through contracts for projects funded by the United States or multi-national organizations (such as the World Bank and UN Development Programme) and through developing regional contacts in countries such as Jordan, Kuwait, Lebanon, Turkey and Syria.

A new foreign direct investment policy for Iraq was announced in September 2003, which is intended to permit foreign investors to own up to 100% of enterprises in all sectors except natural resources. There are very few other restrictions. Profits, dividends, interest and royalties may be fully remitted. Land may not be purchased, but it may be leased for up to 40 years. The heaviest infrastructure investments in 2005 are likely to be in electric power, oil production, refining and distribution, and water treatment. Industries such as cement aggregates and other construction materials are expected to do well. The shift toward a more market-oriented economy—as well as the establishment of a new currency, the future transparent legal environment and a friendly business environment—will help ensure opportunities for Canadian exporters.

The Government of Canada advises Canadians not to travel to Iraq at present due to ongoing security problems.

Iran

Overview

The economic and business environment in Iran during 2004 has been marked by changes and uncertainty. The outgoing reformist parliament had proposed sweeping changes and modifications to the existing legal and investment environment, indicating a strong will to open Iran's markets, privatize the largely state-controlled economy and facilitate foreign investment. The entry into power of a new conservative parliament has put these positive developments in jeopardy. For the moment, the ideological debate on the economy continues, rendering it difficult to determine which course the government will choose to pursue.

During 2004, Canada's exports to Iran totalled over $187 million, ranking Iran 7th as an export market for Canada among countries in the Middle East and North Africa region and 46th in the world. However, overall since 1998, Canada's exports to Iran have fallen by some 29.3%. Canada's merchandise imports from Iran during 2004 totalled just over $77 million, ranking Iran 8th among countries in the region and 77th in the world as a source of imports into Canada. This represents an increase of some 22% over the previous year. Overall since 1998, Canada's imports from Iran have fallen by 49.7%.

In past years, Iran was one of the world's largest importers of wheat, with an annual consumption of 11 to 12 million tons and imports of 5 to 6 million tons in some years, particularly during the country's three-year drought from 1998 to 2001. During that period, Iran was the single largest purchaser of Canadian wheat, importing a record 3.5 million tons in the 1999–2000 crop year. However, in 2002 Iran produced a record domestic wheat crop of nearly 10 million tons (an 80% increase), and in 2003 domestic wheat production increased by another 10% to 15%. This growth combined with a three-year drought in the Canadian prairies resulted in a sharp drop in Canadian wheat exports to Iran, which amounted to only 140,000 tons in each of 2002 and 2003. During 2004, Iran's domestic wheat production reached a new record of 13 million tons, enough to make the country self-sufficient. However, due to the low quality of the domestic Iranian wheat (very low protein levels), the Iranian government may be forced to import up to a million tons of wheat annually for blending purposes.

Market Access Results in 2004

- Export Development Canada signed a letter of intent with the Central Bank of Iran and five state banks to finalize a US$300 million line of credit. Once finalized, this facility will allow Iranian banks to offer medium-term project financing guaranteed by the Iranian government to Iranian companies cooperating with Canadian firms. This will significantly enhance opportunities for Canadian exporters to Iran.
- Iran cut its tariff rates on canola crude oil and canola oil seeds from 5% to 4%, bringing them into line with those for popular imported oils such as soy and sunflower.
- Iran awarded the second GSM (global system for mobile communications) operator licence for Iran to the private sector.
- Iran reduced its import tariff on automobiles from 170% to 130% and is expected to further reduce the tariff to about 60% over the next five years.
- The Iranian Ministry of Finance implemented a flat corporate tax rate of 25%, which is much lower than previous tax rates of over 60%.
- Iran introduced a 72-hour visa, issued at airports and other ports of entry into Iran, which has facilitated the entry of Canadian business persons into the country; visas previously took several weeks to be issued.

Canada's Market Access Priorities for 2005

- Finalize a revision of the existing sanitary and phytosanitary protocol between Canada and Iran, which stipulates a number of requirements for the import of cattle. The revision is expected to significantly enhance the potential for live cattle exports to Iran.
- Conclude a general protocol between the Iranian Health Ministry and the Canadian Food Inspection Agency to cover all Canadian food manufacturing and/or products. The protocol will expedite logistical procedures for exports of Canadian processed food products to Iran.
- Continue work to finalize a bilateral double taxation agreement between Canada and Iran. The agreement would provide additional reassurance to Canadian companies considering the Iranian market.
- Continue representations aimed at removing Iran's remaining BSE measures on imports from Canada.

IMPROVING ACCESS FOR TRADE IN GOODS

Livestock and BSE

Following Canada's May 20, 2003, announcement of a BSE case, Iran banned the import of live animals, beef and beef products from Canada. Canada has kept all its trading partners, including Iran, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. On July 29, 2004, Iran confirmed that beef coming from Canada must be de-boned, from cattle under 24 months, and follow Halal requirements. (For further information, see the BSE overview in Chapter 2.)

While the Iranian Ministry of Agriculture has approved in principle the import of live cattle into Iran, thereby reversing a ban that has been in place for the last 12 years, the Iranian Veterinary Organization has not signed any protocol with major live cattle exporters such as Canada and Australia.

Processed Food

High tariffs continue to apply to some processed food products, although graduated tariff reductions are planned between 2004 and 2014. Canada will continue to seek reductions in tariffs. Canadian exporters should note the following:

- exporters must have a local agent or distributor in Iran;
- entry processes in Iran often delay cargoes, which can sit at the port of entry for up to three weeks as food and drug laboratories conduct analysis on samples. However, this obstacle can be overcome by obtaining a permanent warrant for the import of a particular processed food item. To obtain the warrant, a Canadian company, through a local agent or distributor, must pay for two Iranian health inspectors to visit the Canadian manufacturing facility.

Information and Communications Technology

Until recently, Iran Telecom maintained a monopoly on the provision of telecommunications services in Iran. Although the telecommunications industry was one of the least developed sectors of the Iranian economy until the late 1980s, the strong demand for modern technology brought rapid structural changes in the following decade. This has created business opportunities for foreign firms in conventional as well as emerging technologies, and the industry's development in the last 10 years has been unprecedented. As a result, the communications market in Iran is not only the largest and most significant in the Middle East, but it also provides access to other regional markets.

Iran's very young population is a market force behind the rapidly growing Internet services and the high demand for cell phones, pagers, telecom services, software and hardware. In 2004, the Iranian government announced new regulations requiring all ministries to spend 2% of their total budget on ICT-related goods and services. During 2004, Iran spent US$1.1 billion on Internet connectivity and infrastructure. Moreover, in its proposed fourth five-year development plan, the government has established a budget of US$5 billion for the development of this promising sector.

Today, the Iranian ICT sector is one of the fastest growing and most promising industries of the Iranian economy. The demand for ICT and telecom-related products and services in this market are well above market supply, forcing the Iranian government to source its needs from foreign companies. The third five-year development plan (2000–2005) pushed the Iranian ICT Ministry toward privatization. Iran's largest mobile telecom contract was awarded in February 2004, when the government awarded the second GSM operator licence to a private company called Irancell, a consortium led by Turkcell of Turkey. The project involves issuing some 15 million mobile numbers in the next four years, worth an estimated $25 billion in revenues for the next decade. Backed by TeliaSonera and Ericsson as the main technology partners, and by Turkey's Cukurova Group, the consortium has made a $300-million cash deposit along with a $1.5-billion investment to offer 2.8 million mobile lines in 2004–2005. However, the recent legislation targeting the Irancell project has left the fate of this key economic development project uncertain.

Automobiles

During 2004, as ratified by the Iranian parliament, all real and legal entities as well as foreign companies were permitted to import new vehicles and their spare parts into Iran. The government is also studying the possible approval of imports of second-hand vehicles into the country. Iran reduced its automobile import tariffs from 170% to 130% in 2004 and is expected to further reduce them to about 60% over the next five years. Moreover, according to Iran's budget law (March 2003–2004), domestic car makers are now required to produce cars with dual fuel systems (gasoline and natural gas) at a rate commensurate with the overall capacity of gas filling stations. The requirement is intended to reduce air pollution (specially in Tehran) and also to cut gasoline imports, which cost the government billions of dollars in the form of subsidies. By the end of the current Iranian year (March 20, 2005), 100,000 vehicles will have been mandated to use gas as a fuel, and 280 compressed natural gas filling stations will have been constructed in 15 cities. The move should enable Canadian companies to benefit from opportunities in Iran's automotive sector.

Oil and Gas

Iran's constitution prohibits any foreign company from legally owning hydrocarbon fields. However, setting up buy-back contracts (BBCs) is allowed. The investment for a BBC comes from the entrepreneur. In return, the entrepreneur receives compensation in the form of an allocation of a share of production. Unlike past agreements, the latest BBCs include penalty clauses in the event of low output, but there is no positive counterpart if the field's production is higher than anticipated. Furthermore, petroleum legislation keeps all activities in this sector under government control. Although a recent restructuring plan led to the privatization of a few organizations, the main companies remain under state control. Finally, the regulation requiring 51% of resources to be set aside for Iranian use is sometimes impossible to apply in this sector, because it is often only a foreign company that can provide the necessary know-how and/or technologies. This restriction has in several cases led to delays, the use of unethical methods or the misuse of local partners' purchasing power.

Mines

Under the current Mines Act of Iran adopted in 1998, there is no theoretical restriction on the exploration and exploitation of minerals in Iran, and all persons (real and juridical, Iranian and foreign) can engage in these activities upon the issuance of the appropriate licences and decrees. This is an important improvement on the previous legislation, which excluded foreign-owned companies. However, the exploitation of "large mines" (a term that is not clearly defined) continues require the approval of the Council of Ministers on a case-by-case basis, constituting an effective barrier to entry for foreign companies.

Pharmaceuticals

In July 2004, the Food and Drug Department of Iran's Ministry of Health announced that all international pharmaceutical companies interested in Iran's drug market should establish an exclusive representative in Iran. Pharmaceutical companies that already export their products into Iran though the Iran Pasteur Institute or the Iranian Red Crescent Society are among the affected companies. In addition, the

Ministry announced that in the near future, government procurement agencies will be obliged to procure pharmaceutical products only from company representatives inside the country.

Power and Energy

In 2004, the Iranian government reduced fines levied on financiers involved in build-operate-transfer deals (under the Foreign Investment Protection and Promotion Act). The move is intended to encourage the contribution of the private sector, as well as to minimize the risks for foreign investment, in Iran's power industry. Iranian officials in the power sector also announced that, with the launch of the proposed privatization program in Iran, 20% to 40% of companies currently affiliated with the Ministry of Energy will gradually be turned over to the private sector.

IMPROVING ACCESS FOR TRADE IN SERVICES

The business environment in Iran is constrained by ongoing government reluctance to allow substantial foreign investment into the country. Iran's Foreign Investment Protection and Promotion Act has improved regulation surrounding foreign investment; however, the level of investment still remains capped in most instances, and Iranian companies still need to hold the majority stake in most ventures. Excessive red tape makes most private sector investment a lengthy process, and the government continues to promise reductions in the bureaucracy.

Education

Generally, it is impossible for foreign universities to provide their services in Iran outside the free zones, unless they provide their courses or programs in conjunction with and as part of a local institution. That said, this year a foreign university was granted the privilege of setting up in Iran outside the free zones. Such special permission may be granted more often in the future, but the procedure is neither clear nor transparent, and it seems it will not become so in the near future.

Canada admitted over 500 Iranian students during 2002, the majority to university programs. Potential for recruitment to Canada is great since competition for a place in an Iranian post-secondary institution is intense. In 2003, there were approximately 350,000 places available (46% public sector, 54% private sector) for a total of three million applicants. The number of students enrolled in post-secondary institutions in 2000 was approximately 1.5 million (48% public sector, 52% private sector). The higher number of students registered with private institutions reflects the willingness and ability of students to pay to upgrade their skills if they are unable to gain admission to a public university. In lieu of university, they enrol in a myriad of programs offered locally both by foreign and domestic institutions.

OTHER ISSUES

Intellectual Property Rights

In November 2003, Iran signed the Madrid Agreement Concerning the International Registration of Marks (1891) and its Protocol (1989), thereby officially joining the International Registration of Marks system (the "Madrid system"). More than 70 countries (including industrialized and developing countries) are parties to the system, and many more countries are considering their accession. Should Iran's stated aspirations to join the World Trade Organization come to fruition, this will add considerably to the significance of intellectual property issues for all manufacturers, importers and exporters inside and outside Iran, particularly with respect to the recognition and enforcement of foreign patents and trademarks in the country.

Expatriates

Expatriates can be employed in Iran provided they have a work permit, which may be granted to foreigners only when there is no Iranian available for similar employment and the foreigner has the required expertise. The permit is valid for one year and is renewable at the end of each year. However, a levy of 30% of the expatriate employee's monthly salary, together with benefits (as determined by the Ministry of Finance) plus 3% of the base salary of the social security premium, may be collected by the

Ministry of Labour from private sector employers of such employees. These restrictions continue to create a significant disincentive for foreign companies that want to send qualified expatriate staff to Iran.

ARABIAN PENINSULA

Six of the seven Gulf countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates) are members of the Gulf Cooperation Council (GCC), which is mandated to strengthen relations and foster economic integration between those countries. The GCC implemented a customs union early in 2003, setting a harmonized GCC-wide tariff of 5%. The group recently approved the establishment of a customs information centre in Riyadh, Saudi Arabia, to link the customs departments of the GCC states. There are also plans to move toward monetary union by 2010. In December 2003, the GCC endorsed a Unified Law for the Prevention of Dumping, with mandatory enforcement from the beginning of 2004. It also ratified the founding charter for the Metrology Organization in Riyadh, with a view to unifying standards and measures in the member states and to ensuring the safety and quality of goods entering the markets of the GCC.

The GCC has confirmed its commitment to signing free trade agreements with other economic blocs, and discussions are well under way with the European Union, the United States and Australia. In the case of the European Union, discussions are quite advanced. Canada's merchandise exports to the region increased in 2004 to $1.3 billion, up from $997 million in 2003.

Saudi Arabia

Saudi Arabia is Canada's largest merchandise export market in the Middle East and North Africa region, with two-way trade reaching $1.8 billion in 2004. Saudi Arabia recently renewed its commitment to completing its accession to the World Trade Organization and hopes to accede in 2005. In this context, Canada and Saudi Arabia have completed their bilateral market access agreement. In addition to securing market access improvements, Canada will seek to ensure in the working party negotiations that Saudi Arabia fully implements its obligations under all WTO agreements on accession.

Market Access Results in 2004

- In July 2004, Canada successfully negotiated the removal of a ban on the export of bovine semen to Saudi Arabia, allowing Canada to resume exports to the kingdom.
- On January 9, 2005, Saudi Arabia removed its avian influenza restrictions against Canada.

Canada's Market Access Priorities for 2005

- Continue representations aimed at removing Saudi Arabia's remaining BSE measures on imports from Canada, in particular on live cattle and bovine embryos.

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Saudi Arabia did not initially announce any new restrictions on imports of Canadian cattle, beef or their products. While many markets initially banned Canadian beef, Canada was successful in maintaining its significant beef (veal) exports to Saudi Arabia. Canadian officials continue to engage in discussions with their Saudi counterparts in an effort to remove the remaining restrictions on the import of other Canadian products (i.e. live animals). Canada has kept all its trading partners, including Saudi Arabia, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On March 13, 2004, Saudi Arabia imposed measures against imports of poultry products from Canada due to avian influenza. On January 9, 2005, Saudi Arabia removed its avian influenza restrictions against Canada. (For further information, see the avian influenza overview in Chapter 2.)

The United Arab Emirates

The United Arab Emirates (UAE) is gathering strength as a major regional distribution centre and investment destination, through its focus on economic diversification and development of port and manufacturing operations, as well as high-end tourism facilities. A key factor in the UAE's success has been the development of free zones, providing users with abundant low-cost energy, land, labour and government financial incentives and special concessions on foreign ownership regulations. In the rapidly expanding Dubai emirate, this transformation now encompasses significant investment and foreign interest in knowledge-economy facilities in information technology, education, health, media and finance. Canada and the UAE have excellent bilateral relations, particularly in the health, education and services sectors. Canadian merchandise exports to the UAE grew to $416 million in 2004, a 21% increase over 2003. The UAE signed a double taxation agreement with Canada in 2002, which was formally ratified and came into force on May 25, 2004.

Market Access Results in 2004

- On February 23, 2004, following Canadian interventions, the UAE issued a decree to permit the import of bovine semen, embryos and hides. The UAE Ministry of Agriculture and Fisheries agreed on the certification to be used for the embryos and bovine semen on May 23, 2004.
- On August 30, 2004, the UAE removed its avian influenza restrictions against British Columbia.

Canada's Market Access Priorities for 2005

- Continue representations aimed at removing the UAE's BSE-related ban on beef and veal imports from Canada, including seeking approval of the certificate for embryos.

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, the UAE issued restrictions on the import of Canadian live cattle and beef products, including veal, bovine semen, embryos and hides. On February 23, 2004, the UAE issued a decree to permit the import of semen, embryos and hides. On May 3, 2004, the UAE Ministry of Agriculture and Fisheries agreed on the certification for semen. Canada awaits the approval for the certification of embryos. Canada has kept all its trading partners, including the UAE, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On March 15, 2004, the UAE imposed measures against imports of poultry from British Columbia due to avian influenza. On August 30, 2004, the UAE removed its avian influenza restrictions. (For further information, see the avian influenza overview in Chapter 2.)

Kuwait

Kuwait is responding slowly to the challenges of economic diversification and liberalization, and it relies on petroleum for nearly half its GDP and 90% of export revenues. Promised privatization has consisted mostly of allowing the private sector to enter areas once reserved exclusively for government, rather than divestiture of state assets. Market access is rarely a major problem in Kuwait as tariffs on the vast majority of items range from zero to 5%. Only 58 items receive tariff protection. Canada and Kuwait signed a double taxation agreement in 2002. The convention entered into force on August 26, 2003, and took effect as of January 1, 2004.

Market Access Results in 2004

- On December 29, 2004, Kuwait removed its restriction on avian influenza.

Bovine Spongiform Encephalopathy

Kuwait has imposed a temporary ban on the import of ruminant animals from Canada until further notice. Canada has kept all its trading partners, including Kuwait, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. Canada has renewed representations to Kuwaiti officials, and a proposed certificate for live cattle exports from Canada has been submitted to appropriate authorities in Kuwait for approval. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On March 21, 2004, Kuwait imposed measures against imports of poultry from Canada due to avian influenza. On December 28, 2004, Kuwait removed its restrictions on avian influenza. (For further information, see the avian influenza overview in Chapter 2.)

Oman

Canada and Oman negotiated a double taxation agreement in 2003, which was ratified by both sides on June 30, 2004.

Market Access Results in 2004

- In August 2004, Canadian and Omani officials agreed upon a revised veterinary health certificate that allowed for the continued export of Canadian milk and milk products to Oman.

THE MAGHREB

The Maghreb region represents a good market for Canadian goods and services. Exports of merchandise, mainly agricultural commodities, were valued at $649 million in 2003 and $583 million in 2004. Exports of services to the region are very significant, exceeding $354 million in 2002. Canada's success in the Mahgreb services market is due in part to Canada's ability to offer modern North American technology in the French language, though Libya, where English is the main foreign language used, is also a significant market for services. The region as a whole has made important progress in trade and investment liberalization in recent years. Algeria, Morocco and Tunisia have all signed association agreements with the European Union. Morocco has a free trade agreement with the United States. Morocco and Tunisia are members of the WTO.

The discovery of BSE in Canada in 2003 negatively affected some agricultural exports, and both Agriculture and Agri-Food Canada and the Canadian Food Inspection Agency have actively pursued contacts with veterinary authorities in the region in 2004.

Algeria

Overview

Algeria has initiated an ambitious campaign of privatization and modernization, as well as regulatory reforms that have opened up sectors such as mining and telecommunications to foreign investors. Algeria has a double taxation agreement with Canada and an association agreement with the European Union.

Algeria has applied to join the WTO, and accession negotiations continued in 2004. Canada's market access priorities for the coming year will include support for Algeria's accession to the WTO.

Algeria is Canada's largest market in Africa and consistently among the top markets in the Middle East and North Africa (MENA) region. Canadian merchandise exports were $349 million in 2003 and $285 million in 2004.

According to Algerian regulations, genetically modified agricultural products, such as seeds and plants, cannot be imported into Algeria. The Assemblée Nationale Populaire adopted the legislation on GMO seeds and plants on January 4, 2005.

Market Access Results in 2004

- In 2004, the Export Development Corporation established new lines of credit worth $600 million in Algeria.
- A dispute with Algerian authorities regarding bovine semen was resolved in 2004, effectively reopening the market to Canadian exporters.

Canada's Market Access Priorities for 2005

- Continue representations to re-establish conditions for live cattle exports.

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Algeria required that the certificate for live cattle be renegotiated. Canada has kept all its trading partners, including Algeria, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Libya

Libya submitted its application for accession to the WTO in December 2001. However, the file remained dormant until 2004, when Libya resolved a number of international disputes arising from terrorist acts in the 1980s. The WTO General Council agreed in July 2004 to set up a working party for the accession of Libya. The working party will meet once a chairperson is appointed and Libya submits the required memorandum describing its foreign trade regime. Canada does not have a most-favoured-nation agreement with Libya, but many manufactured products enter Libya at low or zero rates of duty because they are destined for the oil industry.

The Canadian Embassy in Libya officially opened in 2002, and it has made significant progress in expanding access to the Libyan market for Canadian companies. Canada's merchandise exports to Libya increased by 131% between 2001 and 2002, by 41% in 2003, and by 51% to $101 million in 2004. Libya is also a significant market for engineering services, which do not show in our trade data.

United Nations trade sanctions, which had been suspended in 1999, were lifted in 2003 when Libya agreed to pay compensation for the 1988 Lockerbie airliner bombing. Canadian sanctions were lifted in 1999, after Libya agreed to deliver two Lockerbie suspects for trial. In December 2003, Libya renounced weapons of mass destruction following secret discussions with the United States and Britain. Since then, the United States has progressively lifted most restrictions on trade with Libya. This has benefited Canadian firms whose product lines include U.S.-manufactured goods.

During 2004, as part of ongoing reforms under Prime Minister Shukri Ghanem, Libya relaxed its import licensing system. Many agricultural products that were once imported by the state National Supply Corporation are now imported by new private sector companies. In the long run, this liberalization is expected to lead to a growth in the market.

Morocco

Overview

Morocco has been a member of the WTO since January 1995. Its economy is undergoing a period of transition as substantial economic reforms, encouraged by the International Monetary Fund, are implemented. These reforms (e.g. liberalization of certain services areas such as banking, privatization of state-owned companies, abolition of regulations limiting foreign holdings, easing of exchange regulations and encouragement of joint ventures) should help modernize the economy while promoting market access. Morocco has an association agreement with the European Union. In 2004, it signed a free trade agreement with the United States.

Canada's Market Access Priorities for 2005

- Continue representations aimed at removing Morocco's BSE measures, in particular those on live cattle.
- Negotiate health certificates for the export of turkey hatching eggs and day-old poults to Morocco.

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, Morocco did not impose any specific BSE-related measures against Canadian products. However, Morocco has a general decree that bans imports of live animals, meat and associated products from countries that have a declared BSE case, including Canada. Canada will continue representations aimed at negotiating a certificate for live cattle exports. Canada has kept all its trading partners, including Morocco, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Tunisia

Overview

Tunisia joined the WTO in 1995 and is actively pursuing a trade liberalization policy. Tunisia has introduced a large number of structural and regulatory reforms in order to promote foreign investment, including free trade zones and updating of infrastructure.

Canadian merchandise exports to Tunisia more than doubled to $138 million in 2002, before declining in 2003 to $89 million, due largely to lower demand for agricultural products after good local harvests. In 2004, Canadian exports were $32 million.

Market Access Results in 2004

- In October 2004, the Canadian Food Inspection Agency hosted a technical delegation of the Tunisian veterinary service, which visited laboratories, slaughterhouses and farms to find out more about the Canadian BSE regime.

Canada's Market Access Priorities for 2005

- Participate in a Canada–Tunisia Bilateral Commission in Tunis to advance economic cooperation and market access.
- Start a technical cooperation program and exchange of missions with the École Nationale de Médecine Vétérinaire.
- Continue representations aimed at removing Tunisia's BSE measures, in particular those on live cattle.

Avian Influenza

On April 22, 2004, Tunisia amended its avian influenza measures to apply to B.C. exports. (For further information, see the avian influenza overview in Chapter 2.)

SUB-SAHARAN AFRICA

South Africa

Overview

South Africa is Canada's largest trading partner in sub-Saharan Africa. The trade relationship is diverse and well developed, with exports from Canada ranging from grains to mining machinery to communications equipment.

South Africa continues to pursue an open trading regime. It actively participates in multilateral organizations such as the Cairns Group, which seeks further liberalization of agricultural trade. Since 1994, competition from global players has had the effect of improving the competitiveness of South African businesses. Aided by some privatization and a move toward deregulation, South Africa encourages foreign investment in order to accelerate development and increase employment. To encourage greater inclusiveness for historically disadvantaged people in the economy, the South African government has enacted legislation to promote economic empowerment for these elements of society, in both the public and private sectors.

Market Access Results in 2004

- On January 21, 2005, South Africa accepted the proposed certificate for poultry products from Canada.
- Negotiations on a bilateral air transport agreement took place in South Africa in April 2004. However, they did not result in an agreement. Airlines continue to hold discussions that may identify commercial opportunities and lead to a subsequent request to resume government-to-government negotiations. Government air transport negotiators continue to consult one another regarding changes in their respective policies.
- The ban on beef products remained in place, except for items specifically allowed entry by South Africa: milk and milk products, semen and embryos, protein-free tallow, hides and skins, and gelatine and collagen prepared from hides and skins from Canada.

Canada's Market Access Priorities for 2005

- Continue to monitor the implementation of legislation in the mining sector to ensure that the interests of Canadian mining companies invested in South Africa are not compromised.
- Continue to monitor Canada's competitiveness in light of the free trade agreements that South Africa has negotiated (with the European Union and Southern African Development Community) or will be negotiating (with the United States, EFTA, Mercosur, China and India).
- Monitor South African legislation and policies in areas such as natural resources and economic empowerment for historically disadvantaged South Africans, to ensure that the interests of Canadian investors are protected.
- Continue to consult airlines to determine whether commercial discussions could lead to negotiation of an air transport agreement.
- Re-engage in discussions with South Africa to update, finalize and ratify the 1995 Canada–South Africa Foreign Investment Promotion and Protection Agreement (which was signed but never ratified).
- Continue representations aimed at removing South Africa's BSE measures.

IMPROVING ACCESS FOR TRADE IN GOODS AND SERVICES

Bovine Spongiform Encephalopathy

Following Canada's May 20, 2003, announcement of a BSE case, South Africa issued restrictions on the import of Canadian live cattle and beef products. Canada has kept all its trading partners, including South Africa, fully informed of the results of its investigations and regulatory response, and it is requesting a resumption of trade on scientific grounds. (For further information, see the BSE overview in Chapter 2.)

Avian Influenza

On March 11, 2004, South Africa imposed measures against imports of poultry from Canada due to avian influenza. On January 21, 2005, South Africa accepted the proposed certificate for poultry products from Canada. (For further information, see the avian influenza overview in Chapter 2.)

Bilateral Air Transport Negotiations

The Government of Canada will continue to consult airlines regarding their commercial discussions and will maintain a dialogue with the South African government concerning its air transport policy. The goal is to determine whether prospects have improved for negotiation of an air transport agreement. A satisfactory agreement would represent a gain in market access for designated Canadian airlines and benefit other Canadian businesses by easing travel to and from South Africa.

OTHER ISSUES

Investment: Mining Royalty Bill

In 2003, Canadian companies raised concerns about the draft South African Mineral and Petroleum Royalty Bill. A particular issue was the way royalties were to be assessed, that is:

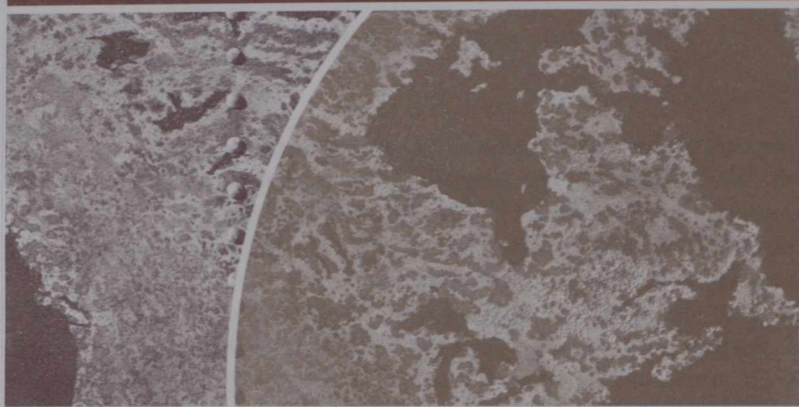
- on gross revenue rather than on profit, contrary to the model prevailing in Canada;
- at different rates for different minerals; and
- at relatively high rates subject to potential future increases.

All of these aspects of the draft bill were strongly opposed by Canadian mining firms, other international mining firms, and the South African mining industry in general. A revised version of the bill is expected to be presented by the Treasury Department in 2005, which will take effect beginning in 2009.

East, West and Southern Africa (Excluding South Africa)

Canadian exports to the rest of sub-Saharan Africa are concentrated in wheat, machinery and telecommunications equipment. Investment is primarily concentrated in the resource extraction industries. Canadian firms are the major investors in the mining sector across the continent.

Exports to the region from the European Union and the United States suggest that Canadian suppliers are not winning the share of African business that might be expected. In 2005, a priority will be to identify new opportunities to export to Africa and to explore reasons for the apparent limited access of Canadian exporters to African markets. As well, the Government of Canada will continue to encourage African governments to implement a transparent, business-friendly environment in order to facilitate commercial transactions and make African countries more attractive as export and investment destinations, in line with the New Partnership for Africa's Development. Regional integration initiatives, such as the implementation and expansion of a uniform business law across much of West Africa or the expansion of a customs union in Southern Africa, are important examples of efforts to achieve legislative consistency and reduce uncertainty in the market.



9 Glossary of Terms

ACCESSION: The process of becoming a contracting party to a multilateral agreement. Negotiations with established contracting parties of the WTO, for example, determine the concessions (trade liberalization) or other specific obligations a non-member country must undertake before it is entitled to full WTO membership benefits. (*Accession*)

APPLIED TARIFF: The rate of duty actually in effect at the border. (*Tarif appliqué*)

ANTI-DUMPING: Additional duties imposed by an importing country where imports that are priced at less than the "normal" price charged in the exporter's domestic market, or less than their full cost, are found to be causing material injury to the domestic industry in the importing country. (*Antidumping*)

APEC: Asia-Pacific Economic Cooperation forum. Comprises 21 countries around the Pacific Rim that seek further Asia-Pacific economic cooperation. Members are Australia, Brunei, Canada, Chile, China, Hong Kong (China), Indonesia, Japan, Korea (Republic of), Malaysia, Mexico, New Zealand, Papua New Guinea, Peru, Philippines, Russia, Singapore, Chinese Taipei (Taiwan), Thailand, United States, Vietnam. (*Coopération économique Asie-Pacifique*)

BINDING: A nation's commitment to maintain a particular tariff level or other legal restriction, i.e. a commitment not to increase a tariff above a specified level. (*Consolidation*)

CA4 (Central America Four): El Salvador, Guatemala, Honduras and Nicaragua. Currently in free trade negotiations as a group with Canada. (*Groupe des quatre de l'Amérique Centrale*)

CAIRNS GROUP: A coalition of 17 agriculture exporting countries (Argentina, Australia, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Indonesia, Malaysia, New Zealand, Paraguay, Philippines, South Africa, Thailand, Uruguay) that develops proposals in the context of multilateral trade negotiations. (*Groupe de Cairns*)

CANADA–EU ACTION PLAN: Signed on December 17, 1996, the Action Plan is designed to strengthen Canada–EU relations and consists of four parts: economic and trade relations, foreign policy and security issues, transnational issues and fostering links. (*Plan d'action commun Canada–UE*)

CCFTA: Canada–Chile Free Trade Agreement. Implemented July 5, 1997. (*ALECC : Accord de libre-échange Canada–Chili*)

CIFTA: Canada–Israel Free Trade Agreement. Implemented January 1, 1997. (*ALECI : Accord de libre-échange Canada–Israël*)

COUNTERVAILING DUTIES: Additional duties imposed by the importing country to offset government subsidies in the exporting country, when the subsidized imports cause material injury to domestic industry in the importing country. (*Droits compensateurs*)

CROSS–CUMULATION: The practice whereby a material sourced in a country with which parties to a free trade agreement (FTA) each have separate FTAs could count toward the production of an originating good in any of these countries under any of the FTAs, provided all the countries taking part in such an endeavour give like treatment in return.

CUSTOMS VALUATION: The appraisal of the worth of imported goods by customs officials to determine the amount of duty payable in the importing country. The GATT Customs Valuation Code obliges governments that sign it to use the "transaction value" of imported goods—or the price actually paid or payable for them—as the principal basis for valuing the goods for customs purposes. (*Évaluation en douane*)

DISPUTE SETTLEMENT: Those institutional provisions in a trade agreement that provide the means for settling differences of view between the parties. (*Réglement des différends*)

DOHA DEVELOPMENT ROUND: A new round of World Trade Organization negotiations, launched at the Ministerial Conference in Doha, Qatar, in November 2001. (*Programme de Doha pour le développement*)

EFTA: European Free Trade Association. When founded via the Stockholm Convention in May 1960, EFTA had seven members. Since its founding, the composition has changed as new members joined and others acceded to the EU. Currently, there are four members: Iceland, Liechtenstein, Norway and Switzerland. (*AELE : Association européenne de libre-échange*)

FOREIGN DIRECT INVESTMENT: The funds committed to a foreign enterprise. The investor may gain partial or total control of the enterprise. An investor who buys 10% or more of the controlling shares of a foreign enterprise makes a direct investment. (*IED : Investissement étranger direct*)

FTA: Free Trade Agreement. Often refers to the Canada–U.S. Free Trade Agreement that entered into force on January 1, 1989. (*ALE : Accord de libre-échange*)

FTAA: Free Trade Area of the Americas. Proposed free trade agreement between the 34 democratic countries of the Western hemisphere. The FTAA process was conceived in Miami in 1994 and negotiations were launched in Santiago, Chile, in 1998. (*ZLEA : Zone de libre-échange des Amériques*)

GATS: General Agreement on Trade in Services. The first set of multilaterally agreed and legally enforceable rules and disciplines ever negotiated to cover international trade in services. (*AGCS : Accord général sur le commerce des services*)

GATT: General Agreement on Tariffs and Trade. From 1947 to 1995, the multilateral institution overseeing the global trading system, as well as the international agreement governing trade in goods (GATT 1947). As an organization, superseded by the WTO in January 1995. GATT 1994 (the agreement), which reflects amendments to the original agreement and incorporates new WTO agreements, continues to govern trade in goods. (*GATT : Accord général sur les tarifs douaniers et le commerce*)

GDP: Gross Domestic Product. The total value of goods and services produced in a country. (*PIB : Produit intérieur brut*)

INTEGRATED FRAMEWORK: A plan for providing trade-related technical assistance, including human and institutional capacity building, in support of trade and trade-related activities of the least-developed countries. It is led by the WTO and five multilateral organizations. (*Cadre intégré*)

INTELLECTUAL PROPERTY: A collective term used to refer to new ideas, inventions, designs, writings, films, etc., protected by copyright, patents, trademarks, etc. (*Propriété intellectuelle*)

ITA: Information Technology Agreement. A WTO-based agreement with over 50 members that provides for duty-free trade in information technology and telecommunications products. (*ATI : Accord sur la technologie de l'information*)

LIBERALIZATION: Unilateral, bilateral or multilateral actions to reduce tariffs and/or remove other measures that restrict international trade. (**Libéralisation**)

MFN: Most-favoured-nation treatment (Article I of the GATT 1994). Requires countries not to discriminate between goods on the basis of country of origin or destination. (*NPF : Traitement de la nation la plus favorisée*)

NAFTA: North American Free Trade Agreement, involving Canada, the United States and Mexico. Implemented January 1, 1994. (*ALENA : Accord de libre-échange nord-américain*)

NON-TARIFF BARRIERS (MEASURES): Government measures or policies other than tariffs that restrict or distort international trade. Examples include import quotas and discriminatory government procurement practices. Such measures have become relatively more conspicuous impediments to trade as tariffs have been reduced during the period since World War II. (*Barrières non tarifaires - mesures*)

OECD: Organisation for Economic Cooperation and Development. Paris-based organization of industrialized countries responsible for the study of and cooperation on a broad range of economic, trade, scientific and educational issues. (*OCDE : Organisation de coopération et de développement économique*)

QUOTA: Explicit limit on the physical amounts of particular products that can be imported or exported during a specified time period, usually measured by volume but sometimes by value. The quota may be applied on a "selective" basis, with varying limits set according to the country of origin, or on a global basis that specifies only the total limit and thus tends to benefit more efficient suppliers. (*Contingent*)

RULES OF ORIGIN: Laws, regulations and administrative procedures that determine the origin of a good. Rules of origin may be designed to determine the eligibility of a good for preferential access under the terms of a free trade agreement, or they may be designed to determine a good's country of origin for various purposes. A decision by a customs authority on origin can determine whether a shipment falls within a quota limitation, qualifies for a tariff preference or is affected by an anti-dumping duty. These rules can vary from country to country and from purpose to purpose. (*Règles d'origine*)

SMART BORDER ACTION PLAN: A 30-point Action Plan signed by Canada and the United States on December 12, 2001. The Plan provides for ongoing collaboration in identifying and addressing security risks while expediting the legitimate flow of people and goods across the border. The Plan has since been expanded to include two additional items for cooperative work: (1) biosecurity and (2) science and technology. (*Le plan d'action sur la frontière intelligente*)

SUBSIDY: An economic benefit granted by a government to producers of goods, often to strengthen their competitive position. The subsidy may be direct (a cash grant) or indirect (e.g. low-interest export credits guaranteed by a government agency). (*Subvention*)

TARIFF: A tax on merchandise imports. Levied either on an ad valorem (percentage of value) or on a specific basis (e.g. $5 per 100 kilograms). Tariffs give price advantage to similar locally produced goods and raise revenues for government. (*Tarif de douanes*)

TARIFF RATE QUOTA: Two-stage tariff. Imports up to the quota level enter at a lower rate of duty; over-quota imports enter at a higher rate. (*Contingent tarifaire*)

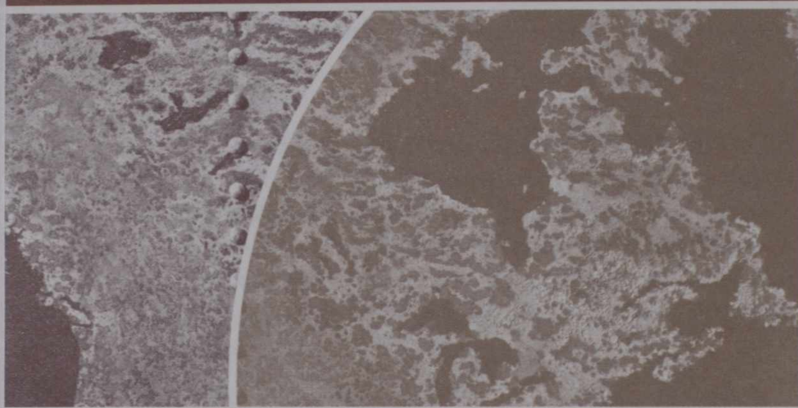
TRANSPARENCY: Visibility and clarity of laws and regulations. (*Transparence*)

URUGUAY ROUND: Multilateral trade negotiations launched in the context of the GATT at Punta del Este, Uruguay, in September 1986, and concluded in Geneva in December 1993. Signed by ministers in Marrakesh, Morocco, in April 1994. (*Cycle d'Uruguay*)

WTO: World Trade Organization. Established on January 1, 1995, to replace the Secretariat of the General Agreement on Tariffs and Trade, it forms the cornerstone of the world trading system. (*OMC : Organisation mondiale du commerce*)

WTO APPELLATE BODY: An independent seven-person body that, upon request by one or more parties to a dispute, reviews findings in panel reports. (*Organe d'appel de l'OMC*)

ZERO-FOR-ZERO: Refers to a market access agreement wherein all the participating countries eliminate the same barriers on the same products. A zero-for-zero agreement most frequently refers to tariff elimination but could include elimination of non-tariff barriers as well. (*Accords zéro-zéro*)



10 List of Acronyms

AGP	Agreement on Government Procurement
APEC	Asia-Pacific Economic Cooperation forum
ASEAN	Association of Southeast Asian Nations
BSE	Bovine spongiform encephalopathy
BSL	(Japan's) Building Standards Law
CA4	Central America Four: El Salvador, Guatemala, Honduras and Nicaragua
CARICOM	Caribbean Community
CCC	China Compulsory Certification
CCFTA	Canada–Chile Free Trade Agreement
CDIA	Canadian direct investment abroad
CFE	Comisión Federal de Electricidad (Mexico's state electricity firm)
CFIA	Canadian Food Inspection Agency
CIDA	Canadian International Development Agency
DFAIT (FA)	Department of Foreign Affairs and International Trade (*Foreign Affairs*)
DFAIT (IT)	Department of Foreign Affairs and International Trade (*International Trade*)
DSU	Dispute Settlement Understanding (WTO)
EDC	Export Development Canada
EFTA	European Free Trade Association
EU	European Union
FAST	Free and Secure Trade (U.S. border Initiative)
FDA	Food and Drug Administration (U.S.)
FDI	foreign direct investment
FHWA	Federal Highway Administration (U.S.)
FIPA	foreign investment protection and promotion agreement
FSA	Financial Services Agency (Japan)
FTA	Free Trade Agreement
FTAA	Free Trade Area of the Americas
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GDP	gross domestic product
GM	genetically modified
GMO	genetically modified organism
G7/8	Group of seven leading industrialized nations plus the Russian Federation
ICT	information and communications technologies
IEC	Intergovernmental Economic Commission
ILO	International Labour Organization
IMF	International Monetary Fund
ISO	International Organization for Standardization
JAS	Japan Agricultural Standards

JETRO	Japan External Trade Organization
LDC	least-developed country
MAFF	Ministry of Agriculture, Forestry and Fisheries (Japan)
Mercosur	Southern Cone Common Market (Argentina, Brazil, Paraguay and Uruguay)
MFN	most-favoured nation
MMPA	Marine Mammal Protection Act (U.S.)
MOU	memorandum of understanding
MRA	mutual recognition agreement
NAFTA	North American Free Trade Agreement
NEBS	New Exporters to Border States
OECD	Organisation for Economic Cooperation and Development
OIE	World Organisation for Animal Health (OIE, formerly known as the Office International des Epizooties)
PEMEX	Petróleos Mexicanos (Mexico's state oil firm)
SAGIT	sectoral advisory group on international trade
SCFAIT	Standing Committee on Foreign Affairs and International Trade
SME	small and medium-sized enterprise
SPS	sanitary and phytosanitary
SPWG	Special Partnership Working Group (Canada–Korea)
STAR	Secure Trade in the APEC Region
TBT	technical barriers to trade
TEA-21	Transportation Equity Act for the 21st Century (U.S.)
TICA	Trade and Investment Cooperation Arrangement
TRIPs	trade-related aspects of intellectual property rights
TRQ	tariff rate quota
VOCs	volatile organic compounds
WTO	World Trade Organization

NOTES

Ministère des Affaires étrangères
et du Commerce international
(Commerce international)

Department of Foreign Affairs
and International Trade
(International Trade)

Canada

Ouverture sur le monde

Priorités du Canada en matière d'accès aux marchés internationaux – 2005

Équipe Canada inc • Team Canada Inc

Ouverture sur le monde

Priorités du Canada en matière d'accès aux marchés internationaux – 2005

Vous trouverez la présente publication et des renseignements supplémentaires sur les exportations aux adresses *www.international.gc.ca* et *www.exportsource.ca*.

Sauf indication contraire, les sommes d'argent indiquées dans le présent document sont en dollars canadiens. Les données relatives au commerce des marchandises qui figurent dans le présent document sont des chiffres préliminaires sur une « base douanière » rendus publics par Statistique Canada le 10 février 2005. Les données relatives au commerce des services sont des chiffres fondés sur la « balance des paiements » rendus publics par Statistique Canada le 25 février 2005. Toutes les statistiques relatives à l'investissement proviennent de Statistique Canada.

À PROPOS DE CE DOCUMENT

Ouverture sur le monde : Priorités du Canada en matière d'accès aux marchés internationaux – 2005 définit les priorités du gouvernement du Canada dans ses efforts pour améliorer l'accès des exportateurs et des investisseurs canadiens aux marchés étrangers au moyen de toute une série d'initiatives multilatérales, régionales et bilatérales en 2005. Ce document décrit aussi d'importants résultats accomplis à cet égard en 2004 et qui bénéficieront aux entreprises canadiennes. Les sujets couverts vont des objectifs généraux du Canada dans les négociations qui se déroulent au sein de l'Organisation mondiale du commerce jusqu'aux détails de désaccords particuliers qui surgissent dans nos échanges bilatéraux. Il ne prétend pas offrir un catalogue complet des activités entreprises par le gouvernement pour améliorer l'accès aux marchés étrangers, ni un répertoire exhaustif des obstacles étrangers au commerce ou à l'investissement.

Le Ministère des Affaires étrangères et du Commerce international a coordonné la préparation de ce rapport avec le concours des ambassades et des missions à l'étranger du Canada, d'autres ministères fédéraux (notamment Agriculture et Agroalimentaire Canada, Finances Canada, Industrie Canada et Ressources naturelles Canada) ainsi que des gouvernements provinciaux et, bien entendu, des Canadiens qui poursuivent des activités commerciales à l'étranger. Les renseignements présentés reflètent la situation à la fin de février 2005.

Ouverture sur le monde : Priorités du Canada en matière d'accès aux marchés internationaux – 2005 représente à la fois une mise à jour et un développement plus poussé des thèmes abordés dans le rapport de 2004 rendu public en avril 2004.

N° de catalogue : IT1-2/2005

ISBN : 0-662-68825-2

TABLE DES MATIÈRES

MESSAGE DU MINISTRE DU COMMERCE INTERNATIONAL

Je suis heureux de vous présenter l'édition 2005 du rapport *Ouverture sur le monde : Priorités du Canada en matière d'accès aux marchés internationaux*, qui expose les objectifs que le Canada s'est fixé pour améliorer son accès aux marchés en 2005 et souligne les réussites accomplies au cours de l'année précédente.

La prospérité économique du Canada est intimement liée à son succès en tant que nation commerçante; on estime qu'un emploi sur quatre au Canada est tributaire de nos activités commerciales à l'étranger. Ces activités ne se limitent plus aux traditionnelles importations et exportations de produits et de services. Les échanges internationaux prennent aujourd'hui la forme d'investissements, de coentreprises, de partenariats technologiques et de tous les autres éléments des chaînes de valeur mondiales, ces réseaux multinationaux et régionaux de finance, de production et de distribution. Étant donné l'intégration accrue de l'activité manufacturière internationale et l'essor du commerce entre filiales d'une même entreprise, il est de plus en plus difficile de définir les frontières de notre économie. Pour 2005, notre objectif sera de favoriser la prospérité canadienne, compte tenu de cette nouvelle complexité de l'économie internationale, tout en continuant à tirer parti des débouchés traditionnels.

En 2005, notre relation avec les États-Unis continuera de revêtir une importance primordiale. Le Canada et les États-Unis entretiennent la relation commerciale la plus prospère au monde, et leurs échanges de produits et de services se chiffrent à près de 2 milliards de dollars par jour. Mais dans une économie mondiale dynamique, il est essentiel de consolider cette relation de longue date. Protéger et approfondir notre accès au marché américain est un défi constant qui offre également des chances à saisir.

Depuis septembre 2001, la circulation des produits et des personnes d'un côté à l'autre de la frontière Canada–États-Unis est devenue une source de préoccupation pour les entreprises canadiennes. C'est en partie pour atténuer cette préoccupation que le premier ministre Martin et le président Bush ont annoncé, en novembre 2004, la mise en œuvre d'un Nouveau Partenariat. Prenant appui à la fois sur l'ALENA et sur l'Accord sur la frontière intelligente, cette initiative se veut un plan d'action pour améliorer les perspectives économiques, la prospérité et la compétitivité en Amérique du Nord. Elle permettra d'établir un juste équilibre entre la nécessité d'assurer la sécurité et celle de prendre des mesures commerciales facilitant les échanges transfrontaliers. Le 23 mars 2005, le premier ministre Martin et les présidents Bush et Fox se sont engagés à poursuivre cette initiative sur une base trilatérale.

Le Mexique occupe également une place de choix dans notre programme nord-américain. Depuis la mise en œuvre de l'ALENA, en 2004, le Mexique est devenu le sixième marché d'exportation du Canada, et le Canada est devenu le deuxième marché en importance du Mexique. Pour poursuivre sur cette lancée, le premier ministre Martin et le président Fox du Mexique ont lancé le Partenariat Canada–Mexique en octobre 2004. Ce forum consolidera la coopération bilatérale au chapitre de l'économie et de l'élaboration des politiques et favorisera un dialogue de haut niveau entre les secteurs public et privé. En réunissant ainsi des chefs d'entreprise, d'influents acteurs économiques et des décideurs clés, le Partenariat Canada–Mexique favorisera l'établissement de réseaux stratégiques et permettra aux entreprises et aux pouvoirs publics de maintenir et de rehausser la prospérité et la compétitivité que l'ALENA a contribué à bâtir.

Outre-mer, nous assistons à un important changement sur le plan de la répartition de la richesse et de l'influence. Les pays autrefois considérés « en développement » ont une influence grandissante, pendant que grossissent leurs classes moyennes, leur production, leur pouvoir d'achat, leur capital humain et leur puissance monétaire. Ces marchés ou régions affichent une croissance rapide et soutenue et attirent du fait même l'intérêt et les capitaux des multinationales. La Chine, l'Inde et le Brésil, qui sont des exemples par excellence, influent d'ores et déjà sur les négociations commerciales internationales dans une mesure proportionnelle à leur nouvelle puissance.

Ces faits nouveaux ont considérablement modifié la dynamique du commerce international et se répercutent grandement sur la compétitivité des entreprises et la prospérité des nations. La compétitivité du Canada sera de plus en plus influencée par la profondeur et l'ampleur de nos relations avec ces pays, même sur nos marchés les plus traditionnels. Notre présence sur ces marchés n'a pas pour seul objet d'accroître nos exportations, mais aussi d'avoir accès à des intrants à des prix concurrentiels. Elle a aussi à voir avec les courants d'investissements, le développement et la protection de la propriété intellectuelle, la concertation en science et en technologie, et l'accès aux réseaux de distribution — ces éléments essentiels à la compétitivité dans l'économie mondiale. Nous devons réussir à s'associer efficacement avec ces acteurs si nous voulons continuer d'être partie intégrante de l'équation commerciale globale.

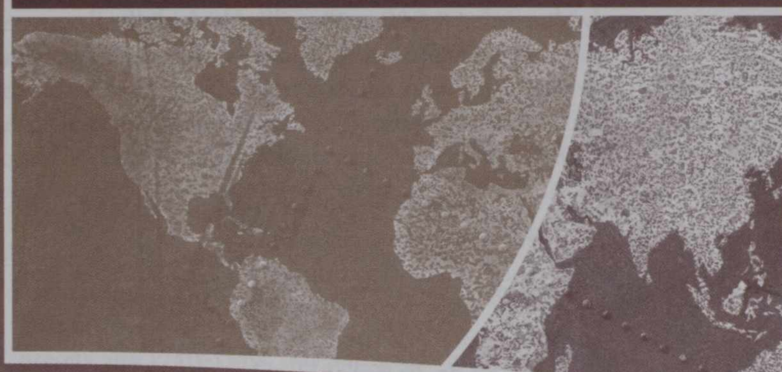
L'année 2005 nous verra tout aussi occupés à divers projets de politique commerciale. Nous conclurons avec des économies émergentes des accords de promotion et de protection de l'investissement étranger notamment avec la Chine et l'Inde, nous engagerons des discussions exploratoires avec la Corée dans le but de négocier un éventuel accord de libre-échange et nous comptons sur un dénouement ambitieux du Programme de Doha pour le développement à l'Organisation mondiale du commerce. Les négociateurs canadiens participeront également à des pourparlers bilatéraux afin de conclure des accords qui ouvriront les marchés aux entreprises canadiennes et qui viendront soutenir les efforts multilatéraux concertés. Par exemple, nous continuerons à travailler à conclure avec l'Union européenne un accord sur le renforcement du commerce et de l'investissement. Ce pacte novateur devrait nous permettre de déborder des traditionnelles questions d'accès aux marchés qui sont au programme de l'Organisation mondiale du commerce. Comme autre exemple, soulignons le cadre économique Canada–Japon qui sera un moyen de solidifier davantage nos relations économiques avec cet important partenaire commercial.

Le gouvernement du Canada continuera de consulter régulièrement tous les intervenants : les provinces et territoires, les entreprises, les organismes non gouvernementaux, les municipalités et la population canadienne. Ce dialogue représente pour le gouvernement un précieux mécanisme de communication et de diffusion de son programme d'activités à long terme sur des questions très diverses.

Je vous encourage à consulter le site Web du Ministère sur les négociations et les accords commerciaux pour obtenir la plus récente information sur le programme de politique commerciale du Canada à *www.international.gc.ca/tna-nac/*.

L'honorable James Scott Peterson, C.P., député

1 Introduction



INTRODUCTION

Le Canada est une nation commerçante, ses exportations de biens et de services représentant plus de 40 % de son activité économique. Le commerce international est indissociable du maintien de notre prospérité : il contribue à dynamiser notre économie, à stimuler l'innovation, à attirer l'investissement étranger et à créer des centaines de milliers d'emplois pour les Canadiens.

Le Canada réussit à vendre ses biens et de services dans le monde entier; cependant, sa capacité de tirer pleinement profit des débouchés sur les marchés clés est souvent limitée par divers obstacles au commerce. Pour garantir aux commerçants et aux investisseurs canadiens un accès sûr et prévisible aux marchés internationaux, le gouvernement du Canada poursuivra ses efforts visant à éliminer ces obstacles au commerce sur les marchés clés. Concrètement, cela signifie renforcer les institutions et les règles qui régissent le commerce international et l'investissement étranger, établir des relations avec de nouveaux partenaires et veiller à ce que les autres pays honorent leurs engagements.

Le rapport *Ouverture sur le monde : Priorités du Canada en matière d'accès aux marchés internationaux – 2005* présente les résultats importants obtenus au cours de l'année écoulée sur le plan de l'ouverture des marchés et expose les priorités déterminées par le gouvernement pour 2005 en vue d'accroître davantage l'accès aux marchés étrangers. Le gouvernement continuera de viser ses objectifs sur le plan multilatéral au sein de l'Organisation mondiale du commerce, sur le plan régional par l'intermédiaire de l'Accord de libre-échange nord-américain et de la négociation de la Zone de libre-échange des Amériques, ainsi que sur le plan bilatéral avec ses principaux partenaires, au moyen de la négociation d'accords de libre-échange (avec l'Association européenne de libre-échange, le Groupe des quatre de l'Amérique centrale et Singapour) et des négociations relatives à l'Accord Canada–Union européenne sur le renforcement du commerce et de l'investissement, ainsi que dans le cadre des entretiens exploratoires sur d'éventuelles négociations en matière de libre-échange (avec la Corée, CARICOM, la Communauté andine et la République dominicaine). Parmi les autres initiatives bilatérales, notons la négociation avec la Chine et l'Inde d'accords pour la promotion et la protection de l'investissement étranger ainsi que la définition d'un cadre économique Canada–Japon. Dans tous les cas, l'objectif du gouvernement sera de veiller à ce que les commerçants et les investisseurs canadiens tirent pleinement profit des accords commerciaux internationaux.

TENDANCES DU COMMERCE ET DE L'INVESTISSEMENT AU CANADA

Après une année plutôt modeste au chapitre de la performance commerciale, le Canada a affiché de bien meilleurs résultats commerciaux en 2004. Les exportations de marchandises calculées sur la base de la balance des paiements ont progressé de 7,6 % (ou 30,3 milliards de dollars) par rapport à 2003, pour s'établir à 430,3 milliards de dollars. Les importations de marchandises ont aussi enregistré une hausse, de 6,2 % (ou 21,1 milliards de dollars), pour atteindre 363 milliards de dollars. Dans l'ensemble, l'excédent des échanges de marchandises du Canada avec le monde s'est accru de près de 9,2 milliards de dollars, pour s'établir à 67,3 milliards de dollars.

Malgré l'appréciation de 7,9 % de notre devise par rapport au dollar américain au cours de l'année (qui est venue s'ajouter à l'appréciation de 21,7 % de l'année précédente), la progression des exportations a été générale en 2004, toutes les sept grandes catégories de produits ayant affiché des hausses. En tête, les produits industriels, qui ont enregistré le plus fort taux de croissance et les gains les plus importants en chiffres absolus, soit 16,6 % et 11 milliards de dollars, respectivement. Parmi les autres hausses remarquables, mentionnons les produits énergétiques (13,9 %, ou 8,4 milliards de dollars) et les produits forestiers (13,8 % ou 4,7 milliards de dollars).

En ce qui concerne les importations, les gains étaient aussi généralisés, un léger recul ayant été observé uniquement pour les produits de l'agriculture et de la pêche (0,7 % ou 0,1 milliard de dollars). Les importations de produits énergétiques ont fait un bond de 26 % l'an dernier, une hausse de 5,1 milliards de dollars par rapport à l'année précédente, les produits industriels ont progressé de 12,7 % (ou 8,3 milliards de dollars) et les machines et l'équipement ont affiché une hausse de 5,6 % (ou 5,5 milliards de dollars).

L'activité économique globale aux États-Unis, premier marché d'exportation du Canada, a augmenté en 2004, le PIB ayant crû de 4,4 % comparativement à 3 % l'année précédente. En conséquence, les échanges commerciaux du Canada avec son voisin du Sud se sont accrus considérablement : les exportations ont progressé de 21,5 milliards de dollars (6,5 %), pour s'établir à 351,9 milliards de dollars, tandis que les importations ont enregistré une hausse de 10,2 milliards de dollars (4,2 %), pour atteindre un peu plus de 250 milliards de dollars. L'excédent annuel sur marchandises avec les États-Unis s'est donc accru de quelque 11,3 milliards de dollars, pour s'établir à 101,8 milliards de dollars. Pour l'année, les États-Unis ont été la destination de 81,8 % des exportations canadiennes de marchandises (contre 82,6 % en 2003) et la source de 68,9 % de nos importations totales de marchandises (contre 70,2 % en 2003). Il convient cependant de noter que ces chiffres sont sans doute surévalués en raison des transbordements.

L'an dernier, les exportations vers l'Union européenne ont bondi de 12,3 % (3 milliards de dollars) pour s'établir à 27,1 milliards de dollars. Au cours de la même période, les importations ont progressé de 4,4 % (1,5 milliard de dollars), pour atteindre 36,3 milliards de dollars. Ainsi, en 2004, le déficit commercial du Canada avec l'Union européenne a diminué de 1,5 milliard de dollars pour s'établir à 9,2 milliards de dollars. La plupart des gains sont attribuables au Royaume-Uni où le Canada est parvenu à transformer un déficit sur marchandises de 1,1 milliard de dollars en un léger excédent commercial (115 millions de dollars) entre 2003 et 2004. Le déficit commercial du Canada avec le Japon a pratiquement été éliminé l'an dernier, passant de 859 millions de dollars à seulement 64 millions de dollars. Les exportations canadiennes de marchandises à destination de ce pays ont augmenté légèrement, de 1,8 %, pour avoisiner les 10 milliards de dollars l'an dernier, tandis que nos importations en provenance de ce pays ont reculé de 5,8 % pour s'établir à un peu plus de 10 milliards de dollars. Ailleurs, le déficit sur marchandises du Canada avec les autres pays membres de l'Organisation de coopération et de développement économiques (OCDE) qui n'ont pas encore été mentionnés s'est alourdi de près de 1 milliard de dollars, passant de 7 à 8 milliards de dollars, tandis que le déficit vis-à-vis de tous les autres pays non-membres de l'OCDE s'est creusé de 3,4 milliards de dollars, pour s'établir à 17,2 milliards de dollars.

En 2004, le Canada a enregistré un déficit commercial sur ses échanges de services de 11,2 milliards de dollars, soit 300 millions de plus que l'année précédente. Les recettes au chapitre des services se sont accrues de 2,4 milliards de dollars (4 %), tandis que les paiements ont augmenté de 2,7 milliards de dollars (3,8 %). Les exportations de services ont affiché une hausse généralisée, surtout en Union européenne (hausse de 0,9 milliard de dollars), au Japon et dans les autres pays de l'OCDE (hausse de 0,5 milliard de dollars dans chaque cas) et aux États-Unis (hausse de 0,4 milliard de dollars). Les importations de services en provenance des principales régions commerciales ont augmenté, sauf en ce qui concerne les États-Unis. Les importations de services de ce pays ont en effet légèrement diminué, soit de 1,1 % (ou 0,4 milliard de dollars). Les gains les plus importants ont été enregistrés dans les pays non-membres de l'OCDE (hausse de 1,3 milliard de dollars), au Japon (hausse de 1 milliard de dollars) et dans l'Union européenne (hausse de 0,7 milliard de dollars).

Dans les secteurs des services, les exportations ont augmenté de 1,8 milliard de dollars (12,3 %) pour les services de voyage et de 1,6 milliard de dollars (15,3 %) pour les services de transport, mais ont diminué de 1,2 milliard de dollars (3,5 %) pour les services commerciaux. La même tendance a été observée pour les importations : les services de voyage ont augmenté de 2,1 milliards de dollars (11,3 %) et les services de transport de 1,5 milliard de dollars (10,9 %), alors que les importations de services commerciaux ont reculé de près de 1 milliard de dollars (2,7 %). Par suite de ces mouvements, le déficit du Canada au chapitre des services de voyage s'est creusé de 0,3 milliard de dollars, pour atteindre 4,1 milliards de dollars, le déficit des services commerciaux s'est aussi alourdi de 0,2 milliard de dollars, pour s'établir à 3,7 milliards de dollars, tandis que le déficit des services de transport s'est légèrement résorbé, ayant diminué de 23 millions de dollars, pour s'établir à 3,9 milliards de dollars pour l'année.

Les investissements directs canadiens ont totalisé 57,5 milliards de dollars en 2004. Ce montant se répartit à peu près également entre les acquisitions et les augmentations du fonds de roulement de filiales étrangères. La destination d'un peu plus de 70 % des investissements directs cette année a été les États-Unis, alors qu'environ 80 % des investissements ont été concentrés dans deux grands groupes industriels, soit celui des finances et assurances, et celui de l'énergie et des minéraux métalliques.

Récemment, les Canadiens se sont affairés à racheter des entreprises étrangères ou sous contrôle étranger au Canada. Les acquisitions étrangères ont été négatives pour quatre des cinq derniers trimestres (on dit qu'il y a acquisition négative lorsque les Canadiens rachètent des sociétés canadiennes appartenant à des investisseurs étrangers). Compte tenu de ces rachats, l'investissement étranger direct au Canada en 2004 s'est limité à 8,5 milliards de dollars. La plupart des investissements sont en fait des bénéfices réinvestis. Il y a une hausse de l'investissement direct étranger en provenance des États-Unis et de l'Asie, mais une baisse de l'investissement direct étranger en provenance de l'UE. Deux importantes fusions internationales expliquent les réductions du côté de l'UE.

Au dernier trimestre de 2004, l'économie était en perte de vitesse en raison de la vigueur du dollar canadien et des perspectives à court terme légèrement moins prometteuses. En outre, les perspectives économiques pour le Canada en 2005 ont été ramenées à environ 2,9 %, selon le budget fédéral de 2005. Les dépenses de consommation et l'investissement des entreprises, s'appuyant sur un solide marché du travail et des revenus d'emploi à la hausse, devraient être les moteurs de la croissance. Le secteur public semble également être en mesure de soutenir l'activité économique générale étant donné sa solide situation financière. En revanche, la croissance pourrait continuer d'être freinée par la vigueur de notre devise et par une autre hausse soutenue des prix du pétrole. Il faut ajouter à cela les efforts possibles pour mettre un terme à la croissance du déficit budgétaire américain et aux menaces d'une hausse marquée de l'inflation de base et des taux d'intérêts aux Etats-Unis, qui pourraient influer sur la croissance de l'économie américaine et ajouter à l'incertitude entourant les perspectives de croissance au Canada.

PLEINS FEUX SUR LA STRATÉGIE À L'ÉGARD DES MARCHÉS ÉMERGENTS

Pourquoi une Stratégie à l'égard des marchés émergents?

Tous les Canadiens jouent un rôle dans l'édification d'un Canada meilleur. Notre prospérité et notre sécurité économique dépendent de notre capacité à faire le commerce des biens et des services ainsi que de tirer profit de l'investissement. Si nous maintenons le statu quo, le Canada risque de voir ses entreprises, son capital et son expertise être écartés des centres de croissance, de finances et de savoir au sein de l'économie mondiale. Le Canada doit repousser les frontières de son commerce international. Il doit conserver son influence sur la scène multilatérale par le biais de nouvelles alliances internationales, particulièrement à mesure que les puissances émergentes deviennent des intervenants plus actifs. Que ce soit de soutenir l'activité économique à valeur ajoutée au pays ou de faire face aux réalités géopolitiques de la croissance et du développement aux quatre coins du monde, il est essentiel de se préparer en vue de ce que l'avenir nous réserve.

Les Canadiens de tous les secteurs de la société sont invités à exprimer leur point de vue et à enrichir le dialogue par leur expérience et leur expertise sur la façon dont le Canada peut aider ses entreprises à prendre pied sur les marchés émergents et dans les chaînes de valeur mondiale, et sur la façon dont il peut répondre à son engagement global face au développement durable.

Le contexte actuel

Le marché mondial présente à la fois de nouveaux défis et des perspectives remarquables pour les entreprises canadiennes. L'économie du XXI^{e} siècle se caractérise par une compétitivité qui se définit sur une base mondiale plutôt que nationale, faisant intervenir des réseaux internationaux de production et des chaînes de valeur mondiales dans lesquels les marchés émergents régionaux ou nationaux occupent une place importante. Certains marchés ont une portée vraiment mondiale, tandis que d'autres sont très forts dans leur propre région. Quelle que soit leur envergure, les marchés émergents retiennent beaucoup plus l'attention non seulement en raison de leurs nouvelles richesses, mais aussi de leur influence nouvelle sur les programmes mondiaux. Notre succès dans des marchés tels que la Chine, l'Inde et le Brésil déterminera de plus en plus l'efficacité de notre adaptation à la nouvelle dynamique mondiale.

Comme plus de 80 % des exportations de biens du Canada vont aux États-Unis, la promotion de nos relations commerciales avec notre voisin du Sud demeurera une priorité du gouvernement. Toutefois, nous avons également la responsabilité de mettre en place les outils dont le milieu des affaires canadien a besoin pour tirer parti des grandes perspectives qu'offrent les marchés émergents.

En cherchant à étendre nos relations commerciales actuelles pour assurer la prospérité et la sécurité économique futures du Canada, il est important de reconnaître que la recherche de nouveaux marchés présente des défis et des perspectives aussi bien pour nous que pour nos partenaires commerciaux. Le Canada considère le commerce comme un élément essentiel d'une approche complète et intégrée d'une croissance durable tant au Canada qu'au niveau international. Les politiques et les programmes sociaux tels que la formation, le perfectionnement et la protection des travailleurs, ainsi qu'une gestion efficace de l'environnement qui appuie la croissance et l'amélioration de l'emploi, renforcent la contribution du commerce et de l'investissement à la croissance économique.

Entreprises mondiales + marchés émergents = nouveau paradigme

L'expression « marchés émergents » évoque plus qu'un simple accent mis sur un certain nombre de pays. Les entreprises mondiales recherchent des gains de productivité et un positionnement régional stratégique pour maintenir leur compétitivité dans le monde. Ainsi, la production est subdivisée entre plusieurs instances et animée par des investissements de sources diverses, par l'internationalisation d'une économie fondée sur le savoir et par les communications électroniques.

Les réseaux intégrés internationaux ou les « chaînes de valeur » comme on les appelle souvent, ont une importance particulière dans les blocs commerciaux régionaux tels que l'Amérique du Nord, l'Asie du Nord et l'Asie de l'Est, et l'intégration progresse à un rythme très rapide. Nous assistons au début d'une profonde transition dans la répartition des richesses, de l'activité économique et de l'influence. Les chaînes de valeur mondiales ne sont pas une nouveauté. Les multinationales s'en servent depuis des années pour réduire les coûts et accroître la productivité. Pour bon nombre de sociétés, la participation à de telles chaînes, surtout dans les marchés émergents, n'est pas seulement une question de réduction de coûts et d'accroissement de la productivité, mais une question de survie.

Le Canada est partie prenante de cette structure. Par exemple, les ventes par des filiales canadiennes à l'étranger représentent une source importante de revenus, et une part des bénéfices rapatriés sert à un financer la recherche courante et le développement technologique (R-D) au Canada. De même, les activités liées à la R-D, à la conception, à l'ingénierie, aux ventes, au marketing, aux systèmes d'information et aux services à la clientèle contribuent d'une façon notable à l'économie du pays et à ses perspectives de croissance. Dans ce contexte, le gouvernement doit réévaluer et coordonner les programmes et les services qu'il offre aux investisseurs et au secteur du savoir ainsi qu'aux exportateurs.

L'approche canadienne doit s'étendre non seulement aux entreprises qui ont réussi à devenir des chefs de file des chaînes de valeur mondiales (ce sont le plus souvent des multinationales), mais aussi aux petites et moyennes entreprises (PME) qui ressentent la pression d'innover et de moderniser leurs activités pour participer pleinement aux marchés internationaux. À mesure que les pressions concurrentielles mondiales se font sentir dans les marchés traditionnels, les PME doivent relever les défis et saisir les occasions que présentent les marchés émergents, soit directement, soit indirectement comme acteurs dans les grandes chaînes de valeur qui comprennent des partenaires des marchés émergents; leur croissance future, sinon leur survie, en dépend.

Les marchés comme la Chine, l'Inde, le Brésil et d'autres marchés émergents affichent des indicateurs de croissance tout à fait remarquables. Toutefois, la croissance n'est qu'un seul des éléments que le gouvernement doit prendre en compte au moment de choisir un marché cible. La première étape est de s'assurer que la demande du marché correspond à la capacité de l'offre canadienne.

S'adapter au nouveau paradigme

À l'instar d'autres pays de l'Organisation de coopération et de développement économiques (OCDE), le Canada doit tenir compte d'une multitude de nouveaux intervenants efficaces et de nouvelles priorités à mesure que le rôle des marchés émergents prend de l'importance dans l'économie mondiale. Des difficultés d'ordre politique peuvent surgir lorsqu'il faut réaliser l'équilibre entre de solides relations commerciales et la promotion des droits de la personne et du développement durable.

Les marchés émergents offrent souvent des avantages sur le plan de la production, mais ils présentent parfois des risques, comme la protection limitée de la propriété intellectuelle et l'accès restreint aux marchés. Nous devons continuer de déterminer si l'ensemble actuel d'instruments politiques et d'outils de développement des affaires que possède le Canada suffit pour saisir les occasions offertes, relever les défis et affronter la concurrence sur ces marchés. Des mesures adéquates sont-elles prises pour encourager les investissements dans les deux sens? Quels sont les meilleurs moyens de partager les technologies et de former de nouveaux partenariats qui favoriseront une mise en marché réussie de la recherche canadienne et une pénétration à long terme des marchés étrangers? Quelles combinaisons de compétences aideront le mieux les Canadiens à s'ajuster à la mobilité de la main-d'œuvre dans un contexte mondial et à en bénéficier?

Marchés émergents potentiels

On entend par « marché émergent » un pays, une région ou un secteur dont la croissance rapide et durable attire le plus souvent la participation active des sociétés multinationales, qu'elle soit directe ou indirecte. L'analyse des possibilités et des difficultés inhérentes aux activités commerciales avec des géants économiques comme la Chine, l'Inde et le Brésil nous aidera à définir un cadre de priorités et d'objectifs communs qu'une stratégie intégrée sera la plus apte à se réaliser.

Il va de soi que ces trois pays présentent à la fois des débouchés et des risques qui leur sont propres, d'où la nécessité d'évaluer avec soin les différentes « trousses d'outils » pouvant aider les entreprises canadiennes. Par ailleurs, d'autres pays ou régions sont aussi porteurs d'un énorme potentiel. Notre stratégie à l'égard des marchés émergents doit donc tenir compte des nouvelles réalités de l'intégration régionale, des demandes liées à la croissance de secteurs dans lesquels le Canada excelle, ainsi que du rôle de l'approvisionnement et de la fabrication à l'étranger, du financement et des investissements pour ouvrir la voie à des partenariats d'affaires stratégiques.

Chine

On trouve en Asie de l'Est quelques-unes des économies dont le taux de croissance est parmi les plus élevés au monde. La Chine, en particulier, joue un rôle moteur dans l'établissement de liens régionaux d'approvisionnement et de fabrication. Pays le plus peuplé et connaissant la croissance économique la plus rapide au monde (9,5 % en 2004), la Chine est un géant économique qui a remplacé le Japon comme deuxième partenaire commercial du Canada en 2003. En 2004, les exportations canadiennes vers la Chine se sont accrues de plus de 40 %. La croissance de la

Chine devrait se maintenir, si bien que selon Goldman Sachs, la Chine, qui figure actuellement au sixième rang parmi les économies du monde, deviendrait la deuxième puissance économique d'ici 2016 et la première d'ici 2041.

Sous l'effet de la croissance démographique et de l'ajustement institutionnel, de nouveaux modes de consommation dynamiques commencent à apparaître en Chine. La classe moyenne croît rapidement, donnant naissance à de nouvelles sources de pouvoir financier et provoquant un remaniement des bilans énergétiques mondiaux, un déplacement des axes de développement de l'infrastructure et une modification radicale de la répartition de la main-d'œuvre, des compétences et du savoir.

La Chine attire plus d'investissements étrangers que presque n'importe quel autre pays et a récemment adopté une nouvelle stratégie de promotion des investissements chinois à l'étranger. Le pays a un besoin croissant de sources d'approvisionnement sûres en ressources naturelles, et surtout en énergie. Il constitue aussi un important maillon des chaînes d'approvisionnement régionales en Asie.

La Chine est en train de s'imposer non seulement comme une économie en plein essor, mais aussi comme un acteur de plus en plus important dans les chaînes d'approvisionnement régionales et mondiales, redéfinissant ainsi la structure des échanges et des investissements à l'échelle internationale et les moyens que nous utilisons, ici, au pays, pour demeurer compétitifs et prospères.

Pour permettre aux entreprises de profiter de ces changements, le Canada renforce actuellement ses relations avec la Chine en négociant un accord sur la promotion et la protection des investissements étrangers (APIE). Les occasions d'affaires inexploitées sont nombreuses en Chine, notamment dans les domaines de la technologie agricole, de l'agroalimentaire, des matériaux de construction, des services financiers, des technologies de l'information et des communications, des mines et minéraux et du transport. Il nous reste cependant à déterminer où nous devons concentrer nos ressources (limitées) en matière de commerce pour assurer la réussite de l'industrie canadienne dans ce marché et cette région d'ici 10 ou 20 ans.

Inde

Deuxième pays le plus densément peuplé du monde, dont la classe moyenne est en expansion rapide, l'Inde est un marché qui possède un pouvoir d'achat extraordinaire. À mesure que l'Inde se développe, elle aura besoin de technologies et d'investissements étrangers. Les investissements indiens dans les autres pays (surtout concentrés dans le secteur de la haute technologie) sont déjà considérables et continuent d'augmenter. Le secteur indien des services aux entreprises joue un rôle important dans la croissance de l'activité commerciale mondiale du pays.

Le Canada négocie actuellement un APIE avec l'Inde. En Inde, les secteurs les plus prometteurs comprennent les services financiers, l'infrastructure de l'énergie et des transports, les technologies de l'information et des communications, les industries environnementales, l'agroalimentaire, l'éducation et les industries culturelles. Encore une fois, cependant, des choix difficiles restent à faire pour déterminer les secteurs où il sera le plus avantageux, à long terme, pour le Canada de concentrer ses efforts.

L'Inde étant un acteur de premier plan dans l'industrie du savoir, il y a tout lieu de croire que l'intensification de la coopération scientifique et technique entre nos deux pays viendrait appuyer le plan d'action pour l'innovation du Canada et servirait de porte d'entrée pour l'établissement de futurs liens commerciaux et d'investissement mutuellement bénéfiques.

Brésil

Le Brésil a une économie qui est non seulement importante (15^{e} au monde), mais qui est aussi diversifiée; ses secteurs forts sont l'agriculture, l'industrie, l'énergie, les matières premières et les services. Les réformes économiques commencent à porter fruit, la croissance ayant atteint 5,2 % pour le quatrième trimestre de 2004 comparativement au même trimestre de l'année précédente. Le Brésil revêt une importance cruciale dans la région. Il est la porte d'accès au Mercosur (marché commun/union douanière entre plusieurs pays d'Amérique du Sud) et, d'une façon plus générale, la clé d'un vaste processus d'intégration et de libéralisation commerciale dans l'hémisphère. Chef de file des économies « émergentes » et en « développement », le Brésil a un rôle important dans la recherche d'un consensus sur les moyens de réaliser une croissance équitable dans le contexte de la mondialisation.

En novembre 2004, le premier ministre Martin et le président da Silva du Brésil ont émis une déclaration conjointe énonçant leur intention de négocier une amélioration de l'accès aux marchés dans le domaine des biens, des services et de l'investissement dans le cadre de la Zone de libre échange des Amériques (ZLEA). Il est à espérer que cette initiative aidera à faire progresser les négociations de la ZLEA vers la conclusion d'un accord détaillé, de haute qualité, faisant la promotion de l'intégration économique régionale.

Engagement à l'égard des marchés émergents

À l'automne 2004, le ministre du Commerce international s'est entretenu avec de nombreux groupes d'affaires, énonçant publiquement sa vision de l'engagement du Canada à l'égard des marchés émergents. Plus particulièrement, on cherche à :

- établir une base de relations entre États et promouvoir d'autres liens non commerciaux avec des pays partenaires choisis;
- fournir aux entreprises des renseignements sur le marché, des analyses des risques, des connaissances locales et de l'expertise;
- encourager les entreprises à élaborer leurs propres approches stratégiques pour certains marchés;
- offrir des services aux entreprises et des instruments de politique commerciale pour aider les entreprises canadiennes à prendre pied dans les marchés émergents et à protéger leurs intérêts une fois qu'elles seront sur place.

Les discussions sur les marchés émergents se sont amorcées au début de 2004 par des visites initiales dans des pays partenaires éventuels ainsi que par des discussions non officielles avec différents groupes d'intéressés, y compris des associations, des provinces et des entreprises. Des discussions officielles ont aussi pris place à la fin de novembre 2004 lors de trois tables rondes présidées par le ministre Peterson et le secrétaire parlementaire Eyking auxquelles étaient présents des représentants du monde des affaires, des universités et de la société civile. Ces consultations avaient pour objectifs :

- de prendre contact avec un vaste éventail d'intéressés;
- de déterminer quels marchés et secteurs émergents auront de l'importance pour le Canada;
- de mieux sensibiliser les Canadiens et les décideurs aux défis à surmonter dans un contexte commercial international complexe et en constante évolution;
- de définir les principaux rôles du gouvernement fédéral;
- d'établir l'orientation générale d'une stratégie pour les marchés émergents;
- d'encourager la discussion sur des questions connexes plus vastes.

Tout au long de ce processus de consultation, des thèmes communs sont apparus, dont :

- un optimisme par rapport au potentiel du Canada à relever les défis et les débouchés que présentent les marchés émergents;
- le point de vue selon lequel la Chine devrait être le pivot de la stratégie canadienne à l'égard des marchés émergents, avec des intérêts additionnels pour l'Inde, le Brésil/Mercosur, l'Asie du Sud-Est, la Russie/Europe centrale et les régions du Moyen-Orient;
- une intégration accentuée des appels à la réalisation des objectifs en matière d'aide internationale et de développement du commerce et de l'investissement;
- une demande afin que le gouvernement adopte une approche stratégique et intégrée à l'appui des intérêts canadiens dans les marchés émergents;
- un solide soutien à l'égard d'une approche se fondant sur des partenariats déjà établis en Amérique du Nord et visant à les accroître.

Accès aux marchés

Les questions que suscitent les marchés émergents vont au-delà des activités de promotion du gouvernement à l'appui des entreprises. Elles incitent le gouvernement à revoir ses politiques pour appuyer l'accès aux marchés des biens, des services et des investissements du Canada dans le cadre de formes plus larges de coopération économique et sociale. Les partenaires et concurrents du Canada déploient une intense activité pour s'établir dans les principaux marchés émergents en négociant des arrangements bilatéraux et régionaux en matière de commerce et d'investissement et en prenant d'autres initiatives. Même si nous pouvons tirer des enseignements des meilleures pratiques de nos concurrents, nous devons déterminer le genre de partenaires et d'instruments dont le Canada a besoin pour favoriser ses intérêts économiques et sociaux. Au sein même de ce processus, nous devons identifier les moyens à mettre en œuvre sur le plan intérieur pour faire du Canada un partenaire de choix et les questions que nous devons chercher plus activement à régler aux niveaux bilatéral et multilatéral.

Parmi les principales priorités, notons :

- renforcer les relations bilatérales avec des marchés clés, y compris au moyen des visites du premier ministre et du ministre du Commerce international en Chine et en Inde;
- négocier des accords de promotion et de protection des investissements étrangers avec la Chine et l'Inde;
- travailler avec les ministères partenaires et les provinces et territoires dans une approche pan-canadienne des défis et des possibilités qu'offrent les marchés émergents;
- augmenter les efforts de renseignements sur les marchés dirigés non seulement vers la quête de débouchés d'exportation, mais vers l'analyse du fonctionnement des chaînes mondiales et régionales et des possibilités pour les entreprises canadiennes de créer des maillons stratégiques dans ces chaînes, que ce soit par le biais d'une présence accrue dans les services, les investissements et les alliances commerciales stratégiques ou par des partenariats en matière de savoir;
- établir un programme en matière de politiques qui facilite le commerce, non seulement par l'amélioration de l'accès aux marchés, en axant davantage les efforts sur les questions de réglementation;
- réévaluer les services offerts aux entreprises canadiennes afin de s'assurer qu'ils répondent aux besoins de la communauté des affaires;
- cibler la campagne de sensibilisation au Canada afin d'attirer un plus grand nombre de petites et moyennes entreprises dans des activités ou des partenariats qui leur seraient bénéfiques dans les marchés émergents.

ENGAGEMENT DES CITOYENS ET SENSIBILISATION AU PROGRAMME COMMERCIAL DU CANADA

L'ouverture et la transparence sont des préalables absolus à l'établissement d'un dialogue éclairé entre les Canadiens et leur gouvernement. Le Ministère des Affaires étrangères et du Commerce international (Commerce international) (MAECI [CI]) administre un large éventail de mécanismes consultatifs, permanents et ponctuels, pour que les points de vue, les priorités et les intérêts de tous les citoyens canadiens, de tous les niveaux de gouvernement, de l'industrie nationale dans son ensemble, des organisations non gouvernementales (ONG) et des groupes de défense de l'intérêt public entrent en ligne de compte dans l'élaboration du programme commercial du Canada.

Étant donné l'évolution des besoins et les efforts soutenus du gouvernement pour améliorer la transparence, une évaluation de l'efficacité et de la pertinence des mécanismes de consultation et de sensibilisation du Ministère a été effectuée entre février et septembre 2004. Un rapport final contenant les réponses du Ministère sera rendu public en 2005 par le Bureau de l'inspecteur général. Une nouvelle approche à l'égard des consultations équilibrera les séances de sensibilisation et les séances de consultation et fera une distinction entre les deux types de séances, permettra de recueillir des commentaires opportuns de personne de tous les domaines d'intérêt et d'obtenir des renseignements actualisés, inclura des séances de breffage en temps réel durant les principales phases de négociation, incorporera dans le programme commercial les questions complexes et décisives qui influent sur les outils, les services et les accords actuellement en cours de négociation, reflétera la capacité des organisations à être représentées dans les consultations et, le cas échéant, établira un système de rétroaction, compte tenu de l'obligation du gouvernement de rendre compte envers les Canadiens. Ces mécanismes de consultations redéfinis en matière de commerce devraient être mis en œuvre en 2005.

Les parlementaires participent activement à ces consultations menées par le MAECI (CI). En sensibilisant le grand public, en favorisant la compréhension par tous des questions de commerce international et en encourageant la participation des citoyens aux consultations publiques, les parlementaires jouent un rôle déterminant dans l'élaboration de stratégies et de politiques commerciales qui reflètent les priorités et les intérêts des Canadiens. Le travail des comités parlementaires est crucial, parce qu'il permet aux parlementaires non seulement de parfaire leurs connaissances et leur compréhension de la stratégie commerciale du Canada, mais également de participer à l'élaboration et à l'amélioration de cette stratégie. Les réactions du gouvernement à bon nombre de ces rapports, de même que les témoignages et les mémoires présentés par des ministres et des hauts fonctionnaires dans le cadre des audiences parlementaires sont, pour le gouvernement du Canada, l'occasion de tenir ses citoyens et ses parlementaires parfaitement au courant de l'orientation stratégique et politique du Canada en matière de commerce.

Au moyen de divers mécanismes, le gouvernement du Canada entretient des liens étroits avec les provinces et les territoires dans le domaine de la politique commerciale internationale. Des représentants gouvernementaux rencontrent chaque trimestre leurs collègues provinciaux et territoriaux dans le cadre du Comité fédéral-provincial-territorial sur le commerce (c-commerce) pour examiner le programme commercial dans son ensemble et les nouvelles questions de politique commerciale, et pour discuter de la formulation de la position ainsi que de la stratégie de négociation du Canada. Outre ces réunions régulières, le ministre et le sous-ministre de Commerce international rencontrent environ une fois par année leurs homologues provinciaux et territoriaux pour approfondir les liens de coopération qui unissent l'administration fédérale et les provinces et territoires sur la politique liée au commerce et à l'investissement, pour faire le point sur les développements commerciaux récents et pour débattre des orientations, des priorités et des stratégies de politique commerciale du pays. Avec l'appui des provinces et des territoires, le Ministère a mis sur pied un groupe de travail mixte chargé d'étudier les principaux intérêts des municipalités et des communautés en matière de commerce international. En 2004, le gouvernement fédéral a entrepris, en collaboration avec la Fédération canadienne des municipalités (FCM), de préparer un guide visant à aider les municipalités canadiennes à mieux comprendre les obligations commerciales internationales du Canada et les incidences qu'elles ont dans les domaines de ressort municipal. Le guide devrait être achevé et affiché sur les sites Web de la FCM et du Ministère au début de 2005.

Le gouvernement aborde également les questions d'intérêt pour un large éventail de Canadiens par des consultations multisectorielles, des séances d'information sectorielle et des tables rondes. Les rapports de bon nombre de ces séances peuvent être consultés sur le site Web du Ministère consacré aux négociations et aux accords commerciaux (*www.accordscommerciaux.gc.ca*). Voici quelques exemples de séances d'information et de consultation qui ont eu lieu l'année dernière :

- Durant toute l'année, les négociateurs en chef du Canada ont organisé des téléconférences pour informer les principaux intéressés des progrès réalisés dans leurs négociations respectives.
- En février 2004, les représentants du MAECI (CI) ont rencontré une vingtaine de membres du Projet de recherche sur le commerce et l'investissement (PRCI), une coalition d'organisations de la société civile canadiennes travaillant sur les questions liées aux accords commerciaux internationaux de toutes sortes actuellement en cours de négociation ou de mise en œuvre pour leur brosser un portrait global de l'état des négociations.
- En mars 2004, le Centre de commerce mondial de Montréal a organisé, en collaboration avec le MAECI (CI), un séminaire intitulé « Point de mire sur les accords commerciaux : ALENA – 10 ans après : Le point et les perspectives pour les entreprises canadiennes ». Plus de 60 représentants d'entreprises, d'associations, d'universités et de la société civile ont assisté à l'activité et échangé entre eux leurs expériences et leurs connaissances. Le ministre Peterson s'est joint au groupe à la fin de l'activité et a donné une allocation sur le sujet intitulée : « L'ALENA : les perspectives d'avenir ».

- En mars 2004, le MAECI (CI) a organisé une table ronde universitaire sur l'île de Vancouver. Les participants comprenaient des experts des universités de la Colombie-Britannique et des représentants d'entreprises, de la société civile et du gouvernement provincial. Les discussions ont porté sur le rôle de la Chine dans le régionalisme asiatique et ses répercussions pour l'ALENA, ainsi sur les incidences de la réémergence de l'Asie sur les économies de l'ALENA.
- En mars et en avril 2004, les représentants commerciaux du MAECI (CI) ont dirigé, en collaboration avec les gouvernements provinciaux et territoriaux, une série de 13 ateliers de consultation tenus dans tous les coins du pays sur les négociations commerciales au chapitre des services actuellement en cours à l'OMC (relativement à l' Accord général sur le commerce des services [AGCS]) et dans un certain nombre de forums régionaux, dans le but de recueillir des renseignements précieux sur les marchés prospectifs et immédiats intéressants en vue d'améliorer la stratégie canadienne dans les négociations sur le commerce des services.
- En septembre 2004, le ministre Peterson s'est rendu à Vancouver dans le cadre de son Programme d'information. L'objet du voyage était de consulter les Canadiens sur l'élaboration et la mise en œuvre du programme du Canada en matière de commerce international et d'encourager les entreprises canadiennes à exporter leurs produits et services à l'étranger.
- En novembre 2004, le Ministère des Affaires étrangères et du Commerce international (Affaires étrangères) (MAECI [AE]) a tenu sa réunion d'information annuelle des ONG sur les questions relatives à l'APEC, à laquelle ont été invités plus de 100 représentants d'organisations de la société civile. La rencontre avait pour but d'informer les participants de ce qui s'est passé à l'APEC en 2004, de discuter de ce qui s'annonce pour la Réunion annuelle des leaders économiques de l'APEC et d'obtenir leurs points de vue sur les priorités du Canada pour l'APEC.
- En novembre 2004, MAECI (CI) a rencontré de nouveau des représentants du Projet de recherche sur le commerce et l'investissement, pour faire le point sur les négociations de Doha actuelles et futures, leur présenter un rapport de la situation dans les négociations concernant l'AGCS et répondre à des questions particulières.
- En novembre et en décembre 2004, le ministre Peterson et le secrétaire parlementaire Eyking ont codirigé trois tables rondes réunissant des universitaires et des représentants d'entreprises et de la société civile à Ottawa. Les tables rondes ont permis des échanges d'idées, de vues et de perspectives sur l'élaboration d'une stratégie à l'égard des marchés émergents. Ces discussions aideront à faire avancer le programme commercial mis de l'avant par le gouvernement pour promouvoir les intérêts canadiens au sein du nouvel environnement commercial international. Vous trouverez un résumé des discussions et d'autres renseignements sur le site Web du Ministère à : *www.itcan-cican.gc.ca/em_mark-fr.asp.*

Parmi les autres activités, soulignons celles menées par les représentants de la Mission permanente du Canada à l'OMC, à Genève, qui donnent tout au long de l'année des séances d'information soit par téléconférence, soit directement, en personne, afin de faire mieux connaître le programme commercial multilatéral du Canada parmi les principaux intéressés ici au pays.

En outre, le gouvernement encourage les Canadiens à participer aux conférences internationales annuelles et aux initiatives consultatives liées au commerce, telles que le symposium public de l'Organisation mondiale du commerce, le forum de l'Organisation de coopération et de développement économiques (OCDE), le Comité des échanges de l'OCDE, le Groupe de travail conjoint de l'OCDE sur les échanges et l'environnement et les réunions thématiques tenues de concert avec les réunions du Comité des représentants gouvernementaux de la Zone de libre-échange des Amériques (ZLEA) sur la participation de la société civile.

Pour que les Canadiens soient bien renseignés sur les questions liées au commerce et les événements qui se déroulent à l'étranger, le gouvernement offre des séances d'information par le biais de téléconférences, de diffusion audio et vidéo sur le Web, etc. Les citoyens sont également invités à se rendre sur le site Web du Ministère consacré aux négociations et aux accords commerciaux (*www.accordscommerciaux.gc.ca*), qui contient toute une section réservée aux consultations (« On vous écoute »), où ils peuvent faire part de leurs observations sur le programme de politique commerciale du Canada et se renseigner sur les différentes initiatives de consultation lancées par le gouvernement.

SI VOUS FAITES DES AFFAIRES À L'ÉTRANGER, FAITES-NOUS PART DE VOS OBSERVATIONS...

Nous accueillons avec un intérêt particulier les observations directes des exportateurs et des investisseurs canadiens concernant les obstacles auxquels ils se heurtent sur les marchés étrangers. Nous encourageons les entreprises, les associations industrielles et les autres organisations intéressées à communiquer au MAECI (CI) les renseignements particuliers dont elles disposent au sujet des barrières tarifaires ou non tarifaires et des irritants commerciaux de toutes sortes. Nous invitons les gens d'affaires à signaler les divers problèmes au service suivant (tous les renseignements communiqués sont strictement confidentiels) :

« Alerte aux obstacles étrangers au commerce
et aux investissements »
Ministère des Affaires étrangères et du
Commerce international (Commerce international)
125, promenade Sussex
Ottawa (Ontario) K1A 0G2
Télécopieur. : (613) 992-6002
Courriel : consultations@international.gc.ca

De plus, le Ministère consulte régulièrement les Canadiens sur des questions de développement du commerce international par des moyens très variés. Par exemple, le Service des délégués commerciaux rencontre périodiquement des représentants d'associations professionnelles et industrielles à l'échelle nationale, régionale et sectorielle, ainsi que des représentants des provinces et des territoires, pour connaître leurs opinions sur la manière d'améliorer la prestation de ses programmes et services. Nombre d'initiatives du Ministère en matière de promotion du commerce sont entreprises conjointement avec des associations industrielles et professionnelles. Nous encourageons les gens d'affaires à rester en communication avec le Ministère pour ce qui a trait aux questions d'accès aux marchés, entre autres, par le biais de ses sites Web (*www.international.gc.ca/trade/menu-fr.asp* ou *www.exportsource.ca*). Ils y trouveront des renseignements supplémentaires sur plusieurs des points abordés dans le présent document.

ACCÈS AUX MARCHÉS ET PROMOTION DU COMMERCE INTERNATIONAL

Tant le gouvernement fédéral que les gouvernements provinciaux administrent des programmes qui encouragent les entreprises à étendre leurs activités au-delà des frontières du Canada. Au sein du gouvernement fédéral, 16 ministères et organismes ont regroupé leurs activités de promotion du commerce international sous la bannière d'Équipe Canada inc. Les membres d'Équipe Canada inc collaborent pour fournir aux entreprises canadiennes des renseignements commerciaux à l'échelle internationale, des renseignements sur l'accès aux marchés et des conseils en matière de marketing par le biais d'un guichet unique accessible sur le site Web (*www.exportsource.ca*) ou par téléphone au : 1 888 811-1119.

Un autre réseau, dirigé par le Bureau des partenaires pour l'investissement du MAECI (CI), travaille avec les entreprises, les associations commerciales ainsi que les organismes de développement régional et municipal qui cherchent à attirer de nouveaux investisseurs. Le Canada propose aux investisseurs une source de main-d'œuvre hautement qualifiée, une économie productive et dynamique, un environnement concurrentiel au plan des coûts et une facilité d'accès aux principaux marchés internationaux, notamment aux États-Unis. Vous pouvez communiquer avec le Bureau des partenaires pour l'investissement à : *www.investiraucanada.gc.ca*.

Le Service des délégués commerciaux, qui a des agents dans 146 bureaux outre-mer et dans 12 bureaux régionaux au Canada, constitue l'antenne de ces deux réseaux. Il connaît les règlements, les enjeux politiques et les obstacles auxquels les entreprises canadiennes peuvent être confrontés dans le cadre des échanges commerciaux à l'échelle internationale. Les bureaux commerciaux sont un point de contact direct pour les gens d'affaires canadiens sur les marchés étrangers. Des agents sont formés pour aider les sociétés à faire des affaires à l'étranger et résoudre des questions de politique commerciale qui exercent une incidence négative sur les activités commerciales.

Avec l'intégration des Centres du commerce international, le MAECI (CI) dispose, au Canada et à l'étranger, de bureaux axés sur la promotion des affaires internationales. Les bureaux régionaux du MAECI (CI) (anciennement appelés Centres du commerce international) encouragent les gens d'affaires à étendre leurs activités à l'échelle internationale (acquisition de clients), apportent leur soutien aux gens d'affaires déjà actifs sur la scène internationale (rétention de clients), aident les gens d'affaires à prendre de l'expansion (compétitivité des clients) et développent les relations que le MAECI (CI) entretient avec les provinces et les municipalités dans tous les domaines (commerce, investissement, science et technologie et politique commerciale) où le Ministère a des intérêts commerciaux internationaux. Ces bureaux régionaux sont entièrement intégrés au MAECI (CI), de sorte que le Service des délégués commerciaux du Canada fonctionne comme une seule et même unité tant au Canada qu'à l'étranger pour les clients canadiens. Ce réseau de promotion des affaires internationales est l'une des principales sources d'information pour les initiatives de politique commerciale canadienne qui visent à accroître l'accès des entreprises canadiennes aux marchés internationaux.

Le Secteur de la promotion du commerce international du MAECI (CI) est le pendant intérieur du Service des délégués commerciaux. Le Centre des études de marché du Secteur de la promotion du commerce international publie, à l'intention des entreprises canadiennes, des produits d'information générale sur les marchés ciblés, pertinents et en temps opportun, sur presque tous les pays du monde. La Direction de l'appui aux marchés produit des rapports spécialisés qui établissent le profil des compétences de l'industrie canadienne dans plusieurs secteurs industriels. Le Centre des occasions d'affaires internationales transmet aux entreprises canadiennes, directement et en temps opportun, à partir de nos bureaux à l'étranger, des débouchés potentiels et des occasions d'affaires. Le site Web du Service des délégués commerciaux (*www.infoexport.gc.ca*) fournit des liens vers le Secteur de la promotion du commerce international et vers chacun des bureaux commerciaux à l'étranger. Ce site est également la passerelle qui permet d'accéder au délégué commercial virtuel, un service Internet gratuit qui offre un accès direct aux délégués commerciaux du Canada de même qu'à de l'information, à des débouchés et à des nouvelles personnalisées d'intérêt commercial.

Plusieurs membres d'Équipe Canada inc offrent une aide directe aux entreprises canadiennes à la recherche d'un financement ou d'un moyen de surmonter les contraintes administratives ou les difficultés liées au manque de crédibilité qui touchent particulièrement les nouveaux exportateurs ou les exportateurs de petite taille. Exportation et développement Canada (*www.edc.ca*) propose des assurances contre l'insolvabilité et des assurances-risques politiques, ainsi qu'un financement direct. La Corporation commerciale canadienne (*www.ccc.ca*) facilite l'accès aux marchés difficiles où les contacts de gouvernement à gouvernement sont utiles. La Banque de développement du Canada (*www.bdc.ca*) propose des programmes d'aide financière aux petites et moyennes entreprises.

Ensemble, tous ces services ont les capacités requises pour informer les entreprises canadiennes de leurs droits en vertu des règles internationales de protection du commerce et de l'investissement, et permettent de détecter les problèmes d'ordre politique qui limitent la liberté des entreprises canadiennes à étendre leurs activités. Le réseau international des ambassades et consulats évalue la manière dont les autres gouvernements appliquent les disciplines auxquelles ils ont accepté de se soumettre et conseille le Secteur de la politique commerciale et des négociations du MAECI (CI) sur les nouveaux enjeux. Chaque ministère met son expertise particulière au service du réseau en fournissant des services aux clients et des conseils d'orientation stratégique au gouvernement.

Les membres d'Équipe Canada inc sont :

Agence de promotion économique du Canada atlantique (APECA)

Agence canadienne de développement international (ACDI)

Agriculture et Agroalimentaire Canada

Conseil national de recherches du Canada (CNRC)

Corporation commerciale canadienne (CCC)

Développement économique Canada pour les régions du Québec

Diversification de l'économie de l'Ouest

Environnement Canada

Exportation et développement Canada (EDC)

Industrie Canada

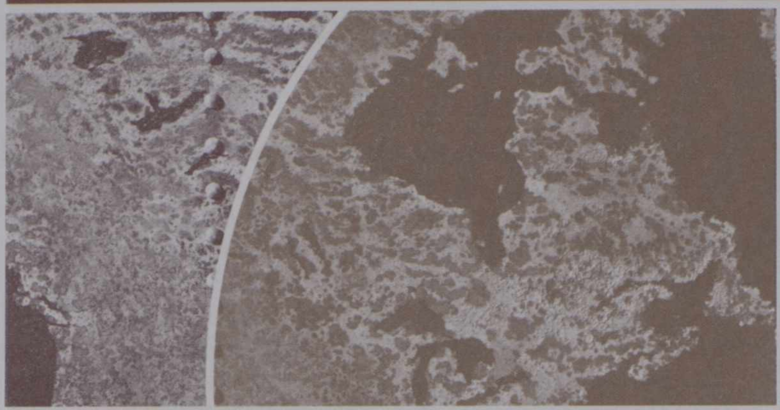
Ministère du Patrimoine canadien

Ministère des Affaires étrangères et du Commerce international (MAECI)

Pêches et Océans Canada

Ressources naturelles Canada

Société canadienne d'hypothèques et de logement (SCHL)



2 Améliorer l'efficacité des règles internationales – l'Organisation mondiale du commerce (OMC)

LE CANADA ET L'ORGANISATION MONDIALE DU COMMERCE

Le commerce est l'un des principaux moteurs de l'économie canadienne. L'ouverture des marchés mondiaux dans un contexte commercial stable, prévisible et transparent est déterminante pour notre croissance tant actuelle que future et pour notre prospérité. L'ouverture de nouveaux marchés profite aux producteurs, aux fabricants, aux fournisseurs de services et aux exportateurs canadiens dans tous les domaines. En effet, l'augmentation des échanges accroît la productivité et améliore l'accès aux technologies, aux intrants et aux sources d'investissement. Par ailleurs, pour les Canadiens, elle stimule l'emploi, engendre une hausse des revenus, diversifie les choix de produits et services et réduit les prix à la consommation.

L'adhésion du Canada à l'Organisation mondiale du commerce (OMC) nous permet en partie d'accéder à ces bienfaits. L'OMC est un élément fondamental de la politique commerciale canadienne, et elle régit nos relations commerciales avec l'Union européenne, le Japon, d'autres pays industrialisés et une foule de marchés émergents de par le monde. L'OMC sous-tend également la majeure partie de nos échanges avec les États-Unis, notre principal partenaire commercial.

Le système des accords de l'OMC est la pierre angulaire du système de commerce multilatéral. Négociés et signés par les États membres de l'Organisation, ces accords sont ratifiés par leurs représentants élus. L'OMC constitue une tribune où les États membres peuvent négocier leurs droits et responsabilités liés au commerce et l'accès aux marchés, surveiller la mise en œuvre des obligations et des engagements contractés en vertu de divers accords, et examiner les politiques et les pratiques commerciales de chacun des États membres. L'OMC a également mis en place un mécanisme de règlement des différends entre membres, où les litiges commerciaux sont réglés en vertu de règles convenues et non en fonction du poids politique ou de la puissance économique.

Le cycle de négociations commerciales multilatérales de Doha et les objectifs du Canada

En novembre 2001, les ministres du Commerce des États membres de l'OMC ont lancé un nouveau cycle de négociations commerciales multilatérales, connu sous le nom de Programme de Doha pour le développement, portant sur une large gamme de questions. Les sept domaines de négociations suivants étaient inscrits au programme de travail : réforme du commerce des produits agricoles; accès aux marchés pour les produits non agricoles; services; règles commerciales (subventions, antidumping et droits compensateurs); système multilatéral d'enregistrement des vins et des spiritueux; règlement des différends ainsi que certains aspects liés au commerce et à l'environnement.

Parmi les principaux objectifs du Canada dans ce cycle de négociations, notons : l'atteinte de règles du jeu équitables pour le secteur de l'agroalimentaire, en éliminant le plus rapidement possible toutes les formes de subventions à l'exportation; la réduction maximum du soutien intérieur ayant un effet de distorsion sur les échanges; l'amélioration substantielle de l'accès aux marchés de tous les produits agricoles et alimentaires. Le Canada recherche également une amélioration de l'accès aux marchés pour les biens et les services, un renforcement des règles touchant la facilitation des échanges, et une meilleure intégration des pays en développement dans l'économie mondiale. Des résultats ambitieux découlant du cycle de négociations de Doha nous permettraient d'atteindre ces objectifs, tout comme ils aideraient les pays en développement à mieux intégrer l'économie mondiale, à tirer parti d'une croissance économique plus soutenue et à réduire la pauvreté.

Au sujet des indicateurs géographiques (IG), le Canada résiste aux propositions de l'Union européenne de prolonger les négociations sur les IG au-delà des négociations exigées par le cycle de Doha sur un système multilatéral de notification et d'enregistrement pour les vins et les spiritueux. En matière de règlement des différends, le Canada est favorable à l'amélioration de la protection de l'information confidentielle, à la simplification du système de liste de groupes spéciaux et à une plus grande transparence des procédures de règlement des différends. Au chapitre du commerce et de l'environnement, le Canada souhaite que les États membres parviennent rapidement à un accord sur la définition des biens environnementaux, de façon à ce que l'élimination des droits de douane sur ces biens puisse être discutée au moments des négociations sur l'accès aux marchés pour les produits non agricoles.

La prise en compte des besoins des pays en développement est au centre des objectifs du Canada en ce qui concerne le Programme de Doha pour le développement. Par conséquent, le Canada appuie le principe du traitement spécial et différencié efficace, la prestation d'aide technique et le renforcement des capacité, une plus grande cohérence des institutions et des politiques de l'OMC, de la Banque mondiale, du Fonds monétaire international et d'autres institutions d'envergure internationale, afin que les pays en développement gèrent efficacement leur transition et deviennent des acteurs à part entière de l'économie mondiale.

Les négociations ont subi un recul lors de la Conférence ministérielle de Cancun en septembre 2003 alors que les États membres n'ont pu convenir des orientations pour la suite des négociations. Parmi les facteurs qui ont contribué à ce manque de consensus, soulignons les divergences d'opinion sur la réforme du commerce agricole, les divisions sur l'élaboration de nouvelles règles sur les « questions de Singapour » (investissement, concurrence, facilitation des échanges et transparence des marchés publics), l'accueil tiède qu'a reçu l'initiative sur le coton et l'incertitude entourant l'ambition et la souplesse qui accompagneraient les modalités des négociations sur l'accès aux marchés pour les produits non agricoles.

Les accords cadres de juillet

Après le recul de Cancun, les membres de l'OMC ont repris les négociations en 2004 et se sont engagés à essayer d'accomplir des progrès. En juillet 2004, les 147 membres de l'OMC ont convenu d'un ensemble de cadres et d'autres décisions, dit de juillet, qui a permis aux négociations de passer à la phase plus détaillée suivante. L'entente de juillet est un pas de plus vers l'objectif d'un dénouement ambitieux des négociations que le Canada s'est fixé et qui inclut l'atteinte de règles du jeu équitables pour le secteur de l'agroalimentaire, l'amélioration de l'accès aux marchés pour les biens et les fournisseurs de services, le renforcement des règles touchant les mesures antidumping, les droits compensateurs et les subventions, la négociation de règles multilatérales obligatoires pour la facilitation des échanges, et une meilleure intégration des pays en développement dans l'économie mondiale.

Par l'entente de juillet, les membres de l'OMC s'engagent à éliminer les subventions à l'exportation pour les produits agricoles, à réduire substantiellement le soutien interne qui introduit des distorsions dans le commerce et à améliorer substantiellement l'accès aux marchés pour tous les produits. L'entente de juillet donne un nouvel élan aux négociations sur le commerce des services en demandant aux membres de soumettre le plus tôt possible les offres initiales en matière d'accès aux marchés qui sont restés en suspens et de présenter leurs offres révisées au plus tard en mai 2005. L'entente réaffirme aussi la volonté des membres de l'OMC de négocier des arrangements qui amélioreront les règles touchant les mesures antidumping, les droits compensateurs et les subventions, et marque le début des négociations sur la facilitation des échanges, un objectif de longue date du Canada. Les trois autres questions de Singapour (investissement, concurrence et transparence des marchés publics) ont été retirées du programme des négociations. Enfin, l'entente de juillet réaffirme que les préoccupations des pays en développement demeurent au cœur des négociations, renforçant ainsi l'importance de questions telles que l'assistance technique liée au commerce, le renforcement des capacités et le traitement spécial et différencié des pays en développement.

Vous trouverez plus d'information sur l'entente de juillet dans le site Web sur la politique commerciale du gouvernement à l'adresse : *www.international.gc.ca/tna-nac/WTO/wto-backgrounder-fr.asp*.

Aspects des droits de propriété intellectuelle qui touchent au commerce et à l'accès aux médicaments

Les membres ont pris une décision au mois d'août 2003 sur les aspects des droits de propriété intellectuelle qui touchent au commerce et à la santé publique et qui permettent l'expédition de médicaments génériques à faible coût aux pays pauvres afin de s'attaquer aux problèmes de santé publique. Le 14 mai 2004, la *Loi de l'engagement de Jean Chrétien envers l'Afrique* a reçu la sanction royale, faisant ainsi du Canada le premier pays à adopter une loi mettant en œuvre la décision d'août 2003. La Loi entrera en vigueur dès l'adoption du règlement nécessaire pour compléter le cadre législatif, ce qui devrait avoir lieu au printemps 2005.

Perspectives d'avenir : les objectifs du Canada en 2005

Les groupes de négociation ont repris leurs travaux à Genève, qui serviront de base à la sixième conférence ministérielle, laquelle aura lieu à Hong Kong, en Chine, du 13 au 18 décembre 2005. Selon le Canada, les membres de l'OMC devraient viser l'adoption de modalités pour l'accès aux marchés des produits agricoles et non agricoles, un nombre accru d'offres de services sérieuses et des progrès substantiels dans d'autres domaines de négociations, tels que les règlements et la facilitation du commerce, d'ici la tenue de la conférence ministérielle. Des efforts continus devront être déployés pour aider les pays en développement à renforcer leurs capacités à participer davantage au système commercial mondial et à établir les conditions propices à la croissance économique en vue de réduire la pauvreté.

Le Programme de Doha pour le développement porte sur l'ouverture de perspectives de croissance et de prospérité et vise à renforcer le système commercial multilatéral fondé sur des règles. Le commerce n'est pas, à lui seul, un remède universel à tous les maux. Toutefois, les perspectives intérieures de croissance et de prospérité à long terme de tous les pays dépendent de l'aptitude de chacun à profiter des marchés étrangers et à ouvrir les siens. Ces perspectives sont facilitées par la réduction des barrières commerciales et l'élaboration de règles commerciales qui confèrent plus de transparence, de prévisibilité et de stabilité au système d'échanges commerciaux. Le Canada demeure résolument engagé en faveur de la libéralisation des échanges et de l'atteinte d'un résultat qui profitera à tous les membres.

Dans l'exercice de sa politique commerciale, le gouvernement du Canada poursuivra son programme de sensibilisation et de consultations avec les provinces, les territoires et un vaste éventail d'intervenants canadiens afin que les Canadiens saisissent bien et appuient les enjeux des négociations de l'OMC, et que les objectifs et les priorités de ces négociations reflètent les valeurs et les objectifs du Canada. Dans cet esprit, le gouvernement fournit de l'information sur les questions de politique commerciale et invite les Canadiens à lui faire part de leurs observations sur leurs priorités et leurs objectifs de négociations par l'intermédiaire du site Web (*www.international.gc.ca/tna-nac*).

Améliorer l'accès aux marchés des produits

ACCÈS AUX MARCHÉS POUR LES PRODUITS NON AGRICOLES

Dans le cadre du Programme de Doha pour le développement de l'OMC, les participants au Groupe de négociation sur l'accès aux marchés des produits non agricoles ont reçu le vaste mandat d'œuvrer en vue de parvenir à un accord visant « à réduire, ou selon qu'il sera approprié, à éliminer les droits de douane [...] en particulier pour les produits dont l'exportation présente un intérêt pour les pays en développement. » Par produits non agricoles, on entend toute la gamme de produits industriels, y compris les produits de la pêche et de la sylviculture. En 2003, plus de 90 % des exportations mondiales de marchandises étaient des produits non agricoles.

Au cours de la dernière année de négociations de ce groupe, le Canada a cherché à faire adopter un accord visant à réduire et à consolider les tarifs appliqués non encore consolidés, à réduire les taux consolidés élevés et à les reconsolider à des taux moins élevés, et à étendre l'ampleur du commerce en franchise. Nous avons également continué à préconiser l'élimination des tarifs peu élevés, parfois appelés « taux superflus ».

Le travail du Groupe de négociation sur l'accès aux marchés des produits non agricoles demeure axé sur les modalités (c.-à-d. les méthodes menant à la libéralisation des échanges). Les modalités envisageables comprennent une approche fondée sur une formule, où les tarifs douaniers seraient réduits selon une formule mathématique; une approche fondée sur le secteur, où les tarifs douaniers sur les biens de certains secteurs seraient éliminés ou harmonisés; et une approche fondée sur l'offre et la demande, où des négociations bilatérales auraient lieu pour des numéros tarifaires ou des groupes de produits particuliers. La plupart des membres, dont le Canada, semblent plutôt partisans de l'adoption d'une approche fondée sur une formule comme principale approche de la réduction des tarifs douaniers, complétée par d'autres modalités.

Outre les réductions des tarifs douaniers selon une formule convenue, le Canada défend avec vigueur les accords sectoriels et a proposé de négocier de nouveaux accords sur l'élimination des tarifs douaniers pour les biens environnementaux, les produits chimiques, les produits sylvicoles, les poissons et produits du poisson, les engrais, l'équipement lié à la production d'énergie et les métaux non ferreux. Au cours de la dernière année, la mission du Canada à Genève à été l'hôte de deux sessions de promotion de la libéralisation du commerce sectoriel.

Les travaux du Groupe de négociation portent également sur la réduction ou l'élimination des barrières non tarifaires qui restreignent excessivement les échanges. À ce sujet, le Canada a fait savoir que les gouvernements doivent se réserver le droit d'appliquer des mesures visant à leur permettre d'atteindre des objectifs légitimes, mais de la façon la moins restrictive possible. Le Canada a continué de promouvoir l'approche selon laquelle le Groupe de négociation ne doit étudier que les barrières non tarifaires non visées par des règles et des accords déjà en vigueur, et qui ne sont pas déjà examinées par d'autres groupes de négociation.

Le Canada considère que la participation pleine et entière des pays en développement à ces négociations est essentielle pour que le Programme de Doha pour le développement soit une réussite. L'expérience a montré que la libéralisation des tarifs douaniers stimule l'activité commerciale et l'investissement, et contribue ainsi, de façon considérable, au développement économique. Cela dit, il faut accorder une attention particulière aux besoins et aux priorités des pays en développement. Le Canada est d'avis que ces pays (particulièrement les moins avancés) devraient bénéficier d'un certain degré de souplesse dans la mise en vigueur de leurs engagements.

AGRICULTURE

Les agriculteurs et les entreprises de transformation du Canada œuvrent sur un marché d'envergure mondiale; en 2004, ils ont exporté des produits agroalimentaires pour un montant de 33,2 milliards de dollars et en ont importés pour une valeur de 29,5 milliards de dollars. Le Canada est le quatrième exportateur de produits agroalimentaires au monde après les États-Unis, l'Union européenne et le Brésil, et en était le cinquième importateur en 2003. Étant donné la part de marché qu'occupent les produits agroalimentaires canadiens sur les marchés mondiaux, les Canadiens ont tout intérêt à ce que les règles commerciales internationales qui régissent le commerce de produits agricoles soient justes. Le gouvernement du Canada met tout en œuvre pour veiller à ce que les producteurs et les entreprises de transformation aient accès aux marchés étrangers et qu'ils ne soient pas désavantagés par les niveaux élevés de subventions en vigueur dans d'autres pays. C'est pourquoi, le présent cycle de négociations de l'OMC sur l'agriculture revêt une importance très particulière pour le secteur agroalimentaire canadien.

Le Canada a annoncé sa position initiale pour les négociations de l'OMC sur l'agriculture au mois d'août 1999, à l'issue de vastes consultations menées auprès des provinces et des divers intervenants du secteur agricole et agroalimentaire canadien. Le principal objectif du Canada est d'uniformiser les règles du jeu à l'échelle internationale. Le Canada désire en particulier :

- l'élimination de toutes les subventions à l'exportation, le plus rapidement possible;
- l'élimination ou la réduction substantielle des mesures de soutien nationales qui ont un effet de distorsion sur les échanges;
- des améliorations concrètes et substantielles de l'accès aux marchés pour tous les produits agricoles et alimentaires.

Le Canada continuera également de défendre la capacité de ses producteurs de choisir la façon dont ils veulent vendre leurs produits, y compris par des structures de commercialisation ordonnée, comme la gestion de l'offre et la Commission canadienne du blé (CCB). Pour connaître la position du Canada dans ces négociations, consultez le site Web d'Agriculture et Agroalimentaire Canada sur les politiques commerciales agroalimentaires (*www.agr.gc.ca/itpd-dpci/francais/cours/pin.htm*).

Au cours de la Quatrième Conférence ministérielle de l'OMC tenue à Doha, au Qatar, en novembre 2001, les membres de l'OMC ont convenu de lancer un nouveau cycle de négociations commerciales multilatérales à grande échelle et d'y intégrer les négociations sur l'agriculture et les services, en cours depuis 2000. La Déclaration ministérielle de Doha contenait un programme et un calendrier ambitieux pour les négociations sur l'agriculture. L'une des dates butoirs de ce calendrier était l'entente sur les modalités des négociations sur l'agriculture au 31 mars 2003. Dans ce contexte, on entend par modalités les règles et les engagements de réduction précis que les membres de l'OMC prendront.

Le 31 mars 2003, les membres de l'OMC n'avaient pas réussi à s'entendre sur les modalités de négociations sur l'agriculture, en raison des grandes divergences qui les séparaient sur bon nombre des questions au cœur de ces négociations. Au cours du printemps et de l'été 2003, tant les ministres que les représentants officiels des membres de l'OMC ont tâché d'aplanir ces divisions en prévision de la Cinquième Conférence ministérielle de l'OMC, qui a eu lieu à Cancun en septembre 2003.

Toutefois, les participants à la Conférence ministérielle de Cancun ne sont pas parvenus à s'entendre sur un texte-cadre pour l'établissement des modalités sur l'agriculture parce qu'ils n'avaient pas réussi à s'entendre sur un certain nombre d'autres questions dans les négociations, dont l'investissement et la politique de la concurrence.

Les négociations ont repris en mars 2004 et se sont graduellement intensifiées à mesure que les membres se sont rapprochés d'une entente sur un cadre pour l'agriculture, qui est finalement intervenue à la fin de juillet. Tous les membres de l'OMC ont convenu, le 31 juillet 2004, d'un cadre sur l'agriculture qui s'inscrit dans une entente plus large fixant l'orientation à prendre dans les négociations du Programme de Doha pour le développement. Le cadre définit les concepts et les approches qui serviront de guide aux négociateurs au cours de la prochaine étape des négociations.

Le cadre pour l'agriculture pointe clairement dans la direction d'une égalisation des conditions pour tout le monde, mais est allé plus loin que ce que le Canada aurait souhaité sur un certain nombre de points. Si le cadre établi permet au Canada de continuer de défendre nos principaux objectifs de négociation et reflète nombre des idées que le Canada a mises de l'avant au cours des négociations, notamment des réductions substantielles du soutien interne qui introduit des distorsions dans le commerce et des réductions plus grandes par les pays qui subventionnent le plus, l'élimination complète des subventions à l'exportation avant une date crédible qui reste à négocier, un repère dans le commerce international des produits agricoles, et des améliorations substantielles de l'accès aux marchés pour tous les produits. Toutefois, il reste beaucoup à faire sur toutes les questions importantes pour le Canada au cours de la prochaine étape des négociations, au fur et à mesure que les membres de l'OMC se dirigeront vers l'établissement des règles et des engagements précis. Le Canada continuera de ne rien ménager pour parvenir à une issue positive pour tout le secteur agroalimentaire.

Le gouvernement du Canada continuera de consulter tous les intervenants et les gouvernements provinciaux au cours des négociations sur l'agriculture. Il continuera aussi d'informer les Canadiens de l'évolution des négociations par l'intermédiaire des sites Web du Ministère des Affaires étrangères et du Commerce international et d'Agriculture et Agroalimentaire Canada.

OBSTACLES TECHNIQUES AU COMMERCE

L'objectif du Canada vise à s'assurer que les mesures et les normes réglementaires relatives aux marchandises servent des objectifs légitimes, ne restreignent pas inutilement l'accès aux marchés d'exportation pour les produits canadiens et ne constituent pas d'obstacles inutiles au commerce. De telles mesures incluent les règlements techniques contraignants et les procédures d'évaluation de la conformité, ainsi que les normes facultatives.

L'Accord de l'OMC relatif aux obstacles techniques au commerce (Accord OTC) définit les droits et les obligations des membres de l'OMC pour ce qui est de l'adoption et de l'application de mesures techniques qui ont une influence sur le commerce des marchandises. Cet accord repose sur le principe selon lequel les pays ont le droit d'adopter et d'appliquer des règlements techniques contraignants pour atteindre des objectifs légitimes, à condition que ces règlements n'établissent pas de discrimination à l'égard des biens d'importation et ne soient pas plus restrictifs pour le commerce international qu'il n'est nécessaire. Les mesures visées par l'Accord OTC sont assujetties aux dispositions relatives au règlement des différends de l'OMC. Des procédures bien établies sont en vigueur au Canada pour assurer la conformité à cet accord et le faire appliquer pour améliorer l'accès aux marchés pour les biens d'exportation canadiens.

Le Canada encourage l'adoption et la mise en oeuvre générales de l'Accord OTC et de son annexe 3, Code de pratique pour l'élaboration, l'adoption et l'application des normes. Le Canada participe également aux travaux de nombreux organismes internationaux à vocation normative, dont l'Organisation internationale de normalisation (ISO).

En vertu de l'Accord OTC de l'OMC, le Canada continuera de faire pression pour obtenir l'élimination des obstacles au commerce inutiles, inefficaces ou injustifiés, qu'il s'agisse de règlements, de normes ou de procédures d'évaluation de conformité, de manière à maintenir ou à élargir l'accès aux marchés et à réduire les coûts pour les producteurs et les exportateurs. Par exemple, le Canada est préoccupé depuis peu par les propositions présentées par d'autres pays préconisant l'établissement d'obstacles inutiles ou injustifiables au commerce des produits dérivés de la biotechnologie, ainsi que de la mention obligatoire sur l'étiquette des procédés et des méthodes de production qui n'ont rien à voir avec les particularités du produit (pmp). En 2004, Le Canada a présenté une communication au Comité OTC au sujet de sa norme volontaire sur l'étiquetage des aliments issus de la biotechnologie. Ce document peut être consulté sur le site de l'OMC (*www.wto.org*) sous la cote officielle G/TBT/W/134/Add.2. Le Canada veut s'assurer que le nouveau règlement de la Communauté européenne sur les produits chimiques (connu sous l'acronyme anglais REACH – *Registration, Evaluation, Authorization and Restriction of Chemicals*) ne créera pas d'obstacles inutiles au commerce et qu'il sera appliqué sans discrimination. Le Canada a également fait part de la préoccupation que soulève la mesure prise par la Nouvelle-Zélande pour interdire l'importation de la truite ainsi que la proposition législative de la Belgique qui vise à interdire l'accès à son marché des produits des peaux de phoques.

Le Canada continuera de s'efforcer d'harmoniser ses normes à celles de ses partenaires commerciaux et de promouvoir l'acceptation par les membres de l'OMC des résultats des évaluations de la conformité effectuées sur le territoire des autres membres. Notre cadre stratégique en matière de reconnaissance mutuelle, élaboré en 2001, qui prévoit l'évaluation des propositions au cas par cas, demeure valable. Ce document peut être consulté sur le site Web de l'OMC (*www.wto.org*) sous sa cote officielle G/TBT/W/167. En 2003, le Canada a également soumis un document exposant son approche à l'évaluation volontaire de la conformité, également accessible sur le site Web de l'OMC (*www.wto.org*) sous la cote G/TBT/W/210.

Le Canada a participé activement au troisième Examen triennal relatif à la mise en œuvre et à l'application de l'Accord OTC de novembre 2003. Le rapport de cet examen peut être consulté sur le site Web de l'OMC (*www.wto.org*) sous la cote G/TBT/W/174/Rev.1. Le Canada y a présenté notamment des documents sur les objectifs qu'il s'est fixé à l'égard du troisième Examen triennal, sur son approche à l'évaluation volontaire de la conformité et sur les activités d'assistance et de coopération techniques qu'il mène dans le domaine des obstacles techniques au commerce. Ces documents sont aussi disponibles sur le site Web de l'OMC (*www.wto.org*) sous les cotes G/TBT/W/196, 210 et 202 respectivement.

La réunion biennale extraordinaire sur les procédures de mise en commun des renseignements s'est tenue en novembre 2004. Le représentant du point d'information canadien a donné un aperçu des activités du point d'information en ce qui a trait à la préparation et à la présentation des avis, soumis une nouvelle fois la proposition du Canada visant la création d'une application Web pour la présentation des avis et informé les délégués des améliorations qui ont été apportées à Export Alerte depuis la dernière fois que les éléments du système ont été exposés à la réunion de juin 2001.

En mars 2005, un atelier portera sur la Déclaration de conformité des fournisseurs. Le Canada prévoit y faire un exposé sur les diverses approches possibles en donnant l'exemple de la compatibilité électromagnétique et l'interférence électromagnétique. Un second atelier sur l'évaluation de la conformité qui devrait être organisé au début de 2006 portera sur les différentes approches à l'évaluation de la conformité.

Durant le troisième Examen triennal, le Canada a encouragé les membres à procéder à des échanges d'information sur les bonnes pratiques de réglementation et, en 2004, la Colombie et le Mexique ont présenté des rapports décrivant leurs expériences. Le Chili a également présenté aux membres le rapport du sixième colloque sur la réforme de la réglementation qui a eu lieu en mai 2004, dans le cadre d'une initiative conjointe de l'APEC et de l'OCDE. Le Canada entend soumettre un rapport sur un des aspects des bonnes pratiques de réglementation en 2005.

En 2004, le Canada a continué d'exhorter les membres à poursuivre leurs activités d'assistance technique destinée aux pays en développement.

MESURES SANITAIRES ET PHYTOSANITAIRES

En 2004, les travaux du Comité des mesures sanitaires et phytosanitaires (Comité SPS) ont continué d'être axés sur les préoccupations liées à la mise en œuvre exprimées par les pays en développement. Plus particulièrement, le Comité s'est concentré sur les contraintes de mise en œuvre avec lesquelles les pays en développement doivent composer, dont les aspects du traitement spécial et différencié (S&D) et de l'assistance technique. De plus, le Comité a terminé ses travaux sur l'équivalence et a continué de chercher à clarifier la façon dont les obligations liées à la régionalisation et à la transparence seraient mises en pratique. Le Comité a également ouvert le débat sur l'examen trisannuel de l'Accord SPS qui devrait prendre fin en 2005.

Le Comité s'était déjà entendu sur les clarifications à apporter à la Décision sur les questions relatives à la mise en œuvre de l'article 4 de l'Accord (Équivalence) et, à sa réunion de mars, le Comité a adopté une nouvelle précision au sujet du paragraphe 5. L'équivalence demeure un point permanent à l'ordre du jour des réunions du Comité SPS.

En 2003, le Comité SPS a donné son accord de principe sur la proposition du Canada visant à accroître la transparence de la disposition sur le traitement spécial et différencié, sous réserve de l'élaboration de procédures par le Secrétariat. Après avoir discuté de cette proposition à ses réunions de mars et de juin 2004, le Comité s'est entendu, à sa réunion d'octobre, sur l'élaboration de la procédure destinée à améliorer la transparence de la disposition sur le traitement spécial et différencié.

En dépit du plan de travail qu'il a établi en 2003 pour traiter les propositions sur le traitement spécial et différencié dont l'a saisi le Conseil général, le Comité n'a pu prendre de décision sur aucune des questions particulières qui ont été soulevées. Toutefois, le Comité a convenu que la question demeurerait en permanence à l'ordre du jour de ses travaux et que les discussions se poursuivraient en 2005.

Après l'adoption de la décision sur l'équivalence, le Comité a tourné son attention sur la question de la régionalisation. Des réunions informelles ont été organisées sur ce sujet en marge de chacune de ses réunions de 2004. Un certain nombre de pays, dont le Canada, ont déposé des documents sur la question. Certains membres ont fourni de l'information sur les progrès réalisés en vue de l'obtention du statut de zone exempte de parasites ou de maladies. Le Comité poursuivra ses travaux dans ce domaine en 2005.

Le Canada a continué à tenir le Comité informé des faits nouveaux concernant l'encéphalopathie spongiforme bovine (ESB) au Canada aux réunions de mars, de juin et d'octobre, en le mettant au fait des mesures réglementaires qu'il a adoptées à cet égard et en invitant ses partenaires commerciaux à reprendre leurs échanges avec lui à la lumière des données scientifiques. Le Canada a également encouragé les membres à adopter les améliorations au chapitre du Code de l'OIE sur l'ESB. En marge des réunions du Comité SPS, le Canada a rencontré certains de ses principaux partenaires commerciaux (dont la Chine, Taïwan, Hong Kong, le Japon et la Corée) pour les inciter, en se fondant sur des données scientifiques, à lever immédiatement leurs restrictions à l'importation de la viande de bœuf en provenance du Canada.

Le Canada a également mis le Comité au courant des faits nouveaux entourant la grippe aviaire au Canada lors des réunions de mars, de juin et d'octobre. Comme pour l'ESB, le Canada a expliqué les mesures réglementaires qu'il a prises et a invité ses partenaires commerciaux à reprendre leurs échanges avec le Canada en se fondant sur les données scientifiques. Le Canada a également tenu des réunions bilatérales avec certains de ses partenaires commerciaux (comme l'Afrique du Sud et le Japon) et les a pressés de lever, à la lumière des données scientifiques, les restrictions auxquelles sont soumises les importations en provenance du Canada en raison de la grippe aviaire.

Les membres de l'OMC continuent de recourir au Comité SPS, les pays en développement également, comme tribune d'échanges sur des questions bilatérales. Au cours de l'année, le Canada a soulevé la question des prescriptions du Venezuela en matière de licence d'importation des pommes de terre et de la viande, et est intervenu pour appuyer les préoccupations exprimées à l'égard d'autres questions, dont la directive de l'UE sur les matériaux d'emballage en bois, les prescriptions de l'UE relatives aux sous-produits animaux, les prescriptions d'essais en matière de résidus de la Corée et les nouvelles

ENCÉPHALOPATHIE SPONGIFORME BOVINE

Après que le Canada leur eut fait part de l'apparition en Alberta d'un premier cas d'ESB le 20 mai 2003, la plupart de ses partenaires commerciaux ont banni l'importation de bovins, de produits du bœuf et d'autres produits en provenance du Canada.

Plusieurs de nos partenaires commerciaux ont par la suite partiellement rouvert leur marché au bœuf canadien :

- Amérique du Nord : États-Unis et Mexique;
- Amérique centrale et Caraïbes : Antigua-et-Barbuda, Barbade, Bermudes, îles Cayman, Cuba, Honduras, Trinité-et-Tobago;
- Moyen-Orient : Arabie saoudite, Liban;
- Asie : Hong Kong, Macau.

Le Canada a invité ses partenaires commerciaux à reprendre leurs échanges du plus grand nombre de produits du bœuf et des animaux vivants en se fondant sur les normes de l'Office international des épizooties (OIE). Ces normes exposent clairement que l'ESB ne devrait pas sensiblement entraver le commerce si des mesures appropriées sont en place, comme lorsque les matières à risques spécifiés (MRS) ont été éliminées. Cette mesure est reconnue dans le monde entier comme le meilleur moyen de protéger la santé publique contre l'ESB. En juillet 2003, le Canada a interdit la présence de matières à risques spécifiés (MRS) dans les produits destinés à la consommation humaine.

Le 2 janvier 2005, le Canada a confirmé l'existence d'un second cas d'ESB en Alberta. Le 11 janvier, il a confirmé un troisième cas en Alberta. Ces cas ont été détectés grâce au programme national de surveillance. Aucune partie d'aucun de ces animaux n'est entrée dans la chaîne alimentaire humaine ou animale. Le 21 janvier, l'Agence canadienne d'inspection des aliments (ACIA) a annoncé la conclusion de son enquête sur le cas détecté le 2 janvier. Le 2 février, l'ACIA a annoncé la conclusion de son enquête sur le cas détecté le 11 janvier.

Durant ses négociations avec ses partenaires commerciaux, le Canada n'a pas caché que la présence d'autres cas d'ESB était possible; mais cela n'était pas probable étant donné que nous croyions depuis longtemps que le taux de prévalence de l'ESB en Amérique du Nord était faible et à la baisse. Le Canada demeure convaincu que ses partenaires commerciaux devraient accepter le bœuf en provenance du Canada compte tenu des nombreuses mesures d'intervention d'urgence qui sont en place (en particulier l'interdiction susmentionnée relative aux MRS).

Depuis l'apparition du premier cas, en mai 2003, le Canada a tenu ses partenaires parfaitement au courant de tous les faits nouveaux entourant les trois cas détectés ainsi que des mesures réglementaires qu'il a adoptées à cet égard; il y est parvenu grâce aux contacts directs qu'ont entretenus les ministres et les hauts fonctionnaires à Ottawa avec leurs homologues étrangers ainsi que grâce à toutes nos missions à l'étranger. En même temps, nos ministres, hauts fonctionnaires et missions à l'étranger continuent de saisir toutes les occasions possibles pour inviter nos partenaires commerciaux à reprendre les échanges à la lumière des données scientifiques.

Veuillez consulter les sections consacrées à chaque pays pour obtenir plus de renseignements sur des marchés précis.

prescriptions phytosanitaires applicables aux importations. Le Comité permet également aux membres de se tenir au courant de l'avancement des questions qui les intéressent (c'est ce que le Canada a fait au sujet de l'ESB et de la grippe aviaire). Des questions et préoccupations se rapportant à la mise en œuvre de la norme internationale sur les matériaux d'emballage en bois ont été soulevées par de nombreux membres à chacune des réunions du Comité.

En 2004, le Canada a présenté 73 avis sur les mesures SPS au Secrétariat de l'OMC et a fait des observations sur 26 avis présentés par d'autres partenaires.

GRIPPE AVIAIRE

Le 19 février 2004, l'Agence canadienne d'inspection des aliments (ACIA) a confirmé la présence d'une forme faiblement pathogène de la grippe aviaire dans la vallée du Fraser, dans le sud de la Colombie-Britannique. Le 9 mars, l'Agence a constaté la présence d'une forme hautement pathogène de la maladie (IAHP). Le virus détecté en Colombie-Britannique n'était pas le même que le virus trouvé en Asie. La plupart de nos partenaires commerciaux ont imposé des restrictions commerciales; certains, uniquement à l'encontre de la Colombie-Britannique, et d'autres, à l'encontre de l'ensemble du Canada.

Le 11 mars, le Canada a établi une zone de contrôle dans le sud de la Colombie-Britannique pour empêcher la propagation de la grippe aviaire. Cette zone de contrôle couvrait une région à risque élevé de 10 km autour des fermes où le virus avait été découvert ainsi qu'une région de surveillance encerclant les fermes. Des restrictions de mouvement ont été imposées aux oiseaux vivants et aux produits et sous-produits avicoles de tous types ainsi que de tout ce qui a été exposé à un oiseau, vers la zone contrôlée, à partir de celle-ci ou à l'intérieur de celle-ci. Un programme rigoureux de surveillance a permis de détecter la présence de la grippe aviaire dans 42 exploitations commerciales et 11 poulaillers d'arrière-cour. Le dépeuplement de tous les élevages infectés a été terminé le 20 mai. Le 19 juillet, le Canada a informé l'Office international des épizooties (OIE) que le virus avait été complètement éradiqué conformément aux normes de l'OIE. Le 18 août, le règlement en vertu duquel avait été établie la zone de contrôle a été abrogé, permettant ainsi la reprise des mouvements nationaux de la volaille et des produits de la volaille. Le 23 novembre, le Canada a informé l'OIE que, au 20 novembre, six mois s'étaient écoulés depuis la détection et l'abattage des derniers élevages affectés. Au cours de cette période, l'Agence canadienne d'inspection des aliments n'a détecté aucune autre activité du virus de l'IAHP. Par conséquent, le Canada a rempli les prescriptions de l'OIE pour être reconnu comme un pays exempt de l'IAHP.

Durant toute cette période, le Canada a tenu ses partenaires commerciaux entièrement au courant de la façon dont la situation évoluait en leur fournissant toutes les données scientifiques réclamées et en acceptant les restrictions commerciales qui lui avaient été imposées. Au départ, le Canada a cherché à contenir l'incidence de ces restrictions sur les échanges en demandant à ses partenaires commerciaux de limiter l'application de leurs mesures à la zone de contrôle de la vallée du Fraser de la Colombie-Bitannique. Le Canada s'est félicité de ce qu'un certain nombre de ses partenaires commerciaux ont effectivement limité leurs mesures à la Colombie-Britannique ou à la zone de contrôle de la vallée du Fraser. Après la reprise des mouvements nationaux de la volaille et des produits de la volaille, le 18 août, le Canada a demandé à ses partenaires commerciaux de lever toutes les dernières restrictions à l'encontre des produits canadiens. Le Canada invite tous ses partenaires commerciaux qui ne l'ont pas encore faire à lever aussi leurs dernières restrictions étant donné que le Canada a rempli tous les critères de l'OIE pour être reconnu comme un pays exempt de l'IAHP. (Se reporter aux rapports de marché de chaque pays pour des précisions sur la façon dont les difficultés d'ordre commercial occasionnées par la grippe aviaire ont été réglées au niveau des différents marchés.)

BIOTECHNOLOGIE ET ÉTIQUETAGE OGM

Un certain nombre de pays ont récemment mis en œuvre des règles d'étiquetage obligatoires pour les produits alimentaires transformés ou produits avec des organismes génétiquement modifiés (OGM). Le recours à l'étiquetage aux fins d'information en matière de santé et de sécurité est certes un objectif légitime, et le Canada appuie les mesures d'étiquetage visant à donner aux consommateurs ce genre de renseignements importants. Cependant, le Canada est préoccupé par la tendance de plus en plus prononcée à imposer un étiquetage obligatoire sur la méthode de production non lié à la santé ni à la sécurité lorsque d'autres solutions, moins restrictives pour les échanges, pourraient être adoptées. L'étiquetage obligatoire pour indiquer la méthode de production (lorsque cela n'entre pas en compte dans les caractéristiques d'un produit) pourrait être utilisé d'une manière abusive et discriminatoire à l'encontre de « produits similaires » et pourrait représenter un obstacle technique au commerce. La non-discrimination est un principe enchâssé dans l'Accord de l'OMC.

Soulignons que la question de l'étiquetage obligatoire sur la méthode de production ne se limite pas aux aliments dérivés de la biotechnologie. Elle pourrait avoir de sérieuses répercussions sur d'autres secteurs d'activités canadiens, comme l'industrie manufacturière, les mines, la foresterie et les pêches.

L'industrie, les producteurs, les entreprises alimentaires et les consommateurs canadiens collaborent pour trouver un moyen d'offrir davantage d'information aux consommateurs. Par l'intermédiaire de l'Office des normes générales du Canada, ces groupes ont récemment atteint un consensus en faveur d'une norme non contraignante constituant un cadre d'étiquetage volontaire des aliments obtenus avec ou sans l'aide de la biotechnologie. Cette norme a été approuvée à titre de norme nationale par le Conseil canadien des normes en avril 2004. Le Canada défend cette approche auprès de ses partenaires commerciaux, notamment l'Arabie saoudite, l'Argentine, le Brésil, le Chili, la Chine, Hong Kong et la Malaisie, et continuera de le faire avec d'autres pays lorsque les occasions se présenteront.

Le Canada reconnaît qu'il est crucial d'élaborer des politiques à l'échelle internationale sur la biotechnologie. Il entend continuer à observer les mesures qui sont prises par d'autres pays afin de tirer des enseignements de leurs réussites et de leurs échecs. Le Canada joue un rôle de chef de file dans l'établissement de normes internationales sur les aliments génétiquement modifiés et leur étiquetage, par l'intermédiaire de la Commission du Codex Alimentarius. Le Canada préside le Comité du Codex sur l'étiquetage des denrées alimentaires préemballées, qui prépare des directives sur l'étiquetage des denrées alimentaires dérivées de la biotechnologie. Il a également présidé un groupe de rédaction international afin de disposer de plus de données techniques pour élaborer les lignes directrices sur l'étiquetage de ce type d'aliments.

RECOURS COMMERCIAUX

Niveau bilatéral

Le gouvernement du Canada observe activement l'application des recours commerciaux dans les pays où l'industrie canadienne a des intérêts commerciaux. Concrètement, le gouvernement analyse les changements apportés aux lois et aux pratiques de recours commerciaux de nos principaux partenaires commerciaux et il intervient, au besoin, dans des enquêtes particulières concernant nos exportations. Il aide les exportateurs canadiens qui font l'objet d'enquêtes dans d'autres pays en leur fournissant des renseignements et des conseils et à titre de défendeur direct dans les affaires mettant en cause des droits compensateurs.

Le gouvernement a présenté des arguments à diverses autorités étrangères menant des enquêtes dans le cadre de recours commerciaux contre des produits canadiens. Par exemple, il a déposé des réponses approfondies et est largement intervenu auprès des autorités américaines dans le cadre de l'enquête en matière de droits compensateurs du département du Commerce des États-Unis sur de présumés programmes de subventions pour certains types de blé du Canada, dans le cadre de l'enquête en matière de droits compensateurs du département du Commerce des États-Unis sur l'octroi présumé de subventions pour les porcins sur pied en provenance du Canada et dans le cadre de la nouvelle politique en matière d'imposition des droits de douane du département du Commerce des États-Unis, qui pourrait avoir de graves conséquences pour de nombreux exportateurs canadiens dans les futures enquêtes antidumping. Le gouvernement a aussi continué de contester les mesures commerciales prises par les États-Unis contre le bois d'œuvre résineux en provenance du Canada, de même que la décision des États-Unis de prélever des droits compensateurs sur le blé, qui va l'encontre de l'Accord de libre-échange nord-américain (ALENA). (Des précisions sur ces affaires figurent dans la section consacrée aux États-Unis au chapitre 4.) De plus, le gouvernement suit toujours de près les faits nouveaux relatifs à divers différends mettant en cause des produits canadiens examinés dans le contexte du chapitre 19 (Examen et règlement des différends en matière de droits antidumping et compensateurs) de l'ALENA. Il a aussi défendu les intérêts canadiens dans le cadre de la contestation extraordinaire qui a échoué, émise par les États-Unis concernant la décision du groupe spécial constitué aux termes du chapitre 19 de l'ALENA intimant au département du Commerce des États-Unis d'annuler les droits antidumping sur le magnésium pur.

Dans la version de l'an passé de *Ouverture sur le monde*, il était indiqué que la Chine avait réexaminé l'ordonnance instituant un droit antidumping à l'extinction de celui-ci sur le papier journal canadien et que le gouvernement avait formulé des observations concernant l'enquête en matière de sauvegarde ouverte par la Chine sur certains produits de l'acier. En juin 2004, la Chine a reconduit l'ordonnance sur le papier journal pour cinq autres années et appliqué des mesures de sauvegarde temporaires sur les importations d'acier, qui devraient prendre fin en mai 2005. En octobre 2004, la Corée a terminé son enquête sur les exportations de chlorure de choline en provenance du Canada et a imposé des droits antidumping définitifs. En août 2004, le Mexique a établi une détermination préliminaire de l'existence d'un dumping sur le papier journal canadien et, en novembre 2004, l'Australie a ouvert une enquête antidumping sur les exportations de polyéthylène linéaire à faible densité en provenance du Canada.

Organisation mondiale du commerce

Dans le cadre du présent cycle de négociations commerciales multilatérales de l'OMC, le Canada cherche à améliorer les disciplines et à promouvoir une utilisation plus transparente des recours commerciaux par ses partenaires commerciaux. Le Canada souhaite examiner les principales dispositions en matière de recours commerciaux afin de renforcer et de clarifier les règles et d'atteindre une plus grande convergence et une meilleure prévisibilité de leur application. Le Canada participe à la discussion sur les questions dont on propose la négociation et a présenté un rapport officiel sur les droits antidumping, les subventions et les mesures compensatoires. Depuis mars 2004, des discussions techniques informelles ont eu lieu dans le groupe de négociation dans le but d'aider à faire progresser les travaux du groupe. Le Canada a présenté des documents non officiels sur des questions précises exposées dans ses présentations officielles antérieures. Ces documents, qui sont aussi présentés par les autres membres, visent à stimuler les discussions techniques informelles.

Les documents du Canada peuvent être consultés sur le site Web du Ministère : les documents officiels à l'adresse *www.international.gc.ca/ tna-nac/goods-fr.asp#9* et les documents non officiels à l'adresse *www.international.gc.ca/tna-nac/TG/techpapers-fr.asp*.

En plus de contribuer activement aux travaux des comités des pratiques antidumping, des subventions et des mesures de sauvegarde de l'OMC — pour s'assurer que tous les membres administrent leurs lois en matière de recours commerciaux conformément aux règles prescrites par l'OMC — le Canada participe à titre de tierce partie aux procédures de règlement des différends portant sur des questions qui concernent ses intérêts. C'est ainsi qu'il prend part en cette qualité aux procédures de l'OMC dans les affaires suivantes : le programme européen relatif au sucre, les subventions des États-Unis à la culture du coton, les droits antidumping des États-Unis sur le ciment mexicain et les droits antidumping coréens sur le papier en provenance de l'Indonésie. Également, en 2004, le Canada a continué d'intervenir à titre de coplaignant dans l'action menée à l'OMC contre l'« amendement Byrd » des États-Unis. (Pour obtenir des renseignements sur l'amendement Byrd, voir le chapitre 4.) Enfin, le Canada a participé en qualité de tierce partie au différend à l'OMC lié aux mesures de sauvegarde du secteur de l'acier appliquées par les États-Unis, que le gouvernement américain a cessé d'appliquer le 4 décembre 2003.

Initiative sur l'acier de l'Organisation de coopération et de développement économiques (OCDE)

Les travaux menés sous l'égide du Groupe de haut niveau sur l'acier de l'OCDE dans le but d'introduire d'éventuelles disciplines multilatérales sur les interventions du gouvernement dans le secteur de l'acier ont été suspendus en juin 2004, quand les participants ont convenu de passer à des discussions bilatérales et multilatérales informelles. Le but principal de ces travaux est d'instaurer des disciplines sur les subventions à ce secteur qui faussent les marchés de l'acier. Ces disciplines, combinées à des actions menées par l'industrie pour fermer les usines dont le rendement est insuffisant ou qui ont une capacité excédentaire de production d'acier, sont une tentative pour éliminer les facteurs qui faussent les marchés et entraînent le recours à des mesures commerciales. Le groupe s'est réuni de nouveau en janvier 2005 pour évaluer les perspectives d'en arriver à une entente.

Entente sur la construction navale de l'Organisation de coopération et de développement économiques (OCDE)

En 2002, certains membres de l'OCDE ont entamé des négociations visant à conclure une entente afin de renforcer les disciplines internationales liées au soutien gouvernemental du secteur de la construction navale. Les participants représentent 95 % de la capacité globale de construction navale; on compte parmi eux certains pays non-membres de l'OCDE qui jouent un rôle important dans le secteur de la construction navale, telle la Chine. Les États-Unis ne participent pas à ces négociations. Les participants souhaitent conclure un accord avant la fin de 2005. Le Canada y participe à titre d'observateur.

Comité nord-américain du commerce de l'acier

En octobre 2003, les gouvernements du Canada, du Mexique et des États-Unis ont annoncé l'établissement d'un Comité nord-américain du commerce de l'acier. Composé de représentants des gouvernements et des industries de l'Amérique du Nord, le Comité est un forum où les questions commerciales multilatérales, trilatérales et bilatérales liées à l'acier peuvent être débattues. Le Comité sert aussi de forum pour la discussion des conditions pouvant donner lieu à des frictions commerciales. Un certain nombre de propositions de mesures gouvernementales trilatérales sur les questions d'intérêt commun (p. ex. les négociations sur l'acier à l'OCDE, la surveillance) ont émergé des réunions qui ont eu lieu en novembre 2003 et en mai et novembre 2004. Une quatrième réunion est prévue pour mai 2005.

RÈGLES D'ORIGINE

L'Accord de l'OMC sur les règles d'origine prescrivait l'exécution d'un programme de travail visant l'élaboration de règles communes sur l'origine des produits pour le commerce non préférentiel. Il était initialement prévu que le programme de travail soit achevé en juillet 1998. Toutefois, le délai imposé pour l'achèvement des principales questions de politique relevées dans le rapport du Comité des règles d'origine au Conseil général (décembre 2002) a été repoussé à juillet 2005. Si les principales questions de politique sont réglées d'ici juillet 2005, le Comité des règles d'origine devra terminer son travail technique d'ici la fin de 2005, y compris l'examen de la cohérence des résultats. L'échec du Comité des règles d'origine à respecter la date limite d'achèvement du programme de travail est attribuable à la complexité technique entourant l'élaboration d'un accord sur des règles pour tous les produits; aux positions rigides de nombreux membres, plus particulièrement dans les domaines de l'agriculture, des textiles et de l'habillement, et des produits industriels; et à l'absence de consensus sur la portée du programme de travail (c'est-à-dire pour déterminer si des règles harmonisées doivent être utilisées et dans quels cas).

Dans l'élaboration de règles d'origine communes dans le domaine du commerce non préférentiel, le Canada continue de viser trois objectifs : parvenir à la formulation de règles communes propres à accroître la transparence et à instaurer un climat de confiance pour les commerçants, empêcher les pays de se servir des règles d'origine pour restreindre l'accès aux marchés et adopter des règles efficaces du point de vue technique, qui reflètent la dimension mondiale de la production et de l'achat des matières et des produits. En ce qui concerne les répercussions des règles d'origine harmonisées, le Canada estime que les membres devraient suivre ces règles dans l'application des instruments de politique commerciale non préférentielle uniquement dans le cas où d'autres accords de l'OMC exigent que l'on détermine le pays d'origine.

FACILITATION DES ÉCHANGES

Des dispositions spécifiques relatives à l'amélioration de la transparence et à l'établissement de normes de procédures minimales sont déjà incluses dans le cadre juridique de l'OMC, par exemple dans les articles suivants de l'Accord général sur les tarifs douaniers et le commerce (GATT) : article V (Liberté de transit), article VIII (Redevances et formalités se rapportant à l'importation et à l'exportation) et article X (Publication et application des règlements relatifs au commerce). Toutefois, l'ensemble de ces règles datent de la création originale du GATT en 1947 et, dans certains cas, découlent directement de dispositions en vigueur depuis le début du XX^{e} siècle.

Lors de la Quatrième Conférence ministérielle de Doha en 2001, les ministres se sont entendus sur un programme de travail ciblé sur la facilitation des échanges qui a mené, en juillet 2004, à l'acceptation de modalités pour les négociations. La priorité pour le gouvernement du Canada au cours des négociations est de s'assurer de l'établissement de règles fermes et significatives de facilitation des échanges, pratiques et exécutoires pour les commerçants en s'appuyant sur les obligations actuelles de l'OMC (c.-à-d. les articles V, VIII et X du GATT). Ce faisant, on maximisera la transparence et on simplifiera les formalités aux frontières.

Le Canada fait aussi la promotion de la facilitation des échanges dans le contexte d'accords bilatéraux et régionaux, et il continue de mettre de l'avant l'inclusion de dispositions sur la facilitation des échanges dans ces accords. Par exemple, l'Accord de libre-échange entre le Canada et le Costa Rica comprend un chapitre sur la facilitation des échanges; ce chapitre a d'ailleurs été présenté par le Costa Rica à l'OMC à titre d'exemple de ce qui peut être réalisé grâce à des négociations sur la facilitation des échanges.

Le Canada considère que la facilitation des échanges bénéficiera à tous les pays et qu'elle est un complément naturel aux négociations sur l'accès aux marchés des produits. La mise en place de nouvelles règles multilatérales en la matière aiderait les pays à moderniser leurs frontières pour accélérer les mouvements transnationaux de marchandises, tout en respectant scrupuleusement les objectifs non commerciaux tels que ceux liés à la sécurité. En même temps, ces nouvelles règles ont aussi le potentiel de réduire les coûts associés au commerce, en facilitant l'accès à l'information sur les règlements et procédures douanières des différents pays et en réduisant les lourdeurs administratives à la frontière. L'avancement de ces questions serait particulièrement bénéfique aux petites et moyennes entreprises pour lesquelles ces coûts sont parfois de réels fardeaux.

L'importance que l'OMC a décidé d'accorder à la facilitation des échanges a incité ses membres à donner une plus large place à cette notion dans leurs programmes respectifs. Une grande variété d'institutions financières internationales, de donateurs, d'organismes des Nations Unies, ainsi que l'Organisation mondiale des douanes et des organisations non gouvernementales démontrent un intérêt renouvelé pour les programmes de facilitation des échanges et la mise en place de solutions concrètes.

Le Canada soutient activement les initiatives touchant la prestation d'aide technique et le renforcement des capacités, qui aident les pays en développement à se conformer aux normes plus strictes en matière de gestion des activités frontalières.

Le gouvernement du Canada est persuadé que les nombreux bénéfices que les États retireront de la facilitation des échanges, bénéfices largement reconnus au sein de l'OMC mais aussi en dehors de l'Organisation, donneront lieu à la volonté politique nécessaire pour lancer des négociations dans ce domaine. Nous poursuivrons nos efforts en vue d'une issue positive à ces négociations.

Améliorer l'accès aux marchés des services

NÉGOCIATIONS SUR L'ACCORD GÉNÉRAL SUR LE COMMERCE DES SERVICES

Le secteur des services oriente la transformation du Canada en une économie fondée sur le savoir. Important exportateur de services, le Canada s'appuie sur des règles multilatérales exécutoires en matière de commerce des services. Grâce à ces règles, les exportateurs de services canadiens jouissent d'un traitement juste et équitable sur les marchés étrangers. Les négociations en cours sur les services au sein de l'OMC sont donc importantes pour notre pays et permettent d'envisager l'ouverture de nouveaux marchés à l'entrepreneuriat, à l'innovation et au savoir-faire canadiens.

Le Canada s'efforce d'obtenir l'adoption de règles multilatérales exécutoires propres à élargir l'accès aux marchés étrangers pour les fournisseurs canadiens de services. En collaboration avec d'autres membres de l'OMC, le Canada s'efforce d'accroître la transparence de la réglementation. Parmi les questions à examiner au cours des négociations, citons les secteurs et les marchés qui présentent un intérêt pour les exportateurs canadiens, les obstacles actuels ou éventuels à la vente de services canadiens sur des marchés ou à des clients étrangers, l'élargissement de l'accès aux pays de destination les plus importants pour les services canadiens et la possibilité, pour les consommateurs canadiens, d'avoir accès à des services de qualité à des prix compétitifs.

Le cycle de négociations en cours a débuté en janvier 2000, conformément aux prescriptions de l'AGCS, instauré dans le cadre des accords sur l'OMC de 1995. Lors de la Conférence ministérielle de Doha, en novembre 2001, les membres de l'OMC ont fixé deux échéances clés pour ces négociations : la première est le 30 juin 2002 et concerne la présentation des demandes initiales de chaque pays énonçant les domaines d'intérêt sur lesquels porteront leurs engagements d'accès aux marchés; la deuxième a été fixée au 31 mars 2003, date à laquelle devait être remise la présentation de l'offre de chaque pays pour l'ouverture de secteurs précis. Le 1er août 2004, il a été convenu que des offres révisées seraient présentées d'ici mai 2005.

Le Canada a présenté ses demandes initiales aux autres membres de l'OMC dans le délai convenu. La description des demandes initiales en matière d'ouverture de marchés qui ont été soumises par le Canada à d'autres pays ainsi que la version intégrale de l'offre conditionnelle initiale peuvent être consultées à (*www.international.gc.ca/tna-nac/service-fr.asp*). Les demandes présentées par le Canada portaient sur l'accroissement de l'accès aux marchés dans 12 secteurs d'importance qui présentent un intérêt économique considérable pour les prestataires de services canadiens, notamment dans les domaines des services professionnels, commerciaux et financiers, les télécommunications et l'informatique, ainsi que les services environnementaux.

Le Canada a été le premier État à s'engager à rendre son offre publique et se réjouit que ses partenaires en aient fait autant. L'offre initiale du Canada contient les garanties d'accès aux marchés et de non-discrimination que nous nous proposons d'offrir aux autres pays, en échange d'une amélioration de l'accès aux marchés des services pour les exportateurs canadiens. Le Canada a proposé de s'engager à accroître l'accès à ses marchés dans les domaines suivants : services financiers, services commerciaux (comptabilité, services juridiques, architecture, ingénierie, immobilier et conseil en gestion, entre autres), services de communication (services de messagerie), services de construction, services de distribution, services liés au tourisme et aux voyages, et services de transport. De plus, le Canada a offert d'améliorer ses engagements horizontaux sur le mouvement des personnes physiques (mode 4).

L'offre initiale respecte les objectifs de base de la négociation que chaque pays a établis pour lui-même et tient compte des diverses demandes bilatérales reçues de la part de ses partenaires. L'offre initiale du Canada est conforme à ses objectifs de base et n'énonce donc aucun engagement sur la santé, l'enseignement public, les services sociaux ou la culture. L'offre initiale et toutes les offres ultérieures seront maintenues sous réserve du degré de libéralisation du commerce des services atteint à l'issue des négociations. Autrement dit, le gouvernement du Canada ne conférera un caractère exécutoire à son offre, à l'issue des négociations, que si celles-ci ont été conclues à sa satisfaction.

À l'issue du processus de négociation, les résultats des négociations sur les requêtes et les offres bilatérales s'appliqueront à tous les États membres de l'OMC selon le principe de la nation la plus favorisée. Tous les États membres pourront ainsi tirer parti jusqu'à un certain point des négociations entreprises au niveau bilatéral, qu'ils aient négocié ou non des engagements bilatéraux d'accès aux marchés. De plus, les États membres conservent la possibilité d'ouvrir les secteurs de leur choix.

Le secteur des services financiers est présenté ci-après à titre d'exemple, afin d'illustrer le genre d'obstacles auxquels sont confrontés les fournisseurs de services canadiens sur les marchés. Vient ensuite une section sur la transparence réglementaire, où il est question des obstacles auxquels se butent d'une manière plus générale les fournisseurs de services canadiens et du type d'améliorations que le Canada souhaite obtenir dans les négociations.

SERVICES FINANCIERS

Le secteur financier canadien comprend des fournisseurs de services tels que les banques, les compagnies d'assurance-vie, d'assurance-santé, d'assurance biens et d'assurance risques divers, les agents et courtiers d'assurance, les compagnies de fiducie et de prêt, les coopératives d'épargne et de crédit et les caisses populaires, les fonds mutuels, les maisons de courtage en valeurs mobilières, les gestionnaires de fonds de pension et les conseillers en investissements, de même que les compagnies financières spécialisées. En tout, l'industrie canadienne des services financiers emploie environ un demi-million de personnes et représente plus de 5 % du produit intérieur brut du Canada.

De nombreuses institutions financières canadiennes sont actives à l'étranger depuis longtemps. En tant qu'intermédiaires, elles ont souvent été « amenées » à l'étranger par leurs clients canadiens qui y menaient d'importantes activités d'exportation ou de production, mais plus récemment, les institutions financières canadiennes ont cherché activement à profiter des possibilités de croissance organique dans les marchés internationaux moins matures et à faire des acquisitions dans les secteurs établis, mais rentables, des pays développés. En particulier, les transactions à l'étranger des six plus grandes banques canadiennes ont représenté environ 33 % des revenus du secteur en 2003, tandis que la même année, les compagnies d'assurance-santé canadiennes ont tiré 58 % de leur revenu total sous forme de primes d'assurance de l'étranger. Les États-Unis sont leur principal marché à l'étranger. Toutefois, un certain nombre d'institutions financières canadiennes ont des intérêts substantiels ailleurs qu'aux États-Unis, par exemple, en Asie du Sud-Est et, dans une mesure moindre, en Amérique latine, dans les Caraïbes et en Europe.

L'Accord général de l'OMC sur le commerce des services (AGCS) régit les relations de ses membres dans le domaine du commerce des services. En ce qui concerne les services financiers, les dispositions de l'AGCS sont mises en application par le biais des obligations générales contractées aux termes de l'AGCS, de l'annexe de l'AGCS sur les services financiers et des listes individuelles des membres qui énumèrent les engagements précis des membres. L'annexe sur les services financiers modifie certaines règles et définitions générales de l'AGCS pour tenir compte des caractéristiques spéciales du secteur financier, y compris la provision d'une exclusion prudentielle pour protéger les investisseurs, les épargnants, les détenteurs de police ou les personnes à qui un droit financier est détenu par un fournisseur de services financiers, ou pour assurer l'intégrité et la stabilité du système financier. De plus, les membres de l'OMC ont la possibilité d'établir leurs engagements conformément au Mémorandum d'accord sur les engagements relatifs aux services financiers, aux termes duquel les pays peuvent choisir de prendre un niveau d'engagement généralement plus élevé. Le Mémorandum, qui fait partie intégrante de la liste des membres l'ayant adopté, contient une liste normalisée d'engagements de libéralisation dans le domaine des services financiers. Un certain nombre de membres, dont le Canada, ont établi leurs engagements dans le domaine des services financiers, d'après ce Mémorandum. Le Canada a aussi pris des engagements relatifs au commerce et à l'investissement dans le domaine des services financiers, conformément au chapitre 14 (et à ses diverses annexes) de l'ALENA.

Parmi les principaux marchés d'exportation qui devraient présenter le plus d'intérêt pour les fournisseurs canadiens de services financiers, mentionnons les suivants : le Brésil, CARICOM, le Chili, la Chine, le Costa Rica, les États-Unis, le Groupe des 4 de l'Amérique centrale, Hong Kong, l'Inde, l'Indonésie, l'Irlande, le Japon, le Mexique, les Philippines, le Royaume-Uni, Singapour et le Vietnam. La majorité des obstacles au commerce dans ce secteur se trouvent en Asie et en Amérique latine et incluent les éléments suivants : les restrictions sur le type d'entités juridiques permises, les règles en matière de propriété étrangère, le manque de transparence des règlements appliqués au secteur financier, les restrictions relatives aux secteurs d'activités autorisés et le refus du traitement national dans la réglementation, notamment les exigences discriminatoires relatives au capital.

Le Canada cherche avant tout dans les négociations du cycle de Doha de l'AGCS sur les services financiers à accroître l'accès aux marchés et les possibilités de traitement national, tout en encourageant certains partenaires commerciaux à accroître encore plus la transparence de leurs règlements relatifs au secteur financier. Nous avons encouragé les membres auxquels nous avions fait des demandes relativement à l'accès aux marchés à établir leurs engagements en matière de services financiers conformément au Mémorandum d'accord sur les engagements relatifs aux services financiers. Le Canada a aussi demandé à plus d'une douzaine de membres de l'OMC d'accroître la transparence des règlements qu'ils appliquent aux services financiers.

TRANSPARENCE RÉGLEMENTAIRE

L'industrie canadienne répète sans cesse qu'il faut améliorer la transparence et la prévisibilité des conditions réglementaires dans lesquelles les activités internationales sont menées. Dans le cadre de ses diverses discussions et négociations, le gouvernement du Canada examine les meilleures pratiques des membres à l'égard de la transparence réglementaire pour mieux déterminer si les dispositions actuelles de l'AGCS relatives à la transparence réglementaire peuvent être améliorées.

Le gouvernement du Canada préconise la transparence et la prévisibilité de la politique réglementaire étant donné les nombreux avantages qu'elles offrent (*www.pco-bcp.gc.ca/raoics-srdc/default.asp?Language=F&Page=Home*). De nombreux éléments de la politique réglementaire abordent directement, ou sinon encouragent, la transparence. La politique prévoit que les parties prenantes — industrie, syndicats, groupes de consommateurs, associations professionnelles, autres gouvernements et personnes intéressées — soient consultées à toutes les phases, depuis l'identification des problèmes jusqu'à l'élaboration des solutions réglementaires.

La *Gazette du Canada* est le bulletin de nouvelles officiel du gouvernement du Canada. Publiée toutes les semaines, la Partie I de la *Gazette du Canada* contient tous les avis publics officiels, toutes les nominations officielles, les règlements proposés par le gouvernement ainsi que divers avis du secteur privé qui doivent être publiés en vertu de lois ou de règlements fédéraux. Publiée toutes les deux semaines, la Partie II de la *Gazette du Canada* contient les règlements promulgués et les autres textes réglementaires. Seuls les ministères et organismes du gouvernement peuvent faire publier dans la partie II. La Partie III de la *Gazette du Canada*, qui est publiée aussi rapidement que possible après la sanction royale, contient les plus récentes lois publiques du Parlement et leurs proclamations.

La nécessité d'ajouter d'autres disciplines commerciales pour améliorer la transparence réglementaire est une question de plus en plus importante dans un certain nombre de discussions et de négociations en cours en ce moment dans le domaine du commerce des services. Plusieurs propositions visant à élever la norme en matière de transparence dans le commerce des services ont été faites dans le cadre de l'Accord général de l'OMC sur le commerce des services (AGCS), des négociations commerciales bilatérales et des discussions à l'APEC.

Le Canada est activement engagé dans les discussions du Groupe de travail de l'AGCS sur la réglementation interne, un organe subsidiaire du Conseil des services. Le groupe a été constitué en 1999 dans le but de poursuivre les travaux entrepris sur l'élaboration des disciplines nécessaires pour garantir que les mesures liées aux procédures et aux exigences de qualification, aux normes techniques et aux prescriptions de licence et procédures d'octroi des licences qui pourraient être prises ne constituent pas des obstacles inutiles au commerce. Les discussions se poursuivent toujours sur les concepts liés à l'élaboration des disciplines particulières au secteur des services professionnels.

Le Canada est reconnu à l'échelle internationale pour ses normes de transparence réglementaire élevées. Dans l'examen des politiques commerciales du Canada auquel elle a procédé en 2003, l'OMC a conclu que le régime du commerce et de l'investissement canadien demeurait l'un des plus transparents du monde. « La transparence et la responsabilité en matière d'élaboration des politiques sont d'autant plus accrues que tous les programmes fédéraux et presque tous les programmes infrafédéraux doivent faire l'objet d'évaluations. » De plus, les membres ont reconnu que les efforts faits par le Canada pour mettre en œuvre des réformes économiques et que l'ouverture et la

PROCESSUS DE CONSULTATION ET D'INFORMATION SUR L'AGCS

La tenue de consultations nationales est essentielle à l'amélioration de la bonne gouvernance et de la transparence, ainsi qu'à la promotion d'une approche démocratique pour élaborer des politiques commerciales. La politique commerciale du Canada englobe des intérêts qui vont au-delà de ceux qui concernent le milieu des affaires, et tous les citoyens peuvent participer à la définition de cette politique. L'organisation de consultations intensives et permanentes sur l'Accord général sur le commerce des services (AGCS) de l'OMC demeure un aspect important de l'engagement global pris par le gouvernement du Canada de veiller à ce que la position du Canada à l'égard de cet accord continue de refléter les intérêts de tous les Canadiens.

En 2004, le gouvernement a engagé une nouvelle série de consultations et d'information intersectorielles dans tout le pays. Celles-ci ont permis de recueillir des données qui seront utiles non seulement dans le cadre des négociations en cours sur l'AGCS, mais également pour les questions touchant les services abordées dans le cadre de nos négociations de libre-échange bilatérales et régionales en cours. Le gouvernement a entrepris des actions coordonnées avec les provinces et les territoires pour entendre l'opinion, non seulement des fonctionnaires provinciaux, mais également des groupes locaux d'entreprises et des organisations non gouvernementales locales sur la position de négociation du Canada. En plus d'instaurer un dialogue mutuellement bénéfique entre les fonctionnaires du gouvernement et les principaux intéressés, ces consultations confèrent une dimension régionale et un certain équilibre aux observations des Canadiens sur les négociations.

Ces réunions régionales font partie d'un processus consultatif permanent plus vaste. Le gouvernement a sollicité et continuera de solliciter les points de vue des Canadiens dans l'élaboration des positions et des politiques commerciales au moyen de mécanismes consultatifs très divers, dont le Comité permanent des affaires étrangères et du commerce international (CPAECI), la diffusion d'information et la sollicitation de points de vue par l'intermédiaire de sites Web et d'autres consultations multisectorielles. Le gouvernement travaille étroitement avec les gouvernements provinciaux et territoriaux qui ont compétence dans de nombreux secteurs du commerce des services pour élaborer nos positions dans les négociations. Les municipalités sont aussi incluses dans le processus de consultation et de sensibilisation du gouvernement.

Dans le contexte des lignes directrices et des procédures réaffirmées aux réunions de juillet 2004, le gouvernement continuera à consulter, à informer et à mobiliser les citoyens, au fur et à mesure que se déroulent les négociations, pour que la position du Canada sur l'AGCS continue à tenir compte des intérêts de tous les Canadiens. Le gouvernement se réjouit de connaître le point de vue des Canadiens que le sujet intéresse. Ceux et celles qui souhaitent faire part de leurs commentaires sont invités à visiter le site Web du gouvernement du Canada sur les négociations liées à l'AGCS (*www.international.gc.ca/tna-nac/service-fr.asp*), où ils trouveront des questionnaires sur des industries de services précises.

transparence de son régime commercial lui avaient permis d'avoir une très bonne performance économique malgré le ralentissement économique mondial. L'OCDE a aussi loué le Canada pour ses travaux dans le domaine. En 2002, l'examen de l'OCDE de la réforme réglementaire au Canada a conclu que le Canada était un chef de file mondial dans le domaine des bonnes pratiques réglementaires et un innovateur dans le domaine des réformes réglementaires.

Questions déterminantes dans l'accès aux marchés des produits et des services

AUTORISATIONS DE SÉJOUR TEMPORAIRE POUR LES FOURNISSEURS DE SERVICES

De nombreuses entreprises canadiennes de services exportent un peu partout dans le monde. Pour pouvoir élargir leurs activités d'exportation, elles ont besoin de la garantie supplémentaire que procure l'élaboration de règles internationales sur le commerce des services, en particulier en ce qui concerne la mobilité des personnes. En cette époque de mondialisation de l'économie, les entreprises doivent envoyer temporairement du personnel clé sur des marchés étrangers (gestionnaires, directeurs, spécialistes) pour fournir des services à une filiale ou à une société affiliée, faciliter la vente de produits ou la prestation de services, consulter des clients ou négocier des contrats. En outre, les fournisseurs de services travaillant à leur compte (c.-à-d. les professionnels) ont besoin d'avoir accès aux marchés étrangers pour fournir leurs services.

Les fournisseurs canadiens de services ont grandement profité des engagements obtenus d'autres pays au cours du dernier cycle de négociations dans le cadre de l'Accord général sur le commerce des services (AGCS). Dans le cycle de négociations en cours au titre de cet accord, le Canada continue de demander des engagements supplémentaires pour obtenir une amélioration de l'accès et de la prévisibilité de ces marchés pour les fournisseurs canadiens de services. Par exemple, le Canada a demandé des engagements à ses partenaires concernant les services fournis par les professionnels indépendants, notamment dans le domaine des services informatiques et para-informatiques, d'ingénierie et d'architecture. Le Canada préconise également une plus grande transparence des engagements contractés sur les autorisations de séjour temporaire afin que les gens d'affaires, les spécialistes de l'immigration, les gestionnaires de ressources humaines, les propriétaires de petites et de moyennes entreprises et d'autres intervenants comprennent mieux les engagements pris par les différents États membres en la matière.

Dans son offre initiale conditionnelle, le Canada a proposé d'allonger la durée de séjour légale des visiteurs commerciaux, des personnes transférées au sein d'une même entreprise et des professionnels, de faire bénéficier de cette mesure les prestataires de services après-vente/après-location, leurs conjoints et conjoints de fait, et d'améliorer la transparence des engagements pris sur les autorisations de séjour temporaire.

En plus de l'AGCS, le Canada est signataire de plusieurs accords commerciaux régionaux et bilatéraux contenant des dispositions sur la mobilité de la main-d'œuvre qui facilitent les échanges de biens, de services et d'investissement : l'Accord de libre-échange nord-américain (ALENA), l'Accord de libre-échange Canada–Chili (ALECC), et l'Accord de libre-échange Canada–Costa Rica (ALECCR). L'AGCS, l'ALENA et l'ALECC contiennent tous trois des dispositions détaillées sur les autorisations de séjour temporaire qui facilitent le mouvement des gens d'affaires dans trois catégories : visiteurs commerciaux, personnes transférées au sein d'une même société et professionnels. De plus, l'ALENA et l'ALECC prévoient une quatrième catégorie de personnes dont les séjours temporaires sont facilités : les négociants et les investisseurs. Le Canada participe au Groupe de travail trilatéral sur l'admission temporaire de l'ALENA, qui examine la mise en œuvre des dispositions relatives à l'admission temporaire, et collabore étroitement avec les responsables américains sur les questions bilatérales de séjour temporaire.

À l'heure actuelle, le Canada négocie plusieurs autres accords commerciaux régionaux et bilatéraux, notamment avec les pays de la Zone de libre-échange des Amériques, le Groupe des quatre de l'Amérique centrale et Singapour, et ces accords pourraient contenir des dispositions sur les autorisations de séjour temporaire.

QUESTIONS DE SINGAPOUR

À la réunion du Conseil général de l'OMC du 31 juillet 2004 à Genève, les membres de l'OMC ont convenu que les trois questions suivantes de Singapour : transparence des marchés publics, investissement et politique de la concurrence seraient exclues du programme de travail défini dans la Déclaration de Doha et donc qu'aucuns travaux en vue des négociations au sujet de l'une ou l'autre de ces questions ne seraient effectués à l'OMC au cours du cycle de négociations de Doha. Cette décision a été prise en grande partie, en raison de la forte opposition de la part des groupes du G20 et du G90 des pays en développement à ce qu'on entame les négociations sur ces trois questions. Si ces trois questions de Singapour ont été retirées du programme des négociations de Doha, le Canada continue de voir d'un bon œil qu'on les aborde dans le système commercial multilatéral et continuera de promouvoir leur inclusion dans les prochains cycles de négociations.

MARCHÉS PUBLICS

Afin de profiter des grandes perspectives commerciales internationales que représentent les marchés publics, dont la valeur mondiale atteint des centaines de milliards de dollars par année, le Canada s'efforce de faire progresser la libéralisation de ce secteur à l'OMC. L'augmentation du nombre des secteurs visés et la réduction des obstacles discriminatoires aux États-Unis et sur d'autres marchés importants ouvriraient des débouchés considérables aux exportateurs canadiens. Pour multiplier ces débouchés, le Canada appuie diverses activités ayant pour but d'élargir et de renforcer les disciplines en matière de marchés publics et d'assurer la mise en œuvre efficace des engagements contractés.

Avec 37 autres pays, le Canada est signataire de l'Accord de l'OMC sur les marchés publics (AMP), qui forme la base d'une garantie d'accès, pour les fournisseurs canadiens, aux marchés des États-Unis, de l'Union européenne, du Japon et d'autres marchés clés. Le Canada poursuit ses efforts en vue d'élargir et de renforcer l'accès aux marchés dans le cadre de l'AMP. La révision de l'AMP, processus auquel on a fixé pour objectifs l'élargissement du champ d'application et la simplification de l'Accord, ainsi que la suppression de ses dispositions discriminatoires, demeure une priorité du gouvernement canadien. Ce dernier continue d'ailleurs à recueillir les avis des provinces et d'autres parties intéressées en vue de formuler les priorités du Canada liées à la libéralisation accrue de ce marché.

RÈGLEMENT DES DIFFÉRENDS

L'OMC compte actuellement 148 membres. Des différends surgissent de temps à autre à propos de l'application des règles contenues dans l'Accord instituant l'Organisation mondiale du commerce (Accord OMC). Pour résoudre ces différends, les États membres de l'OMC ont convenu de se soumettre à un processus prévu aux termes du Mémorandum d'accord de l'OMC sur les règles et procédures régissant le règlement des différends (Mémorandum d'accord sur le règlement des différends). Ce processus comprend la tenue de consultations, l'examen des plaintes par des groupes d'experts indépendants lorsque les parties sont incapables de régler leur différend au moyen de la consultation, ainsi que la possibilité de recourir à un Organe d'appel permanent. Le Mémorandum d'accord sur le règlement des différends contribue à faire en sorte que les membres respectent les règles commerciales qu'ils ont négociées et permet de réduire la portée des mesures commerciales unilatérales. Il est donc sans aucun doute un des éléments essentiels du système commercial multilatéral fondé sur des règles.

Le nombre de différends qui opposent les États membres à un moment ou à un autre est relativement peu élevé. De nombreux différends sont résolus sans qu'on ait besoin de recourir au mécanisme de règlement des différends de l'OMC.

Au cours de la dernière année, le Canada s'est lui-même prévalu du mécanisme de règlement des différends de l'OMC pour contester un certain nombre de mesures commerciales prises par d'autres membres et que nous estimons contraires à l'Accord OMC. Parmi les mesures les plus importantes, mentionnons l'imposition de droits antidumping et de droits compensateurs par les États-Unis sur les exportations canadiennes de bois d'œuvre résineux.

- Le 17 février 2004, les rapports du Groupe spécial et de l'Organe d'appel ont été adoptés au sujet de la plainte déposée par le Canada contre les États-Unis concernant la détermination finale de subvention, par le département américain du Commerce, relativement à certains produit du bois d'œuvre résineux importés du Canada. La détermination finale du département américain du Commerce a été jugée contraire aux obligations contractées par les États-Unis en vertu de l'Accord de l'OMC sur les subventions et les mesures compensatoires. Des précisions figurent dans le site Web sur le règlement des différends de l'OMC (*www.wto.org/french/tratop_f/dispu_f/dispu_f.htm*), sous les symboles WT/DS257/R et WT/DS257/AB/R. Le 24 avril 2004, le Canada et les États-Unis ont convenu d'une période de temps raisonnable pour que les États-Unis mettent en œuvre les recommandations et les décisions de l'Organisation de règlement des différends (ORD). Le 17 décembre 2004, les États-Unis ont émis une détermination qui, à leur sens, mets en œuvre les recommandations et les décisions de l'ORD. Le Canada ne croit pas que les États-Unis se sont conformés à leurs obligations face à l'OMC et a demandé le 14 janvier 2005, qu'un organe de conformité étudie la mise en œuvre des États-Unis.

- Le 26 avril 2004, le rapport du Groupe spécial a été adopté relativement à la contestation par le Canada de la détermination finale par la Commission américaine sur le Commerce international (U.S. International Trade Commission) de dommage important causé à une industrie américaine par les importations de bois d'œuvre résineux en provenance du Canada. La détermination finale a été jugée contraire à l'OMC. Des précisions figurent dans le site Web sur le règlement des différends de l'OMC (*www.wto.org/french/tratop_f/dispu_f/dispu_f.htm*), sous le symbole WT/DS277/R. Le 1er octobre 2004, le Canada et les États-Unis ont convenu que les États-Unis mettraient en œuvre les recommandations et les décisions de l'ORD d'ici au 26 janvier 2005. Le 24 novembre 2004, la Commission sur le Commerce international a émis une nouvelle détermination affirmative de menace de dommage pour la mise en œuvre des conclusions de l'OMC. Le 25 février 2005, l'ORD a établi à la demande du Canada, un organe de conformité pour étudier la mise en œuvre des recommandations et des décisions de l'ORD par les États-Unis. Le Canada a aussi demandé l'autorisation de prendre des mesures de rétorsion contre les États-Unis d'un montant de 4,25 milliards de dollars. Cette demande sera considérée si le Canada obtient du succès dans sa vérification de conformité.
- Le 31 août 2004, les rapports du Groupe spécial et de l'Organe d'appel ont été adoptés au sujet de la contestation, par le Canada, de la détermination finale de dumping, par le département américain du Commerce, relativement à certains produits du bois d'œuvre résineux importés du Canada. La détermination finale du département américain du Commerce a été jugée contraire aux obligations contractées par les États-Unis en vertu de l'Accord antidumping de l'OMC. Des précisions figurent dans le site Web sur le règlement des différends de l'OMC (*www.wto.org/french/tratop_f/dispu_f/dispu_f.htm*), sous les symboles WT/DS264/R et WT/DS264/AB/R. Le 18 octobre 2004, le Canada a demandé l'arbitrage relativement à une période de temps raisonnable pour que les États-Unis mettent en œuvre les recommandations et les décisions de l'ORD. Les parties se sont mises d'accord sur une période de temps raisonnable de 8 mois à compter du 31 août 2004, date à laquelle les rapports du Groupe spécial et de l'Organe d'appel ont été adoptés, ce qui devrait conduire à la mise en œuvre, par les États-Unis, des recommandations et des décisions d'ici le 2 mai 2005.

Le Canada a aussi fait des plaintes à deux autres reprises.

- Le 26 janvier 2004, le Canada et sept autres plaignants ont demandé l'autorisation de prendre des mesures de rétorsion à l'endroit des États-Unis qui n'avaient pas mis en œuvre les recommandations et les décisions de l'ORD concernant la Continued Dumping and Subsidy Offset Act of 2000 (l'amendement Byrd). Les États-Unis ont demandé l'arbitrage au sujet du niveau de suspension des concessions demandé. La décision arbitrale a été rendue le 31 août 2004. Des précisions figurent dans le site Web sur le règlement des différends de l'OMC (*www.wto.org/french/tratop_f/dispu_f/dispu_f.htm*), sous le symbole WT/DS234/ARB/CAN.
- Le 29 août 2003, un groupe spécial a été constitué dans le but d'entendre la plainte déposée par le Canada, les États-Unis et l'Argentine relativement au moratoire imposé par la Communauté européenne sur l'approbation et la commercialisation des produits biotechnologiques. Les plaignants estiment que ces mesures vont à l'encontre des obligations contractées par la Communauté européenne en vertu de l'Accord sur l'application des mesures sanitaires et phytosanitaires, de l'Accord sur les obstacles techniques au commerce et de l'Accord général sur les tarifs douaniers et le commerce de 1994. Le groupe spécial a été composé le 4 mars 2004 et devrait déposer son rapport au printemps de 2005.

Le Canada a également fait l'objet de plaintes à une reprise.

- Le 27 septembre 2004, les rapports du Groupe spécial et de l'Organe d'appel ont été adoptés au sujet de la plainte formulée par les États-Unis selon laquelle certaines mesures prises par le gouvernement du Canada et la Commission canadienne du blé, de le même que certaines politiques en matière de transport des céréales au Canada, étaient contraires à l'OMC. Le régime d'exportation de la Commission canadienne du blé a été jugé conforme à l'OMC. Toutefois, certaines politiques canadiennes en matière de transport des céréales et certaines parties de la *Loi sur les grains du Canada* et du Règlement sur les grains du Canada relatives à la ségrégation du grain et à l'exigence d'autorisation de l'entrée des céréales étrangères ont été jugées contraires à l'OMC. Des précisions figurent dans le site Web sur le règlement des différends de l'OMC (*www.wto.org/french/tratop_f/dispu_f/dispu_f.htm*), sous les symboles WT/DS276/R et WT/DS276/AB/R. Le Canada et les États-Unis ont convenu que le Canada aura jusqu'au 1er août 2005 pour mettre en œuvre les recommandations et les décisions de l'ORD.

En ce qui concerne l'amélioration du Mémorandum d'accord sur le règlement des différends, il convient de remarquer qu'il est permis de penser que le mécanisme de règlement des différends de l'OMC est un des système les plus efficaces qui existent en ce moment pour régler les différends entre États souverains. Le Mémorandum d'accord sur le règlement des différends a donné de très bons résultats dans l'ensemble, mais des avantages appréciables pourraient être tirés de l'amélioration et de la clarification d'un certain nombre de règles et de procédures. À la Quatrième Conférence ministérielle tenue à Doha, au Qatar, les membres de l'OMC avaient convenu de négocier des améliorations et des clarifications du Mémorandum d'accord sur le règlement des différends avant mai 2003. Cette date butoir avait ensuite été reportée à mai 2004, et comme les membres n'avaient pas réussi à s'entendre à cette date, le Conseil général de l'OMC a convenu, en juillet, de poursuivre les négociations relatives au Mémorandum d'accord sur le règlement des différends sans imposer de date limite. Les membres ont aussi convenu de poursuivre les entretiens sur la base des travaux déjà faits, ce qui comprend un texte provisoire produit par le président et des propositions formulées par les membres. Le Canada a adhéré à cette décision.

Pour faire progresser les négociations, le Canada souhaiterait que les membres définissent des priorités claires qui serviraient de base à des négociations de fond sur le nouveau texte. Les travaux que le Canada a entrepris avec d'autres membres et certaines des propositions faites par des membres individuels peuvent aider à remettre les négociations sur la bonne voie.

Le Canada a distribué des propositions visant à mieux protéger l'information confidentielle, à rationaliser le processus de sélection des groupes spéciaux et à améliorer la transparence des procédures de règlement des différends. Le Canada a aussi réuni un groupe de pays membres développés et en développement chargé de raffiner et d'élaborer un texte sur les autres grandes questions clés. En mai 2004, ce groupe a présenté à l'ensemble des membres des propositions qui ont été bien accueillies sur le déroulement des procédures de mise en conformité et des procédures à suivre dans les cas de rétorsion, sur la possibilité de renvoyer les questions en litige de l'Organe d'appel au Groupe spécial original et sur l'établissement de règles régissant la levée des mesures de rétorsion précédemment autorisée par l'ORD. Le Canada est également favorable aux clarifications et aux améliorations du Mémorandum d'accord sur le règlement des différends qui élargiraient les droits des membres qui agissent à titre de tierce partie dans le processus de règlement des différends et qui régiraient la participation de non-membres à titre d'intervenants désintéressés. Le Canada demeure engagé avec d'autres membres à essayer d'obtenir un consensus sur ces questions.

Accessions à l'Organisation mondiale du commerce

Le Canada continue de jouer un rôle actif dans le processus d'accession à l'OMC. Notre objectif est double :

- obtenir pour les exportations canadiennes de produits et de services un accès plus large, non discriminatoire et prévisible aux marchés;
- veiller à la mise en place, sur les nouveaux marchés, de régimes transparents et fondés sur des règles, ce qui contribuera à la stabilité et à la prospérité économique dans le monde.

L'OMC compte 148 membres. Parmi les plus récents, on compte le Cambodge et le Népal. L'accession du Cambodge et du Népal, premiers des pays les moins avancés (PMA) à intégrer l'OMC depuis sa création en 1995, porte à 32 le nombre actuel de PMA à l'OMC.

Le Canada participe activement aux négociations d'accession de tous les postulants. À l'heure actuelle, les 28 pays suivants ont fait connaître leur souhait d'accéder à l'OMC : Afghanistan, Algérie, Andorre, Arabie saoudite, Azerbaïdjan, Bahamas, Bélarus, Bhoutan, Bosnie-Herzégovine, Cap-Vert, Éthiopie, Iraq, Jamahiriya arabe libyenne, Kazakhstan, Laos, Liban, Ouzbékistan, Russie, Samoa, Serbie et Monténégro, Seychelles, Soudan, Tadjikistan, Tonga, Ukraine, Vanuatu, Vietnam et Yémen.

Par ailleurs, le Canada travaille activement, de concert avec d'autres membres, pour faciliter l'accession des PMA, reconnaissant que leur adhésion les soutiendrait dans leurs efforts en matière de développement et les aiderait à devenir des acteurs à part entière du système commercial mondial. Le Canada approuve l'utilisation des recommandations formulées en vue de faciliter et d'accélérer l'accession des pays les moins développés à l'OMC, et adoptées par le Conseil général de l'OMC en décembre 2002.

Les négociations portant sur l'accession d'un pays à l'OMC se déroulent sur deux niveaux parallèles, soit aux niveaux multilatéral et bilatéral. Au cours des négociations multilatérales, un groupe de travail de l'OMC, formé de membres intéressés, étudie le régime commercial et économique du pays postulant pour y relever les aspects incompatibles avec les obligations qu'un pays contracte lorsqu'il devient membre de l'OMC, et pour déterminer les changements qu'il devra y apporter pour les rendre conformes aux règles de l'Organisation. L'avancement du processus dépend alors de ces changements, qui doivent porter sur la transparence, l'exactitude et les détails fournis par le postulant dans ses réponses aux questions posées par les membres du groupe de travail. En participant aux délibérations du groupe de travail, le Canada s'assure que l'accession du postulant à l'OMC permettra d'établir des conditions plus prévisibles sur le marché de ce dernier.

Parallèlement aux délibérations du groupe de travail, les membres de l'OMC engagent avec le postulant des négociations bilatérales sur l'accès à ses marchés. Au cours de ces négociations bilatérales, le Canada cherche principalement à obtenir la réduction ou l'élimination des droits de douane et des obstacles non tarifaires qui nuisent à l'accès des produits et des services qui intéressent les exportateurs canadiens. Il encourage les postulants à consolider leurs engagements tarifaires, à accorder un accès non discriminatoire à ses marchés et à souscrire aux divers accords zéro pour zéro pour l'élimination des droits de douane ainsi qu'aux mesures d'harmonisation des tarifs douaniers élaborées par l'OMC.

Les positions qui sont défendues au cours des négociations relatives aux accessions sont élaborées à l'échelle interministérielle et après consultation auprès des gouvernements provinciaux et territoriaux et du secteur privé. Ces négociations représentent une excellente occasion de résoudre les difficultés qu'éprouvent les entreprises canadiennes sur les marchés des postulants.

Pour obtenir plus d'information sur le processus d'accession à l'OMC, consultez le site Web de l'OMC à : *www.wto.org/french/thewto_f/acc_f/acc_f.htm.*

3 Investissement

Le Canada a tout intérêt à ce que le flux des échanges et des investissements demeure important. L'investissement direct canadien à l'étranger a plus que quadruplé entre 1990 et 2003, pour passer de 98,4 milliards de dollars à près de 400 milliards de dollars. De plus, en 2003, le Canada avait un stock d'investissement étranger direct (IED) de 358 milliards de dollars. Ces investissements génèrent, à leur tour, des plus grands degrés d'innovation, de productivité, d'emplois et de croissance dans l'économie canadienne.

Investissement direct canadien à l'étranger

Les entreprises canadiennes savent qu'elles doivent se disputer des capitaux et des parts des marchés dans l'économie internationale fondée sur le savoir si elles veulent prospérer. Les Canadiens relèvent ce défi en bâtissant certaines des entreprises les plus compétitives et les plus

RÉGIME CANADIEN SUR L'INVESTISSEMENT

Le Canada est constamment cité comme un endroit attrayant pour les investisseurs. L'*Economist Intelligence Unit* a récemment classé le Canada premier pays au monde où faire des affaires dans les cinq prochaines années (2004-2008), en hausse de la deuxième position pour la dernière période d'évaluation (1999–2003). Ce fait a aussi été noté dans le 2004 *World Investment Report* de la Conférence des Nations Unies sur le commerce et le développement. Dans l'une des enquêtes menées pour le *World Investment Report*, les cadres de sociétés transnationales et des experts économiques ont classé le Canada au troisième rang après les États-Unis et le Royaume-Uni comme principale destination de l'IED parmi les pays développés. Le Canada est aussi demeuré au haut de la liste (en 5e place) pour ce qui est des économies ayant le plus grand potentiel d'attirer l'investissement étranger direct.

L'étude approfondie sur les coûts des entreprises dans 11 pays de l'Amérique du Nord, de l'Europe et de l'Asie-Pacifique réalisée en 2004 par la société d'experts-conseils KPMG et intitulée *Choix concurrentiels* est une preuve de plus que le Canada est un lieu par excellence pour investir. Pour une cinquième fois de suite, le Canada s'est classé au premier rang pour ce qui est du pays où le coût de faire des affaires est le moins élevé, avec un avantage au plan des coûts de 9 % sur les États-Unis. Lorsque les résultats sont ventilés par municipalité, les villes canadiennes sont toutes plus compétitives au niveau du coût que n'importe quelle ville située chez notre voisin du Sud.

De plus, le Canada est le pays le plus concurrentiel sur le plan des coûts dans 9 des 17 secteurs industriels examinés, présentant des avantages importants par rapport aux autres pays dans les industries suivantes : recherche et développement dans le domaine biomédical, essais cliniques et services de soutien/centres d'appels. Le Canada est aussi reconnu comme affichant, par rapport aux États-Unis, des avantages importants du point de vue des coûts de la main-d'œuvre. Conjugués avec les solides fondements économiques du Canada et nos liens commerciaux étroits avec les États-Unis, ces résultats font du Canada un endroit idéal pour les investisseurs internationaux qui cherchent à desservir le marché nord-américain.

suite à la prochaine page

suite de la page 37

Le Canada présente un autre avantage comme lieu d'investissement : l'engagement du gouvernement envers la transparence. Les politiques de renforcement de la transparence sous-tendent un environnement économique stable et prévisible qui permet le flux de capitaux productifs. Cet engagement envoie un signal positif aux investisseurs au sujet de la détermination du gouvernement de créer un environnement commercial favorable à l'investissement. En 2003, dans l'Index des perceptions de la corruption de Transparency International, le Canada s'est classé dans le premier percentile et devant tous les autres pays du G8, étant perçu comme un pays transparent et exempt de corruption.

Les résultats de ces enquêtes et études montrent que le Canada est l'un des endroits parmi les plus ouverts et intéressants dans le monde pour les investisseurs. Cependant, bien que le climat macroéconomique entourant l'investissement des entreprises soit bon, un certain nombre d'enquêtes internationales laissent entendre que les investisseurs pensent que l'environnement microéconomique au Canada doit être examiné. Il faut des politiques pour améliorer certains aspects du climat des affaires et de l'investissement. Par exemple, les initiatives Frontière intelligente et Réglementation intelligente pourraient réduire encore plus les coûts transactionnels et faire du Canada une destination encore plus intéressante pour les investisseurs. La Stratégie Innovation du gouvernement canadien vise à améliorer de la même façon le climat des investissements dans les industries fondées sur le savoir.

Le gouvernement reconnaît l'importance du rôle que l'investissement joue dans l'économie canadienne et continuera de veiller à ce que le Canada demeure un choix de premier ordre pour les investisseurs internationaux. Cependant, le gouvernement est aussi conscient de la nécessité de veiller à ce que les investissements réalisés au Canada profitent aux Canadiens, au moyen de la *Loi concernant l'investissement au Canada*, dont l'objet est d'instaurer l'examen des investissements importants effectués au Canada par des non-Canadiens. En vertu de la Loi, les non-Canadiens qui acquièrent le contrôle d'une entreprise canadienne ou qui désirent constituer une nouvelle entreprise au Canada qui excède une certaine valeur sont tenus de déposer un avis ou une demande d'examen. En 2004, les acquisitions directes d'entreprises canadiennes faites par des membres de de l'OMC étaient assujetties à un examen si leur actif commercial atteignait un seuil fixé à 237 millions de dollars, tandis que les acquisitions directes, par des non-membres de l'OMC, d'entreprises canadiennes dont l'actif atteignait ou dépassait 5 millions de dollars étaient assujetties à l'examen prévu par la Loi. Les acquisitions indirectes étaient également assujetties à cet examen si l'actif de l'entreprise canadienne atteignait 50 millions de dollars. Le site Web d'Investissement Canada fournit des indications sur l'application de la *Loi concernant l'investissement* au Canada (*www.investcan.ic.gc.ca*).

novatrices au monde. Pour évoluer dans ce système économique dynamique, les entreprises canadiennes non seulement gagnent du terrain sur les marchés dans d'autres pays, mais nombre d'entre elles établissent aussi des installations de distribution à l'étranger au moyen d'investissements internationaux. De plus en plus, bon nombre de leurs fournisseurs et de leurs investisseurs, tant au Canada qu'à l'étranger, sont étrangers. Au cours de la dernière décennie, l'investissement canadien à l'étranger a augmenté au point où le Canada est maintenant de loin un exportateur net de capital.

Bien que la destination principale de l'investissement direct canadien à l'étranger était les États-Unis en 2003 (41 % ou 165 milliards de dollars), les entreprises canadiennes ont fait, ces dernières années, des percées importantes en Europe, surtout dans l'Union européenne. La part de l'investissement direct canadien à l'étranger (IDCE) dans l'UE est passée de 18,6 % en 1999 à 24,8 % en 2003.

Investissement étranger direct au Canada

L'investissement étranger est également essentiel à l'avenir du Canada. L'investissement étranger direct (IED) accélère la croissance de la productivité et finance la transformation économique. En plus d'injecter du capital dans l'économie canadienne, l'IED apporte les dernières technologies intégrées dans les machines et les processus de production, la commercialisation et les compétences en gestion en plus de donner accès aux marchés d'exportation par l'intermédiaire des réseaux de distribution établis. L'IED stimule également l'accroissement de la concurrence au pays, principal déterminant de l'innovation dans une économie fondée sur le savoir. Le maintien des flux d'IED au Canada et l'augmentation des investissements existant sont essentiels à la croissance économique et à la richesse nécessaires au financement d'un système de santé et d'éducation de classe mondiale pour tous les Canadiens. Le Canada fait bon accueil à l'investissement étranger et aux avantages qui lui sont associés sur le plan de la croissance économique, de l'emploi et de l'élargissement de l'assiette fiscale.

L'investissement étranger direct au Canada a augmenté dans l'ensemble en 2003 par rapport à 2002 de 8,6 milliards de dollars pour s'établir à 358 milliards de dollars environ, avec des augmentations en provenance des États-Unis, d'Europe et d'Asie. Les États-Unis représentaient plus de 228 milliards de dollars de ce total, ou 64 % de l'IED total au Canada.

Le Canada aura du mal à continuer d'attirer l'IED. Au cours de la dernière décennie, la part de l'IED entrant dans les pays de l'ALENA représentée par le Canada a diminué de près du tiers — étant passée de 21 % en 1990 à près de 14 % en 2003. La part du Canada de l'IED total a également diminué au cours de cette période, pour passer de 6 % à 3 %. La part de l'IED total reste cependant légèrement supérieure à notre part du PIB mondial. La concurrence pour l'IED devrait s'intensifier encore plus à l'échelle mondiale, notamment celle en provenance des nouveaux marchés émergents, comme la Chine, l'Inde et le Brésil. Ces pays sont devenus des aimants pour l'IED à la suite de la vague de libéralisation du commerce et de l'investissement et de privatisation favorisée par la disponibilité du capital humain et des bas coûts de production.

Programme canadien d'investissement à l'étranger

Les investisseurs étrangers au Canada profitent déjà depuis longtemps d'une équité réglementaire et des protections juridiques importantes prévues dans les lois canadiennes. L'engagement du Canada envers des règles qui régissent l'investissement international a de quoi rassurer encore plus les investisseurs que le Canada offre un environnement équitable, sûr et prévisible. Si ces règles visent à attirer l'investissement étranger au Canada, elles servent aussi à protéger les investisseurs canadiens à l'étranger. Les entreprises canadiennes ont cherché activement à investir à l'étranger et à faire des acquisitions à l'étranger. Il est important de protéger les investisseurs contre des mesures arbitraires et discriminatoires : cela favorise un environnement stable et sûr pour l'investissement international, ce qui, en retour, facilite l'innovation, la productivité et la prospérité, au pays comme à l'étranger.

L'économie mondialisée actuelle est de plus en plus fondée sur la production plus intangible des entreprises de services et est, en grande partie, tributaire des flux des capitaux internationaux. Une caractéristique fondamentale de cette nouvelle économie est qu'elle est de plus en plus tributaire de la création, de l'achat et du transfert de capital et de savoir. De plus, l'importance croissante du positionnement dans les chaînes de valeur mondiales a accru les pressions concurrentielles exercées sur les entreprises canadiennes — et les débouchés qui s'offrent à elles sur le marché.

Étant donné la vivacité de la concurrence pour l'investissement international, le gouvernement canadien cherche à montrer les forces et les avantages économiques du Canada à un auditoire international d'investisseurs potentiels, de sélecteurs de sites, d'influenceurs médiatiques et commerciaux par diverses activités de promotion. Il engage ses missions de partout dans le monde et ses partenaires à tous les ordres de gouvernement à faire connaître le climat des affaires et les groupements d'entreprises novateurs qu'on trouve au Canada. Le gouvernement canadien participe à des activités de promotion de l'investissement, veillant ainsi à ce que les décideurs reçoivent l'information sectorielle dont ils ont besoin pour envisager le Canada comme endroit pour y faire des affaires. Parmi les principales activités promotionnelles, mentionnons l'Initiative Chefs d'entreprise et la présence aux activités de renommée internationale, sans compter les rencontres de représentants du gouvernement avec des PDG ciblés de sociétés transnationales pour attirer leur attention sur les débouchés commerciaux qui se présentent au Canada.

Le Canada a conclu et s'emploie toujours à conclure divers accords qui, grâce à un cadre de règles et de disciplines, garantissent aux investisseurs un climat des investissements basé sur des règles et prévisible, dans lequel des procédures de règlement des différends sont prévues et conçues de manière à permettre un recours opportun à un tribunal impartial. Ces règles ne mettent pas en péril notre souveraineté et ne menacent pas nos valeurs économiques et sociales. Tous les ordres de gouvernement peuvent légitimement légiférer et réglementer dans l'intérêt public. Les investisseurs étrangers sont soumis aux mêmes lois et aux mêmes règlements que les investisseurs canadiens, notamment les lois et les règlements visant à protéger l'environnement et à assurer des normes du travail et des normes de santé, de sécurité et de construction élevées, tout comme les investisseurs canadiens sont assujettis aux lois des États étrangers dans lesquels ils investissent.

INITIATIVES BILATÉRALES

Les pays commerçants ont très fréquemment recours à des accords bilatéraux sur l'investissement pour protéger leurs investissements à l'étranger. On en compte actuellement plus de 2 000 à l'échelle mondiale. Depuis 1989, le Canada a ratifié 21 accords bilatéraux de promotion et de protection de l'investissement étranger (APIE), qui mettent en application un ensemble de règles juridiquement contraignantes visant à protéger et à promouvoir l'investissement canadien dans certains pays étrangers. Les APIE conclus par le Canada offrent aux sociétés canadiennes la garantie que les règles qui régissent leurs investissements resteront conformes à des normes d'équité et de prévisibilité établies. Les APIE réduisent les risques et les coûts associés à l'investissement à l'étranger, principalement dans les économies émergentes, qui deviennent des destinations de plus en plus intéressantes pour l'investissement canadien. Le Canada s'est engagé dans un effort renouvelé pour élargir son réseau d'APIE et négocie activement en ce moment en vue de conclure de tels accords avec la Chine, l'Inde et le Pérou. Vous trouverez la liste et les textes complets des APIE conclus par le Canada dans le site Web du Ministère (*www.international.gc.ca/tna-nac/fipa_list_fr.asp*).

ACCORDS DE LIBRE-ÉCHANGE BILATERAUX ET RÉGIONAUX

Les règles qui régissent l'investissement forment une partie importante du cadre global que le Canada cherche à établir dans son programme des accords de libre-échange (ALE). L'ALENA prévoit un cadre pour les investissements, qui sert de base au chapitre sur l'investissement de l'Accord de libre-échange Canada–Chili et de base à la plupart des APIE décrits plus haut.

Le Canada vise à établir des règles globales sur l'investissement dans les ALE ou dans les APIE, selon les circonstances environnantes, par exemple selon les tendances qui se dégagent du commerce et de l'investissement à un moment donné et selon d'autres critères.

ORGANISATION MONDIALE DU COMMERCE

Lors de la Quatrième Conférence ministérielle de l'Organisation mondiale du commerce (OMC) qui s'est tenue à Doha en novembre 2001, les ministres avaient convenu de lancer des négociations sur l'investissement après la Cinquième Conférence ministérielle, sous réserve qu'ils parviennent à un accord sur les modalités de ces négociations. Toutefois, lors de la Cinquième Conférence ministérielle qui s'est tenue à Cancun du 10 au 14 septembre 2003, les ministres n'ont pas réussi à atteindre un consensus sur la question de savoir s'ils engageaient ou non des négociations sur l'investissement. De même, à la réunion du Conseil général qui a eu lieu le 31 juillet 2004 à Genève, les membres de l'OMC n'ont pas réussi à s'entendre sur les modalités des futures négociations sur l'investissement. Par conséquent, le Conseil général a convenu qu'aucun travail en vue des négociations multilatérales sur l'investissement ne sera fait à l'OMC au cours du cycle de négociations de Doha.

Le Canada a présenté neuf documents de travail au Groupe de travail des liens entre commerce et investissement de l'OMC. Dans ces documents, le Canada a abordé un certain nombre de questions, dont les sept éléments qui doivent être clarifiés au paragraphe 22 de la Déclaration de Doha. Vous trouverez ces présentations sur le site Web du Ministère à *www.international.gc.ca/tna-nac/other/wgti-fr.asp*. Le Canada a activement participé aux activités sur l'aide technique et le renforcement des capacités organisées par l'OMC, la Conférence des Nations Unies sur le commerce et le développement et d'autres organisations concernées, étant donné l'importance que les ministres ont accordée à ce type d'aide dans le mandat de Doha.

Les accords de l'Organisation mondiale du commerce renferment déjà bon nombre de dispositions relatives à l'investissement. L'Accord sur les mesures concernant les investissements et liées au commerce (Accord sur les MIC) interdit un certain nombre d'exigences en matière de résultats, dont les exigences relatives à l'équilibrage des échanges, l'obligation de recourir à des fournisseurs nationaux et les restrictions à l'exportation applicables au secteur des biens. L'Accord général sur le commerce des services (AGCS) traite de l'investissement étranger dans le domaine des services selon un des quatre modes de fourniture des services définis, c'est-à-dire selon la présence commerciale.

COOPÉRATION ÉCONOMIQUE ASIE PACIFIQUE

Le Canada participe également à des négociations régionales sur l'investissement avec les pays côtiers du Pacifique dans le cadre de la Coopération économique Asie-Pacifique (APEC). Au moyen d'un programme de plans d'action individuels facultatifs, dressés suivant des principes d'investissement non contraignants, les pays de l'APEC s'efforcent de libéraliser leurs régimes d'investissement en supprimant les restrictions à l'accès aux marchés et en renforçant leurs législations visant à protéger les investissements étrangers. En 2004, le Canada a intégré dans son plan d'action individuel un ensemble de « Normes de transparence sur l'investissement » que le Canada et les autres économies de l'APEC avaient adopté lors de la 14e réunion ministérielle de l'APEC qui s'est tenue en octobre 2003 à Bangkok, en Thaïlande. Ces normes visaient à ce que les États membres de l'APEC publient à tout le moins les lois, les règlements, les lignes directrices et autres mesures touchant l'investissement qui sont en vigueur au plan national, ou donnent accès rapidement d'une façon ou d'une autre à ces textes, et cela dans les délais les plus brefs possibles. En convenant de souscrire à ces normes, les membres de l'APEC ont fait un pas de plus vers l'objectif de Bogor, à savoir la libéralisation et l'ouverture du commerce et de l'investissement dans la région de l'APEC d'ici 2010 pour les pays développés, et d'ici 2020 pour les pays en développement.

Ces normes sont décrites dans le site Web de l'APEC à : *www.apec.org/apec/leaders__declarations/2003_leaders stmtimplapectranspstd.html*.

Vous trouverez également le Plan d'action individuel du Canada à : *www.apec-iap.org*.

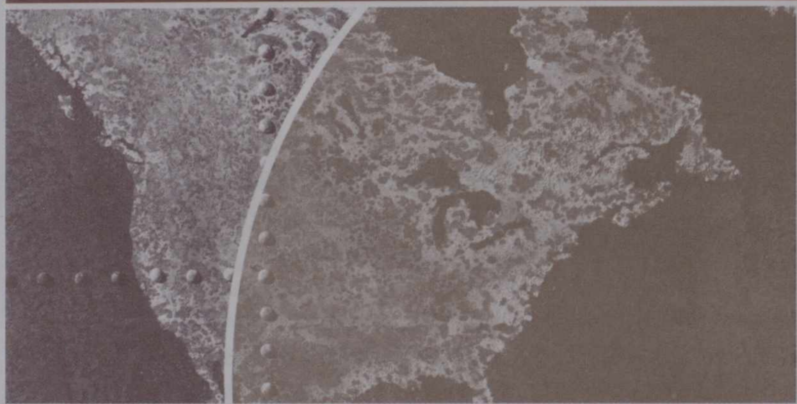
Responsabilité sociale des entreprises

Le gouvernement du Canada attend des entreprises canadiennes qu'elles exercent leurs activités d'une manière socialement responsable et respectueuse de l'environnement, tant au Canada qu'à l'étranger. À cette fin, il les encourage fortement à observer des normes sur la responsabilité sociale des entreprises, telles que les Principes directeurs de l'OCDE à l'intention des entreprises multinationales. Ces principes directeurs, un des quatre instruments sur l'investissement auxquels ont souscrit 39 gouvernements, constituent un ensemble de normes et de principes à caractère non contraignant qui visent à faire que les entreprises adoptent une conduite professionnelle responsable dans des domaines tels que la protection de l'environnement, le travail, les droits de la personne et la lutte contre la corruption.

Le gouvernement canadien a créé un point de contact national (sous la forme d'un comité interministériel) afin de travailler en plus étroite collaboration avec les milieux d'affaires et les diverses parties prenantes pour mieux faire connaître les Principes directeurs de l'OCDE et de contribuer à la résolution des problèmes qui s'y rapportent. Les Principes directeurs de l'OCDE et d'autres codes et guides internationaux de pratiques exemplaires tels que le Contrat mondial de l'ONU et la Déclaration de principes (tripartite) publiée par l'Organisation internationale du travail fournissent un cadre de référence commun aux entreprises pour leur permettre d'adopter des pratiques commerciales responsables.

La promotion de la responsabilité sociale des entreprises (RSE) faite par le gouvernement s'appuie sur des initiatives en matière de RSE menées par le secteur privé et sur le fait que les entreprises reconnaissent de plus en plus les avantages qu'elles peuvent tirer de la RSE. En plus d'améliorer leur réputation et de leur donner un avantage concurrentiel, l'adhésion à des normes internationales en matière de RSE peut aider les entreprises à gérer les risques et leur montrer comment avoir des activités responsables sur les marchés émergents, où la faiblesse des structures de gouvernance peut être une source de préoccupations.

On trouvera plus d'information sur les Principes directeurs de l'OCDE à l'intention des entreprises multinationales dans le site Web du Point de contact national (*www.ncp-pcn.gc.ca/menu-fr.asp*) ou dans le site Web du Ministère (*www.international.gc.ca/tna-nac/social-fr.asp*).



4 Ouverture sur l'Amérique du Nord

Accord de libre-échange nord-américain

Aperçu

Le 1[er] janvier 2004 marquait le 10[e] anniversaire de l'entrée en vigueur de l'Accord de libre-échange nord-américain (ALENA), et si l'on fait le bilan de ses retombées jusqu'à maintenant, il est évident que cet accord a bien servi le Canada. La valeur des échanges de marchandises entre le Canada et ses partenaires de l'ALENA a presque doublé depuis 1994 et s'est fixée à 573,4 milliards de dollars en 2004. Grâce à l'ALENA, les producteurs canadiens arrivent plus facilement à réaliser leur plein potentiel en exerçant leurs activités sur un marché nord-américain plus grand, mieux intégré et plus efficace. L'accroissement de la production et de l'activité économique dans la région ont permis la création de nouveaux emplois mieux rémunérés pour les Canadiens. Les consommateurs ont aussi tiré avantage de l'intégration du marché et du renforcement de la concurrence en profitant de prix plus avantageux et d'une plus vaste sélection de biens et de services de meilleure qualité.

Grâce à l'ALENA, le Canada a confirmé son statut de premier partenaire commercial des États-Unis. Les exportations de marchandises du Canada vers les États-Unis ont affiché un taux de croissance annuel d'environ 8,5 % entre 1990 et 2004. Les échanges bilatéraux entre le Canada et le Mexique, notre autre partenaire de l'ALENA, ont atteint 16,4 milliards de dollars en 2004, de sorte que le Mexique est désormais la cinquième destination en importance des exportations canadiennes et la troisième source de nos importations. Du total des exportations de marchandises du Canada, 85,4 % sont destinées à nos partenaires de l'ALENA.

Le commerce des services a aussi enregistré une hausse depuis l'entrée en vigueur de l'ALENA. En 2004, les échanges de services entre le Canada et ses deux partenaires, les États-Unis et le Mexique, se sont élevés à environ 82 milliards de dollars, par rapport à 46 milliards de dollars en 1994 (soit un taux de croissance annuel moyen de 7,4 %). Depuis 1997, les échanges bilatéraux de services entre le Canada et le Mexique ont augmenté à un taux annuel composé de 9,5 % pour atteindre plus de 1,4 milliard de dollars. Notre commerce de services avec les États-Unis a totalisé 78 milliards de dollars en 2004, comparativement à 42,3 milliards de dollars en 1993. Du total des exportations de services du Canada, environ 61 % sont destinées à nos partenaires de l'ALENA.

L'ALENA a également eu des répercussions positives sur l'investissement. Depuis 1994, l'investissement étranger direct au Canada a atteint une moyenne annuelle de près de 28,7 milliards de dollars par année, soit six fois la moyenne enregistrée au cours des trois années précédant l'entrée en vigueur de l'ALENA, de 1991 à 1993. En 2003, l'investissement étranger direct au Canada a totalisé 358 milliards de dollars, dont plus de 63 % provenaient de nos partenaires de l'ALENA. L'investissement américain direct au Canada a en effet augmenté pour atteindre 228,4 milliards de dollars en 2003. Le volume de l'investissement direct canadien dans les pays partenaires de l'ALENA s'est aussi accru, pour atteindre, en 2003, 164,9 milliards de dollars aux États-Unis et 2,8 milliards de dollars au Mexique.

Les ententes passées au titre de cet accord demeureront un moyen efficace de renforcer les relations commerciales et économiques du Canada avec les États-Unis et le Mexique.

Perspectives d'avenir

Les parties à l'ALENA continuent de chercher des occasions d'accroître le commerce et l'investissement entre leurs trois pays. Les travaux en cours visent la réduction des coûts de transaction liés à l'exportation dans la zone de l'ALENA.

Le 16 juillet 2004, la Commission du libre-échange s'est réunie à San Antonio, au Texas. À cette occasion, les ministres du Commerce ont évalué les progrès réalisés dans le cadre des initiatives en cours et ont convenu d'une série de mesures pratiques qui permettraient d'accroître davantage le commerce et l'investissement entre le Canada, les États-Unis et le Mexique.

En ce qui concerne les règles d'origine, par exemple, les ministres ont approuvé un projet visant à assouplir les règles d'origine applicables à une vaste gamme d'aliments, de produits de consommation et de produits industriels, comme le thé, les épices, les assaisonnements, la carraghénane (ingrédient alimentaire et industriel), les métaux précieux (or, argent, platine), les régulateurs de vitesse et leurs assemblages de circuits imprimés, les électroménagers (p. ex. les ventilateurs, les malaxeurs, les appareils de chauffage, les séchoirs à cheveux, les cafetières, les fours micro-ondes), les haut-parleurs, les thermostats, les jouets et certaines pièces d'équipement ou de machines. Les industries des trois pays membres de l'ALENA sont en faveur des changements proposés, qui allégeront les lourdeurs administratives et permettront aux producteurs de profiter d'une plus grande souplesse dans le choix des fournisseurs de composants utilisés dans la fabrication de leurs produits. L'effet de cet assouplissement des règles d'origine sur le commerce trilatéral devrait se chiffrer à plus de 20 milliards de dollars américains. Les mesures d'assouplissement des règles d'origine sont entrées en vigueur le 1er janvier 2005 au Canada et aux États-Unis. Elles prendront effet au Mexique à la suite de leur ratification par le Sénat mexicain.

De plus, les ministres ont demandé aux gouvernements des parties à l'ALENA de continuer à étudier les demandes d'assouplissement des règles d'origine de l'ALENA présentées par les consommateurs et les producteurs. Plus précisément, les ministres ont demandé à ce que l'on poursuive les travaux entrepris en ce qui concerne les domaines tels les produits chimiques, les produits pharmaceutiques, les plastiques et le caoutchouc, les véhicules automobiles et leurs pièces, les chaussures et le cuivre, de même que tous les produits auxquels les trois parties à l'ALENA appliquent un taux de droit de la nation la plus favorisée (NPF) de 0 %. Le 7 août 2004, le gouvernement a publié dans la *Gazette du Canada* un avis dans lequel il invitait les parties intéressées à présenter des nouvelles demandes de modification des règles d'origine de l'ALENA dans le cadre d'une approche dite à « deux volets ». Les gouvernements des parties examineront en outre les règles d'origine décrites dans les accords de libre-échange qu'ils ont négociés après l'entrée en vigueur de l'ALENA dans le but de déterminer si ces règles devraient être appliquées dans le cadre de l'ALENA.

On veut aussi s'assurer que l'ALENA continue de refléter la réalité commerciale actuelle de l'Amérique du Nord et de rendre les économies des trois pays membres plus concurrentielles. Par exemple, dans les industries du textile et du vêtement, les gouvernements cherchent des moyens de lutter contre les transbordements illégaux et d'accroître la compétitivité des industries nord-américaines, entre autres par le biais de l'évaluation cumulative croisée des dispositions relatives aux règles d'origine. Les parties à l'ALENA s'efforcent aussi de faciliter l'accès des gens d'affaires pour leur permettre de travailler dans n'importe lequel des trois pays qui sont parties à l'accord. En ce qui concerne l'investissement, le Canada continue à prendre des mesures en vue d'accroître la transparence et d'améliorer l'application du chapitre 11.

Règlement des différends dans le cadre de l'ALENA

Des différends surviennent inévitablement dans une relation commerciale et économique de grande envergure comme celle qui existe aux termes de l'ALENA. Lorsque les parties ne peuvent résoudre leurs conflits au cours de discussions informelles au sein des comités et des groupes de travail appropriés, ou par le biais d'autres formules de consultation, l'ALENA prévoit des procédures de règlements des différends rapides et efficaces.

Le chapitre 20 de l'ALENA comprend des dispositions relatives à la prévention ou au règlement des différends sur l'interprétation ou l'application de l'ALENA, à l'exception des questions liées aux recours commerciaux traitées au chapitre 19. Ce dernier permet de soumettre à l'arbitrage d'un groupe spécial binational, plutôt qu'à la décision finale d'un tribunal, toute mesure prise par l'une des parties en matière de droits antidumping ou de droits compensateurs. Des dispositions particulières en matière de règlement des différends ont également été adoptées pour les questions relevant du chapitre 11 (Investissement) et du chapitre 14 (Services financiers).

Entre le 1er novembre 2003 et le 1er novembre 2004, un groupe spécial constitué en vertu du chapitre 19 de l'ALENA a entrepris l'examen d'une décision prise par des organismes canadiens relativement à des produits mexicains. Cet examen n'est pas terminé. La décision portait sur la détermination de préjudice concernant les stores vénitiens et les lattes de bois fabriqués au Mexique ou exportés à partir de ce pays. Au cours de la même période, l'affaire relative à la détermination de dumping quant à certains opacifiants iodés utilisés pour l'imagerie radiographique a été réglée.

Au cours de la même période, deux demandes d'examen par un groupe spécial constitué en vertu du chapitre 19 ont été présentées concernant des décisions prises par des organismes américains relativement à des produits canadiens, dont une concernant le blé de force roux de printemps (préjudice) et l'autre concernant le magnésium pur et ses alliages (droits compensateurs). Toujours entre novembre 2003 et novembre 2004, huit examens concernant des décisions prises par des organismes américains relativement à des produits canadiens étaient en cours. Ces affaires mettaient en cause des produits tels que le magnésium, l'acier ordinaire, le bois d'œuvre résineux, les tiges de fil d'acier, le blé dur et le blé de force roux de printemps. Une affaire portant sur le magnésium pur a été menée à terme et une autre portant sur la détermination de dumping concernant les tiges de fil d'acier a été retirée. Au cours de cette même période, six décisions ont été rendues par des groupes spéciaux à la suite de l'examen de différends portant sur le magnésium, l'acier ordinaire et le bois d'œuvre résineux.

Par ailleurs, une procédure de contestation extraordinaire mettant en cause les États-Unis et le Canada et portant sur le bois d'œuvre résineux provenant du Canada a été engagée et est toujours en cours. Une autre procédure de contestation extraordinaire mettant en cause les États-Unis et le Canada et portant sur le magnésium pur a été menée à terme lorsque le Comité de contestation extraordinaire a rendu sa décision.

Comme l'a fait valoir le Canada à la réunion de la Commission de juillet 2004, les ministres du Commerce ont reconnu le bien-fondé des dispositions de l'ALENA relatives au règlement des différends et réaffirmé leur engagement à l'égard de l'application intégrale de ces dispositions. De plus, le Canada ne manque jamais une occasion de rappeler à ses partenaires de l'ALENA qu'il y va de l'intérêt des trois États parties de faire en sorte que les décisions des comités spéciaux soient respectées et appliquées comme il se doit si l'on veut protéger l'intégrité de l'Accord. Le premier ministre Martin a réitéré ce message auprès du président Bush lors de leur rencontre du 30 novembre 2004. Le premier ministre et le président ont convenu que les gouvernements devraient étudier le chapitre 19 (Examen et règlement des différends en matière de droits antidumping et compensateurs) pour s'assurer de son bon fonctionnement.

Normes et mesures connexes

Le Canada poursuit un dialogue constructif avec ses partenaires de l'ALENA, plus particulièrement dans le cadre du Comité des mesures normatives de l'ALENA. Le Canada pense qu'il faut réduire au minimum le fardeau réglementaire national qui pèse sur l'industrie étant donné l'intégration de plus en plus poussée du marché nord-américain.

Le rapport du Comité consultatif externe sur la réglementation intelligente publié récemment souligne l'importance de la coopération internationale au sujet de la réglementation afin de construire une économie compétitive. Il est généralement admis que les différences de réglementation doivent être minimisées pour augmenter la compétitivité du Canada dans le marché global.

Les sous-comités sectoriels de l'ALENA (les automobiles, les transports terrestres, les télécommunications et les textiles) sont également des tribunes de coopération trilatérale dans le domaine des normes et des règlements. Des progrès ont été accomplis dans ces sous-comités. Par exemple, un mémorandum d'entente est presque terminé par rapport à l'usage des symboles d'entretien pour les biens textiles et les vêtements. Le Comité est un excellent cadre pour le développement approfondi de la coopération au sujet de la réglementation.

Le Canada cherche également à accroître le dialogue bilatéral aux niveaux provincial et des États afin de favoriser les activités de coopération dans le domaine de l'élaboration des normes et des règlements.

En fournissant des efforts de collaboration soutenus avec les États-Unis et le Mexique, le Canada continuera d'encourager et de faciliter l'adoption de normes et de mesures connexes compatibles, y compris l'élaboration et l'usage de normes facultatives pour le marché nord-américain, en tant que substituts aux exigences réglementaires nationales. La réussite de ces efforts exercerait des répercussions positives sur notre commerce trilatéral.

États-Unis

Aperçu

On peut difficilement surestimer l'importance de la relation commerciale qui existe entre le Canada et les États-Unis. Le Canada est le principal acheteur de produits américains et le plus important fournisseur des États-Unis, et vice-versa. Cette relation est donc d'une importance primordiale pour le Canada. Le Canada et les États-Unis se classent au premier rang mondial pour l'importance de la circulation de biens, de services, de personnes et de capitaux qui transitent d'un pays à l'autre, la valeur des produits et services qui franchissent chaque jour leur frontière commune se chiffrant à environ 1,8 milliard de dollars.

Entre 1994 et 2004, le commerce bilatéral de marchandises a crû à un taux annuel composé d'environ 6 %. En 2004, les exportations canadiennes de marchandises à destination des États-Unis se sont chiffrées à 352 milliards de dollars, et les importations canadiennes en provenance des États-Unis, à 250 milliards de dollars. Au total, environ 79 % des exportations canadiennes de marchandises et services sont destinées au marché américain, et ces exportations sont équivalentes à 30 % du PIB du Canada. En 2003, les exportations canadiennes de services à destination des États-Unis ont totalisé 36 milliards de dollars, et les importations canadiennes de services en provenance des États-Unis se sont chiffrées à 41,8 milliards de dollars.

Depuis l'entrée en vigueur de l'Accord de libre-échange entre le Canada et les États-Unis (ALE) en 1989, le commerce bilatéral entre ces deux pays a plus que triplé. En outre, depuis le 1er janvier 1998, presque tous les échanges commerciaux entre le Canada et les États-Unis sont effectués en franchise de droits, ce qui a favorisé le commerce et l'investissement entre ces deux partenaires commerciaux. L'investissement américain direct au Canada est passé d'environ 80 milliards de dollars en 1989 à plus de 228 milliards de dollars en 2003, tandis que l'investissement direct canadien aux États-Unis est passé de quelque 57 milliards de dollars à près de 165 milliards de dollars au cours de la même période.

La visite du président George W. Bush au Canada, en novembre 2004, était particulièrement importante pour les intérêts du Canada. Au cours de sa visite, le premier ministre Martin et le président Bush se sont engagés à resserrer leur coopération en Amérique du Nord et dans le monde. Ils ont convenu d'unir leurs efforts pour promouvoir les priorités canado-américaines et poursuivre leur étroite coopération avec le Mexique dans les dossiers d'intérêt trilatéral. Ils ont en outre annoncé la création d'un nouveau partenariat qui donnera lieu à un programme visant à accroître la sécurité, la prospérité et la qualité de vie de leurs concitoyens. Le président du Mexique, M. Vicente Fox, appuie fortement ce nouveau partenariat et s'est engagé à coopérer avec le Canada et les États-Unis dans les dossiers d'intérêt trilatéral.

Comme première étape dans le cadre de ce nouveau partenariat, le premier ministre Martin et le président Bush ont convenu d'accélérer leurs efforts visant à assouplir les règles d'origine, d'adopter des approches conjointes en matière de partenariats et de normes consensuelles et de mettre en place des réglementations favorisant une plus grande efficacité et une meilleure compétitivité tout en améliorant la santé et la sécurité. Le Canada et les États-Unis renforceront aussi leurs efforts communs dans le cadre de l'Accord sur la frontière intelligente, pour sécuriser la circulation des personnes et des biens en Amérique du Nord et garder leur frontière ouverte au commerce, mais fermée au terrorisme. Le 23 mars 2005, les dirigeants de l'ALENA se sont rencontrés à Waco au Texas et ont annoncé le partenariat pour la sécurité et la prospérité de l'Amérique du Nord. Ce partenariat s'appuie sur l'initiative du nouveau partenariat et constitue un effort trilatéral pour accroître la sécurité, la prospérité et la qualité de vie des Nord-américains. Cette initiative est basée sur le principe que notre sécurité et notre prospérité sont interdépendantes et complémentaires et elle reflètera notre croyance commune dans la liberté, les occasions économiques et les institutions et les valeurs démocratiques fortes. Ce partenariat aidera aussi à consolider nos actions au sein d'un cadre nord-américain afin d'affronter les défis liés à la sécurité et à l'économie tout en favorisant l'atteinte du plein potentiel de nos peuples.

Le premier ministre Martin et le président Bush ont également convenu d'élargir les perspectives économiques de leurs entreprises en les rendant plus compétitives sur le marché mondial. L'économie d'aujourd'hui peut de plus en plus être représentée par un modèle dans lequel la conception et la production

PROMOTION DU COMMERCE ET DE L'INVESTISSEMENT

Les exportateurs canadiens ont accès à des débouchés dans pratiquement tous les secteurs. Pour les aider à exploiter ces possibilités, la composante Commerce international du Ministère des Affaires et du Commerce international (MAECI [CI]) favorise l'accès aux marchés pour les petites et moyennes entreprises, et s'attache plus particulièrement à aider les femmes, les jeunes entrepreneurs et les entrepreneurs autochtones à faire une première percée sur le marché américain. L'initiative ExportUSA, qui comprend les programmes Nouveaux exportateurs aux États frontaliers (NEEF), CONTACT EXPORTS et Export É.-U., a remporté un franc succès à cet égard et a permis d'aider plus de 20 000 entreprises à faire leur entrée sur le marché américain depuis 1984. Le gouvernement du Canada encourage également les exportateurs canadiens qui ont réussi à percer dans plusieurs régions des États-Unis à passer à l'étape suivante, c'est-à-dire à s'attaquer à d'autres marchés étrangers. Pour obtenir plus de renseignements, nous vous invitons à consulter le site Web du Ministère des Affaires étrangères et du Commerce international sur les relations canado-américaines (*www.can-am.gc.ca*).

Le gouvernement cherche également à attirer et à accroître l'investissement en provenance des États-Unis, et à encourager les partenariats technologiques avec des entreprises américaines. Il entend promouvoir l'investissement grâce à une approche plus intégrée et plus sectorielle, qui s'appuie sur la coopération entre le Ministère des Affaires étrangères et du Commerce international et les ministères et organismes qui sont leurs partenaires. À la suite du lancement de l'Initiative de représentation accrue par le gouvernement du Canada en septembre 2003, des missions commerciales visant la conclusion de partenariats technologiques — dans des domaines tels que la nanotechnologie, la photonique, les piles à hydrogène, les instruments médicaux et les produits de sécurité — sont organisées et mises en œuvre conjointement avec huit partenaires dans le cadre de l'Initiative de représentation accrue.

Aux États-Unis, les marchés de bon nombre d'États sont comparables à ceux de bien des pays industrialisés. De fait, le produit intérieur brut (PIB) de tous les États américains, y compris Hawaï et l'Alaska, sont comparables aux PIB de certains pays. Les membres du Cabinet du gouvernement canadien et d'autres hauts fonctionnaires du Canada demeurent en communication constante avec des interlocuteurs américains clés pour faciliter l'établissement de relations entre les autorités politiques et des chefs d'entreprises. Ces initiatives permettent de promouvoir les intérêts canadiens et de souligner l'attrait que représente le Canada pour les investisseurs.

Pour témoigner de l'importance de la relation entre nos deux pays, un nouveau comité permanent du Cabinet sur les relations canado-américaines présidé par le premier ministre a été créé pour instituer une nouvelle approche intégrée de nos relations à l'échelle des gouvernements. Un Secrétaire parlementaire du premier ministre (Canada-États-Unis) a également été nommé et jouera un rôle important dans l'élaboration des politiques.

sont gérées d'un point de vue international et où les importations, alimentées en partie par l'investissement direct à l'étranger, sont des intrants essentiels aux exportations. Étant donné le degré d'intégration élevé des industries canadiennes et américaines, le Canada et les États-Unis doivent travailler de concert pour renforcer la compétitivité de l'Amérique du Nord au sein de cette nouvelle économie d'approvisionnement international.

Bien que la très grande majorité (96 %) des marchandises échangées par le Canada et les États-Unis chaque jour soient admises en franchise de droits, la relation commerciale entre les deux pays n'est pas sans obstacle. Étant donné l'importance des échanges commerciaux entre ces deux pays, il n'est pas étonnant que des différends surviennent parfois. Un faible nombre de ces différends inquiète particulièrement le Canada, incluant ceux sur le bois d'œuvre résineux et l'amendement Byrd. Ces irritants ont des effets défavorables des deux côtés de la frontière.

De plus en plus, les entreprises canadiennes, américaines et mexicaines exploitent des chaînes d'approvisionnement et des réseaux de distribution qui s'étendent sur l'ensemble du continent. Environ le tiers des échanges commerciaux entre le Canada et les États-Unis sont des échanges internes, c'est-à-dire des échanges entre deux succursales d'une même entreprise. Le gouvernement du Canada entend faire tout en son pouvoir pour respecter et approfondir cette relation commerciale.

Accès aux marchés – résultats obtenus en 2004

- À l'occasion de la visite du président Bush à Ottawa, le 30 novembre 2004, le premier ministre Martin et le président Bush ont annoncé la création d'un nouveau partenariat qui donnera lieu à un programme visant à accroître la sécurité, la prospérité et la qualité de vie de leurs concitoyens.
- Le 17 décembre 2004, la vice-première ministre du Canada, l'honorable Anne McLellan, et le secrétaire de la Sécurité intérieure (Secretary of Homeland Security), M. Tom Ridge, ont annoncé un cadre de référence pour l'établissement d'un site de prédédouanement complet au poste de douane du Peace Bridge reliant Fort Erie et Buffalo. Étaient aussi annoncés l'élargissement du programme de prédédounanement aérien afin d'inclure l'aéroport d'Halifax, l'achèvement des réglements pour la mise en œuvre de l'accord sur les tiers pays sûrs et la poursuite de l'élaboration du Programme d'expéditions rapides et sécuritaires (EXPRES).
- Au même moment, le Canada s'est engagé à collaborer avec les États-Unis dans le cadre de la Container Security Initiative (Initiative de la sécurité des conteneurs), en assignant entre autres des agents de l'Agence des services frontaliers du Canada à des ports maritimes étrangers au plus tard en avril 2005, pour aider au ciblage et à la vérification des conteneurs d'expédition en route vers une destination nord-américaine.
- Le 30 novembre 2004, le projet pilote NEXUS Air a été mis en œuvre à l'aéroport international de Vancouver. Ce projet, qui fait appel à des technologies biométriques et s'adresse aux citoyens et résidents permanents du Canada et des Etats-Unis, accélère les formalités de douane et d'immigration.
- Le Canada et les États-Unis vont aussi de l'avant pour l'ouverture de centres d'inscription urbains du programme NEXUS (NEXUS Urban Enrollment Centres) à Seattle, Washington, et à Vancouver, en Colombie-Britannique.
- Dans le but de favoriser l'expansion du Programme d'expéditions rapides et sécuritaires (EXPRES), on a ouvert deux nouvelles voies réservées EXPRES : la première, le 20 octobre 2004, au poste frontalier de Pacific Highway (Colombie-Britannique/Blaine (Washington) vers le sud seulement, et la seconde, le 1er novembre 2004, au poste frontalier du Ambassador Bridge à Windsor/Detroit, dans les deux directions. Le programme EXPRES est maintenant en place dans les 12 postes frontaliers par lesquels transitent les volumes les plus considérables de marchandises.
- Le 7 novembre 2004, l'Administration des aliments et drogues des États-Unis (FDA – U.S. Food and Drug Administration) a annoncé qu'elle appliquerait dorénavant pleinement la règle finale provisoire visant les avis préalables et l'enregistrement en vertu de la Loi sur le bioterrorisme. L'entrée en vigueur graduelle de la règle finale provisoire avait commencé le 12 décembre 2003, la FDA et l'Agence des douanes et de la protection des frontères (CBP – Customs and Border Protection Agency) ayant tenu compte de nombreuses observations formulées par le Canada au moment de l'élaboration des règlements. La FDA a en outre réalisé des activités de renseignement et de sensibilisation à l'intention des protagonistes de l'industrie.
- Des missions commerciales visant la conclusion de partenariats technologiques – dans des domaines tels que la nanotechnologie, la photonique, les piles à hydrogène, les instruments médicaux et les produits de sécurité – ont été organisées et mises en œuvre conjointement avec huit partenaires dans le cadre de l'Initiative de représentation accrue.
- Le Canada et les États-Unis ont convenu d'élaborer un projet pilote permettant l'expédition de l'alcool industriel et de l'alcool combustible produit au Canada directement aux clients américains. Auparavant, ces produits devaient être expédiés à une usine américaine de fabrication d'eau-de-vie distillée, ou la taxe d'accises devait être payée au moment de l'entrée du produit aux États-Unis.
- Le 17 août 2004, les États-Unis devenaient le premier partenaire commercial du Canada à retirer les mesures de restrictions commerciales liées à la grippe aviaire contre la Colombie-Britannique.

Accès aux marchés – priorités du Canada pour 2005

- Continuer d'œuvrer en faveur de l'élimination des droits de douane s'appliquant au bois d'œuvre résineux canadien exporté aux États-Unis.
- Continuer d'inciter les États-Unis à abroger l'amendement Byrd, qui contrevient aux règles de l'OMC.
- En ce qui a trait à l'ESB, travailler avec l'administration des États-Unis afin d'assurer l'accès aux marchés pour les animaux vivants et les autres produits par le biais de la mise en œuvre des règles finales publiées en janvier 2005.

- Travailler avec l'administration des États-Unis à l'élaboration d'une deuxième série de règles permettant le retour à la normale complet des échanges commerciaux et donnant accès aux animaux et aux produits non couverts par les règles de janvier 2005.
- Poursuivre la mise en œuvre du Plan d'action pour une frontière intelligente entre le Canada et les États-Unis afin de créer une frontière efficace et sécuritaire ouverte au commerce mais fermée aux terroristes.
- Continuer d'œuvrer en faveur de l'élimination des droits de douane sur le blé canadien exporté aux États-Unis.
- Continuer de collaborer avec les protagonistes de l'industrie porcine canadienne et les gouvernements provinciaux afin de défendre les intérêts des exportateurs de porcs dans le cadre de l'enquête menée par le département américain du Commerce en ce qui concerne les droits compensateurs imposés sur les porcs vivants.
- Approfondir les occasions d'améliorer la collaboration avec les États-Unis en matière de réglementation.
- Veiller à ce que les États-Unis mettent en vigueur le Farm Act [législation sur l'agriculture] en conformité avec les engagements qu'ils ont contractés devant l'OMC en matière de soutien national et continuer d'inciter les États-Unis à éliminer complètement les nouvelles exigences concernant la mention obligatoire du pays d'origine sur les étiquettes (programme COOL).
- Continuer d'observer les changements apportés aux règlements sur l'électricité et à la loi sur l'énergie en vue de s'assurer que toutes les normes de sécurité en matière d'électricité sont établies conjointement par les autorités canadiennes et américaines.
- Poursuivre les efforts de sensibilisation visant à faire comprendre au gouvernement américain que les dispositions discriminatoires prises au niveau des États sur la quantité minimale d'énergie renouvelable vont à l'encontre de nos objectifs communs en matière d'environnement et de sécurité énergétique.
- Continuer à travailler de concert avec les services d'immigration des États-Unis et les entreprises canadiennes, et continuer de participer au Groupe de travail sur l'admission temporaire de l'ALENA en vue d'améliorer le mouvement transfrontalier des gens d'affaires.
- Continuer d'inciter le gouvernement américain à faciliter l'accès des fournisseurs canadiens aux marchés publics américains.
- Continuer d'inciter l'Agence des douanes et de la protection des frontières (CBP) et l'Administration des aliments et drogues (FDA) des États-Unis à adopter une approche plus uniforme pour l'établissement et la mise en place des mesures de préavis pour les expéditions qui entrent aux États-Unis, afin d'éviter toute perturbation inutile des échanges commerciaux.
- Continuer de surveiller l'incidence de la Loi sur le bioterrorisme sur les exportations canadiennes, et inciter la FDA et la CBP à harmoniser leurs règlements visant les avis préalables, de façon à éviter les obstacles non nécessaires au commerce.
- Continuer d'exercer des pressions auprès de divers États américains pour que l'imposition de taxes aux entreprises canadiennes se fasse d'une manière équitable, uniforme et conforme aux normes d'imposition internationales.
- Continuer de s'opposer à l'application extra-territoriale des lois et des réglementations américaines.
- Continuer d'élargir notre réseau de représentation aux États-Unis pour renforcer nos engagements stratégiques à l'égard des questions liées au commerce et à l'investissement.
- Continuer d'observer attentivement les mesures importantes qui sont susceptibles de fausser les échanges et les décisions en matière d'investissement sur le marché nord-américain, et réagir à ces mesures au besoin.
- Continuer de travailler au sein du Groupe de travail sur les règles d'origine de l'ALENA afin de réduire les coûts liés aux règles d'origine pour les échanges de biens entre le Canada et les États-Unis pour des secteurs tels que les produits chimiques, les produits pharmaceutiques, les plastiques et le caoutchouc, et les véhicules moteurs.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Bois d'œuvre résineux

L'industrie du bois d'œuvre résineux se classe parmi les plus importants exportateurs du Canada; en 2003, le Canada a exporté plus de 21 milliards de pieds-planche de bois d'œuvre à destination des États-Unis, ces exportations se chiffrant à près de 9 milliards de dollars canadiens.

En mai 2002, à l'issue d'une enquête sur le dumping et d'une enquête sur l'octroi de subventions menées par le département du Commerce des États-Unis, et après que la

Commission du commerce international des États-Unis (ITC – U.S. International Trade Commission) eut déterminé qu'il y avait « menace de préjudice », les États-Unis ont imposé des droits sur les importations de bois d'œuvre résineux en provenance du Canada. Entre mai 2002 et décembre 2004, les exportations canadiennes de bois d'œuvre résineux étaient sujettes à des taux de dépôt en espèces de 27,22 %. Depuis le 20 décembre 2004, lorsque les résultats de la première revue administrative des droits américains ont pris effet, ces exportations ont été assujetties à des taux de dépôt en espèces de 20,15 %. Les droits payés totalisent maintenant plus de 4 milliards de dollars canadiens.

Le gouvernement du Canada, les provinces et l'industrie canadienne du bois d'œuvre résineux suivent une stratégie sur deux fronts pour résoudre ce conflit : 1) des procédures judiciaires sous la forme de contestations des droits imposés par les États-Unis en vertu de l'ALENA, de l'OMC et à la Cour du commerce international (Court of International Trade – CIT) des États-Unis; et 2) des négociations avec l'administration fédérale américaine visant à s'entendre sur une solution durable. Le 30 novembre 2004, le premier ministre Martin et le président Bush se sont entendus sur la nécessité de résoudre ce différend.

Le gouvernement du Canada, les provinces et l'industrie sont engagés dans la recherche d'une solution durable à ce différend et, en ce sens, le Canada demeure ouvert à toute possibilité de nouvelles discussions. Le ministre du Commerce international, Jim Peterson, et les représentants du gouvernement fédéral ont entretenu des contacts réguliers avec leurs homologues américains tout au long de 2004. En janvier et en février 2005, les représentants des gouvernements fédéral et provinciaux ont rencontré des représentants américains et ont amorcé des discussions exploratoires afin de déterminer la faisabilité de la reprise des négociations et, le cas échéant, sur quelles bases. Le Canada poursuivra les discussions avec les États-Unis en vue de résoudre ce différend pour les meilleurs intérêts du Canada.

Tant que ce différend ne sera pas réglé de façon satisfaisante, le Canada continuera de contester, en vertu de l'ALENA, de l'OMC et du CIT, la détermination de dumping, de subventions et de préjudice des États-Unis. Les contestations de la détermination de préjudice en vertu de l'ALENA et de l'OMC demeurent les principaux défis du Canada d'ordre juridique, car si on conclut qu'il n'y avait pas menace de préjudice, les droits compensateurs et les droits antidumping devront être éliminés. En octobre 2004, le groupe spécial de l'ALENA chargé d'étudier la question du préjudice a confirmé la détermination négative de menace de préjudice de l'ITC. Cependant, le 24 novembre 2004, le représentant américain au Commerce a demandé qu'un Comité de contestation extraordinaire (CCE) soit formé afin de passer en revue la procédure d'examen du groupe spécial de l'ALENA qui s'est penché sur la détermination de menace de préjudice de l'ITC. Le CCE devrait rendre sa décision au printemps 2005. Si la décision du CCE est favorable au Canada, les États-Unis devront révoquer les ordonnances d'imposition de droits et rembourser avec intérêts les droits payés jusqu'à maintenant.

En mars 2004, à la suite d'une contestation par le Canada, un groupe spécial de l'OMC a rendu une décision selon laquelle la détermination de menace de préjudice originale de l'ITC était non conforme aux obligations en matière de commerce international des États-Unis. Le 24 novembre, l'ITC a émis une nouvelle détermination pour se conformer à la décision du groupe spécial de l'OMC, tout en maintenant sa détermination originale de menace de préjudice. Un organe de conformité de l'OMC a été établi afin d'évaluer la conformité de la nouvelle détermination de l'ITC par rapport à la décision du groupe spécial de l'OMC. Le Canada a aussi demandé l'autorisation de prendre des mesures de rétorsion contre les États-Unis d'un montant de 4,25 milliards de dollars. Les mesures de rétorsion ne seront considérées que si le Canada obtient du succès dans sa vérification de conformité. Finalement, le Canada conteste devant l'ALENA la nouvelle détermination de préjudice.

De plus, les États-Unis procèdent chaque année à une révision administrative des ordonnances d'imposition de droits antidumping et compensateurs. Dans le cadre de cette révision, les États-Unis examinent les droits antidumping et compensateurs imposés au cours des périodes précédentes et déterminent les taux de dépôt en espèces pour les expéditions à venir. Le 14 décembre 2004, le département du Commerce a publié les résultats finaux de ses premières révisions administratives et a décidé de ramener le total des droits antidumping et compensateurs de 27,22 % à 20,15 %. Les taux résultant des revues administratives ont pris effet le 20 décembre 2004 comme taux de dépôt en espèces pour les exportateurs canadiens. Le 19 janvier 2005, le Canada a demandé la révision de la revue administrative des droits antidumping à la CIT des États-Unis par un groupe d'experts de l'ALENA. Le 30 juin 2004, le département du Commerce a initié les deuxièmes revues des droits antidumping et compensateurs pour les envois de bois faits au cours de la période 2003-2004.

Le gouvernement fédéral continue de travailler avec les provinces, les intervenants de l'industrie, les missions aux États-Unis et les alliés américains pour faire la promotion d'une résolution durable de ce différend. Le gouvernement et ses partenaires dans la promotion des intérêts canadiens aux États-Unis désirent faire contrepoids au lobby américain du bois d'œuvre et, pour ce faire, ont cherché l'appui du secteur américain de la construction immobilière, des organisations de l'industrie et des consommateurs, ainsi que des législateurs de différents États et des membres du Congrès influents. Les efforts de promotion des intérêts canadiens met en évidence les effets négatifs que ce différend commercial a sur l'économie américaine, l'importance pour les États-Unis de respecter leurs obligations liées à l'ALENA et les bénéfices d'une économie nord-américaine intégrée. Le Canada et ses alliés ont utilisé toutes les occasions, aussi bien au niveau local que fédéral, pour disséminer leur message de promotion des intérêts liés au bois d'œuvre. Des alliés tels que l'Association américaine des constructeurs de maison (United States National Association of Home Builders – NAHB), Home Depot et les Consommateurs pour des maisons abordables (Consumers for Affordable Houses – ACAH), qui représentent plus de 95 % des utilisateurs et consommateurs américains de bois d'œuvre, ont joué un rôle important et ce, depuis longtemps, dans la transmission du message de défense des intérêts lié au bois d'œuvre auprès de l'administration américaine, du Congrès et des médias.

Le gouvernement du Canada est sensibilisé aux incidences du différend sur l'industrie forestière et sur les communautés canadiennes qui en dépendent et a mis à la disponibilité des travailleurs forestiers, de leur communauté et de l'industrie des programmes fédéraux d'aide s'élevant à 356 millions de dollars. Parmi ces mesures, citons les fonds mobilisés pour les travailleurs déplacés en vertu de programmes élargis de l'assurance-emploi, les activités de renforcement des capacités des communautés, les initiatives visant à rendre l'industrie plus compétitive, les programmes de recherche-développement et le financement d'un consortium de recherche sur la forêt boréale.

Le gouvernement du Canada maintient en tête de ses priorités en matière d'accès aux marchés l'objectif d'accès sans restrictions au marché américain du bois d'œuvre résineux canadien.

Encéphalopathie spongiforme bovine

À la suite de l'annonce du Canada de la découverte d'un premier cas d'encéphalopathie spongiforme bovine (ESB) le 20 mai 2003, les États-Unis ont interdit l'importation de ruminants et de produits de viande de ruminants en provenance du Canada. Les États-Unis sont notre principal marché d'exportation pour les bovins et la viande bovine. D'autres produits ont également été touchés par l'interdiction, soit le bison, le mouton et la chèvre.

Le 8 août 2003, les États-Unis ont annoncé leur décision de rouvrir la frontière au bœuf désossé provenant d'animaux de moins de 30 mois et à certains autres produits carnés en provenance du Canada. De plus, le 4 novembre 2003, le département américain de l'Agriculture (USDA) a annoncé l'élaboration d'un processus d'établissement de règles en vue de permettre l'importation d'animaux vivants et d'autres produits d'origine animale.

Le 4 janvier 2005, le département de l'Agriculture a publié sa règle définitive pour permettre l'accès d'animaux vivants et d'autres produits d'origine animale dans le Registre fédéral des États-Unis devant entrer en vigueur le 7 mars 2005. L'application de la règle permettra l'accès de bovins sur pied et de bisons de moins de 30 mois destinés à l'abattage immédiat ou à l'engraissement et à l'abattage des bêtes avant qu'elles n'aient atteint l'âge de 30 mois; de moutons et de chèvres de moins de 12 mois destinés à l'abattage immédiat ou à l'engraissement et à l'abattage des bêtes avant qu'elles n'aient atteint l'âge de 12 mois; de la viande et des carcasses provenant de bovins de moins de 30 mois dont aura été retiré le matériel à risque spécifié (MRS); de la viande et des carcasses de moutons et de chèvres provenant d'animaux de moins de 12 mois; et de certains autres produits de viande. La règle de janvier ne permet pas l'accès pour des bovins sur pied de plus de 30 mois destinés à l'abattage immédiat ou à d'autres exploitations (p. ex. la reproduction ou l'industrie laitière). L'accès pour d'autres produits fera l'objet d'une règle subséquente.

À l'origine, la règle devait permettre, au moment de son entrée en vigueur le 7 mars, l'accès pour la viande bovine sans égard à l'âge de l'animal. Cependant, le 9 février 2005, le secrétaire américain à l'Agriculture annonçait un report du délai pour permettre l'importation de viande provenant d'animaux de 30 mois ou plus. Il indiquait du même coup avoir demandé à ses hauts fonctionnaires de faire diligence dans l'élaboration d'un plan en vue de permettre l'importation d'animaux âgés de 30 mois et plus destinés à l'abattage et de viande de bœuf provenant d'animaux de 30 mois et plus comme prochaine étape dans la reprise des échanges. Ces importations seront traitées dans une règle subséquente.

Le 10 janvier 2005, le Fonds pour l'action légale des ranchers et éleveurs de l'association des Éleveurs unis d'Amérique (Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America – R-CALF) a entamé une poursuite au niveau de la Cour de district des États-Unis (U.S. District Court) pour obtenir une injonction déclarant la règle illégale et empêchant l'importation de bovins canadiens et de leurs produits. Le 31 janvier 2005, R-CALF a demandé une injonction préliminaire afin d'empêcher l'USDA de mettre en œuvre la règle de janvier jusqu'à ce que la légitimité de cette règle soit étudiée en entier par la Cour. Cette injonction a été accordée le 2 mars 2005, et demeurera en vigueur jusqu'à ce que la Cour de district des États-Unis entende les arguments légaux de la poursuite de R-CALF, ou jusqu'à ce que l'injonction soit rejetée en appel.

Grippe aviaire

À la suite de l'annonce de l'Agence canadienne d'inspection des aliments le 9 mars 2004 d'un cas de grippe aviaire hautement pathogène dans la vallée du Fraser, en Colombie-Britannique, les États-Unis ont imposé des mesures contre les produits de volaille de la Colombie-Britannique. D'autres partenaires commerciaux du Canada ont aussi imposé des mesures contre la Colombie-Britannique, et dans certains cas contre le Canada en entier. Le 17 août 2004, les États-Unis devenaient le premier partenaire commercial du Canada à retirer les mesures de restrictions commerciales liées à la grippe aviaire contre la Colombie-Britannique.

Questions systémiques liées aux recours commerciaux

Le Canada continue de surveiller de près l'évolution de la politique américaine au chapitre des recours commerciaux afin de s'assurer que les nouvelles règles adoptées et les réglementations existantes mises en œuvre par les États-Unis sont conformes à leurs obligations commerciales internationales. À cet égard, le Canada continue de présenter des observations précises au sujet de la clarification des pratiques du département américain du Commerce relatives à l'établissement des droits. Ces éléments pourraient avoir des conséquences hautement préjudiciables pour de nombreux exportateurs canadiens dans le cadre d'enquêtes futures sur les droits antidumping. Le Canada a aussi présenté des observations au sujet de nouvelles procédures de certification proposées par les États-Unis pour les enquêtes sur les droits compensateurs. Le gouvernement du Canada a présenté des observations aux autorités américaines chargées de faire enquête sur l'opportunité d'adopter des recours commerciaux contre certains produits canadiens. Par exemple, il a formulé des réponses élaborées et présenté des observations relativement à l'enquête menée par le département du Commerce des États-Unis à propos des programmes concernant les porcs vivants canadiens (plus de détails sur ce dossier dans les pages qui suivent). De plus, le gouvernement continue de suivre l'évolution des différends concernant des produits canadiens en vertu du chapitre 19 (Examen et règlement des différends en matière de droits antidumping et compensateurs) de l'ALENA. Il a défendu les intérêts du Canada dans le cadre de la procédure de contestation extraordinaire infructueuse entamée par les États-Unis relativement à la décision du groupe spécial constitué en vertu du chapitre 19 de l'ALENA, qui ordonnait au département du Commerce d'éliminer les droits antidumping appliqués au magnésium pur provenant du Canada.

Comme l'a fait valoir le Canada à la réunion de la Commission de juillet 2004, les ministres du Commerce ont reconnu le bien-fondé des dispositions de l'ALENA relatives au règlement des différends et réaffirmé leur engagement à l'égard de l'application intégrale de ces dispositions. De plus, le Canada ne manque jamais une occasion de rappeler à ses partenaires de l'ALENA qu'il y va de l'intérêt des trois États parties de faire en sorte que les décisions des comités spéciaux soient respectées et appliquées comme il se doit si l'on veut protéger l'intégrité de l'Accord. Le premier ministre Martin a réitéré ce message auprès du président Bush lors de leur rencontre du 30 novembre 2004. Le premier ministre et le président ont convenu que les gouvernements devraient étudier le chapitre 19 (Examen et règlement des différends en matière de droits antidumping et compensateurs) pour s'assurer de son bon fonctionnement.

Amendement Byrd

Le 28 octobre 2000, le président Clinton a donné force de loi à la Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 [loi de 2001 sur les crédits alloués à l'agriculture, au développement rural, à l'Administration des aliments et drogues et aux organismes connexes] dont fait partie la Loi de 2000 sur la compensation pour continuation du dumping et maintien de la subvention (amendement Byrd). En vertu de l'amendement Byrd, les droits antidumping et compensateurs versés sont distribués aux protagonistes des industries qui ont appuyé les demandes présentées pour qu'une enquête soit menée en vue de l'imposition de droits antidumping ou compensateurs. Avant l'entrée en vigueur de l'amendement Byrd, les droits versés étaient remis au Trésor américain.

Le Canada estime, et l'OMC est de la même opinion, que ces paiements sont incompatibles avec les obligations des États-Unis découlant des accords de l'OMC qui régissent les droits antidumping et les subventions. En effet, ces paiements constituent un recours contre des mesures de dumping ou des subventions préjudiciables qui ne sont pas prévus dans ces accords. L'amendement Byrd permet donc aux producteurs américains de profiter d'une double mesure corrective, parce qu'ils bénéficient non seulement de l'imposition de droits antidumping et compensateurs sur les importations concurrentes, mais aussi de versements directs du gouvernement des États-Unis lorsque celui-ci leur distribue ces droits. Les exportations canadiennes sont donc frappées d'une double pénalité en raison de l'adoption de recours commerciaux par les États-Unis. En outre, l'amendement Byrd incite les entreprises américaines à demander l'imposition de droits antidumping et compensateurs, au détriment des intérêts des exportateurs canadiens. En conséquence, de concert avec dix autres membres de l'OMC (l'Australie, le Brésil, le Chili, la Corée du Sud, l'Inde, l'Indonésie, le Japon, le Mexique, la Thaïlande et l'Union européenne), le Canada a contesté, avec succès, l'amendement Byrd devant l'OMC.

Les États-Unis ont obtenu un délai de 11 mois (jusqu'au 27 décembre 2003) pour se conformer à la décision de l'OMC. Ce pays ayant omis de s'y conformer, le 26 janvier 2004, le Canada, ainsi que le Brésil, le Chili, la Corée du Sud, l'Inde, le Japon, le Mexique et l'Union européenne ont demandé l'autorisation d'appliquer des mesures de rétorsion à l'encontre des États-Unis afin de protéger leurs droits découlant des accords de l'OMC. Les États-Unis ont contesté cette demande, et un processus d'arbitrage de sept mois a été entamé. Le 31 août 2004, l'arbitre de l'OMC a autorisé les plaignants membres de l'OMC à appliquer des mesures de rétorsion d'une valeur équivalant à au plus 72 % de la somme versée sur leurs exportations respectives. Ce coefficace a été obtenu au moyen d'un modèle économique conçu par l'OMC pour mesurer l'effet de l'amendement Byrd sur les partenaires commerciaux des États-Unis. Enfin, le 26 novembre 2004, l'OMC a donné au Canada l'autorisation finale d'appliquer des mesures de rétorsion à l'encontre des États-Unis, qui n'avaient toujours pas révoqué l'amendement Byrd. Les autres plaignants membres de l'OMC ont aussi reçu l'autorisation d'appliquer des mesures de rétorsion.

En réponse au refus répété des États-Unis de révoquer l'amendement Byrd, le gouvernement du Canada a lancé, le 23 novembre 2004, une campagne de consultations publiques au sujet de la liste des produits susceptibles de faire l'objet de mesures de rétorsion. Ces consultations, qui ont généré des réponses provenant de multiples parties intéressées, se sont terminées le 20 décembre 2004. Le gouvernement du Canada étudie présentement ces commentaires et prendra une décision à ce sujet le plus rapidement possible. Pour plus de détails à propos de l'amendement Byrd, consultez le site Web du Ministère à *www.international. gc.ca/tna-nac/disp/byrd-main-fr.asp*.

Enquêtes américaines sur des recours commerciaux contre des produits canadiens

Blé

En 2003, les États-Unis ont publié des ordonnances d'imposition de droits compensateurs et de droits antidumping totalisant 14,15 % relativement au blé de force roux de printemps importé du Canada. Le gouvernement canadien et d'autres intervenants canadiens ont contesté devant l'ALENA la détermination en matière de droits compensateurs par laquelle s'est soldée l'enquête sur certains programmes gouvernementaux menée par le département du Commerce des États-Unis. De plus, la Commission canadienne du blé a contesté devant l'ALENA la détermination de préjudice de la Commission du commerce international des États-Unis (ITC) concernant le blé de force roux de printemps. Dans les deux cas, les arguments des parties canadiennes ont été présentés par écrit aux groupes spéciaux de l'ALENA chargés de revoir la détermination en matière de droits compensateurs et ont été présentés de vive voix à l'occasion d'audiences des groupes spéciaux. Le rapport du groupe spécial de l'ALENA chargé de revoir la détermination en matière de droits compensateurs était attendu à la fin de janvier 2005, mais a été retardé. La décision du groupe spécial de l'ALENA sur la détermination de préjudice est attendue en juin 2005.

Magnésium

Le gouvernement du Canada continue de surveiller la situation entourant l'affaire sur les droits compensateurs imposés de longue date par les États-Unis sur le magnésium canadien et participe aux examens de révision administratifs annuels de ces droits par le département américain du Commerce. Dans ce contexte, il faut préciser que le gouvernement suit attentivement le déroulement des contestations déposées en vertu de l'ALENA à l'encontre de la décision des États-Unis, en 2000, d'étendre l'application de ces droits compensateurs. À cette fin, le Canada était très engagé dans la contestation extraordinaire infructueuse déposée par les États-Unis devant l'ALENA le 24 septembre 2003, contestant la décision d'un groupe spécial constitué aux termes du chapitre 19 de l'ALENA et intimant le département américain du Commerce de mettre fin aux droits antidumping sur les importations de magnésium pur canadien.

Porcs vivants

Le 8 avril 2004, le département du Commerce des États-Unis a entrepris des enquêtes sur le dumping et sur les subventions relativement aux importations de porcs vivants en provenance du Canada, en réponse à une pétition déposée par le Conseil national des éleveurs de porcs des États-Unis (NPPC – U.S. National Pork Producers Council). Le NPPC allègue que l'industrie porcine canadienne profite de programmes fédéraux et provinciaux de subventions donnant matière à compensation et qu'elle vend ses porcs aux États-Unis à des prix inférieurs aux prix moyens demandés au Canada.

Le 17 août 2004, le département du Commerce a publié sa décision préliminaire en matière de droits compensateurs. Le département du Commerce s'est prononcé en faveur du Canada et a déterminé que le porc vivant canadien n'était pas injustement subventionné. Comme la décision préliminaire est favorable au Canada, aucun droit compensateur temporaire n'est appliqué sur le porc vivant importé du Canada pendant la poursuite de l'enquête.

Le 15 octobre 2004, le département du Commerce a publié sa décision préliminaire en matière de droits antidumping. Le département du Commerce a conclu que le porc vivant canadien est vendu aux États-Unis à des prix inférieurs aux prix pratiqués sur le marché canadien ou inférieurs aux coûts totaux. Chacun des trois exportateurs canadiens mis en cause dans l'enquête sur le dumping du département du Commerce s'est vu imposer des droits précis à son entreprise. Les États-Unis ont imposé des droits de 14,06 % à tous les autres exportateurs canadiens.

Le département du Commerce doit publier ses décisions finales le 7 mars 2005. Le gouvernement du Canada est la principale entité visée par l'enquête sur les subventions. L'industrie porcine canadienne est la principale entité visée par l'enquête sur le dumping, qui porte sur les pratiques de fixation des prix d'entreprises du secteur privé.

Le U.S. Farm Act

Le gouvernement du Canada continue d'être sérieusement préoccupé par le contenu du *Farm Security and Rural Investment Act* [loi sur la sécurité dans l'agriculture et l'investissement rural], aussi appelé Farm Act [législation agricole]. Le Canada s'inquiète particulièrement de l'accroissement du soutien interne ayant des effets de distorsion sur le commerce ainsi que des exigences concernant la mention obligatoire du pays d'origine sur l'étiquette. L'accroissement du soutien interne va à l'encontre des objectifs qui ont été convenus pour les négociations de l'OMC sur l'agriculture, afin de réduire de façon substantielle le soutien interne ayant des effets de distorsion sur les échanges. Le gouvernement surveille la mise en œuvre de cette loi afin de s'assurer que les États-Unis respectent leurs engagements sous l'OMC pour le soutien interne. Il va continuer de suivre ce dossier et fera part de ses préoccupations au Congrès et à l'administration américaine au fur et à mesure que la loi sera mise en application. En outre, le gouvernement du Canada, de concert avec ses partenaires canadiens et ses alliés américains, poursuivra ses efforts de défense des intérêts canadiens aux États-Unis afin de faire connaître les perturbations que la disposition sur la mention obligatoire du pays d'origine sur les étiquettes occasionnera au commerce intégré des produits agricoles entre nos deux pays.

Mention du pays d'origine sur les étiquettes

Le Farm Act de 2002 a institué de nouvelles exigences concernant la mention obligatoire du pays d'origine sur les étiquettes des produits obligeant certains détaillants américains de produits alimentaires (soit les détaillants titulaires d'un permis en vertu du U.S. Perishable Agricultural Commodities Act) à afficher au point de vente les renseignements relatifs au pays d'origine des denrées visées par la loi. Parmi ces denrées, mentionnons le bœuf (y compris le veau), l'agneau, le porc, le poisson, les fruits de mer, les denrées agricoles périssables et les cacahuètes. Les nouvelles exigences obligent en outre les détaillants à afficher les renseignements relatifs à la méthode de production du poisson et des fruits de mer (pêche ou aquaculture). Les produits vendus dans les établissements de services alimentaires, de même que les ingrédients utilisés dans la production d'aliments transformés ne sont pas assujettis aux nouvelles exigences.

Le 30 septembre 2004, le service de commercialisation des produits agricoles du département de l'Agriculture des États-Unis (USDA) a publié la Règle finale intérimaire sur la mention obligatoire du pays d'origine sur les étiquettes des produits de poisson et de fruits de mer vendus au détail, qui entrera en vigueur le 4 avril 2005. L'entrée en vigueur des nouvelles exigences a été remise au 30 septembre 2006 pour tous les autres produits visés par la loi.

Le Canada estime que les nouvelles exigences concernant la mention obligatoire du pays d'origine sur les étiquettes des produits sont mal fondées et imposent un écrasant fardeau financier à l'industrie, sans que le consommateur en tire un avantage réel. La mention obligatoire du pays d'origine sur les étiquettes pourrait avoir des effets de distorsion affectant les prix susceptibles d'affecter tous les secteurs de l'industrie de la viande rouge. Par ailleurs, les coûts de mise en conformité avec cette législation pourraient amoindrir la compétitivité de l'industrie nord-américaine sur les marchés mondiaux.

Le gouvernement du Canada, les provinces et territoires, l'industrie et les parties prenantes américaines qui partagent le point de vue du Canada vont poursuivre leurs efforts pour défendre les intérêts de ce secteur d'activité aux États-Unis, démontrer les effets néfastes que pourraient avoir les nouvelles exigences sur le marché nord-américain intégré et exhorter les États-Unis à les abandonner.

Pour consulter des documents à jour sur les nouvelles exigences concernant la mention obligatoire du pays d'origine sur les étiquettes des produits, consultez le site Web à *www.ams.usda.gov/cool/*.

Électricité

L'administration américaine souscrit à l'accroissement des échanges transfrontières d'électricité et s'emploie à réformer les mécanismes américains qui ont une incidence sur le commerce. La loi américaine sur l'énergie et l'établissement de normes de sécurité obligatoires en matière d'électricité pourraient toutefois soulever des questions importantes sur le commerce de l'électricité. Le Canada insiste pour que l'élaboration de futures normes éventuelles et la mise sur pied d'un organisme de sécurité et d'autoréglementation indépendant, piloté par l'industrie, soient effectuées conjointement par les autorités américaines et canadiennes. La version actuelle du projet de loi reflète d'ailleurs cette approche. Le Groupe de surveillance bilatéral de l'ERO (organisme responsable de la fiabilité du réseau électrique) déploie des efforts dans le but de garantir que l'ERO fonctionne des deux côtés de la frontière et qu'il ne crée pas des obstacles artificiels au commerce de l'électricité.

Le Canada demeure préoccupé par certaines dispositions prises au niveau des États sur la quantité minimale d'énergie renouvelable. En effet, certaines d'entre elles pourraient être utilisées pour exclure des sources d'énergie renouvelable d'origine canadienne, notamment l'hydroélectricité, ce qui risque d'entraver l'accès du Canada au marché américain. En l'absence d'une législation fédérale assurant un traitement équitable des sources d'électricité renouvelables canadiennes et américaines, les États américains pourraient prendre des mesures incompatibles avec les accords commerciaux en vigueur. Le Canada a déployé des efforts pour défendre ses intérêts et pour sensibiliser les États-Unis, d'une part, à l'existence d'un marché de l'électricité nord-américain et, d'autre part, aux effets qu'auraient des mesures discriminatoires sur ce marché, qui iraient par ailleurs à l'encontre de nos objectifs communs en matière d'environnement et de sécurité énergétique.

Cette restructuration du secteur pourrait faire surgir de nouveaux risques pour les exportateurs canadiens d'électricité sur le marché américain; toutefois, elle ouvre aussi de nouveaux débouchés commerciaux par la création de nouveaux marchés et de nouvelles structures de marché, par l'innovation en matière de services ainsi que par une demande croissante d'énergie.

Subventions à la construction d'un pipeline

Le Canada s'inquiète de certaines propositions relatives au projet, adopté en octobre 2004, visant la construction d'un nouveau pipeline qui permettrait d'acheminer le gaz naturel de la baie Prudhoe, en Alaska, aux 48 États « contigus ». Le Canada n'est toujours pas certain de l'incidence des garanties de prêts et autres mesures incitatives offertes sur la construction du pipeline. Le Canada s'oppose toujours à la mise en place d'un mécanisme de soutien des prix du gaz naturel provenant de l'Alaska.

Le Canada est, par nécessité, partenaire de ce projet, étant donné que tout pipeline reliant l'Alaska aux 48 États contigus doit transiter par le Canada. Le Canada souhaite voir se concrétiser le projet d'exploitation du gaz naturel en Alaska, mais croit que c'est au secteur privé de décider de la nature du pipeline et du moment où il conviendrait de le construire. Le Canada estime également que le secteur privé est le mieux placé pour décider de son tracé, sous réserve des procédures d'examen réglementaire et environnemental. L'administration Bush a également adopté une position neutre relativement au tracé du projet de pipeline en Alaska.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES SERVICES

Services financiers

La loi Gramm-Leach-Bliley, adoptée en 1999, est la plus importante loi que les États-Unis aient adoptée depuis des décennies dans le secteur des services financiers. Elle permet aux institutions financières étrangères de se constituer en sociétés financières de portefeuille et d'exercer des activités qui leur étaient interdites auparavant. En ce qui a trait à la prestation de services de part et d'autre de la frontière, le Canada poursuit ses efforts pour faire en sorte que les règles du jeu dans le secteur des valeurs mobilières soient équitables, et poursuit ses discussions bilatérales avec les États-Unis à ce chapitre. En outre, comme l'exige l'ALENA, le Canada, les États-Unis et le Mexique se rencontrent régulièrement pour discuter de questions afférentes aux services financiers.

À la suite de récents cas notoires de carences de personnes morales, le gouvernement des États-Unis a adopté la loi Sarbanes-Oxley de 2002. Cette loi de grande portée est destinée à instaurer un climat de confiance à l'égard des marchés financiers américains. Le gouvernement fédéral œuvre activement pour que les sociétés canadiennes ouvertes cotées en bourse aux États-Unis, ainsi que les cabinets canadiens d'expertise comptable qui vérifient les entreprises cotées en bourse aux États-Unis, soient traités sur un pied d'égalité et que, dans la mesure du possible, ils ne subissent pas de façon trop excessive les conséquences de la nouvelle législation américaine.

Télécommunications

Bien que des problèmes surviennent parfois, les fournisseurs de services canadiens arrivent généralement à obtenir les autorisations réglementaires et les permis nécessaires à la fourniture de services de télécommunications aux États-Unis sans délais déraisonnables, ce qui est très important pour les entreprises canadiennes qui offrent de tels services sur le marché américain ou qui souhaitent le faire. Par conséquent, le Canada continuera de surveiller attentivement l'exécution par les États-Unis de leurs engagements pris dans le cadre de l'OMC.

Transport maritime

Un ensemble de lois maritimes regroupées sous l'appellation de Jones Act établit une série de limites à la participation étrangère dans l'industrie maritime nationale des États-Unis. La principale préoccupation du Canada concerne les exigences américaines qui limitent fortement l'utilisation des navires de construction canadienne dans l'industrie maritime américaine. De plus, les armateurs américains bénéficient d'une variété de subventions et d'autres mesures de soutien. Ces restrictions, y compris celles qui sont liées à l'amendement Byrnes Tollefson dans le domaine de la défense (qui interdit au département de la Défense des États-Unis de construire des navires, des pièces importantes de la coque ou de la superstructure, ou de réparer, remettre en état ou faire l'entretien de la coque d'un navire dans un chantier naval étranger), limitent l'accès des Canadiens au marché américain du transport maritime et de la construction navale. Le Canada entend tirer parti de toutes les occasions qui se présenteront pour aborder la question des exigences de construction américaine dans le domaine du transport maritime.

Autorisations de séjour temporaire

La facilitation des séjours temporaires des gens d'affaires aux États-Unis en vue de favoriser tant l'investissement que le commerce des services et des biens demeure un dossier prioritaire. Le Canada continue de discuter avec les États-Unis de questions plus vastes relatives à la gestion du contrôle frontalier par le biais du processus de la frontière intelligente. L'ALENA contient des dispositions détaillées relatives aux autorisations de séjour temporaire qui favorisent le mouvement transfrontalier de quatre catégories de gens d'affaires, soit les gens d'affaires en visite, les personnes mutées au sein d'une même société, les professionnels, et les négociants et les investisseurs. À l'heure actuelle, le Groupe de travail sur l'admission temporaire de l'ALENA travaille en vue de faciliter le mouvement transfrontalier des gens d'affaires et d'élaborer une approche trilatérale en vue d'accroître le nombre de professions couvertes par l'ALENA. Récemment, les actuaires et les phytopathologistes, entre autres, ont été ajoutés à la liste. De plus, un accord a été convenu pour poursuivre le travail de couverture de l'ALENA visant à y inclure davantage de professionnels dans le domaine de la technologie de l'information.

En dépit du chapitre 16 de l'ALENA, de dispositions générales sur l'immigration et du travail effectué dans le cadre du Plan d'action pour une frontière intelligente, l'admission temporaire aux États-Unis demeure une préoccupation. Des retards à la frontière ou des interdictions d'entrée peuvent entraîner des pertes pour les entreprises et des dépenses supplémentaires pour les gens d'affaires, les employeurs et leurs clients. Il semble que les gens d'affaires canadiens ne connaissent pas ou ne comprennent pas parfaitement les dispositions de l'ALENA portant sur les déplacements frontaliers. Les représentants du gouvernement poursuivent leurs efforts afin que les gens d'affaires canadiens acquièrent une meilleure connaissance des dispositions de l'ALENA, et continuent de travailler de concert avec les autorités américaines de l'immigration en vue d'aplanir les difficultés relatives à l'admission temporaire aux États-Unis.

SURVEILLANCE DES FAITS NOUVEAUX TOUCHANT LES INTÉRÊTS DU CANADA

Comité consultatif canado-américain sur l'agriculture

Le Comité consultatif canado-américain sur l'agriculture (CCCA) a été créé à l'issue du Protocole d'entente de 1998 entre les gouvernements du Canada et des États-Unis concernant certains secteurs du commerce agricole. Le CCCA est un cadre permanent qui vise à améliorer la gestion des relations bilatérales sur l'agriculture. Plus précisément, il instaure un mécanisme étendu d'alerte rapide et de consultation pour résoudre les problèmes émergents dès leur apparition. Le CCCA se réunit tous les six mois sous la forme d'une tribune de haut niveau où s'échangent des points de vue dans la perspective de renforcer les relations commerciales entre le Canada et les États-Unis dans le secteur agricole. Il facilite la collaboration et la coordination sur des questions agricoles, comme par exemple le commerce et l'accès au marché des produits agricoles, et les mesures sanitaires et phytosanitaires.

Le Groupe consultatif étatique-provincial (GCEP) établi entre le Canada et les États-Unis sous l'égide du CCCA lance également des initiatives visant à renforcer la collaboration et la coordination dans des domaines d'intérêt commun aux deux pays. Le GCEP constitue également une tribune où les producteurs et les exportateurs, par l'intermédiaire de leur gouvernement provincial ou de l'administration de leur État, peuvent lancer des sujets de débats sur le commerce bilatéral agricole. Le GCEP se réunit généralement tous les six mois et renvoie certaines questions à l'examen du CCCA. Ce dernier encourage également les groupes conjoints bilatéraux de ce secteur à lui faire connaître leurs opinions sur des questions commerciales, particulièrement celles qui ont trait au commerce bilatéral.

Plus le commerce agricole se développera entre le Canada et les États-Unis, plus le CCCA servira de mécanisme charnière pour aborder au plus vite les questions commerciales susceptibles d'opposer le Canada et les États-Unis dans le domaine de l'agriculture, en collaboration avec les provinces et les principales parties concernées.

Législation sur le bioterrorisme

Le 12 juin 2002, le président des États-Unis George Bush a promulgué le Public Health Security and Bioterrorism Preparedness and Response Act of 2002 [BTA - loi de 2002 sur la sécurité de la santé publique, l'état de préparation et la capacité d'intervention en cas de bioterrorisme]. L'objectif déclaré du BTA est d'améliorer la capacité des États-Unis à prévenir le bioterrorisme et autres situations d'urgence touchant la santé publique, à s'y préparer et à y réagir.

L'Administration des aliments et drogues des État-Unis (FDA) a publié quatre règles en vertu du BTA : 1) la déclaration préalable; 2) l'enregistrement; 3) la consignation administrative; et 4) l'établissement et la tenue de dossiers. Ces nouvelles exigences s'appliquent aux produits importés tels les animaux vivants, le poisson, les fruits et légumes frais, les produits laitiers, les produits de boulangerie et les aliments pour animaux. Les produits tels que la viande, la volaille et les œufs en coquille relèvent exclusivement du département de l'Agriculture des États-Unis et ne sont pas couverts par les règles adoptées par la FDA.

Les règles finales provisoires concernant la déclaration préalable et l'enregistrement sont entrées en vigueur le 12 décembre 2003 et ont été pleinement appliquées à partir du 7 novembre 2004. Ces règles imposent : 1) l'obligation de signaler électroniquement, à l'avance, chaque cargaison de produits alimentaires ou d'aliments pour animaux exportés vers les États-Unis ou transitant par les Etats-Unis; et 2) l'obligation d'enregistrer auprès de la FDA toutes les installations canadiennes où l'on fabrique, transforme, conditionne ou consigne des aliments destinés à la consommation humaine ou animale aux États-Unis, et de désigner un agent résidant aux États-Unis. Le Canada a présenté des observations officielles sur ces deux règles provisoires.

La règle finale concernant la consignation administrative, publiée le 4 juin 2004, autorise la FDA à consigner les produits alimentaires et les aliments pour animaux pour lesquels existent des preuves ou des renseignements crédibles qu'ils présentent un danger de conséquences néfastes graves pour la santé des humains ou des animaux ou qu'ils pourraient causer leur mort. Cette règle s'applique à tous les produits alimentaires et les aliments pour animaux aux États-Unis, quelle que soit leur origine.

Le 6 décembre 2004, la FDA a publié la règle finale concernant l'établissement et la tenue de dossiers par toutes les personnes résidant aux États-Unis et s'occupant de la production de produits alimentaires ou d'aliments pour animaux. Cette règle impose en outre l'obligation d'établissement et de tenue de dossiers à tous les Canadiens s'occupant du transport de produits alimentaires ou d'aliments pour animaux à destination des États-unis ou transitant par les États-Unis. Ces dossiers doivent être conservés pendant au moins six mois (selon le type de produits), être présentés dans les 24 heures suivant une demande de consultation, et permettre l'identification de la personne ou de l'entreprise qui avait les aliments en sa possession immédiatement avant la personne tenant les dossiers, et de la personne ou de l'entreprise qui les avait en sa possession immédiatement après.

Le gouvernement du Canada appuie les objectifs visés par la BTA, mais considère que sa mise en œuvre et la mise en conformité des entreprises canadiennes entraîneront des coûts réels et pourraient créer une certaine confusion chez les exportateurs. La FDA et l'Agence des douanes et de la protection des frontières (CBP) ont tenu compte de nombreuses observations présentées par le Canada; ils ont élaboré un calendrier de mise en œuvre graduelle et organisé des activités de renseignement et de sensibilisation à l'intention des protagonistes de l'industrie. La FDA a affirmé qu'elle tiendrait compte de toutes les observations présentées au moment de l'élaboration de la version finale des règles, qui doivent être publiées en juin 2005.

Pour des renseignements à jour sur les règlements adoptés par la FDA en vertu de la BTA, veuillez consulter le site Web d'Agriculture et Agroalimentaire Canada, à *http://ats.agr.gc.ca/us/bioterrorism_f.htm.*

Règles d'origine

Le 1er janvier 2003, le Canada et les États-Unis ont mis en œuvre des mesures afin de libéraliser les règles d'origine de l'ALENA concernant sept produits dont les boissons alcoolisées, le pétrole et les résidus de première distillation. La Commission du commerce de l'ALENA (y compris le Mexique) avait approuvé ces changements en 2002, et ils ont été mis en œuvre au niveau trilatéral le 15 juillet 2004, après que le Sénat mexicain les a ratifiés. Ces modifications, réclamées par les associations industrielles au Canada, aux États-Unis et au Mexique, ont permis aux exportateurs de se mettre plus facilement en conformité avec les règles d'origine et de profiter du traitement en franchise prévu par l'ALENA. La compétitivité des exportateurs canadiens s'en est trouvée accrue, notamment dans l'industrie pétrolière, qui a exporté des produits pétroliers pour plus de 25 milliards de dollars aux États-Unis en 2004.

Lors de la rencontre de la Commission de l'ALENA en juillet 2004, les ministres ont paraphé une série de mesures sur la libéralisation des règles d'origine pour une vaste gamme de produits alimentaires, de consommation et industriels, touchant environ 20 milliards de dollards américains en commerce trilatéral. Le Canada et les États-Unis ont mis en œuvre ces mesures le 1er janvier 2005, alors que le Mexique devrait mettre ces mesures en œuvre rapidement au cours de 2005. Le travail est bien avancé trilatéralement afin d'explorer l'étendu d'une entente pour la libéralisation d'un second groupe de règles d'origine. Cette nouvelles série de mesures serait mise en application en janvier 2006, et couvrirait des secteurs tels que les produits chimiques, les produits pharmaceutiques, les plastiques et le caoutchouc, et les véhicules à moteur.

Certification forestière

Depuis quelques années, la demande en provenance des États-Unis pour des produits du bois certifiés ne cesse de croître. Cette demande est attisée en partie par la décision récente de quelques gros distributeurs américains d'accorder la préférence aux produits du bois certifiés. L'industrie forestière canadienne répond à cette demande récente en intensifiant ses activités de certification des forêts et des produits du bois. En juin 2004, plus de 57 millions d'hectares de forêts canadiennes avaient été certifiés par des tierces parties en vertu d'un des trois systèmes de certification et de gestion de l'environnement en vigueur au Canada. D'ici 2006, on entend certifier 136 millions d'hectares en vertu de l'un de ces systèmes de certification.

Le Canada est favorable à la certification pour autant qu'elle constitue un instrument commercial non contraignant visant la promotion de la gestion durable des forêts. La certification ne doit cependant pas faire obstacle à l'accès aux marchés. Le Canada redoute en particulier toute mesure qui exigerait que les procédés et les méthodes de production soient obligatoirement mentionnés sur l'étiquette des produits forestiers alors qu'ils peuvent être sans rapport avec les caractéristiques du produit. Il juge également préoccupantes les politiques d'achat susceptibles d'être adoptées par de grandes entreprises américaines ou par des administrations locales en vertu desquelles tous les produits doivent obligatoirement porter l'étiquette d'un programme de certification donné, à l'exclusion de tout équivalent. Le Canada continuera de contrôler l'accès de ses produits aux principaux marchés pour s'assurer que la certification demeure une démarche volontaire pour les intervenants du marché et que les critères suivis pour évaluer les produits canadiens sont compatibles avec les valeurs forestières canadiennes.

La certification contribuera davantage à la gestion durable des forêts quand tous les systèmes de certification équivalents seront reconnus sur le marché. Pour cette raison, le Canada se range à l'opinion de ceux qui proposent l'équivalence et la reconnaissance mutuelle de divers systèmes de certification du même type. Le Canada estime également qu'il faut pouvoir disposer d'une diversité de systèmes de certification pour pouvoir répondre aux besoins propres à chaque producteur et contrer les risques de monopoles. Dans ce contexte, le Canada continuera d'encourager et d'appuyer la reconnaissance et la diversité des systèmes de certification forestière.

Marine Mammal Protection Act

Le *Marine Mammal Protection Act* (MMPA) [loi sur la protection des mammifères marins] interdit l'importation de presque tous les produits à base de mammifères marins aux États-Unis, y compris les produits canadiens issus du phoque. Le Canada estime que l'interdiction d'importer des phoques et des produits issus du phoque ne saurait se justifier par des motifs de préservation puisque la loi s'applique à une espèce qui n'est pas menacée. D'après les estimations, on compte au Canada 5,2 millions de phoques du Groenland et 460 000 phoques à crête. Le gouvernement canadien soutient les efforts de toutes les collectivités qui dépendent de la chasse au phoque et continuera de les consulter afin de trouver les meilleures solutions à cette interdiction d'importation imposée par les États-Unis. Le Canada a fait part de ses préoccupations au gouvernement américain concernant cette interdiction et continuera d'agir dans ce sens.

AUTRES DOSSIERS

Marchés publics

Le Canada continuera d'inciter les États-Unis à faciliter l'accès des fournisseurs canadiens aux marchés publics américains. À l'heure actuelle, les exemptions américaines en vertu du chapitre 10 de l'ALENA et de l'Accord de l'OMC sur les marchés publics empêchent les fournisseurs canadiens de présenter des soumissions sur un large éventail de contrats dans divers secteurs clés. Les programmes de marchés publics réservés aux petites entreprises et aux entreprises appartenant à des groupes minoritaires coûtent particulièrement cher aux entreprises canadiennes, tout comme la préférence accordée aux produits américains (« Buy America »). De plus, tant les lois en vigueur depuis longtemps que les dispositions législatives spéciales, tels que les projets de loi sur les autorisations de la Défense présentés au cours des exercices 2004 et 2005, ainsi que les conditions afférentes aux programmes de financement, limitent l'accès des fournisseurs canadiens. La nécessité de leur assurer un accès élargi et plus sûr au marché américain, au niveau fédéral, des États, ainsi qu'au niveau local, demeure une question primordiale pour les gouvernements provinciaux canadiens dans leur réflexion sur la possibilité d'ouvrir les marchés publics provinciaux du Canada.

Marchés réservés aux petites entreprises

Le gouvernement du Canada demeure préoccupé par le recours fréquent et imprévisible aux exceptions prévues au chapitre 10 de l'ALENA et à l'Accord de l'OMC sur les marchés publics en ce qui concerne les marchés réservés aux petites entreprises. Les fournisseurs canadiens font face à la possibilité omniprésente que des clients gouvernementaux ayant développé et approvisionné avec succès des marchés leur ferment la porte en invoquant ces mesures de réserve. Aux États-Unis, la définition d'une petite entreprise varie selon les secteurs, mais dans le secteur de la fabrication, elle correspond généralement à une entreprise comptant moins de 500 salariés (le seuil va jusqu'à 1 500 salariés dans d'autres secteurs). Pour une société de services, le seuil est fixé à un revenu annuel maximal de 17 millions de dollars américains – ces seuils étant fixés par le Système de classification des industries de l'Amérique du Nord (SCIAN). D'après les données des exercices 2000 et 2001, les départements et les organismes fédéraux américains n'ont pas atteint leur objectif, qui était d'accorder 23 % de leurs contrats à des petites entreprises. On a donc adopté de nouvelles directives d'application des programmes existants, et l'Administration des petites entreprises (Small Business Administration) a exercé des pressions sur les organismes fédéraux afin qu'ils atteignent l'objectif fixé. Par ailleurs, le gouvernement américain exige que les soumissions des entrepreneurs et des principaux sous-traitants, dans le cadre de projets dont la valeur est supérieure à 500 000 $US, incluent des dispositions sur l'octroi d'une partie de leurs travaux en sous-traitance à de petites entreprises américaines. Le Canada s'inquiète du fait que ces dispositions de sous-traitance entravent l'accès des Canadiens au marché américain. Il continuera de faire pression sur le gouvernement américain à cet égard. En 2001, environ 39 % des contrats de sous-traitance ont été remportés par de petites entreprises, et l'objectif a été fixé à 40 % pour 2004, ce qui représente une importante restriction de l'accès au marché pour les sociétés canadiennes.

« Buy America »

Les dispositions incitant à l'achat de produits et de services américains sont largement appliquées sur les marchés publics fédéraux américains qui ne sont visés ni par l'ALENA ni par l'Accord de l'OMC sur les marchés publics, ainsi que sur les marchés qui ont été exclus de ces accords en vertu des exceptions concernant les marchés réservés aux petites entreprises. Les dispositions incitant à l'achat de produits et de services américains, notamment les tarifs préférentiels sur les matériaux de provenance américaine, désavantagent sérieusement les produits et services canadiens lorsque les soumissions, qu'elles soient présentées par un fournisseur américain ou canadien, prévoient le recours total ou partiel à des produits ou services canadiens.

Dispositions incitant à l'achat de produits et de services américains – Marchés publics non fédéraux financés par l'administration fédérale

L'allocation des marchés publics non fédéraux, mais financés par l'administration fédérale américaine, est assortie de dispositions incitant à l'achat de produits et de services américains; c'est-à-dire que le financement accordé par le gouvernement fédéral américain à des organismes d'État ou municipaux est conditionnel à l'achat de produits et de services américains. Le Canada poursuit ses efforts pour essayer d'améliorer l'accès des entreprises canadiennes aux marchés des États et aux marchés municipaux importants, entre autres dans les domaines des infrastructures de transport en commun, de la construction de routes et de l'aéronautique.

Aux États-Unis, presque tous les grands projets de transport sont financés par le gouvernement fédéral, mais administrés par les États et les administrations locales ou par des organismes du secteur privé. Le *Transportation Equity Act for the 21st Century* [loi sur l'équité dans les transports pour le XXI[e] siècle], connue sous le nom de TEA-21, prévoit le financement de tels projets jusqu'à la fin de l'exercice 2005. L'Agence fédérale des autoroutes (FHWA – Federal Highway Administration) et l'Agence fédérale des transports en commun (Federal Transit Administration) accordent des fonds en vertu du TEA-21 aux États et aux administrations locales, de même qu'aux autorités du secteur des transports pour des projets de cette nature, à condition que ces derniers aient recours à du matériel et à de l'équipement américains. Dans les projets financés par la FHWA, tous les produits de fer et d'acier, ainsi que leur revêtement, doivent être de fabrication entièrement américaine. Dans le cas des projets financés par la Federal Transit Administration, l'intégralité des produits de l'acier et des matériaux de fabrication doivent être issus à 100 % de matières premières d'origine américaine. Les pièces de matériel roulant (trains, autocars, traversiers, trolleybus, etc.) doivent être constituées à 60 % de matières premières américaines et le montage final doit être effectué aux États-Unis. En 1998, la codification et la définition de « montage final », auparavant

DÉFENSE DES INTÉRÊTS CANADIENS AUX ÉTATS-UNIS

Le Canada travaille activement à l'avancement de ses intérêts aux États-Unis par le biais d'activités ciblées de défense de ses intérêts. Il adopte entre autres des stratégies et des messages personnalisés et soutenus relativement aux enjeux clés, tout en exploitant pleinement tous les réseaux d'influence disponibles pour faire avancer les positions canadiennes auprès des autorités américaines. Par exemple, aux États-Unis, nos représentants déploient des efforts coordonnés pour tenter d'influer sur le processus américain de prise de décision par le biais de contacts stratégiques avec le Congrès, l'administration des États-Unis, les gouvernements des États, les leaders d'opinion, les protagonistes de l'industrie, les médias, les universitaires et les organismes non gouvernementaux (ONG). Ces efforts déployés en vue de défendre les intérêts canadiens sont appuyés par une collaboration interministérielle active au Canada, de même que par des partenariats avec les gouvernements provinciaux et territoriaux, les parlementaires, les municipalités, les protagonistes de l'industrie, les établissements d'enseignement et les syndicats. À cet égard, le Canada a établi à l'ambassade du Canada à Washington un nouveau secrétariat dont le mandat est de collaborer avec les provinces, les territoires et les parlementaires dans le but de favoriser la réussite des activités de sensibilisation entreprises auprès d'interlocuteurs américains clés.

Le 1er mars 2005, le Canada a tenu à Capitol Hill (Washington D.C.) une journée de défense des intérêts dans le cadre de la Journée du partenariat Canada-États-Unis, un événement pour « accueillir » le 109e Congrès. À cette occasion, le ministre Peterson conduisait une délégation constituée de parlementaires, de ministres provinciaux et territoriaux, ainsi que des représentants du secteur privé dans le but d'attirer l'attention des législateurs et de leur personnel sur l'importance de la relation Canada-États-Unis et pour souligner des thèmes précis, tels que la compétitivité de l'Amérique du Nord et le besoin de résoudre les différends commerciaux. D'autres événements survenus ces dernières années ont mis en relief l'importance, pour le Canada, de défendre ses intérêts concernant des enjeux prioritaires clés tels la frontière, l'EBS, le bois d'œuvre résineux, l'agriculture, le blé, l'énergie, l'environnement et certains volets clés des politiques sociales. Les diverses campagne de sensibilisation ont employé des moyens concrets pour garder la frontière ouverte et assurer les mouvements de personnes et de biens, entre autres en élaborant des systèmes de détection rapide des lois et règlements pouvant être défavorables aux intérêts du Canada, en mobilisant les hauts fonctionnaires, en collaborant avec les protagonistes de l'industrie afin de mieux faire connaître les positions du Canada à nos alliés américains, et en soulignant la contribution du Canada à l'économie américaine, le Canada étant le fournisseur d'énergie le plus important et le plus fiable des États-Unis.

laissées à la discrétion de l'organisme acheteur, a réduit encore plus les chances des fournisseurs canadiens de participer à de tels projets.

Des conditions similaires s'appliquent aux projets d'aéroport qui reçoivent un financement de l'Agence fédérale de l'aviation (Federal Aviation Administration), comme l'autorise le *Airport and Airways Facilities Improvement Act* [loi sur l'amélioration des aéroports et des installations portuaires]. Dans de tels projets, tous les matériaux d'acier et tous les produits manufacturés doivent être composés à 60 % de matières premières américaines et le montage final doit être effectué aux États-Unis. Le Canada continuera de demander une amélioration de l'accès aux marchés publics dans ces domaines.

Préférences des États et des administrations locales

Les États et les administrations locales ont le droit d'appliquer des principes de préférence dans l'attribution des marchés publics. Par exemple, en 2000, l'État de New York a modifié sa législation et a ajouté les fournisseurs du Québec et de l'Ontario à une liste de plusieurs États américains dont les fournisseurs ne sont pas admissibles aux marchés publics de l'État de New York. Les fournisseurs québécois et ontariens ont cependant été radiés de cette liste en 2001. De plus, les marchés publics attribués par les États et les administrations locales, mais financés par le gouvernement fédéral, sont assujettis à de nombreuses dispositions prévoyant d'accorder la préférence à l'achat de produits américains. Le Canada demeure préoccupé par le fait que ce principe de préférence limite l'accès au marché et le rend imprévisible pour les fournisseurs

INITIATIVE DE REPRÉSENTATION ACCRUE

Dans le discours du Trône prononcé à l'automne 2002, on annonçait un renforcement de la présence consulaire du Canada aux États-Unis dans le but d'accroître l'équité et la sécurité du commerce.

Peu de temps après, le budget de février 2003 réservait des crédits à une initiative visant à accroître la capacité du Canada à défendre ses intérêts et à favoriser l'expansion de ses activités commerciales aux États-Unis dans le contexte d'une économie nord-américaine de plus en plus intégrée.

Moins d'un an plus tard, l'Initiative de représentation accrue (IRA) voyait le jour. Cette initiative permet au Canada de tirer parti des occasions et des innovations sur le marché américain, tout en reconnaissant les centres de pouvoir politique et économique qui émergent dans le sud et le sud-ouest du pays. Pour défendre ses intérêts actuels, promouvoir le commerce et l'investissement, et attirer les sciences et les technologies (objectifs qui revêtent tous un caractère essentiel pour sa prospérité), le Canada a besoin de plus de ressources sur le terrain pour établir des relations avec les personnalités influentes et former des réseaux de collecte de renseignements sur les marchés.

L'IRA, qui est le fruit d'une approche pangouvernementale, est un partenariat horizontal entre huit ministères et organismes du gouvernement fédéral. Collaborent ainsi avec le Ministère des Affaires étrangères et du Commerce international, Agriculture et Agroalimentaire Canada, l'Agence de promotion économique du Canada atlantique, l'Agence de développement économique du Canada pour les régions du Québec, Industrie Canada, le Conseil national de recherches du Canada et le ministère de la Diversification de l'économie de l'Ouest. Grâce à la synergie créée par les liens reliant ces partenaires clés, l'IRA permet au gouvernement du Canada de cibler ses ressources en fonction de ses priorités et d'utiliser les ressources communes de ces partenaires au profit de l'économie.

Grâce à l'IRA, le nombre de bureaux du Canada aux États-Unis est passé de 15 à 22. Le consulat du Canada à Miami est devenu un consulat général, et il devrait en être de même en 2005 pour le consulat du Canada à San Francisco. Un nouveau consulat général a été établi à Denver, et des consulats ont ouvert leurs portes dans d'autres régions d'importance commerciale et politique comme Houston, San Diego, Raleigh-Durham, Phoenix, Philadelphie et Anchorage.

Le partenariat de l'IRA gère en outre un réseau de 20 consuls honoraires dans le but de faciliter la défense des intérêts du Canada et l'atteinte de ses objectifs en matière d'expansion commerciale dans d'importantes villes américaines où aucun diplomate canadien n'est en poste. Huit des 20 consuls ont déjà été nommés dans les villes suivates : Cleveland (Ohio), Memphis (Tennessee), New Orleans (Louisiane), Omaha (Nebraska), Pittsburgh (Pennsylvanie), Portland (Maine), Portland (Oregon) et Richmond (Virginie).

D'autres fonctionnaires en poste dans diverses missions aux États-Unis renforcent davantage la capacité du Canada à défendre ses intérêts relativement à des enjeux économiques et politiques essentiels.

canadiens. Il continuera donc à exercer des pressions pour obtenir l'élimination des principes de préférence appliqués par les États et les administrations locales.

Modifications législatives et réglementaires

La réglementation des marchés publics civils et militaires, qui peut nuire à l'accès des fournisseurs canadiens à ces marchés, est constamment modifiée. Le Canada continue d'inciter le gouvernement américain à clarifier et à modifier les incompatibilités susceptibles de survenir entre les obligations qu'il a contractées en signant l'ALENA et certaines procédures d'achat qui semblent limiter la participation canadienne aux marchés publics. Celles-ci comprennent entre autres des méthodes d'acquisition simplifiées pour tous les achats publics inférieurs à 100 000 $US et pour les achats de produits commerciaux dont la valeur ne dépasse pas 5 millions de dollars américains. Une récente loi sur les marchés publics du département américain de la Sécurité intérieure élargit les possibilités de recourir à ces procédures d'acquisition simplifiées. Le Canada redoute également la propension

NOUVEAU PARTENARIAT

Lors de la visite du président George W. Bush au Canada les 30 novembre et 1er décembre 2004, le premier ministre et le président se sont engagés à intensifier la collaboration en Amérique du Nord et dans le monde. Ils ont convenu de travailler bilatéralement sur les questions prioritaires intéressant le Canada et les États-Unis et de poursuivre une étroite collaboration avec le Mexique sur les questions d'importance trilatérale. Les deux dirigeants ont également annoncé un nouveau partenariat en vue de mettre au point un programme destiné à accroître la sécurité, la prospérité et la qualité de vie des citoyens des deux côtés de la frontière. Le 23 mars 2005, les dirigeants de l'ALENA se sont rencontrés à Waco au Texas et ont annoncé le partenariat pour la sécurité et la prospérité de l'Amérique du Nord. Ce partenariat s'appuie sur l'initiative du nouveau partenariat et constitue un effort trilatéral pour accroître la sécurité, la prospérité et la qualité de vie des Nord-américains. Cette initiative est basée sur le principe que notre sécurité et notre prospérité sont interdépendantes et complémentaires et elle reflètera notre croyance commune dans la liberté, les occasions économiques et les institutions et les valeurs démocratiques fortes. Ce partenariat aidera aussi à consolider nos actions au sein d'un cadre nord-américain afin d'affronter les défis liés à la sécurité et à l'économie tout en favorisant l'atteinte du plein potentiel de nos peuples.

Le programme de ce partenariat comporte quatre volets : Sécurité, Prospérité, Qualité de la vie et Au-delà de l'Amérique du Nord. Le volet Sécurité vise des objectifs tels que l'amélioration de la collecte de renseignements, la sécurité à la frontière, l'infrastructure et le renouvellement de l'entente du NORAD (Commandement de la défense aérienne de l'Amérique du Nord). Le volet Prospérité a pour but d'appliquer une approche commune en matière de partenariats, de normes consensuelles et de réglementation intelligente, et d'accélérer les efforts visant à libéraliser les règles d'origine prévues dans l'ALENA. Le volet Qualité de la vie traite de la coopération en matière d'environnement et de santé publique, et le volet Au-delà de l'Amérique du Nord porte sur la collaboration entre le Canada et les États-Unis sur des questions telles que la lutte contre le terrorisme, les institutions démocratiques, les crises humanitaires, les maladies infectieuses et la coopération multilatérale, y compris l'achèvement rapide de l'ambitieux Programme de Doha pour le développement.

Aux termes de ce nouveau partenariat, le Canada et les États-Unis entendent poursuivre leurs efforts conjoints en ce qui a trait à l'Accord sur la frontière intelligente afin de sécuriser la circulation des personnes et des biens en Amérique du Nord, et de garder nos frontières ouvertes au commerce mais fermées au terrorisme. Le gouvernement du Canada est résolu à réaliser un juste équilibre pour ce qui est de sécuriser la frontière tout en facilitant la circulation transfrontalière des marchandises et des services à faible risque.

Le premier ministre et le président ont également convenu d'améliorer les possibilités économiques en rendant les entreprises plus compétitives sur le marché international. L'économie d'aujourd'hui s'appuie de plus en plus sur un modèle où la conception et la production sont gérées dans un environnement mondial et où les importations, assujetties en partie à l'investissement direct à l'étranger, sont un préalable essentiel aux exportations. Compte tenu du caractère intégré des industries, le Canada et les États-Unis doivent travailler de concert pour renforcer la concurrence nord-américaine dans cette nouvelle économie.

À cette fin, le premier ministre Martin et le président Bush ont convenu de charger leurs fonctionnaires de travailler de concert à l'élaboration de normes et de règlements ayant pour but de favoriser l'efficacité et la compétitivité des industries, tout en améliorant la santé et la sécurité de leurs citoyens.

Les deux dirigeants ont également convenu d'accélérer les efforts en vue de réduire les coûts liés aux règles d'origine qui s'appliquent aux biens échangeables entre les deux pays. L'ALENA a donné lieu à une solide assise pour que des efforts soient déployés à cet égard. À la réunion de juillet 2004 de la Commission de l'ALENA, les ministres ont approuvé un ensemble de mesures visant à libéraliser les règles d'origine en ce qui concerne un large éventail de produits alimentaires, de produits de consommation et de produits industriels représentant environ 20 milliards de dollars américains d'échanges trilatéraux. Au Canada et aux États-Unis, ces mesures d'assouplissement des règles d'origine sont entrées en vigueur le 1er janvier 2005, et elles devraient prendre effet au Mexique plus tard dans l'année. Les trois pays poursuivent rondement le travail entrepris conjointement pour déterminer la portée d'un accord sur une seconde étape de la libéralisation des règles d'origine qui entrerait en vigueur en janvier 2006, dans des domaines tels que les produits chimiques, les produits pharmaceutiques, les plastiques et le caoutchouc, ainsi que les véhicules automobiles.

des législateurs américains à incorporer ponctuellement, selon les besoins du moment, des dispositions restrictives de ce genre dans les lois, telles que les lois de crédits. Ces mesures, souvent liées à des produits particuliers, semblent être prises sans qu'on ait vraiment évalué la possibilité qu'elles puissent entrer en contradiction avec les obligations commerciales internationales.

Déchets

Le gouvernement du Michigan a tenté de limiter l'importation de déchets urbains solides en provenance du Canada, et le Congrès étudie actuellement un projet de loi permettant aux États de limiter les entrées de déchets provenant d'autres États ou de l'étranger. Toute restriction des exportations canadiennes de déchets urbains solides par les États-Unis aurait des effets dévastateurs pour l'Ontario, et la prise de recours commerciaux en vertu de l'OMC prendrait trop de temps pour être efficace, étant donné que la capacité de stockage de déchets solides de Toronto et d'autres municipalités n'est que de quelques jours. De plus, le département de la Sécurité intérieur (Department of Homeland Security) examine actuellement le processus d'inspection des camions transportant des déchets urbains solides qui entrent aux États-Unis à partir du Canada en fonction des risques de sécurité que posent ces camions. Le fait de réserver un traitement particulier aux camions à ordures en les soumettant à des inspections spéciales pourrait causer bien des retards à la frontière et créer un dangereux précédent. Le Canada tente toujours de convaincre les États-Unis de travailler en collaboration à la gestion écologique des déchets, sans égards aux frontières, et en conformité avec l'Accord entre les États-Unis et le Canada concernant les déplacements transfrontaliers de déchets dangereux.

Mexique

Aperçu

Les facteurs fondamentaux de l'économie mexicaine sont solides et l'engagement du Mexique envers le libre-échange demeure fort. Le Mexique reconnaît la réussite de l'Accord de libre-échange nord-américain (ALENA) et veut s'inspirer de cet accord pour relever les défis qui se posent dans d'autres régions du monde, notamment en Asie.

L'ALENA a été une réussite pour les trois pays qui y sont parties. Selon Statistique Canada, le Mexique constituait, en 2004, le 5^{e} marché d'exportation en importance pour les produits canadiens et la 3^{e} source d'importation du Canada. En 2004, la valeur des échanges bilatéraux de marchandise entre le Canada et le Mexique s'élevait à 16,4 milliards de dollars. L'ALENA a aussi donné lieu à une hausse de l'investissement étranger direct. Selon le ministère de l'Économie du Mexique, en 2003, l'investissement étranger direct (IED) réalisé au Mexique s'est chiffré à 143,9 milliards de dollars, et le Canada se classait au 5^{e} rang des investisseurs directs étrangers au Mexique. Actuellement, près de 1 400 entreprises canadiennes possèdent des bureaux au Mexique ou y sont représentés par des agents. L'IED réalisé par le Mexique au Canada est relativement faible, mais ne cesse de croître.

Au cours des dix dernières années, le Mexique s'est activement efforcé d'accomplir des progrès sur la base de l'ALENA, en mettant sur pied un vaste ensemble de 12 accords de libre-échange, en vertu desquels il offre un accès préférentiel à 43 pays sur trois continents, entre autres un accord de libre-échange avec le Japon qui devrait entrer en vigueur au printemps 2005. Le Mexique participe activement aux négociations relatives au Programme de Doha pour le développement et à la Zone de libre-échange des Amériques. Le Mexique a également établi un dialogue avec ses partenaires commerciaux de l'Amérique du Sud et a entrepris, en 2004, des négociations avec le Mercosur en vue de devenir un membre associé de cette organisation. En 2004, le gouvernement a annoncé l'adoption d'une série de mesures visant à accroître la compétitivité du Mexique, à renforcer son développement économique et à faire du pays un grand centre manufacturier mondial. Le Mexique prévoit entre autres une réduction des droits de douane s'appliquant à certains produits et devant être versés par ses partenaires commerciaux avec lesquels il n'a pas conclu d'accord de libre-échange. Le Mexique considère qu'il est urgent qu'il procède à une telle réduction des droits de douane s'il tient à conserver sa part du marché américain et d'autres marchés. Si le Mexique réduit ses droits NPF, les exportateurs canadiens pourraient avoir à soutenir la concurrence de pays avec lesquels le Mexique n'a pas conclu d'accord de libre-échange. Bien que le gouvernement affirme que ces réductions ont fait l'objet de négociations avec les protagonistes des industries nationales, certains s'opposent toujours à une ouverture unilatérale de l'économie par le

PARTENARIAT CANADA-MEXIQUE

En octobre 2004, le Canada a accueilli l'une des plus importantes délégations officielles à avoir visité le pays ces dernières années lorsque le président du Mexique, M. Vicente Fox Quesada, est venu au Canada à la tête d'une délégation de huit ministres, de parlementaires, de représentants des médias et d'un groupe considérable de gens d'affaires mexicains pour les besoins d'une visite de travail. Le point saillant de cette visite a été le lancement du Partenariat Canada-Mexique (PCM), un forum de dialogue de haut niveau entre les secteurs public et privé, qui rassemblera les chefs de file des milieux des affaires, les universitaires et les hauts responsables des orientations politiques afin de mettre en place des réseaux et des partenariats stratégiques, de faciliter la coopération et de multiplier les possibilités de développement économique et d'investissement.

Le PCM servira de mécanisme pour identifier les secteurs dans lesquels la coopération pourrait être améliorée et favoriser les occasions de développement économique et d'investissement, en ayant comme objectif d'améliorer nos compétitivités en tant qu'économies nord-américaines. Le PCM est une entente de coopération qui complétera l'ALENA et qui ne fera pas double emploi par rapport aux efforts déployés par d'autres forums ou d'autres organisations. Les leaders en titre du PCM sont le premier ministre Martin et le président Fox, qui recevront régulièrement des rapports sur les progrès réalisés. L'approche quadripartite adoptée, à laquelle participeront les secteurs privé et public des deux pays (en tenant compte des suggestions d'universitaires), mettra l'accent sur l'avancement des initiatives.

Pour entamer le processus du PCM, on a créé un groupe d'orientation binational composé de protagonistes clés, qui a élaboré un plan d'action en mars 2005. On prévoit que certains groupes de travail auront déjà obtenu, en juin 2005, des résultats relativement aux possibilités de coopération initialement recensées. D'autres domaines de coopération seront évalués et choisis lorsque le partenariat aura pris de l'ampleur.

biais de ce qui est considéré par plusieurs comme le dernier bastion du protectionnisme mexicain : les droits NPF.

L'agriculture demeure un secteur dans lequel le renforcement du protectionnisme cause des inquiétudes, et c'est pourquoi l'ALENA et son incidence sur le secteur agricole sont maintenant sous les feux des projecteurs. Après la conclusion d'un accord national sur l'agriculture, négocié en 2003 avec les agriculteurs mexicains, le gouvernement s'est engagé à utiliser tous les instruments à sa disposition pour protéger l'industrie agricole, entre autres en mettant en place un plus grand nombre d'obstacles non tarifaires au commerce. Par conséquent, un nombre accru d'enquêtes sur le dumping et sur les mesures de sauvegarde ont été entreprises, des règlements d'application obligatoire ont été adoptés et des droits et autres frais ont été perçus sur les importations.

Accès aux marchés – résultats obtenus en 2004

- Le Canada a négocié des conditions d'importation avec le Mexique dans le but de permettre l'importation de divers produits agricoles, y compris des viandes, des aliments pour animaux domestiques et des céréales.
- En 2004, au sujet de l'ESB, le Mexique a accepté de reprendre les échanges commerciaux pour quelques produits du bœuf additionnels incluant la viande de veau (désossé ou non désossé) provenant d'animaux de moins de neuf mois; les tripes, les joues, et les produits de viande contenant du bœuf et du bœuf préparé (marinés ou autrement préparés) provenant d'animaux de moins de 30 mois; du sérum embryonnaire bovin; le suif pour usage industriel; la nourriture pour animaux domestiques; les abats de chèvre (tête); et la viande, les carcasses et les viscères de chèvre et de mouton.
- En avril 2004, le Mexique a accepté de retirer ses mesures liées à la grippe aviaire pour la viande de canard en provenance du Canada.
- En juillet 2004, le Canada et le Mexique ont signé un plan de travail en vue de la reprise des exportations à destination du Mexique de pommes de terre de semence provenant de toutes les régions du Canada.
- Les travaux en vue de la conclusion d'un accord de reconnaissance mutuelle (ARM) des ingénieurs se sont poursuivis; d'autres professions (actuaires et phytopathologistes) ont été ajoutées à la liste.

- En juillet 2004, le Mexique a adopté une série de mesures visant à assouplir les règles d'origine de l'ALENA s'appliquant à sept produits, pour que les exportateurs de ces produits puissent plus facilement profiter d'un traitement en franchise en vertu de l'ALENA.

Accès aux marchés – priorités du Canada pour 2005

- Surveiller les aspects clés de la législation mexicaine pouvant avoir une incidence sur l'accès au marché mexicain des produits canadiens, entre autres les modifications apportées à la loi mexicaine sur la santé animale dans le but d'exiger l'inspection au Mexique des animaux vivants importés dans ce pays.
- Poursuivre les discussions avec le Mexique, et avec les États-Unis lorsque cela est approprié, afin d'obtenir le retrait de toutes les mesures commerciales liées à l'ESB, incluant celles encore en place sur les produits du bœuf (bœuf non désossé et viande bovine provenant d'animaux âgés de plus de 30 mois) et du bétail (incluant les bovins de reproduction pour la production laitière).
- Continuer à faire des interventions auprès du Mexique afin d'obtenir le retrait de toutes les mesures commerciales restantes liées à la grippe aviaire s'appliquant contre les produits de volaille en provenance du Canada.
- S'assurer que les règlements techniques obligatoires tels la NOM 194 sur la viande et la NOM 66 sur le fusionnement obligatoire des réglementations concernant les animaux et les produits d'origine animale, ne font pas obstacle au commerce et ne contreviennent pas aux obligations commerciales internationales du Mexique.
- Surveiller de près la législation mexicaine sur la biosécurité afin de s'assurer que les intérêts du Canada n'en subissent pas les contrecoups.
- Continuer de surveiller de près le différend entre le Mexique et les États-Unis portant sur le sucre et le sirop de maïs à haute teneur en fructose afin de protéger les intérêts du Canada.
- Aider les fournisseurs canadiens sur toute question liée à l'application du chapitre 10 (Marchés publics) de l'ALENA par les organismes gouvernementaux et les sociétés d'État du Mexique; surveiller le gouvernement mexicain et exercer des pressions sur ce dernier pour tout problème systémique identifié dans le système d'administration des marchés publics mexicains.
- Collaborer avec les associations professionnelles canadiennes souhaitant améliorer leur accès au marché mexicain.
- Surveiller la mise en œuvre par le Mexique des mesures d'assouplissement des règles d'origine, et œuvrer à l'ajout de produits à la liste des produits visés par ces mesures.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada d'un cas d'encéphalopathie spongiforme bovine (ESB) en Alberta le 20 mai 2003, le Mexique, comme d'autres partenaires commerciaux, a interdit l'importation de bovins, de bœuf et de leur produit en provenance du Canada. Le 8 août 2003, le Mexique a annoncé qu'il reprendrait les importations de bœuf désossé provenant d'animaux de moins de 30 mois et de certains autres produits. En octobre 2003, une certification finale avait été convenue entre les autorités canadiennes et mexicaines, permettant la reprise des échanges commerciaux. Au cours de 2004, le Mexique a accepté de reprendre les échanges commerciaux pour certains produits du bœuf additionnels, tels que la viande de veau (désossé ou non désossé) provenant d'animaux de moins de 9 mois; les tripes, les joues, et les produits de viande contenant du bœuf et du bœuf préparé (marinés ou autrement préparés) provenant d'animaux de moins de 30 mois; du sérum embryonnaire bovin; le suif pour usage industriel; la nourriture pour animaux domestiques; les abats de chèvre (tête); et la viande, les carcasses et les viscères de chèvre et de mouton. Le Canada travaille avec les autorités américaines et mexicaines afin d'assurer la reprise des échanges commerciaux pour des produits du bœuf additionnels et les bovins vivants. Le Mexique a laissé entendre qu'il est disposé à rouvrir sa frontière aux importations de bovins canadiens vivants et aux autres produits du bœuf si cela ne compromet pas leur statut par rapport à l'ESB pour les États-Unis et donc ne restreindra pas ses exportations vers le marché des États-Unis. Des discussions bilatérales et trilatérales sont toujours en cours afin de résoudre ces questions.

Grippe aviaire

À la suite de l'annonce de l'Agence canadienne d'inspection des aliments, le 9 mars 2004, d'un cas de grippe aviaire hautement pathogène dans la vallée du Fraser, en Colombie-Britannique, le Mexique a interdit l'importation des produits de volaille en provenance du Canada (à l'exception des produits de volaille cuits soumis à la pasteurisation ou à une température d'au moins 60 °C pendant 10 minutes, et aux produits de volaille certifiée biologique pour l'utilisation vétérinaire). D'autres partenaires commerciaux du Canada ont aussi imposé des mesures contre le Canada, mais certains partenaires ont limité ces mesures à la volaille en provenance de la Colombie-Britannique. Au début du mois d'avril 2004, le Mexique a accepté de rétablir l'accès pour la viande de canard en provenance du Canada. Cependant, le Mexique continue d'interdire les importations d'autres produits de volaille en provenance du Canada.

Nouveau règlement technique obligatoire visant la viande

Le ministère mexicain de la Santé (Salud) a publié, le 18 septembre 2004, un nouveau règlement technique obligatoire (NOM 194) qui établissait de nouvelles dispositions sanitaires concernant la viande mexicaine et la viande importée. Ce règlement technique obligatoire doit entrer en vigueur un an après la date de sa publication. Une des principales inquiétudes liées à ce règlement est l'exigence d'application du principe de tolérance zéro concernant la présence de *Salmonella* dans la viande non cuite, une exigence qui ne repose sur aucun principe scientifique objectif et qui va à l'encontre des protocoles d'échantillonnage internationaux. Le Canada est intervenu à plusieurs reprises auprès du ministère afin de discuter de ses préoccupations concernant ce règlement et lui a présenté des observations écrites à ce sujet. Le ministère mexicain de la Santé s'était engagé à étudier les observations présentées par le Canada et à le consulter avant de publier le règlement, mais a publié le règlement sans en avertir préalablement le Canada et sans tenir compte de ses observations. Le Canada continuera d'exercer des pressions sur le ministère mexicain pour veiller à ce que la NOM proposée ne porte pas préjudice aux exportateurs de viande canadiens qui vendent leurs produits au Mexique et que cette NOM respecte les obligations internationales du Mexique en matière de commerce.

Fusionnement des exigences d'importation s'appliquant aux animaux et aux produits d'origine animale en vertu de la NOM 66

Le Mexique a proposé le fusionnement de plus de 7 000 Hojas de Requisitos (conditions sanitaires pour l'importation d'animaux et de produits d'origine animale) en une seule NOM, dans le but de réduire les coûts des importateurs et de rendre l'administration des lois mexicaines en matière d'importation plus efficace. Le Canada (comme d'autres pays exportateurs touchés par cette mesure) craint que les conditions d'importation particulières à chaque pays soient ainsi perdues, ce qui pourrait se traduire par une réduction de l'accès aux marchés pour de nombreux produits. Le Canada devra surveiller de près l'évolution de ce dossier pour s'assurer que les nouvelles NOM adoptées offrent des conditions d'importation acceptables pour les produits canadiens.

Le 22 octobre 2004, le ministère de la Santé du Mexique a annoncé, dans la gazette officielle, la révocation de plusieurs NOM proposées qui prévoyaient des spécifications sanitaires concernant le fromage, les produits de la pêche, les grignotines et les confiseries. Cette révocation est favorable au commerce, parce que ces NOM auraient soumis les importateurs à des procédures administratives additionnelles, ce qui inquiétait le Canada.

Réglementation en matière de biotechnologie

Le Mexique travaille actuellement à l'établissement d'un cadre juridique de réglementation de la biotechnologie et des produits de biotechnologie (p. ex. les aliments génétiquement modifiés). Le Canada a exercé de fortes pressions sur les autorités et les législateurs mexicains pour faire connaître ses préoccupations quant à l'établissement d'un tel cadre juridique et a également partagé avec le gouvernement mexicain son expérience en matière de réglementation de la biotechnologie. En novembre 2002, un projet de loi sur la biosécurité, à propos duquel le Canada a présenté ses commentaires officiels, a été présenté au Sénat mexicain. La loi sur la biosécurité a été adoptée par le Sénat en avril 2003, mais le comité de la Chambre basse n'a pas terminé l'examen de cette loi. On ne sait donc pas quand elle sera approuvée, mais le Congrès pourrait donner son accord en 2005. La version actuelle du projet de loi contient des dispositions qui rendraient obligatoire l'étiquetage de tous les produits contenant des OGM. Le gouvernement mexicain a mis en place un mécanisme de consultation interministériel

(CIBIOGEM) sur la biosécurité et les OGM qui a, jusqu'à présent, été dirigé par le SAGARPA. Si ce mécanisme relevait désormais du SEMARNAT (ministère de l'Environnement), cela pourrait se traduire par l'adoption d'une nouvelle approche moins favorable au commerce. Le Canada se doit donc de surveiller la situation de près.

En 2004, les membres de la Chambre basse et de certaines organisations environnementales du Mexique ont exprimé leur inquiétude en ce qui concerne l'Accord trilatéral sur les documents exigés concernant le mouvement transfrontière d'organismes vivants modifiés destinés à l'alimentation humaine ou animale, ou à être transformés, signé par les trois parties à l'ALENA en octobre 2003. Ils allèguent que cet accord contrevient au Protocole de Cartagena sur la prévention des risques biotechnologiques et ont demandé que le gouvernement mexicain explique mieux la portée et la teneur de ce document et les obligations qui en découlent. SAGARPA s'emploie à apaiser ces inquiétudes et a confirmé son intention de poursuivre la mise en œuvre de cet accord. En décembre 2004, le Congrès mexicain a approuvé une version modifiée de la loi sur la biosécurité. Malgré les modifications, la loi requiert toujours l'étiquetage de tous les produits contenant des OGM. Cette loi est maintenant au Sénat mexicain.

Dédouanement

La réglementation mexicaine sur l'importation des produits agroalimentaires est très complexe et change constamment. Afin de remédier à la situation, le Canada a fait appel, en 2001, aux services d'un représentant au dédouanement qui travaille au poste frontalier de Nuevo Laredo. Cette mesure est destinée à aider les exportateurs canadiens de produits agroalimentaires. Le représentant travaille directement avec eux avant l'expédition des produits vers le Mexique afin de s'assurer que tous les documents nécessaires sont remplis, l'objectif étant de réduire les retards à la frontière. Le représentant des douanes a su développer une relation professionnelle solide avec les autorités mexicaines, ce qui facilite la communication et la résolution sur place des problèmes liés au dédouanement à Nuevo Laredo, ainsi qu'à d'autres postes frontaliers. Le travail effectué par le représentant des douanes s'est avéré extrêmement efficace : il a réduit les retards dus aux formalités de dédouanement et a accéléré la circulation transfrontalière des produits agroalimentaires canadiens à la frontière mexicaine. Ce projet pilote va prendre fin en 2005, à moins qu'il ne bénéficie d'un nouveau financement.

Sirop de maïs à haute teneur en fructose

Le 2 janvier 2002, le gouvernement du Mexique a commencé à imposer une taxe de 20 % sur les boissons contenant des édulcorants autres que le sucre de canne. Cette mesure a largement contribué à freiner les exportations canadiennes de sirop de maïs à haute teneur en fructose vers le Mexique. En effet, les fabricants mexicains ont commencé à utiliser principalement du sucre de canne comme édulcorant. Les exportations canadiennes de sirop de maïs à haute teneur en fructose vers le Mexique avaient connu une croissance constante au cours des dernières années, et l'on s'attendait à ce que cette tendance se maintienne. Les producteurs canadiens de maïs ont subi les effets négatifs de cette taxe, qui soulève des questions quant à sa conformité avec les obligations commerciales du Mexique. Au titre de l'ALENA, deux entreprises américaines touchées par cette taxe ont demandé le lancement d'une procédure d'arbitrage en vue de demander des dommages-intérêts pour fin d'expropriation. En décembre 2004, la Chambre des députés du Mexique a voté le maintien de la taxe à 20 % (vote entériné par le Sénat), en dépit des pressions exercées par le ministre de l'Économie et le président Fox pour qu'elle soit abrogée.

Le gouvernement du Canada est intervenu à plusieurs reprises afin de manifester sa désapprobation au gouvernement mexicain et s'est joint, à titre de tierce partie, à la contestation de la taxe soulevée par les États-Unis auprès de l'OMC.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES SERVICES

Services professionnels

À l'heure actuelle, les associations d'ingénieurs du Canada, du Mexique et de l'État du Texas mettent la dernière main à la mise en œuvre de l'accord de reconnaissance mutuelle (ARM) visant les ingénieurs, signé par le Canada, les États-Unis et le Mexique en 1995. Grâce à cet accord, les ingénieurs ressortissant d'un territoire visé par cet accord pourront être reconnus à titre d'ingénieurs professionnels et seront dûment autorisés à exercer leur profession de façon autonome dans les trois pays signataires. Ces derniers ont signé une lettre d'intention précisant qu'ils consulteront de nouveau leurs membres afin d'obtenir leur approbation pour la mise en œuvre de l'ARM. Le Conseil canadien des ingénieurs professionnels a communiqué avec les associations d'ingénieurs provinciales canadiennes à cet égard. Jusqu'à maintenant, huit associations provinciales et territoriales ont donné leur feu vert. Les associations du Québec et de l'Ontario n'ont pas encore fait connaître leur opinion.

L'association professionnelle du Mexique a aussi donné son approbation, et le ministère mexicain de l'Éducation met la dernière main au test linguistique ainsi qu'à d'autres tâches qui lui incombent.

Par ailleurs, des représentants de l'Institut canadien des comptables agréés et leurs homologues mexicains et américains ont signé un ARM par lequel leurs compétences professionnelles en tant que comptables agréés ou accrédités sont reconnues dans leurs pays respectifs.

Des représentants du Conseil canadien des arpenteurs-géomètres, ainsi que leurs homologues mexicains et américains, ont approuvé la version préliminaire d'un ARM et travaillent de concert à la conclusion d'un accord définitif.

Le Canada a l'intention de continuer à travailler avec d'autres associations professionnelles canadiennes intéressées en vue d'élargir leur accès au marché mexicain.

AUTRES DOSSIERS

Marchés publics

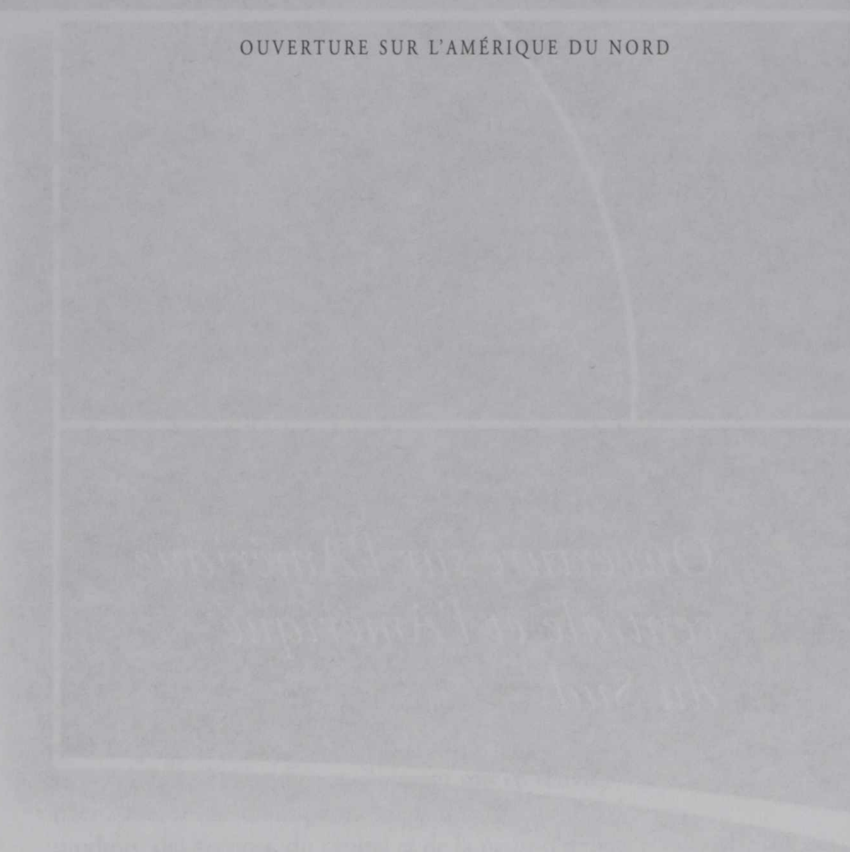
Les procédures d'achat des entités mexicaines énumérées au chapitre 10 de l'ALENA sont régies par les disciplines de ce chapitre. Le Mexique peut soustraire à l'application de ces disciplines jusqu'à 1,2 milliard de dollars américains par année de ses marchés publics. En outre, le Mexique peut bénéficier d'une exemption allant jusqu'à 300 millions de dollars américains pour ses sociétés publiques de pétrole (PEMEX) et d'électricité (CFE). Ces exemptions compromettent les occasions d'affaires des exportateurs canadiens qui veulent présenter des soumissions en réponse aux appels d'offres de sociétés ouvertes et d'organismes d'État mexicains. Le Canada continuera à aider les exportateurs canadiens au cas par cas et à surveiller l'application de ces exemptions par le Mexique. Le Canada demeure préoccupé par le fait que le Mexique n'a pas démontré vouloir se conformer aux limites de ces exemptions. Il continue donc d'exercer des pressions sur le Mexique afin d'obtenir des statistiques ou d'autres renseignements qui permettraient de prouver que ces limites n'ont pas été outrepassées.

Initiative visant à imposer l'embouteillage de la tequila au Mexique

Le Mexique a proposé une norme officielle mexicaine (NOM) selon laquelle la tequila (qui n'est produite qu'au Mexique) pourrait devoir y être embouteillée. Pour l'heure, le Mexique exporte de la tequila en vrac dans d'autres pays, où elle est mise en bouteilles et vendue sous l'appellation de tequila mexicaine. La majorité (75 %) de la tequila exportée du Mexique vers le Canada et les États-Unis est expédiée en vrac. L'industrie mexicaine allègue que la qualité d'une part de la tequila embouteillée à l'étranger est très sujette à caution, car certains embouteilleurs étrangers de mauvaise réputation diluent la tequila et en diminuent la qualité, compromettant ainsi sa réputation.

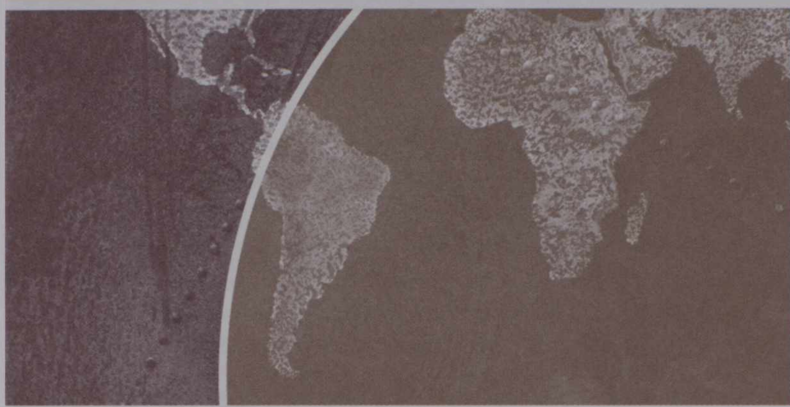
Le commerce de la tequila entre le Mexique et le Canada profite aux deux pays et devrait afficher une forte croissance à court terme. Le Canada est le quatrième importateur de tequila en vrac en importance après les États-Unis, l'Allemagne et la France. L'adoption de cette mesure interférera avec les accords commerciaux en vigueur ou prévus et exercera une incidence négative sur la croissance attendue. Les expéditions en vrac destinées à l'embouteillage dans le pays de destination sont pratique courante dans l'industrie des alcools et des boissons. Diverses mesures de sauvegarde sont en place pour garantir la qualité et l'intégrité des produits.

Cette question a été discutée à dix reprises lors de réunions trilatérales (gouvernements du Canada, des États-Unis et du Mexique), dont la dernière a eu lieu en janvier 2005. Des rencontres parallèles de l'industrie se sont terminées en juin 2004 par des recommandations présentées par l'industrie aux gouvernements. Ces discussions visent à s'assurer que les exportations de tequila au Canada et aux États-Unis continuent sans empêchement tout en respectant les droits et obligations des membres de l'ALENA comme définis à l'Annexe 313, « Produits distinctifs ».



Rapprochement des données sur le commerce

Les statistiques produites par les pays sur leur commerce de marchandises avec le reste du monde diffèrent fréquemment des données publiées par leurs partenaires commerciaux. Ces écarts sont attribuables d'une part à des erreurs possibles et, d'autre part, à des différences légitimes dans le mode de conception des statistiques sur les importations et les exportations. Le rapport « Rapprochement des statistiques sur le commerce des marchandises entre le Canada et le Mexique 2000-2001 » produit par Statistique Canada et l'organisme mexicain INEGI fait ressortir un écart de plus de 4 milliards de dollars entre les chiffres de Statistique Canada sur les exportations vers le Mexique et ceux de l'organisme INEGI sur les importations en provenance du Canada. Cet écart est principalement attribuable à la réexpédition ou au commerce indirect transitant par les États-Unis. On peut en conclure que les exportations réelles du Canada vers le Mexique pourraient dépasser, et de beaucoup, les chiffres officiels.



5 Ouverture sur l'Amérique centrale et l'Amérique du Sud

Zone de libre-échange des Amériques

Aperçu

La Zone de libre-échange des Amériques (ZLEA) envisagée pour devenir la zone de libre-échange la plus importante au monde, avec plus de 837 millions d'habitants et un produit intérieur brut combiné de plus de 18,8 billions de dollars canadiens. En plus de permettre la libéralisation des échanges de marchandises, la ZLEA pourrait aussi donner lieu à des engagements plus solides en matière d'accès aux marchés dans le secteur des services et à l'établissement de mesures de protection accrue des investissements dans tout l'hémisphère.

La ZLEA fait partie intégrante du vaste processus du Sommet des Amériques. Les principes de la ZLEA ont été énoncés lors du premier Sommet des Amériques, tenu à Miami, en décembre 1994. Lors du deuxième Sommet, qui a eu lieu à Santiago en avril 1998, les dirigeants des 34 pays démocratiques des Amériques ont entamé les négociations en vue de créer une zone de libre-échange à l'échelle de l'hémisphère. La ZLEA complète les objectifs du Sommet qui visent le renforcement de la démocratie, la promotion des droits de la personne et la résolution d'un éventail de questions sociales et économiques par la voie de la coopération hémisphérique. La ZLEA constitue probablement l'élément le plus visible du processus du Sommet, mais ses principaux objectifs de croissance et de développement, par l'intermédiaire d'une intégration économique accrue, visent essentiellement à renforcer les objectifs généraux du Sommet. Le Canada, qui a été l'hôte du Troisième Sommet des Amériques, à Québec, en avril 2001, continue de jouer un rôle prépondérant dans le vaste processus du Sommet.

En 1998, neuf groupes de négociation ont été mis sur pied dans le cadre de la ZLEA et ont été chargés par les ministres de négocier dans les domaines particuliers visés par l'accord : l'accès aux marchés, l'investissement, les services, les marchés publics, le règlement des différends, l'agriculture, les droits de propriété intellectuelle, les subventions, les droits antidumping et compensateurs, et la politique de la concurrence. De plus, on a créé un groupe consultatif et deux comités chargés d'examiner les questions de nature horizontale liées aux négociations : les économies de petite taille, la société civile et le commerce électronique. Par la suite, un comité chargé d'examiner les questions d'ordre général et institutionnelles a été mis sur pied.

La ZLEA s'appuiera sur les liens de libre-échange que le Canada entretient déjà avec les États-Unis, le Mexique, le Chili et le Costa Rica, ainsi que sur les rapports de plus en plus importants qu'il a tissé ailleurs dans l'hémisphère, permettant ainsi au Canada de tirer pleinement parti des marchés émergents de l'hémisphère. L'accord sur la ZLEA coexistera avec les accords signés antérieurement, tels que l'Accord de libre-échange nord-américain (ALENA). Les échanges commerciaux du Canada avec les États-Unis et le Mexique continueront donc d'être régis par l'ALENA; l'accord sur la ZLEA ne pourra être substitué dans ces échanges que si les trois parties concernées y consentent.

En excluant les partenaires du Canada dans l'ALENA, la zone des Amériques représentait, en 2004, un marché d'exportation de 3,7 milliards de dollars pour les marchandises canadiennes; cette région accueillait en outre plus de 55,3 milliards de dollars d'investissement direct canadien, ce qui représentait environ 13,9 % du total de l'investissement canadien à l'étranger.

Conformément aux directives énoncées par les ministres dans la Déclaration ministérielle de Miami, en novembre 2003, le processus de la ZLEA se poursuivra dorénavant suivant une approche à deux volets : un ensemble commun de droits et d'obligations dans chacun des neuf domaines visés par l'accord (premier volet), et une série de mesures plus ambitieuses de libéralisation du commerce, d'application optionnelle, qui feront l'objet de négociations additionnelles entre les pays intéressés (deuxième volet). Malgré la tenue de plusieurs réunions officielles et non officielles, les négociateurs ne se sont pas encore entendus sur le modèle et les procédures du nouveau cadre de négociation. Les négociations officielles ont donc été suspendues, et les négociations n'ont pu être conclues avant la date limite de janvier 2005. Les pays de l'hémisphère ne profiteront donc pas des avantages de la ZLEA proposée aussi rapidement que prévu au départ, mais la vision sur laquelle repose l'initiative demeure valide. Une fois que les parties se seront entendues sur la façon de mettre en œuvre le nouveau cadre de négociation, les négociations devraient pouvoir se poursuivre à un rythme accéléré.

En novembre 2004, le premier ministre Martin et le président Luiz Inacio Lula da Silva, du Brésil, ont émis une Déclaration conjointe énonçant leur intention de négocier une amélioration de l'accès aux marchés des biens, des services et de l'investissement dans le contexte d'une ZLEA. Il est à espérer que cette initiative aidera à faire avancer les négociations de la ZLEA vers la conclusion d'un accord détaillé de haute qualité encourageant l'intégration économique régionale.

Accès aux marchés – résultats obtenus en 2004

- Étant donné la suspension des négociations officielles, aucun résultat n'a été obtenu en 2004 en ce qui concerne le développement de l'accès aux marchés.

Accès aux marchés – priorités du Canada pour 2005

- Reprendre les négociations officielles visant à élaborer et à mettre en œuvre, conformément aux directives des ministres, un cadre de négociation qui permettra de faire progresser les travaux sur l'avant-projet de l'accord de la ZLEA et les négociations sur l'accès aux marchés des produits, des services, de l'investissement et des marchés publics.
- Viser la conclusion d'un accord complet de bonne qualité.
- Parvenir à une entente avec les autres pays afin de trouver un processus permettant de conclure des accords parallèles en matière de travail et d'environnement dans le contexte de la ZLEA.
- Poursuivre la mise en place de mesures visant à accroître la transparence et à favoriser la participation de la société civile dans le processus de création de la ZLEA, y compris des mesures institutionnelles.

MERCOSUR

Aperçu

Par le Traité d'Asunción, l'Argentine, le Brésil, le Paraguay et l'Uruguay ont créé, en 1991, le Marché commun du Sud (Mercosur). Une fois entièrement mis en œuvre, d'ici 2006, le Mercosur permettra la libre circulation des produits, des services, du capital et de la main-d'œuvre. Il prévoit la mise en place d'un tarif extérieur commun et l'harmonisation des politiques macro-économiques et sectorielles. En 2003, cette union douanière, qui compte 215 millions de consommateurs (par rapport à 400 millions pour l'ALENA), a été, après le Mexique, le deuxième marché d'exportation en importance du Canada en Amérique latine. Des tarifs extérieurs communs partiellement harmonisés ont été mis en place en 1995. Environ 90 % de l'ensemble des échanges entre les membres se font en franchise de droits, sauf quelques exceptions qui seront éliminées d'ici 2006.

Depuis sa création, quatre autres pays se sont joints à Mercosur en tant que membres associés et ont négocié des accords de libre-échange avec Mercosur : le Chili (1996), la Bolivie (1997), le Pérou (2003) et le Venezuela (2004). Le Mexique devrait également devenir membre associé de Mercosur dans un avenir prochain. Mercosur a en outre signé un accord en vue de créer une zone de libre-échange avec la Communauté andine (CA) en 2003 et a entrepris des négociations avec l'Union européenne. Mercosur a cherché de plus à établir des liens plus étroits avec d'autres pays en développement comme la Chine, l'Égypte, l'Inde et l'Afrique du Sud.

En novembre 2004, le premier ministre Martin et le président da Silva du Brésil ont émis une déclaration conjointe énonçant leur intention de négocier une amélioration de l'accès aux marchés pour les domaines des biens, des services et de l'investissement dans le contexte d'une ZLEA. Il est à espérer que cette initiative aidera à faire avancer les négociations de la ZLEA vers la conclusion d'un accord détaillé de haute qualité encourageant l'intégration économique régionale.

Les exportations canadiennes de marchandises à destination des pays du Mercosur ont totalisé 1,1 milliard de dollars en 2004, une hausse de 14 % par rapport à l'année précédente. Le Canada exporte principalement de l'engrais, des produits du papier, de l'équipement, des produits pétroliers, de l'équipement et du matériel électrique, des minéraux, du matériel optique et médical, des véhicules moteurs, des produits chimiques, du plastique, des légumes, des produits pharmaceutiques et du blé. Les importations canadiennes de marchandises en provenance des pays du Mercosur se sont chiffrées à 2,8 milliards de dollars en 2004, une hausse de 10 % par rapport à l'année précédente.

L'investissement direct canadien se concentre dans les secteurs de l'aluminium, du pétrole et du gaz, des mines, de la production d'énergie, des engrais agricoles, du matériel de télécommunications et dans celui des services. Cet investissement a considérablement augmenté depuis quelques années.

Brésil

Aperçu

Le Canada a désigné le Brésil son plus important partenaire commercial en Amérique du Sud, comme un marché prioritaire. En 2004, la valeur des échanges bilatéraux s'est chiffrée à 3,3 milliards de dollars. La même année, la valeur des exportations canadiennes de marchandises à destination du Brésil a grimpé pour atteindre près de 953 millions de dollars, ce qui représente une hausse de 7 % par rapport à l'année précédente. Les exportations principales incluaient des engrais, des produits du papier, de l'équipement mécanique, des combustibles minéraux, de l'équipement électrique et des céréales. En 2004, les importations canadiennes de marchandises en provenance du Brésil ont totalisé 2,3 milliards de dollars, ce qui représente une hausse de 18 % par rapport à 2003. Les importations principales incluaient des biens industriels tels du fer et de l'acier, des produits manufacturés (comme des automobiles et de l'équipement mécanique), des produits agricoles (sucre brut, produits transformés à base de fruits et légumes), du bois, des chaussures et des pierres précieuses.

Exportation et développement Canada (EDC) compte maintenant deux bureaux au Brésil (à Sao Paulo et à Rio de Janeiro) pour répondre aux besoins à la hausse des exportateurs canadiens. Au Brésil, les principaux secteurs d'intérêt pour les exportateurs et les investisseurs canadiens sont ceux de l'énergie, des mines, du pétrole et du gaz, des technologies de l'information, des télécommunications, des services financiers, des pâtes et papiers, de la biotechnologie, de l'agriculture et des services environnementaux.

En 2003, l'investissement direct cumulatif réalisé par le Canada au Brésil a totalisé plus de 7,5 milliards de dollars.

Depuis l'entrée en fonction du gouvernement du président da Silva en janvier 2003, la politique commerciale du Brésil est beaucoup plus axée sur la progression de l'intégration du pays au reste de l'Amérique du Sud. La nouvelle administration a également pris des mesures énergiques dans le but d'améliorer les relations politiques et commerciales avec les économies dont l'industrialisation progresse rapidement, soit avec la Chine, l'Inde et l'Afrique du Sud, ainsi qu'avec des économies en développement de partout dans le monde.

Le Brésil a démontré de nouveau son engagement à entreprendre des réformes monétaires et fiscales stratégiques afin de s'assurer le soutien continu du Fonds monétaire international (FMI), et a en grande partie réussi à dissiper les doutes qu'entretiennent les investisseurs internationaux à l'égard de sa stabilité financière. L'excédent du budget primaire est substantiel (4,5 % du PIB); l'objectif fixé à un taux de 7,3% en matière d'inflation est maintenu; le taux de croissance de fin d'année 2004 anticipé à 4,5 % a été atteint et celui pour 2005 est prévu à 3,5 %. Un mécanisme de financement de transition (6,6 milliards de dollars américains) conclu avec le FMI a été annoncé en décembre 2003, à la grande satisfaction des marchés financiers. Le ratio de la dette publique par rapport au PIB avait chuté à 56 % à la mi-année 2004, et le Brésil, qui s'est imposé des contraintes dans le choix au plan de politiques à établir, s'attache à réduire cette proportion.

L'excédent commercial du Brésil a atteint un niveau record en 2003 (25 milliards de dollars américains), et la valeur des exportations a poursuivi sa croissance soutenue en 2004. La croissance des exportations de marchandises a été alimentée par la diversification des produits et par l'accent placé sur l'ouverture de nouveaux marchés. On a observé une augmentation de la part des exportations provenant d'États brésiliens qui n'ont pas habituellement une vocation exportatrice, de même qu'une hausse du nombre total d'exportateurs. La valeur des exportations de produits de base a crû, principalement en raison de la hausse des prix internationaux, et le volume des exportations de produits manufacturés a augmenté de façon marquée. Le secteur extérieur devrait continuer de contribuer de façon positive à la croissance économique en 2005, car les exportations seront alimentées par la forte demande extérieure et par la stabilité prévue des prix des produits de base. Les importations, qui ont enregistré un recul entre 2001 et 2003, ont retrouvé le chemin de la croissance en 2004, et leur valeur devrait demeurer élevée en 2005, en raison de la reprise de la demande nationale.

Un des défis importants que devra relever le Brésil en 2005 est de trouver le moyen de stimuler une forte croissance de la consommation et de l'investissement privé. Le régime brésilien d'investissement est en grande partie ouvert aux investisseurs étrangers et n'impose généralement pas de restrictions sur la remise des bénéfices et le rapatriement des capitaux qui ont été dûment enregistrés auprès de la banque centrale. Néanmoins, la part de l'investissement international attribuable au Brésil a diminué, et il faudra améliorer le climat d'investissement du pays pour remédier à la situation. Le Brésil élabore actuellement un système de partenariats entre le secteur public et le secteur privé, dans l'espoir que ce système permettra d'accroître les investissements dans le pays et de mettre en place des infrastructures indispensables.

Le Brésil est un des membres originaires de l'Organisation mondiale du commerce (OMC) et l'un des participants les plus actifs au système de commerce multilatéral. En tant que chef de file du G20 de l'OMC, groupe de pays en développement qui s'occupe d'accès aux marchés dans le domaine de l'agriculture, le Brésil joue un rôle important dans les négociations. Par le truchement de sa participation au Marché commun du Sud (Mercosur), le Brésil offre la possibilité de pénétrer ce marché de plus grande taille. Le Brésil et les États-Unis coprésident les négociations de la ZLEA. La prochaine réunion ministérielle de la ZLEA devrait avoir lieu au Brésil.

Accès aux marchés – résultats obtenus en 2004

- Les préoccupations de longue date du Canada quant à sa participation au marché brésilien des pommes de terre de semence ont été résolues à la suite de l'assouplissement, de la part du Brésil, des niveaux de tolérance pour certains parasites non réglementés justiciables de quarantaine.
- En août 2004, le Canada et le Brésil se sont entendus sur des conditions permettant la reprise du commerce des embryons bovins.

Accès aux marchés – priorités du Canada pour 2005

- Continuer à faire des représentations sur la perception des droits de douane et des taxes sur les importations en provenance du Canada qui ne sont pas conformes aux obligations commerciales internationales du Brésil; par exemple, la taxe de renouvellement de la marine marchande du Brésil, qui s'élève à 25 % du taux de fret maritime des marchandises importées.
- Promouvoir le dialogue dans les négociations de la ZLEA et mener à terme avec succès l'ambitieux cycle de négociations de Doha, dans le cadre de l'OMC.
- Continuer d'intervenir auprès des autorités brésiliennes pour qu'elles retirent les mesures liées à l'ESB contre les importations de bœuf et de bovins en provenance du Canada.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

Taxe de renouvellement de la marine marchande

Le Canada a fait valoir ses préoccupations en ce qui a trait à la perception de droits de douane et de taxes sur les produits importés qui ne figurent pas dans la liste de l'OMC établie par le Brésil. Par exemple, la taxe de renouvellement de la marine marchande pourrait constituer une mesure de restriction et de distorsion sur le commerce. Cette taxe sur les marchandises importées s'établit à 25 % du taux de fret maritime. Comme elle ne s'applique pas aux produits fabriqués au pays, ni aux produits importés par voie terrestre des pays voisins, le Canada considère qu'elle contrevient aux obligations contractées dans le cadre de l'Accord général sur les tarifs douaniers et le commerce (GATT) relativement au traitement national et au traitement de la nation la plus favorisée. De plus, dans bien des cas où les droits de douane perçus par le Brésil sont du même niveau que ses taux consolidés dans le cadre de l'OMC, l'effet combiné de la taxe de renouvellement de la marine marchande et des droits de douane donne des taux plus élevés que les taux consolidés dans le cadre de l'OMC.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada le 20 mai 2003, concernant un cas d'encéphalopathie spongiforme bovine (ESB), le Brésil a interdit l'importation de ruminants, d'embryons et de produits dérivés de même espèce en provenance du Canada. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris le Brésil, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées. Il demande la reprise des échanges commerciaux en se fondant sur des faits scientifiques. En mars 2004, le Brésil a accepté de reprendre le commerce des embryons. En août 2004, les autorités se sont entendues sur les modalités d'un certificat d'exportation permettant ainsi la reprise des échanges commerciaux d'embryons. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 20 février 2004, le Brésil suspendait les importations d'oiseaux vivants en provenance du Canada. Après avoir étudié l'information fournie par l'Agence canadienne d'inspection des aliments, le Brésil a levé ses restrictions pour toutes les provinces sauf la Colombie-Britannique et a exigé que les importations d'œufs à couver soient sujettes à l'approbation des autorités brésiliennes. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Droits sur le blé

En 1996, le Brésil a avisé les États membres de l'OMC qu'il avait radié de sa liste relative à l'OMC une concession en matière d'accès aux marchés en vertu de laquelle 750 000 tonnes de blé entraient au Brésil en franchise de droits et qu'il comptait dorénavant exiger un droit, actuellement fixé à 10 %, sur toutes les importations de blé. Le Canada, qui était alors le plus grand exportateur de blé au Brésil en régime non préférentiel, a fait valoir son « intérêt comme principal fournisseur » auprès des États membres de l'OMC afin de pouvoir se prévaloir de son droit de demander une compensation au Brésil pour la révocation de cette concession et pour l'instauration du nouveau droit. Le Brésil est de l'avis qu'il n'y a pas de compensation exigible puisque la part de marché du Canada n'est pas atteinte.

Différend au sujet des aéronefs régionaux

Un litige prolongé oppose le Canada et le Brésil devant l'OMC en ce qui concerne l'aide au financement pour l'achat d'avions à réaction régionaux, et on a accordé aux deux parties l'autorisation d'user de mesures de rétorsion considérables; toutefois, aucun des deux pays ne les a appliquées. Au cours des trois dernières années, le Canada et le Brésil ont tenté de négocier une solution à ce différend de longue date. Ils souhaitent conclure une entente qui réduirait au minimum l'incidence du financement gouvernemental sur les décisions des lignes aériennes d'acheter des appareils.

Les négociations en cours mettent l'accent sur l'élaboration d'une entente qui tiendrait compte des progrès réalisés et qui établirait un plan de travail pour la résolution des points encore en litige.

Argentine

Aperçu

À la suite de la crise sociale, économique et financière qui a sévi en Argentine à la fin de 2001, la production réelle a chuté de 10,9 % en 2002, après avoir chuté de 10 % entre 1998 et 2001. La production a recommencé à croître au cours du second trimestre de 2002. Le PIB réel, surpassant les prévisions les plus optimistes, s'est chiffré à 8,8 % en 2003. La croissance économique a été alimentée par la hausse de 38,2 % de l'investissement brut en capital fixe et par l'augmentation de 8,2 % de la consommation privée. Les deux tiers de la hausse de l'investissement étaient attribuables à la construction, l'autre tiers, à l'équipement et au matériel. Après avoir chuté en 2002, les importations ont augmenté de 37,6 % en 2003. En raison des investissements considérables et soutenus, la croissance de la production au cours des six premiers mois de l'année 2004 était de 8,4 % par rapport à l'année précédente. Durant les neuf premiers mois de 2004, le taux d'inflation n'a pas dépassé 6 %; l'activité industrielle, menée par l'industrie de l'automobile et les secteurs du ciment, du caoutchouc, du plastique et des produits chimiques, a crû de 10 %; les exportations ont augmenté de 15 %, et les importations, de 68 %. Les importations de biens de production ont crû de 151 %, atteignant les niveaux qu'elles occupaient en 2000. La croissance devrait se chiffrer à au moins 7 % en 2004.

Néanmoins, l'Argentine porte toujours les séquelles de la crise qu'elle a connue en 2001. Environ 44 % de la population, dont 5,5 millions de jeunes âgés entre 15 et 29 ans, vivent sous le seuil de la pauvreté, ce qui marque un vif contraste avec la situation dans laquelle le pays se trouvait entre 1992 et 1995, quand seulement 22 % de la population vivait sous le seuil de la pauvreté. La pauvreté et le chômage sont généralisés et constituent une source possible de tension sociale. Le pays demeure vulnérable à des changements défavorables se produisant sur la scène internationale, par exemple à une hausse des taux d'intérêt sur sa dette et à une baisse des prix de ses principaux produits de base.

Depuis 1991, l'Argentine reçoit de façon presque continue du soutien du Fonds monétaire international (FMI) et est l'un des cinq principaux emprunteurs du FMI; à la fin de 2003, la dette du pays se chiffrait à 15,5 milliards de dollars américains. En septembre 2003, les autorités ont signé un mécanisme de transition d'une durée de trois ans avec le FMI, en vertu duquel le FMI acceptait de refinancer la dette que l'Argentine avait contractée auprès de lui. En retour, le gouvernement argentin se soumettait à atteindre les objectifs quantitatifs fixés pour la base monétaire et le rendement financier et à respecter ses engagements en matière de réforme structurelle. Ces engagements sont, entre autres, de compenser les banques des effets de la pesification asymétrique, d'adopter une loi sur le partage des recettes dans le but de limiter les transferts aux provinces, et de négocier de bonne foi avec les détenteurs d'obligations en souffrance. L'Argentine a subi avec succès les deux premiers examens du programme. Elle a cependant omis d'adopter une loi sur le partage des recettes et n'a pas renégocié sa dette et mis en place des droits sur les services publics en temps opportun, ce qui a entraîné des retards dans la réalisation du troisième examen. En août 2004, soit un mois avant la date de la rencontre prévue entre les autorités argentines et les représentants du FMI pour l'établissement d'un objectif en matière d'excédent du budget primaire, le gouvernement a choisi de suspendre la mise en œuvre du mécanisme et de remettre la négociation de nouveaux objectifs au début de 2005. Entre-temps, le gouvernement souhaite présenter une offre aux détenteurs d'obligations en souffrance.

En novembre 2004, le gouvernement argentin a présenté à la Securities and Exchange Commission des États-Unis ce qu'il considère être son offre finale pour l'échange des obligations argentines en souffrance. Outre le montant global de 81,8 milliards de dollars américains qui doit être restructuré, le gouvernement entend émettre des obligations d'une valeur totale de 38,2 milliards de dollars américains ou de 43,2 milliards de dollars américains, selon que le taux d'acceptation de l'offre sera supérieur ou inférieur à 70 %. Cette offre a été présentée aux créditeurs étrangers, et il y aura deux périodes de souscription entre le 14 janvier 2005 et le 25 février 2005. Désireux d'obtenir un taux d'acceptation élevé, le gouvernement argentin a réussi à conclure une entente très importante avec les gestionnaires des régimes de retraite privés, qui détiennent environ 20 % des obligations en souffrance.

La Banque mondiale finance actuellement 31 projets auxquels elle s'est engagée à verser au total environ 4,7 milliards de dollars américains. De plus, la nouvelle stratégie d'aide par pays 2004–2005 pour l'Argentine ébauche un programme qui prévoit offrir, entre avril 2004 et décembre 2005, jusqu'à 2 milliards de dollars américains de financement additionnel provenant de la Banque mondiale dans le but de réduire la pauvreté pendant que le pays se remet de la crise. La nouvelle stratégie d'aide par pays appuie l'engagement du gouvernement de reconstruire l'économie tout en favorisant une croissance durable et l'adoption d'un ensemble de programmes sociaux. La stratégie d'aide par pays souligne également la nécessité d'améliorer la gouvernance et de réaliser des réformes institutionnelles et structurelles pour assurer la durabilité de cette amélioration au fils du temps. La Société financière internationale (SFI) (organismes du secteur privé du Groupe de la Banque mondiale) continuera de mettre l'accent sur le soutien des investissements porteurs d'exportations, principalement par le truchement de l'atténuation des restrictions de crédit avec lesquelles sont aux prises les entreprises exportatrices et de la réalisation d'investissements sélectifs dans de nouvelles entreprises offrant un rendement proportionnel aux risques.

Le gouvernement argentin est en cause dans plus d'un tiers des affaires soumises au Centre international pour le règlement des différends relatifs aux investissements (CIRDI), affaires dont la valeur totale s'élève à quelque 15 milliards de dollars américains. L'audition de certaines de ces affaires a commencé en 2004, et les décisions rendues dans le cadre de ces affaires influera très probablement sur les négociations en cours avec les services publics privatisés.

L'investissement canadien, principalement dans les secteurs des hydrocarbures, minier et de l'énergie, s'est chiffré à 5,2 milliards de dollars en 2003, le Canada se classant ainsi parmi les plus importants investisseurs étrangers en Argentine. Les petites sociétés minières canadiennes recherchent activement des débouchés. En outre, le Canada investit beaucoup dans l'agriculture, l'imprimerie et les télécommunications. Bien que d'autres possibilités d'investissement existent dans les secteurs susmentionnés, la mesure dans laquelle il est possible d'en profiter dépend de la poursuite de la reprise économique de l'Argentine. En particulier, les petites et moyennes entreprises ont toujours difficilement accès à des sources nationales de financement à moyen et long termes, à moins qu'elles n'exercent leurs activités dans un secteur fortement exportateur.

L'accord sur la protection et la promotion des investissements étrangers (APIE) conclu par le Canada et l'Argentine en 1991 s'inspire du modèle de l'OCDE, qui ne contient pas toutes les mesures de protection accrue des investissements prévues par l'ALENA et par les APIE conclus ultérieurement par le Canada. En 1991, l'Argentine et le Canada ont aussi signé une entente bilatérale de coopération en matière de commerce et d'investissement (ECCI). L'Argentine a appuyé le projet d'ECCI que le Canada voulait conclure avec le Mercosur et qui a finalement été signé en 1998. Le Canada et l'Argentine ont en outre conclu une convention de double imposition.

La valeur des échanges bilatéraux de marchandises est passée de 452 millions de dollars en 2003 à 416 millions de dollars en 2004, ce qui représente une baisse de 8 %. Selon Statistique Canada les exportations canadiennes ont grimpé à 128 millions de dollars en 2004 (une augmentation de 64 % par rapport à l'année précédente), alors que la valeur des importations canadiennes a baissé de 23 % pour s'établir à 288 millions de dollars.

Accès aux marchés – priorités du Canada pour 2005

- Continuer d'intervenir auprès des autorités argentines pour qu'elles retirent les mesures liées à l'ESB contre les importations en provenance du Canada, principalement sur les produits laitiers et les instruments sanitaires, y compris les produits d'origine bovine, et les inciter à rendre leurs politiques en matière d'ESB conformes aux recommandations de l'Office international des épizooties (OIE).
- Poursuivre les discussions avec l'Argentine pour qu'elle ouvre de nouveau son marché au porc canadien.
- Soutenir le milieu d'affaires canadien en Argentine, particulièrement au niveau des investissements, en portant une attention particulière au régime d'investissement dans l'industrie minière et au secteur des engrais afin de favoriser un marché libre où règne la sécurité juridique et la stabilité financière.
- Promouvoir le dialogue dans le cadre des négociations sur la Zone de libre-échange des Amériques et l'Organisation mondiale du commerce.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), l'Argentine a suspendu temporairement ses importations de tous les produits canadiens issus de ruminants, y compris le sperme et les embryons bovins. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris l'Argentine, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées. Il demande la reprise des échanges commerciaux en se fondant sur des faits scientifiques. Comme premier pas, l'Argentine a rouvert son marché à la semence bovine en provenance du Canada en avril 2004; en janvier 2005, elle a levé ses restrictions sur les embryons bovins. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Chili

Aperçu

Le 5 juillet 2004 marquait le 7e anniversaire de l'entrée en vigueur de l'Accord de libre-échange Canada–Chili (ALECC), qui forme la pierre angulaire de notre relation économique et commerciale bilatérale. L'ALECC a établi un cadre commercial bilatéral détaillé s'appliquant au commerce des produits et des services, aux investissements et au règlement des différends, de même que des engagements considérables en matière de recours commerciaux (une exemption mutuelle à l'application de mesures antidumping). L'ALECC est complété par de nombreux accords bilatéraux, entre autres par des ententes de coopération bilatérales dans les domaines du travail et de l'environnement, la convention de double imposition de 2000 et l'accord bilatéral de transport aérien de 2003.

Pour le Canada, le Chili est un partenaire régional clé, et nombre d'entreprises canadiennes considèrent le Chili comme une porte d'entrée vers les marchés avoisinants. En raison de ses politiques financières prudentes, de sa surveillance rigoureuse du secteur financier, de ses réformes structurelles et de son régime de commerce et d'investissements ouvert, le Chili est l'une des économies les plus ouvertes et les plus stables de l'Amérique latine. Dans son rapport *2004–2005 Global Competitiveness*, le Forum économique mondial, a classé le Chili au premier rang en Amérique latine pour sa compétitivité.

Le Canada a été l'un des premiers pays à établir un partenariat avec le Chili en tissant avec lui d'importants liens commerciaux, mais d'autres grandes économies ont depuis conclu des ALE avec le Chili : l'Union européenne, les États-Unis et la Corée du Sud. L'économie chilienne bénéficiera certainement d'une confiance renforcée et de nouveaux débouchés découlant de ces accords de libre-échange, et la situation devrait s'améliorer davantage encore en raison des ALE que le Chili souhaite conclure avec la Chine, l'Inde, la Nouvelle-Zélande et Singapour.

La croissance du PIB du Chili s'est élevée à 3,3 % en 2003; elle devrait atteindre 5,5 % en 2004. En 2004, le secteur minier a été le plus dynamique d'entre tous du côté de l'offre en raison d'un taux de croissance à deux chiffres de la production de cuivre. La dette à long terme en devises étrangères du Chili est la mieux cotée en Amérique latine. Depuis 1992, toutes les agences de cotation des titres considèrent que le pays a une cote élevée de solvabilité.

Depuis l'entrée en vigueur de l'ALECC, en 1997, les échanges bilatéraux de marchandises entre le Canada et le Chili se sont multipliés et diversifiés, intervenant maintenant dans les secteurs non traditionnels et ceux des créneaux spécialisés. Les échanges entre les deux pays ont plus que triplés au cours de la dernière décennie, passant de 553 millions de dollars en 1994 à 1.7 milliard de dollars en 2004. Les échanges bilatéraux, qui s'établissaient à 718 millions de dollars ont augmenté de 132 % depuis l'entrée en vigueur de l'ALECC (en 1997). La majorité des produits canadiens sont maintenant admis au Chili en franchise de droits.

Les principaux produits exportés par le Canada à destination du Chili sont la machinerie, le blé dur, le matériel électrique, les produits pétroliers, le papier et le carton, le plastique, le fer et l'acier, les aéronefs et le charbon. Les principales importations du Canada en provenance du Chili sont le cuivre et les articles en cuivre, les fruits (particulièrement le raisin), les minerais de cuivre, le bois, le poisson et les fruits de mer, et le vin. Les principaux secteurs de débouchés à moyen terme pour les entreprises canadiennes comprennent le matériel et les services dans les domaines suivants : l'exploitation des mines et les métaux, l'énergie, l'environnement, la technologie de l'information et les télécommunications, la construction et les matériaux de construction, le transport et les infrastructures, et le plastique.

Les exportations canadiennes de services ont aussi beaucoup augmenté depuis l'entrée en vigueur de l'ALECC. En 2002, ces exportations se chiffraient à 52 millions de dollars, ce qui représente une hausse de 24 % par rapport au niveau d'avant l'entrée en vigueur de l'ALECC.

Les investissements canadiens au Chili continuent d'êtres profitables : le Canada est le troisième investisseur en importance au Chili, après les États-Unis et l'Espagne. Selon Statistique Canada, la valeur des investissements directs canadiens au Chili totalisait 5,9 milliards de dollars en 2003. Bien que principalement concentrés dans le secteur minier, des investissements importants ont également été effectués dans les secteurs de l'énergie, des produits chimiques, des services financiers, de la fabrication de matériel et des communications.

Le Chili reste très favorable aux investissements étrangers. De fait, la législation en matière d'investissement s'est progressivement libéralisée depuis 1974. La souplesse de la main-d'œuvre bien formée contribue largement à attirer les investisseurs étrangers, et les capitaux internationaux continueront d'abonder dans les secteurs axés sur l'exportation comme les secteurs minier, manufacturier et agricole.

L'ALECC et l'accord sur la double imposition entre le Canada et le Chili sont des outils très utiles qui favorisent l'investissement canadien en offrant des garanties et des avantages supplémentaires sans précédent à l'extérieur du contexte de l'ALENA. L'ALECC veille à ce que les investisseurs canadiens fassent l'objet du même traitement que les investisseurs chiliens et à ce qu'ils bénéficient d'avantages équivalents à ceux que le Chili pourrait accorder à d'autres pays dans le cadre d'accords futurs.

Accès aux marchés – résultats obtenus en 2004

- La première réunion du Comité canado-chilien des mesures sanitaires et phytosanitaires (SPS), qui a eu lieu à Ottawa, le 7 juillet 2004, a été couronnée de succès. Le comité a traité d'un nombre de questions d'importance bilatérale et de questions d'importance multilatérale et d'intérêt commun.
- Le Canada et le Chili ont entrepris des négociations en vue d'ajouter à l'ALECC un chapitre portant sur les marchés publics.
- Le Canada et le Chili ont signé un protocole dans lequel le Chili s'engageait à modifier son calendrier d'élimination des droits de douane de façon à permettre au Canada de profiter du même traitement tarifaire que les États-Unis en ce qui concerne le boeuf et le porc.
- Le Canada et le Chili ont convenu d'apporter des modifications techniques aux règles d'origine prévues par l'ALECC.
- Le Canada et le Chili ont publié deux déclarations dans lesquelles ils s'engageaient à améliorer la transparence et l'efficacité du chapitre sur les investissements. La déclaration sur la soumission d'observations par une tierce partie a permis de clarifier le processus de soumission d'observations par des tierces parties dans le cadre de procédures d'arbitrage investisseur-État. La seconde déclaration touche les audiences ouvertes et confirme que les parties ont l'intention de demander que toutes les audiences dans les affaires d'arbitrage investisseur-État soient ouvertes au public.

Accès aux marchés – priorités du Canada pour 2005

- Continuer à intervenir auprès des autorités pour qu'elles retirent les mesures liées à l'ESB contre les importations en provenance du Canada.
- Continuer à intervenir auprès des autorités au sujet des importations d'embryons récoltés *in vitro*.
- Organiser une seconde réunion du Comité des mesures sanitaires et phytosanitaires de l'ALECC pour continuer à traiter des questions d'importance bilatérale dans ces domaines, de même que des questions d'intérêt commun soulevées dans les forums multilatéraux.
- Favoriser la conclusion des négociations visant l'ajout d'un chapitre sur les marchés publics dans l'ALECC.
- Encourager les ingénieurs des deux pays à conclure les négociations sur un accord de reconnaissance mutuelle.
- Continuer l'élaboration, dans le cadre de l'ALECC, d'un fondement sur lequel s'appuyer pour répondre aux questions liées aux disciplines des services financiers.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

Automobiles

Le 1er janvier 2004, le Chili a commencé à éliminer graduellement la taxe de luxe de 85 % imposée sur les voitures dont la valeur dépasse 15 834 dollars américains, après que la Cour suprême du Chili eut déterminé que cette taxe équivalait à un droit de douane. La taxe de luxe sera complètement éliminée d'ici le 1er janvier 2007. Ainsi, les véhicules importés du Canada seront soumis au même traitement que ceux importés d'autres pays, dont les États-Unis.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), le Chili a interdit, avec quelques exceptions, les importations de bovins et de produits de bovins en provenance du Canada. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris le Chili, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées. Il demande la reprise des échanges commerciaux en se fondant sur des faits scientifiques. Le 31 décembre 2004, le Chili a levé ses restrictions sur les importations d'embryons récoltés *in vivo*. Cependant, les restrictions demeurent pour les importations d'embryons bovins récoltés *in vitro*. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 8 mars 2004, l'Agence canadienne d'inspection des aliments a confirmé la présence de la grippe aviaire hautement pathogène dans le sud de la Colombie-Britannique. En conséquence, le Chili et d'autres partenaires commerciaux ont imposé des restrictions sur les importations. Le 24 novembre 2004, le Chili a éliminé les restrictions qu'il avait imposées sur la volaille et les produits de volaille provenant de la Colombie-Britannique.

COMMUNAUTÉ ANDINE

En 2004, les échanges bilatéraux de marchandises entre le Canada et les pays de la Communauté andine se sont chiffrés à 3,6 milliards de dollars, ce qui représente une hausse de 48 % par rapport à la même période au cours de l'année précédente. Les exportations canadiennes ont totalisé 1,2 milliard de dollars. Selon Statistique Canada, la valeur de l'investissement canadien direct réalisé dans la Communauté andine s'est élevée à 2,9 milliards de dollars en 2003.

En août 2002, le Canada a commencé à étudier la possibilité de négocier un accord de libre-échange avec les cinq pays andins (la Bolivie, la Colombie, l'Équateur, le Pérou et le Venezuela), à la demande de ces pays. En novembre 2002, le gouvernement du Canada a lancé un vaste processus de consultations publiques à l'échelle du pays auprès des entreprises, des organismes communautaires et des citoyens, ainsi qu'auprès des gouvernements provinciaux et territoriaux, afin d'obtenir des conseils et des opinions quant aux priorités, aux objectifs et aux préoccupations de tous en vue de mieux définir la portée de nouvelles initiatives commerciales avec la Communauté andine, entre autres, un éventuel ALE. Jusqu'à présent, la plupart des réponses reçues sont favorables à la négociation d'un accord de libre-échange avec la Communauté andine. Le Canada et les pays de la Communauté andine devront toutefois tenir des discussions préparatoires supplémentaires avant le lancement des négociations. Le Canada et la communauté andine ont signé en mai 1999 une entente de coopération en matière d'investissement.

Certains pays andins (la Colombie, l'Équateur et le Pérou) négocient actuellement avec les États-Unis en vue de la conclusion d'un ALE, ce qui pourrait avoir une incidence sur la compétitivité des entreprises canadiennes.

Le Canada négocie avec enthousiasme un accord sur la promotion et la protection des investissements étrangers (APIE) avec le Pérou. En 2003, la valeur des investissements canadiens réalisés au Pérou se chiffrait à 1,8 milliard de dollars. Le Pérou est une importante destination des investissements réalisés par, entre autres, les entreprises minières canadiennes. Le Canada a conclu des APIE avec le Venezuela et l'Équateur.

Venezuela

Aperçu

Le Venezuela est un partenaire commercial important pour le Canada. En 2004, les échanges bilatéraux de marchandises ont totalisé un peu plus de 1,8 milliard de dollars. Toujours en 2004, la valeur des exportations canadiennes à destination du Venezuela s'est chiffrée à 508 millions de dollars, et celle des importations à 1,31 milliard de dollars, ce qui fait de ce pays notre deuxième partenaire commercial en importance en Amérique du Sud. Ainsi, les échanges bilatéraux ont crû d'environ 78 % par rapport à 2003, ce qui indique que l'économie est en voie de reprendre le terrain perdu en 2002 et en 2003 en raison de la mauvaise conjoncture économique qui sévissait au Venezuela. Bien que la situation économique se soit améliorée en partie, principalement en raison de la hausse des prix du pétrole, les fournisseurs canadiens et d'autres fournisseurs étrangers continuent d'être atteints par les mesures de contrôle des changes imposées en février 2003 et par la diminution générale du pouvoir d'achat des Vénézuéliens. Les principales exportations canadiennes au Venezuela sont le blé, la machinerie, les véhicules moteurs, le papier et le carton, le matériel optique et médical, les légumes, la pâte de bois, les aliments en conserve et le matériel électrique. Les importations canadiennes en provenance du Venezuela se composent de produits pétroliers, de produits du fer et de l'acier, de produits chimiques inorganiques, de minerai, de scories et de cendres, d'engrais, de véhicules, de fer et d'acier, de matériel électrique, d'aluminium et de produits chimiques organiques.

L'investissement canadien se concentre dans les secteurs vénézuéliens suivants : les télécommunications, les services bancaires, les mines, les services juridiques, le pétrole et le gaz. De plus, les exportateurs et les investisseurs sont à la recherche de débouchés dans les secteurs de l'agroalimentaire, de l'énergie, de l'environnement et des produits de sécurité.

En 1996, le Canada et le Venezuela ont signé un accord sur la promotion et la protection des investissements étrangers, qui est entré en vigueur en janvier 1998. Un accord sur la double imposition est entré en vigueur le 1er janvier 2005.

Accès aux marchés – priorités du Canada pour 2005

- Continuer à intervenir auprès des autorités pour qu'elles abandonnent le système discrétionnaire de délivrance des permis d'importation de produits agricoles.
- Continuer à encourager le Venezuela à résoudre les différends en matière d'investissement dans le respect des règles de transparence et en conformité avec la loi.
- Continuer à intervenir auprès des autorités vénézuéliennes afin d'obtenir la reprise des échanges commerciaux de bœuf et de produits du bœuf en provenance du Canada.
- Continuer à intervenir auprès des autorités vénézueliennes afin d'obtenir la reprise des échanges commerciaux de volaille et de produits de volaille en provenance du Canada.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

Commission de l'administration des changes

En 2003, un contrôle des changes qui continue d'avoir un effet sur les exportateurs de certains produits et services destinés au Venezuela a été instauré. À cause de ce contrôle, il est difficile pour les importateurs vénézuéliens d'avoir accès légalement aux devises étrangères requises pour l'acquisition de produits et de services qui ne figurent pas sur la liste d'importations prioritaires mise en application par la Commission de l'administration des changes (CADIVI). Pour importer des biens et des services ne figurant pas sur la liste, les importateurs n'ont souvent d'autre option que d'acheter des devises sur le marché noir à des taux supérieurs d'environ 25 % aux taux de change officiels. Bien qu'on ait observé une hausse marquée des devises accordées par la CADIVI au cours de 2004, le processus administratif nécessaire à l'obtention de devises par l'intermédiaire de la CADIVI constitue un obstacle bureaucratique au commerce. Le gouvernement vénézuelien a déclaré que le régime demeurera en place pour une période indéterminée, mais tout semble indiquer que les mesures de contrôle seront appliquées de façon souple.

Produits agricoles

Les règlements sanitaires du ministère de l'Agriculture et des Terres (MAT-SASA) ne sont pas entièrement transparents et les autorités ne réagissent pas en temps opportun aux demandes officielles portant sur les questions sanitaires et phytosanitaires (SPS). Le Venezuela s'est engagé à mettre sur pied un système commercial ouvert et fondé sur des règles, mais la valeur de cet engagement soulève des questions. Ces dernières années, le Canada est intervenu à de nombreuses reprises auprès des autorités vénézuéliennes pour exprimer ses préoccupations au sujet du système de délivrance des permis d'importation (relativement aux mesures SPS), qui restreint les produits agricoles. Le Canada est préoccupé quant à certains produits comme la viande (le bœuf et le porc), les pommes de terre de consommation, les oignons et, depuis peu, les légumineuses. Selon l'industrie, les permis d'importation sont soit octroyés mais pas dans les délais, octroyés mais pas pour la totalité de la demande ou refusés. Aucune raison valable n'est fournie pour justifier de tels retards ou des refus. Le Canada estime que, pour autant qu'il applique les mesures appropriées pour répondre aux préoccupations sanitaires et phytosanitaires légitimes du Venezuela, les permis d'importation (relativement aux mesures SPS) devraient être délivrés automatiquement et en temps opportun. Le 26 novembre 2002 et le 26 octobre 2004, le Canada a informé le Venezuela de ses préoccupations concernant la délivrance irrégulière de permis d'importation et le rejet d'autres demandes de permis pour l'importation de pommes de terre de consommation, d'oignons et de légumineuses. Le Canada a fait parvenir aux autorités vénézuéliennes une lettre dans laquelle il demande l'élimination de cet obstacle au commerce.

AUTRES DOSSIERS

Aux prises avec des difficultés économiques et politiques, le Venezuela fait l'objet d'hésitations de la part des investisseurs étrangers. Le vaste projet d'exploitation de la mine d'or Las Cristinas fait toujours l'objet de différends juridiques complexes de longue date qui touchent diverses parties, dont le gouvernement du Venezuela et plusieurs entreprises canadiennes. L'affaire a été enregistrée auprès du Centre international pour le règlement des différends relatifs aux investissements. Le gouvernement du Canada a fait savoir aux autorités vénézuéliennes qu'il est important de résoudre ce litige dans le respect des règles de transparence et des principes de bonne foi, et en conformité avec la loi.

AMÉRIQUE CENTRALE

Aperçu

Le Costa Rica, le Salvador, le Guatemala, le Honduras, le Nicaragua et le Panama sont des pays d'Amérique centrale dont l'économie émergente affiche, de manière générale, une bonne croissance. Les échanges de marchandises bilatéraux entre le Canada et les pays d'Amérique centrale ont atteint 1,18 milliard de dollars en 2004. Les exportations canadiennes à destination de l'Amérique centrale se sont chiffrées à 386 millions de dollars, et les importations à 791 millions de dollars. (Nota : ces statistiques ne comprennent pas les marchandises qui transitent par les États-Unis.)

L'Accord de libre-échange entre le Canada et le Costa Rica, en vigueur depuis le 1er novembre 2002, démontre qu'il est possible de composer avec les différences de taille et de niveau de développement qui peuvent exister entre les partenaires de pareil accord. Deux autres accords sont également entrés en vigueur, le premier sur la coopération en matière de travail et le second sur la coopération environnementale. La conclusion d'un accord de libre-échange avec le Salvador, le Guatemala, le Honduras et le Nicaragua permettra au Canada d'affirmer sa présence et son influence dans cette région et d'aider au renforcement de liens commerciaux.

Le Canada a conclu un accord de promotion et de protection des investissements étrangers (APIE) avec le Costa Rica et un mémoire d'entente portant sur le commerce et l'investissement avec l'Amérique centrale.

Accès aux marchés – résultats obtenus en 2004

- Les négociations d'un ALE se sont poursuivies avec le Salvador, le Guatemala, le Honduras et le Nicaragua (CA4).
- La mise en œuvre de l'accord de libre-échange entre le Canada et le Costa Rica s'est poursuivie, et le 1er janvier 2004, la troisième réduction de droits prévue est entrée en vigueur.
- Le gouvernement costaricien a éliminé l'obligation de présenter une déclaration d'information douanière sur les importations en provenance du Canada.
- Le Canada a exercé des pressions sur les gouvernements du Costa Rica, du Honduras et du Nicaragua dans le but d'appuyer et de faire avancer les intérêts des compagnies minières canadiennes dans la région.
- Le Canada a exercé des pressions sur le gouvernement du Honduras pour que celui-ci reconsidère l'interdiction imposée sur l'importation de produits contenant des fibres d'amiante chrysotile.
- Le Canada a maintenant accès au marché hondurien pour les produits de bœuf désossé.
- Le marché nicaraguayen a été rouvert au sperme et aux embryons porcins et bovins, aux produits de viande de porc congelés, aux oignons et aux pommes de terre de consommation.
- Le Canada a obtenu un accès continu au marché costaricien pour les produits de viande de porc en raison de l'inspection, par les autorités costariciennes, des établissements canadiens de transformation de la viande.
- Le Canada a obtenu l'accès au marché costaricien pour les produits de viande de poulet et de dinde.
- Le Canada a obtenu un accès continu au marché panaméen pour le porc, en dépit du système panaméen de certification individuelle des établissements.
- Le Guatemala a retiré ses mesures liées à l'ESB contre le porc et ses produits, ce qui a permis la reprise des échanges commerciaux de porc et de produits du porc.
- Le 13 septembre 2004, le Guatemala a retiré ses mesures liées à la grippe aviaire contre la Colombie-Britannique.

Accès aux marchés – priorités du Canada pour 2005

- Mener à terme les négociations sur l'établissement d'un accord de libre-échange avec le Salvador, le Guatemala, le Honduras et le Nicaragua (CA4).
- Poursuivre, auprès du Costa Rica, du Panama et du Salvador, l'approbation de l'ensemble du réseau d'établissements canadiens d'exportation de viande. Le système actuel d'inspection individuelle de chaque établissement coûte cher et impose un lourd fardeau administratif aux exportateurs canadiens.

- Surveiller de près l'élaboration des réglementations par le Salvador et le Guatemala qui touchent les activités commerciales et l'investissement étranger; conseiller les exportateurs canadiens; exercer des pressions sur le gouvernement du Salvador, au besoin, pour défendre les intérêts des exportateurs canadiens.
- Améliorer la protection et assurer la promotion des investissements canadiens dans les pays du CA4 en incluant un chapitre complet sur l'investissement dans l'accord de libre-échange entre le Canada et le CA4.
- Continuer d'intervenir auprès des autorités du Salvador, et du Guatemala, du Nicaragua et du Honduras, pour qu'elles retirent leurs mesures liées à l'ESB contre les importations en provenance du Canada.
- Continuer de défendre les intérêts des entreprises minières canadiennes dans la région.
- Continuer d'exercer des pressions sur le gouvernement du Honduras pour qu'il élimine l'interdiction imposée sur les produits contenant des fibres d'amiante chrysotile.
- Promouvoir les produits canadiens au Salvador, en ce qui concerne la construction (de meubles pour la maison et le bureau), l'agriculture (les aliments et les boissons, les engrais) et les technologies environnementales (les techniques de l'élimination des déchets solides et le traitement des eaux résiduaires).

Costa Rica

Le Costa Rica est le pays le moins peuplé en Amérique centrale (4,1 millions d'habitants); il enregistre le PIB par habitant le deuxième plus élevé de la région et attire plus d'investissements étrangers que tout autre pays d'Amérique centrale (une moyenne de 795 millions de dollars canadiens par année depuis 1997). En raison de son climat politique stable et de sa main-d'œuvre bien formée, le Costa Rica continue d'offrir des débouchés intéressants pour les exportateurs de produits et de services. Le Costa Rica est le deuxième partenaire le plus important de la région et représente 33 % des échanges bilatéraux de marchandises réalisés par le Canada en Amérique centrale. En 2004, les échanges bilatéraux entre le Canada et le Costa Rica ont atteint 392 millions de dollars. Les exportations canadiennes ont totalisé 76 millions de dollars, et les importations, 316 millions de dollars.

Les principales exportations vers le Costa Rica sont : le papier journal et le papier, les engrais, la machinerie, les légumes préparés et le malt. Le Canada importe principalement des fruits (des ananas, des bananes et des melons d'eau), des équipements électriques, du sucre, des instruments médicaux, et du café. L'investissement canadien au Costa Rica est principalement axé sur les secteurs suivants : l'hôtellerie et le tourisme, les banques, les journaux, les mines, les technologies environnementales et l'hydroélectricité. Les exportateurs et les investisseurs canadiens cherchent à exploiter des débouchés dans des secteurs prioritaires comme l'agriculture et l'agroalimentaire, la construction et les matériaux de construction, les technologies environnementales, les technologies de l'information et des communications, le tourisme, l'énergie et les infrastructures routières.

L'Accord de libre-échange entre le Canada et le Costa Rica (ALECCR) est devenu la pierre angulaire de notre relation sur le plan du commerce et de l'investissement, relation qui s'intensifie d'ailleurs de plus en plus.

L'accord prévoit l'élimination progressive des droits de douane. Lorsque l'accord est entré en vigueur, le Costa Rica a éliminé les droits de douane pour 67 % de ses lignes tarifaires, et éliminera les droits s'appliquant aux derniers produits sur une période allant jusqu'à 14 ans. Pour sa part, le Canada a accordé un accès en franchise de droit pour 86 % de ses lignes tarifaires, l'élimination des droits de douane pour le reste des produits visés par l'accord devant se faire sur une période allant jusqu'à 8 ans. Les deux parties ont procédé jusqu'à maintenant à quatre vagues de réduction des droits de douane : une au moment de l'entrée en vigueur de l'accord, et les trois autres les 1er janvier de 2003, de 2004 et de 2005.

Au nombre des accords qui contribuent à l'application efficace des règles normatives nationales, citons l'Accord de coopération environnementale Canada–Costa Rica (ACECCR) et l'Accord de coopération dans le domaine du travail entre le Canada et le Costa Rica (ACTCCR). L'ACECCR prévoit de mettre en œuvre des initiatives de coopération technique pour renforcer les systèmes de gestion de l'environnement, et d'accroître la participation du public aux travaux d'élaboration des politiques environnementales. Quant à l'ACTCCR, il instaure un programme de travail et un processus destinés à permettre au public d'exprimer ses préoccupations sur l'application efficace du droit du travail dans l'autre pays.

Groupe des quatre de l'Amérique centrale : le Salvador, le Guatemala, le Honduras et le Nicaragua

En 2003, les échanges bilatéraux de marchandises entre le Canada et le Groupe des quatre de l'Amérique centrale (CA4) se sont élevés à 666 millions de dollars. Les exportations canadiennes vers le CA4 se sont chiffrées à 237 millions de dollars, et les importations ont atteint 429 millions de dollars.

Les négociations de libre-échange avec le CA4, lancées par le ministre du Commerce international le 21 novembre 2001, se poursuivent. Les parties négocient un accord complet sur l'accès au marché des biens et des services, l'investissement, les services financiers et le marché public. Les principaux intérêts canadiens résident dans les secteurs suivants : les produits et les services de télécommunications, le matériel et les services environnementaux, les aliments transformés à valeur ajoutée, les mines, les pièces pour véhicules automobiles, et le matériel et les services de construction. Les pays envisagent également la conclusion d'accords parallèles de coopération pour aborder les questions liées au travail et à l'environnement. Des progrès ont été réalisés jusqu'à présent, mais les négociations portent maintenant sur des questions clés délicates qui devront absolument être résolues.

En raison de la hausse réelle des prix de l'or et du nickel et de la confiance accrue des investisseurs dans l'administration Berger, l'intérêt des Canadiens pour le secteur minier de l'Amérique centrale en général et pour celle du Guatemala en particulier renaît actuellement et pourrait occuper nos missions à différents niveaux dans les mois à venir. Le fait que les intérêts miniers canadiens constitueront bientôt la plus importante source d'investissement étranger et de revenu du gouvernement guatémaltèque au cours des quelques prochaines décennies démontre cet intérêt. Les investissements réalisés dans ce secteur par les trois plus importantes entreprises minières canadiennes devraient, dans un avenir proche, atteindre environ 660 millions de dollars.

Salvador

Le Salvador, l'un des moteurs économiques de l'Amérique centrale, abrite les plus grandes banques de la région. Son infrastructure de télécommunications et d'expédition est moderne. En 2004, les échanges bilatéraux de marchandises entre le Canada et le Salvador se sont élevés à 105,5 millions de dollars. Les exportations canadiennes vers le Salvador se sont chiffrées à 52,2 millions de dollars, alors que les importations ont atteint 53,3 millions de dollars.

La prospérité croissante du pays repose sur une politique d'ouverture commerciale, un programme d'incitation à l'investissement étranger et des réformes économiques. Les envois d'argent au pays de la part de Salvadoriens vivant à l'étranger demeurent une force motrice de l'économie et devraient se chiffrer à 2,4 millions de dollars américains en 2004. Selon la Banque centrale, 80 % de l'argent que les Salvadoriens vivant à l'étranger envoie à leur famille est destiné à l'achat de biens de consommation. Le taux de croissance du PIB, qui s'établit actuellement à 19,6 milliards de dollars, sera inférieur à 2 % en 2004, comme cela a été le cas l'an dernier. Ce taux demeure tout de même le plus élevé d'Amérique centrale. Le taux d'inflation restera bas. L'Assemblée nationale a récemment adopté une série de mesures de réforme fiscale visant à accroître les contributions et à lutter contre l'évasion fiscale.

Les importations de biens de consommation ont affiché un taux de croissance de 10,1 %, et se chiffraient à plus de 4 milliards de dollars américains en août 2004. Les biens de consommation et les biens intermédiaires, menés par les aliments et les boissons, continuent d'enregistrer les plus fortes hausses. Les exportations ont aussi progressé de 7 % par rapport à l'année précédente, passant pour la première fois la barre des 3 milliards de dollars américains. Les exportations vers le Canada ont progressé au cours des cinq dernières années pour s'établir à 52,3 millions de dollars canadiens en 2004.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), le Salvador a interdit l'importation d'animaux vivants, de bœuf et de produits du bœuf en provenance du Canada. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris le Salvador, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées. Il demande la reprise des échanges commerciaux en se fondant sur des faits scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Guatemala

Le Guatemala, dont la population se chiffre à 12,7 millions d'habitants, constitue la plus grande économie de la région avec un PIB de 35 milliards de dollars. Ce pays demeure le deuxième plus grand client du Canada dans la région. Il importe principalement des produits agricoles de base, des aliments transformés à valeur ajoutée, du papier journal et de la machinerie. En 2004, les échanges bilatéraux de marchandises entre le Canada et le Guatemala ont atteint 324 millions de dollars. Les exportations canadiennes vers le Guatemala se sont chiffrées à 143 millions de dollars, soit près de 56 % des exportations canadiennes à destination de la région. Nos importations en provenance de ce pays se sont élevées à 181 millions de dollars. Le taux de croissance potentiel des exportations de produits et de services canadiens vers le Guatemala demeure important, particulièrement en raison des avantages et de la sécurité que confère l'accord de libre-échange imminent entre le Canada et le CA4. De nouveaux débouchés pourraient s'ouvrir dans un nombre de secteurs divers, et particulièrement dans les secteurs prioritaires de ce pays que sont l'agriculture (y compris la foresterie), les aliments et les boissons, l'environnement et les mines.

Depuis plusieurs années, la situation macroéconomique globale du Guatemala continue d'afficher de bons résultats, puisque la Banque du Guatemala, en collaboration avec le Fonds monétaire international, pratique une gestion rigoureuse. Le taux de croissance a ralenti après avoir atteint un sommet de 5 % en 1998; mais en raison de la reprise économique, ce taux devait atteindre 2,5 % en 2003. Au cours des deux dernières années, le taux d'inflation a continué de baisser pour s'établir à des niveaux raisonnables variant entre 4 % et 6 %. Les exportations du Guatemala ont aussi baissé en 2001 et 2002 (principalement à cause de l'effondrement des prix du café et du ralentissement enregistré sur des marchés clés d'exportation des maquilas), mais elles ont augmentées en 2003; toutefois, elles devraient afficher une hausse substantielle au cours des trois prochaines années puisque le nouveau gouvernement met l'accent sur les dépenses liées aux infrastructures et les concessions en matière de commerce international.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), le Guatemala a interdit l'importation de bœuf et d'autres produits dont le porc. Aucun autre partenaire commercial n'a inclus le porc dans ses mesures liées à l'ESB imposées à l'encontre du Canada, et nous avons soulevé de vives objections. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris le Guatemala, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées. Il demande la reprise des échanges commerciaux en se fondant sur des faits scientifiques. En 2004, le Guatemala a retiré ses restrictions sur le porc et les produits du porc, et les échanges commerciaux pour le porc et les produits du porc ont repris. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 23 février 2004, le Guatemala a imposé des mesures contre les importations de volaille en provenance de la Colombie-Britannique en raison de la grippe aviaire. Le 13 septembre 2004, le Guatemala a retiré toutes ces mesures. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Honduras

Le Honduras, dont le PIB se chiffrait à 9,8 milliards de dollars canadiens en 2003, se classe à l'avant-dernier rang en Amérique centrale pour sa richesse; près des deux tiers de sa population vivent sous le seuil de la pauvreté. L'économie a mis des années à se relever des effets dévastateurs de l'ouragan Mitch qui a frappé le pays en 1998 et commence à montrer des signes de relance. Le taux de croissance du PIB, qui s'est maintenu autour de 2,5 % en 2001 et en 2002, est monté à 3,2 % en 2003, et devrait s'établir à 3,8 % en 2004 et à 4 % en 2005. Conformément aux ententes conclues avec le FMI, la Banque mondiale et d'autres prêteurs bilatéraux et multilatéraux, le gouvernement a adopté une série de mesures dans le but de respecter ses engagements dans le cadre des programmes d'allégement de la dette et de réduction de la pauvreté. Le déficit fiscal et l'inflation demeurent des sources d'inquiétude, mais le gouvernement a respecté ses engagements en matière de réforme fiscale (amélioration de la perception des recettes, réduction des dépenses publiques non essentielles), de réforme du secteur financier (amélioration de la réglementation et de la surveillance des institutions bancaires) et de réforme politique et judiciaire. Le gouvernement a également augmenté ses dépenses dans les domaines de l'éducation, de la santé, de la sécurité sociale, du logement et du développement rural. Le Honduras est un marché libre axé sur le libre-échange et l'investissement étranger (par le truchement de zones franches industrielles, de réglementation sur les ports francs, d'incitatifs à l'investissement et de bénéfices dans le secteur du tourisme et de privilèges douaniers et fiscaux). L'IED est en hausse, principalement dans l'industrie textile. Des débouchés s'offrent aux entreprises canadiennes dans les domaines des produits agricoles et alimentaires, de la construction et des engins de chantier, des technologies de l'information et des communications, des technologies environnementales et du tourisme, entre autres.

En 2004, la valeur des échanges bilatéraux s'établissait à 158 millions de dollars. Les exportations canadiennes se chiffraient à 25 millions de dollars, et les importations, à 133 millions de dollars.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), le Honduras a interdit l'importation de bœuf et de produits du bœuf en provenance du Canada. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris le Honduras, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées. Il demande la reprise des échanges commerciaux en se fondant sur des faits scientifiques. En janvier 2004, les échanges commerciaux ont repris pour le bœuf désossé en provenance du Canada. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Nicaragua

Le Nicaragua est le plus grand pays d'Amérique centrale et le plus pauvre de la région; en 2003, son PIB se chiffrait à 5,7 milliards de dollars canadiens. Ces dernières années, le gouvernement a entrepris un série de réformes visant à donner un élan à l'économie, entre autres en privatisant certaines entreprises d'État, en améliorant le climat pour les investisseurs étrangers et en agrandissant les zones franches. Le Nicaragua dépend toujours fortement de l'aide bilatérale et multilatérale et des programmes du FMI en matière d'allégement de la dette.

En 2004, les échanges bilatéraux de marchandises entre le Canada et le Nicaragua se chiffraient à 78 millions de dollars. La valeur des exportations canadiennes à destination de ce pays s'établissait à 17 millions de dollars, et les importations canadiennes en provenance de ce pays, à 61 millions de dollars.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), le Nicaragua a interdit l'importation de bœuf et de produits du bœuf en provenance du Canada. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris le Nicaragua, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées. Il demande la reprise des échanges commerciaux en se fondant sur des faits scientifiques. Le 16 janvier 2004, les autorités nicaraguayennes ont déclaré qu'elles n'autoriseraient que l'importation de certaines coupes de bœuf provenant de bovins âgés de moins de 30 mois. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Panama

Aperçu

Fort d'un PIB de 18,1 milliards de dollars, le Panama a un revenu par habitant qui le place au deuxième rang des pays de cette région. Les prix à la consommation y sont également les plus stables de la région. Le pays offre donc des débouchés importants pour les produits et les services canadiens. En 2004, les échanges bilatéraux de marchandises ont totalisé 119 millions de dollars, les exportations canadiennes se chiffrant à 73 millions de dollars et les importations, à 47 millions de dollars.

Le gouvernement du Canada continuera d'encourager les entreprises canadiennes à poursuivre des débouchés avec l'Autorité du canal de Panama. Avec un budget annuel de près de 1 milliard de dollars américains, sans créance et sans doute doté du processus d'approvisionnement le plus efficace de la région, l'Autorité du canal de Panama demeure un excellent client. La variété des produits et des services acquis tout au long de l'année dans la région du canal, ses projets de développement en cours et sa modernisation future (un projet de plusieurs milliards de dollars) ouvrent de nombreux débouchés aux entreprises canadiennes.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

Les obstacles non tarifaires à l'importation continuent d'avoir des répercussions sur les exportations canadiennes de produits agroalimentaires au Panama, quoique la situation s'améliore. Bien que la délivrance des permis d'importation pour le porc ait été réglée en partie, quelques problèmes surgissent à l'occasion en raison des changements d'orientation de la politique de l'administration locale pour faire des concessions aux divers intervenants nationaux. L'obligation de faire l'objet d'une inspection individuelle imposée aux usines désireuses d'exporter au Panama continue de poser problème, bien que la plupart des usines exportatrices aient passé avec succès l'examen de contrôle des autorités panaméennes. Le Canada continue d'intervenir auprès du gouvernement du Panama pour obtenir l'approbation du système canadien dans son ensemble.

CARAÏBES

Communauté des Caraïbes (CARICOM)

Aperçu

Les 15 membres de la Communauté des Caraïbes (CARICOM) sont Antigua-et-Barbuda, les Bahamas, la Barbade, le Belize, la République dominicaine, la Grenade, la Guyane, Haïti, la Jamaïque, Saint-Kitts-et-Nevis, Sainte-Lucie, Saint-Vincent-et-les-Grenadines, le Suriname, Trinité-et-Tobago, ainsi que Montserrat (sous la dépendance du Royaume-Uni). Les Bahamas font partie de la CARICOM, mais non du marché commun des Caraïbes.

La CARICOM est un marché accueillant pour les Canadiens. En effet, ces pays imposent peu d'obstacles au commerce, utilisent l'anglais comme langue commune et possèdent des codes juridiques et des pratiques commerciales semblables à ceux du Canada. Par ailleurs, plusieurs banques canadiennes sont bien établies dans la région. Toutefois, il y a une exception : Haïti. Le français et le créole y sont les langues officielles et les codes juridiques haïtiens découlent du Code civil.

Le commerce bilatéral de marchandises entre le Canada et les pays de la CARICOM s'est chiffré à 1,4 milliard de dollars en 2004, les exportations du Canada vers cette destination totalisant 491 millions de dollars et les importations, 950 millions de dollars. (Nota : ces statistiques ne comprennent pas les marchandises qui transitent par les États-Unis.) Par ailleurs, un grand nombre de contrats totalisant plus de 200 millions de dollars sont alloués chaque année à des prestataires canadiens de services de conseils et d'ingénierie par le truchement d'un financement du gouvernement ou de banques de développement. De nombreux contrats financés par des moyens privés ne sont pas comptabilisés.

L'investissement canadien effectué ou transitant dans l'ensemble des pays de la CARICOM dépassait les 34 milliards de dollars en 2003 (représentant ainsi 8,4 % de l'investissement canadien réalisé à l'étranger). Les principaux secteurs d'investissement sont les services financiers (les banques et les assurances), plus particulièrement à la Barbade et aux Bahamas. Dans les années 1990, l'investissement canadien s'est diversifié pour englober le secteur de l'énergie de Trinité-et-Tobago et le secteur minier de la Guyane et du Suriname.

Accès aux marché – résultats obtenus en 2004

- En ce qui a trait à l'ESB, reprise partielle des échanges commerciaux du bœuf et d'autres produits avec Antigua-et-Barbuda, la Barbade et Trinité-et-Tobago.

Accès aux marchés – priorités du Canada pour 2005

- Entamer les négociations en vue de conclure un ALE avec la CARICOM.

- En ce qui a trait à l'ESB, mettre la dernière main aux ententes convenues avec les Bahamas et la Jamaïque afin de reprendre les échanges commerciaux du bœuf et d'autres produits; continuer d'intervenir auprès des autres pays de la CARICOM pour les amener à reprendre ce commerce.
- Continuer de négocier avec Sainte-Lucie pour la reprise des échanges commerciaux pour le bœuf et les produits du bœuf.
- Continuer d'intervenir auprès des autorités de la Barbade et de Sainte-Lucie pour qu'elles retirent les mesures liées à la grippe aviaire.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

À l'occasion du Sommet Canada–CARICOM tenu en janvier 2001, en Jamaïque, le premier ministre de l'époque, M. Jean Chrétien, et ses homologues des pays de la CARICOM se sont entendus pour lancer des discussions en vue de négocier un accord de libre-échange éventuel. Les représentants des gouvernements se sont réunis un certain nombre de fois dans le cadre de rencontres officielles afin de partager des renseignements et des points de vue sur la portée des négociations visant à conclure un tel accord. Les discussions préparatoires à ce projet se sont poursuivies en 2003. Le premier ministre Paul Martin a réaffirmé l'engagement du Canada à l'occasion de discussions bilatérales avec les chefs d'États de la CARICOM au Sommet extraordinaire des Amériques de janvier 2004 à Monterrey.

À la fin de l'année 2001, le gouvernement du Canada a lancé un vaste processus de consultations publiques à l'échelle du pays auprès des entreprises, des organismes communautaires et des citoyens, ainsi qu'auprès des gouvernements provinciaux et territoriaux, afin d'obtenir des conseils et des opinions quant aux priorités, aux objectifs et aux préoccupations de tous en vue de mieux définir la portée d'une initiative commerciale avec les pays de la CARICOM. La plupart des réponses reçues étaient favorables au lancement de négociations visant à conclure un accord de libre-échange.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), de nombreux pays des Caraïbes ont interdit l'importation de bœuf et d'autres produits. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris les pays des Caraïbes, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées. Il demande la reprise des échanges commerciaux en se fondant sur des faits scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Antigua-et-Barbuda : En septembre 2003, Antigua-et-Barbuda a annoncé la levée partielle de l'interdiction; les échanges commerciaux de certains produits du bœuf et d'autres produits ont repris.

Bahamas : Les autorités des Bahamas ont récemment fait savoir qu'elles souhaitent mettre fin à cette interdiction et sont actuellement en discussion avec le Canada pour la reprise des échanges commerciaux.

Barbade : En octobre 2003, la Barbade a fait savoir qu'elle levait partiellement l'interdiction; les échanges commerciaux de certains produits du bœuf et d'autres produits ont repris.

Jamaïque : En septembre 2003, la Jamaïque a annoncé une levée partielle de l'interdiction. Toutefois, les derniers détails n'ont pas été convenus. Le Canada est actuellement en discussion avec les autorités du pays sur les modalités de reprise des échanges commerciaux.

Trinité-et-Tobago : En septembre 2003, le gouvernement de Trinité-et-Tobago a annoncé la levée partielle de l'interdiction; les échanges commerciaux de bœuf et de certains produits du bœuf ont repris.

Sainte-Lucie : En décembre 2004, le Canada et Sainte-Lucie ont entamé des négociations pour la reprise des échanges commerciaux de bœuf et de certains produits du bœuf.

Haïti

Haïti est le seul pays moins avancé (PMA) de l'hémisphère occidental. Dans le cadre de l'Initiative d'accès aux marchés des PMA, les droits de douane et les contingents s'appliquant à la majorité des produits haïtiens exportés au Canada, sauf aux produits agricoles dont l'offre est réglementée (les produits laitiers, la volaille et les œufs) ont été éliminés. Tous les autres produits importés sont assujettis à un taux de droit de douane nul.

En juillet 2003, Haïti a signé avec le Canada un protocole d'entente qui lui permet de profiter d'un traitement en franchise s'appliquant aux textiles et aux vêtements.

L'accès au marché canadien réservé aux produits haïtiens dans le cadre de l'Initiative d'accès aux marchés des PMA pourrait contribuer à la réduction de la pauvreté à Haïti en favorisant la croissance économique. Le Canada a prolongé l'Initiative d'accès aux marchés des PMA jusqu'à 2014.

Cuba

Aperçu

Cuba est le plus grand marché d'exportation de marchandises du Canada dans les Caraïbes et le 5e en importance en Amérique latine, avec des exportations qui ont totalisé 322 millions de dollars en 2004. Le Canada est l'un des principaux partenaires commerciaux de Cuba et la 2e source d'investissements étrangers en importance. Ce pays est un marché émergent qui peut offrir des occasions d'affaires aux exportateurs et aux investisseurs canadiens. Cependant, l'embargo américain toujours en vigueur et la tentative d'application extraterritoriale de la législation américaine sur les entreprises d'autres pays atténuent l'attrait de ces débouchés. Le Canada a adopté des modifications à sa *Loi sur les mesures extraterritoriales étrangères*, qui contrecarrent ces lois américaines en instaurant une clause de « récupération » pour toute perte subie à la suite d'un jugement américain à l'égard d'éléments actifs américains se trouvant en sol canadien. Le gouvernement du Canada s'oppose à l'application extraterritoriale de la législation américaine et ne soutient pas l'embargo sur Cuba.

La fin éventuelle de l'embargo américain pourrait ouvrir de nouveaux débouchés commerciaux. Les investisseurs canadiens doivent peser les avantages que procurerait une présence précoce sur un marché dynamique et les risques de voir la conjoncture économique subir des changements brusques.

Accès aux marchés – résultats obtenus en 2004

- Reprise des échanges commerciaux de bœuf par suite de négociations fructueuses d'un certificat d'exportation pour les exportations de bœuf vers Cuba.

Accès aux marchés – priorités du Canada pour 2005

- Surveiller l'élaboration et la mise en vigueur des réglementations cubaines qui touchent les activités commerciales et les investissements étrangers; conseiller les exportateurs canadiens et exercer des pressions sur le gouvernement cubain, au besoin, pour défendre les intérêts commerciaux canadiens.
- Surveiller la mise en place des exemptions de droits aux investisseurs canadiens en vertu de la loi cubaine sur l'investissement étranger (Décret 77), pour les importations de produits nécessaires aux projets d'investissements.
- Continuer d'intervenir auprès du gouvernement cubain pour qu'il retire les dernières mesures liées à l'ESB, contre les importations en provenance du Canada, incluant les bovins vivants.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

En 2004, Cuba a continué d'acheter des matières premières agricoles des États-Unis, bien qu'il ne soit pas autorisé à exporter ses produits dans ce pays. La valeur des produits importés par Cuba en provenance des États-Unis depuis 2001 s'établit à près de 1 milliard de dollars. Ces achats ont été effectués conformément à la *Loi sur la subvention des exportations et la réforme des sanctions commerciales 2000* (TSRA), qui a permis de soustraire effectivement les matières premières agricoles aux dispositions de l'embargo américain sur Cuba, à condition que les achats soient payés en espèces. Ces conditions monétaires, offertes uniquement aux exportateurs américains, ont avantagé certaines exportations agricoles américaines. Le gouvernement du Canada continue de porter cette question à l'attention des autorités cubaines pour assurer l'uniformisation des règles du jeu pour les exportateurs canadiens.

Le 23 octobre 2004, la Banque centrale de Cuba a publié une directive restreignant l'utilisation du dollar américain et stipulant que toutes les transactions auparavant réalisées à Cuba en dollars américains devraient dorénavant être réalisées en pesos convertibles (toujours à parité fixe avec le dollar américain). Il sera toujours légal de posséder des dollars américains, mais des frais de 10 % s'appliqueront à l'achat de pesos convertibles avec des dollars américains. Ces frais de 10 % ne s'appliqueront pas à l'achat de pesos convertibles avec d'autres devises, par exemple avec des dollars canadiens.

Cette mesure donne suite au nouveau règlement adopté en juillet 2003 qui prévoit un contrôle des changes de facto, en vertu duquel les entreprises cubaines doivent désormais obtenir la permission de la Banque centrale pour avoir accès aux devises étrangères qui leur permettent de respecter leurs obligations internationales. Le Canada suivra de près la mise en œuvre de ces nouvelles mesures; jusqu'à maintenant, aucun effet n'a été observé sur le flux des échanges commerciaux.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), Cuba a interdit l'importation de bovins vivants, de bœuf et d'autres produits en provenance du Canada. Une délégation de vétérinaires cubains a visité le Canada en septembre 2004 pour discuter des questions liées au commerce des produits d'origine animale. Le 14 décembre 2004, la négociation d'un certificat pour le bœuf a été conclue et les exportations ont repris. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 22 mars 2004, Cuba a imposé des mesures contre l'importation des produits de volaille en provenance du Canada. Le 21 janvier 2005, Cuba a retiré toutes restrictions. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

République dominicaine

Aperçu

La République dominicaine est l'un des marchés et l'une des zones franches manufacturières des Caraïbes qui connaissent la croissance la plus forte et la plus rapide. Selon les statistiques officielles, les échanges bilatéraux entre le Canada et la République dominicaine se sont chiffrés à 228 millions de dollars en 2004, les exportations canadiennes totalisant 100 millions de dollars et les importations, 128 millions de dollars. La République dominicaine est le sixième marché d'exportation de marchandises en importance pour le Canada en Amérique centrale et dans les Caraïbes. Le Canada est le deuxième investisseur étranger en importance pour la République dominicaine. Ses investissements visent principalement les télécommunications, les mines, le secteur bancaire et le tourisme.

Après avoir connu un ralentissement considérable en raison de la crise bancaire survenue en 2003, l'économie du pays se remet de façon constant, grâce à une entente conclue avec le FMI et l'adoption de réformes économiques et fiscales qui en découlent.

Accès aux marchés – résultats obtenus en 2004

- Trois exploitants d'aéronefs ont été désignés pour l'établissement d'un service aérien à horaire fixe entre le Canada et la République dominicaine.

Accès aux marchés – priorités du Canada pour 2005

- Continuer de renforcer les liens relativement aux échanges commerciaux et à l'investissement entre le Canada et la République dominicaine, y compris par le truchement d'un accord de libre-échange éventuel.
- Continuer d'améliorer les possibilités d'investissement et les débouchés commerciaux en République dominicaine par le truchement des négociations de la ZLEA et de l'OMC.
- Continuer d'intervenir auprès des autorités pour qu'elles retirent les mesures liées à l'ESB contre les importations en provenance du Canada.
- Continuer d'intervenir auprès des autorités dominicaines pour qu'elles retirent les mesures liées à la grippe aviaire.
- Faire des interventions auprès des autorités dominicaines afin qu'elles émettent les permis d'importation pour les produits agricoles canadiens automatiquement et ent temps opportun lorsqu'elles en reçoivent la demande.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

En mars 2002, le président de la République dominicaine et le premier ministre canadien de l'époque, M. Jean Chrétien, ont convenu d'envisager la tenue de négociations bilatérales sur le libre-échange. Ils ont ainsi décidé que les deux pays engageraient des discussions préparatoires à l'amélioration de leur relation commerciale. Des consultations publiques à grande échelle ont été lancées en novembre 2002 pour connaître les points de vue des Canadiens. Les efforts déployés en vue d'améliorer nos relations commerciales avec la République dominicaine se sont poursuivis en 2004.

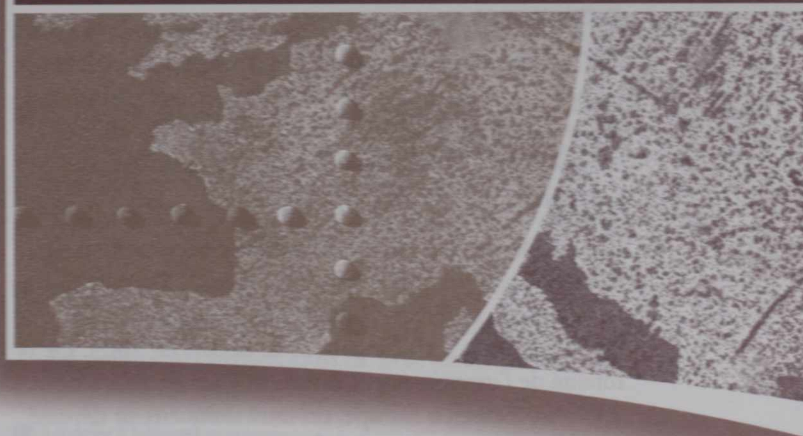
Encéphalopathie spongiforme bovine

À la suite de l'annonce faite l'annonce par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), la République dominicaine a suspendu les importations de bovins et de bœuf canadiens. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris la République dominicaine, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées. Il demande la reprise des échanges commerciaux en se fondant sur des faits scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 19 mars 2004, la République dominicaine a imposé des mesures liées à la grippe aviaire contre les importations de volaille en provenance de la Colombie-Britannique. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

6 Ouverture sur l'Europe



Union européenne

Aperçu

Le Canada et l'Europe entretiennent des relations commerciales de longue date, et l'Union européenne est un partenaire clé du Canada tant sur le plan des échanges que de l'investissement. Le Canada a été la première nation à signer un accord de coopération avec l'UE (l'Accord-cadre) en 1976. Par la suite, la Déclaration politique commune sur les relations entre l'Union européenne et le Canada et le Plan d'action commun UE–Canada de 1996 (*www.international.gc.ca/canadaeuropa/menu-fr.asp*) ont fixé les objectifs d'élargissement des relations bilatérales, non seulement dans le domaine commercial et économique, mais également sur un éventail plus étendu d'orientations politiques intérieures et étrangères. Les deux parties ont procédé à un examen approfondi de leurs relations en 2003. Le Canada travaille également en étroite collaboration avec l'Union européenne sur la promotion du système commercial multilatéral, et les parties entament actuellement la négociation d'un accord bilatéral sur le renforcement du commerce et de l'investissement.

L'Union européenne est le marché unique le deuxième plus important au monde. Il surpasse désormais les États-Unis en nombre d'habitants et en volume des exportations, et les suit de près pour ce qui est du produit intérieur brut (PIB). La population de l'UE était de 380 millions d'habitants au 1er janvier 2003, et sa part globale du PIB mondial se chiffrait, en 2003, à 28,8 %, contre 29,9 % pour les États-Unis et 2,3 % pour le Canada. En mai 2004, 10 pays d'Europe centrale et du Sud se sont joints à l'UE, portant sa population à plus de 450 millions d'habitants.

Ensemble, les 25 États membres actuels de l'UE demeurent, après les États-Unis, le principal partenaire commercial du Canada. L'UE est, toujours après les États-Unis, la principale destination de l'investissement direct canadien à l'étranger (IDCE) et la principale source de l'investissement étranger direct (IED) du Canada. Les échanges commerciaux totalisaient 87 milliards de dollars en 2004. Les flux d'investissements canadiens vers l'UE s'élevaient à 4,8 milliards de dollars en 2004 et les flux en provenance de l'UE ont chuté de 12,7 milliards de dollars.

De plus en plus d'entreprises canadiennes et européennes cherchent moins à vendre qu'à établir une véritable présence sur chaque marché.

En 2004, les exportations de marchandises canadiennes à destination de l'UE se sont chiffrées à 22,6 milliards de dollars, représentant 5,5% des exportations totales du Canada et 35,0 % des exportations canadiennes non destinées aux États-Unis. Le Canada exporte principalement des pierres précieuses, de la machinerie, et des aéronefs en UE. Le marché de l'UE représente environ 18 % des services exportés par le Canada. Si les États-Unis ont absorbé 88 % de la hausse des exportations du Canada entre 1993 et 2004, l'UE s'est assurée 40 % de la croissance des exportations destinées à des pays autres que les États-Unis (ou près de 5 % du total).

En 2004, les importations canadiennes de marchandises en provenance de l'UE ont affiché un taux de croissance plus rapide que celui des exportations canadiennes à destination de l'UE (8,9 % comparativement à 6,2 %). La valeur des importations de marchandises en provenance de l'UE, composées surtout de machinerie, de produits pétroliers, de produits pharmaceutiques, de véhicules et d'aéronefs, a totalisé 42 milliards de dollars en 2004. En conséquence, la balance commerciale du Canada avec l'UE affiche un déficit qui s'est situé à 19,4 milliards de dollars en 2004. Toutefois, avec 77 milliards de dollars en 2001, les ventes des filiales d'entreprises canadiennes installées en UE sont maintenant plus de quatre fois plus importantes que les exportations canadiennes et plus l'investissement s'intensifiera, plus elles augmenteront.

Le Canada est un investisseur important sur le marché européen et vice-versa. Plus de 1 800 sociétés européennes ont réalisé des investissements au Canada. Ces chiffres font de l'UE le deuxième investisseur en importance au Canada, avec 27 % de l'IED total.

Le Canada est le troisième investisseur en importance en Europe (après les États-Unis et le Japon). Le volume de l'investissement direct canadien dans les pays de l'UE (15) se chiffrait à 99,1 milliards de dollars en 2003. De la totalité de l'investissement direct du Canada à l'étranger, 25 % est réalisé en Europe, un taux uniquement dépassé par nos investissements aux États-Unis.

Certains des événements commerciaux récents dans l'UE ont des répercussions sur le Canada, à savoir : l'expansion de l'union économique et monétaire, la distorsion des marchés agricoles, les tarifs protectionnistes, l'harmonisation des réglementations en vue du marché unique, les nouveaux accords bilatéraux de libre-échange, sans oublier les interdictions et les restrictions imposées par l'UE sur les importations pour des raisons liées à la protection de la santé, de l'environnement et des consommateurs.

Les relations commerciales entre le Canada et l'UE sont régies par les accords de l'Organisation mondiale du commerce (OMC) ainsi que par des accords bilatéraux de coopération dans le domaine des douanes, de la politique de la concurrence, de la science et de la technologie, des normes de piégeage, des inspections vétérinaires et de la reconnaissance mutuelle de la certification et des essais de produits aux fins de normalisation.

L'UE négocie également des accords régionaux de libre-échange avec d'autres pays, notamment avec les pays du Mercosur et le Chili. Ces dernières années, elle a conclu des accords de libre-échange avec le Mexique et l'Afrique du Sud. Par ailleurs, quelque 77 pays en développement signataires de l'Accord de Cotonou bénéficient déjà de préférences tarifaires dans leurs échanges avec l'UE. De plus, l'UE est en train de resserrer ses liens économiques avec ses « nouveaux voisins » que sont le Bélarus, la Moldavie, la Russie, l'Ukraine, et les pays méditerranéens (Algérie, Autorité palestinienne, Égypte, Israël, Jordanie, Liban, Libye, Maroc, Syrie et Tunisie). Le Canada est l'un des huit pays du monde, seulement, à ne pas bénéficier d'une relation commerciale préférentielle quelconque avec l'Union européenne.

Relations commerciales Canada–Union européenne

Un certain nombre de mécanismes bilatéraux visent à faciliter les relations commerciales entre le Canada et l'UE. Le ministre canadien du Commerce international et son homologue européen, le Commissaire au commerce, se rencontrent fréquemment pour discuter du programme commercial bilatéral et multilatéral. Le Comité de coopération mixte se réunit une fois par année au niveau des plus hauts fonctionnaires. Les questions commerciales qui concernent le Canada et l'UE sont également abordées par leurs représentants respectifs au sein du Sous-comité sur le commerce et l'investissement, ainsi que dans des groupes de travail sectoriels.

Accord Canada–UE sur le renforcement du commerce et de l'investissement

Au Sommet Canada–UE de décembre 2002, les dirigeants ont pris l'engagement fondamental « d'élaborer un nouveau type d'accord bilatéral axé sur l'avenir et de portée très vaste, visant à renforcer le commerce et l'investissement ». Ce nouvel accord, combiné aux résultats attendus du Cycle de négociations de Doha, vise à dépasser les traditionnelles questions d'accès aux marchés et porterait notamment sur la facilitation des échanges et de l'investissement, la science et la technologie, et la coopération en matière de réglementation. Les négociations devraient démarrer en 2005 et se dérouler parallèlement aux négociations du cycle de l'OMC de Doha, dans le cadre desquelles on traite de questions relatives à l'accès aux marchés, comme les droits de douane.

L'Accord sur le renforcement du commerce et de l'investissement jouera un rôle fondamental dans l'approfondissement des relations entre le Canada et l'UE. Le Canada considère ce projet d'accord comme une initiative axée sur l'avenir, qui non seulement répond aux défis actuels et anticipe ceux à venir, mais qui permet également d'élargir et d'approfondir les échanges commerciaux, les possibilités d'investissement et nos relations en général.

Même si les échanges entre le Canada et les pays nouvellement admis sont relativement modestes, certaines incidences se feront sentir sur les flux commerciaux lorsque ceux-ci aligneront leurs tarifs douaniers et leurs régimes de réglementation avec ceux de l'UE. Lorsqu'ils sont devenus membres de l'UE, ces pays ont perdu le bénéfice du tarif de préférence général du Canada. En matière de traités sur l'investissement, le Canada a, pour le moment, signé des accords bilatéraux sur la protection de l'investissement avec cinq des nouveaux pays membres : la Hongrie, la Lettonie, la Pologne, la République tchèque et la Slovaquie. Maintenir un degré élevé de protection de l'investissement pour les investisseurs canadiens est essentiel maintenant que les nouveaux membres de l'UE ramènent leurs régimes d'investissement en conformité avec les lois et les règlements européens.

Coopération en matière de réglementation

Les décisions et les règlements adoptés à l'intérieur d'un pays influent de plus en sur les relations commerciales internationales. C'est pourquoi le Canada et l'Union européenne considèrent que les questions de réglementation sont au cœur des discussions commerciales. Le 21 décembre 2004, le Canada et la Commission européenne ont adopté un accord-cadre de coopération sur la réglementation destiné à éviter et à éliminer toute réglementation qui crée un obstacle inutile au commerce et à l'investissement, en favorisant la mise en commun de l'information, le dialogue, la transparence et la collaboration entre organismes de réglementation. L'accord-cadre devrait améliorer l'accès aux marchés des producteurs des deux cotés de l'Atlantique et promouvoir le dialogue entre régulateurs dès les premiers stades de l'élaboration de nouveaux règlements. L'accord-cadre constituera également un élément clé de l'accord bilatéral sur le renforcement du commerce et de l'investissement.

Accès aux marchés – résultats obtenus en 2004

- Le Canada et la Communauté européenne (CE) ont négocié des modifications aux dispositions des annexes V et VIII de l'Accord Canada–UE sur les normes vétérinaires qui concernent le porc frais, la semence de bovin et le homard vivant.
- Le Canada a obtenu l'accès à tout le marché de l'Union européenne (UE) pour l'amélanche.
- Le Canada et l'UE ont adopté un accord-cadre bilatéral sur la coopération en matière de réglementation, lequel vise à améliorer l'accès aux marchés et à accroître les échanges commerciaux par la réduction des irritants réglementaires et la promotion de bonnes pratiques en matière de réglementation.
- Le Canada et l'UE ont mis la dernière main à l'accord bilatéral relatif au commerce des vins et des spiritueux.
- Le Canada et l'UE ont achevé l'accord bilatéral sur les céréales.

Accès aux marchés – priorités du Canada pour 2005

- Renouveler la dérogation de trois ans visant les pommes de terre de semence du Nouveau-Brunswick et de l'Île-du-Prince-Édouard, et discuter avec l'UE de la possibilité d'étendre la dérogation à toutes les régions canadiennes productrices de pommes de terre.
- Mettre à exécution les modifications apportées à l'Accord Canada–CE sur les normes vétérinaires, ce qui ouvrira aux exportateurs de porc canadien des débouchés importants.
- Inciter l'Union européenne à améliorer l'accès à ses marchés pour les crevettes cuites et décortiquées, notamment en assouplissant la prescription relative à leur transformation ultérieure en UE.
- Faire progresser les négociations concernant l'Accord sur le renforcement du commerce et de l'investissement ainsi que les négociations du Cycle de Doha de l'OMC.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Poisson et fruits de mer

Les exportations canadiennes de poisson et de fruits de mer vers l'Union européenne ont totalisé 484 millions de dollars en 2004. En 1990, les exportations de fruits de mer vers l'UE représentaient environ 19 % des exportations canadiennes de poisson et de fruits de mer. En 2004, cette part s'établissait à 10,7 %. Cette baisse s'explique notamment par la diminution des stocks de poisson de fond, les droits de douane élevés imposés par l'UE et l'accès privilégié au marché européen dont bénéficient les principaux concurrents du Canada. Les droits de douane que l'UE perçoit sur de nombreuses espèces de poisson et de fruits de mer exportées par le Canada varient entre 12 % et 23 %. Le Canada cherche à obtenir des réductions tarifaires pour divers produits du poisson durant le cycle des négociations multilatérales en cours, et il est particulièrement préoccupé par le droit de douane de 20 % que l'Union européenne impose aux exportations de crevettes d'eau froide cuites et décortiquées. Le gouvernement du Canada fait régulièrement pression auprès des dirigeants de la Commission européenne pour assurer aux exportations canadiennes de crevettes un meilleur accès au marché de l'Union européenne.

Une autre source de préoccupation du Canada en 2004 a été la suspension inattendue par l'Union européenne des exportations canadiennes de mollusques vivants, y compris ceux destinés directement à la consommation humaine. Cette suspension a été imposée par suite de révisions apportées aux prescriptions de l'Union européenne relativement à toutes les importations de mollusques vivants et en vertu desquelles le produit devait dorénavant faire l'objet d'un certificat de santé en plus d'un certificat de salubrité. Après de nombreuses interventions de représentants canadiens pendant deux mois et demi, les nouvelles exigences ont été modifiées pour permettre la reprise des exportations canadiennes de mollusques vivants à destination de l'Union européenne en juillet 2004 accompagnées uniquement d'un certificat de salubrité. La question de l'accès aux marchés européens de mollusques vivants en vue d'un traitement et d'une transformation ultérieurs demeure à l'étude.

Nouvelle politique de l'UE sur les produits chimiques

En octobre 2003, la Commission européenne a adopté le projet de règlement visant à instaurer une nouvelle politique sur les produits chimiques, que le Parlement européen et le Conseil européen doivent encore approuver. Cette proposition remplace plus de 40 directives et règlements en vigueur. Elle vise à instaurer un système intégré unique relatif à l'enregistrement, à l'évaluation et à l'autorisation des produits chimiques. Ce système est connu sous l'acronyme anglais REACH (Registration, Evaluation and Authorization of Chemicals). En vertu de ce nouveau système, les produits chimiques manufacturés ou importés pesant plus d'une tonne devraient être enregistrés. Les sociétés qui produisent et qui importent des produits chimiques seront tenues d'évaluer les risques découlant de l'utilisation qu'elles en feront et de prendre les mesures nécessaires pour gérer les risques décelés. Cette procédure vise à faire passer le fardeau de la preuve des autorités publiques vers l'industrie, afin de garantir l'innocuité des produits chimiques présents sur les marchés.

Le Canada a fait part de ses préoccupations sur de nombreux points de cette proposition. Entre autres préoccupations, le fait que le processus d'enregistrement semble inutilement coûteux, compliqué et lourd; le manque de clarté des critères et des procédures pour l'enregistrement dans REACH, et aussi le manque de clarté des raisons justifiant les exemptions; le potentiel de pratiques anti-compétitives de la part des manufacturiers par la création de consortium volontaires; les questions de protection des renseignements commerciaux confidentiels; et l'utilisation de limites de volume de production pour la présentation d'information plutôt qu'une approche différentielle.

La proposition REACH en est aux phases législatives initiales. La décision finale ne devrait pas être prise avant les prochaines élections parlementaires européennes. Le Canada continuera à en observer les faits nouveaux.

Amélanche

L'amélanche du Canada était vendue au Royaume-Uni par un magasin de détail à succursales au cours de l'hiver dernier. Peu après avoir mis l'amélanche sur le marché, l'importateur et le détaillant ont été informés par la U.K. Food Standards Agency (FSA – Organisme britannique responsable des normes alimentaires) de ce que l'amélanche ne pouvait être vendue sur les marchés britanniques tant qu'elle n'aura pas été réputée propre à la consommation en vertu du Règlement relatif aux nouveaux aliments et aux nouveaux ingrédients alimentaires (Règlement (CE) 258/97).

Le Canada estime que les dispositions du Règlement de l'Union européenne indiquent que des aliments depuis longtemps réputés comment pouvant être consommés sans danger pour les êtres humains au Canada sont exemptés de l'application du Règlement. De plus, le gouvernement de la Finlande a avancé que l'amélanche ne devait pas être considérée comme un aliment nouveau au sens du Règlement de l'Union européenne étant donné que la consommation de l'amélanche était déjà « notable » en Finlande avant l'adoption du Règlement sur les nouveaux aliments en 1997.

Le 10 décembre 2004, un comité d'États membres de l'Union européenne a déclaré que l'amélanche n'était pas un aliment nouveau. Cela signifie donc que le marché européen est actuellement ouvert à l'amélanche canadienne et que les exportations canadiennes peuvent reprendre. Le Canada continuera à suivre la situation de près au cours des prochains mois pour nous assurer que les exportations canadiennes d'amélanche entrent sur le marché de l'Union européenne sans contretemps.

Produits alimentaires biologiques

L'Union européenne a mis en œuvre un système de contrôle et de certification obligatoires des produits biologiques en vertu du Règlement n° 2092/91, lequel exige que les pays exportateurs doivent figurer sur la liste d'équivalence des pays tiers au plus tard le 31 décembre 2005. En conséquence, pour préserver son accès au marché européen des produits biologiques, le Canada doit négocier avec l'Union européenne un accord établissant l'équivalence de sa norme et de son système d'assurance de la conformité relativement aux produits biologiques. Le gouvernement du Canada reconnaît l'importance que représente le marché européen pour les producteurs de produits biologiques canadiens. Agriculture et Agroalimentaire Canada et l'Agence canadienne d'inspection des aliments (avec l'appui de MAECI [CI]) ont mis sur pied un groupe de travail mixte dont le mandat consiste à envisager différents régimes de réglementation et à recommander des façons de résoudre des questions concernant l'accès aux marchés intérieurs et étrangers des produits biologiques canadiens.

Le Canada présentera une demande officielle pour figurer sur cette liste. Dans cette demande, le Canada démontrera que les procédures de certification et les normes de production nationales sont équivalentes à celles en vigueur dans l'UE. Elle sera présentée dès que la révision de la Norme nationale du Canada sur l'agriculture biologique sera terminée.

Évaluation des risques

L'Union européenne procède actuellement à l'évaluation des risques pour la santé et l'environnement que pose l'utilisation de trois métaux qui présentent pour le Canada un intérêt à l'exportation : le cadmium (pour la Belgique), le zinc (pour les Pays-Bas) et le nickel (pour le Danemark). Les industries du plomb et du cuivre ont entrepris des évaluations volontaires. Si un produit « échoue » l'évaluation et est considéré poser un risque pour la santé ou l'environnement, son utilisation peut être fortement limitée ou bannie. À l'heure actuelle, au sein de l'Union européenne, les États membres prennent les devants et élaborent une évaluation des risques pour une substance donnée. Le processus de l'évaluation des risques est interne à l'Union européenne et empêche toute évaluation par un pays tiers; toutefois, un rapport préliminaire a été soumis à l'attention des membres de l'OCDE.

Des rapports préliminaires d'évaluation des risques du zinc et du cadmium sont attendus au cours du premier trimestre de 2005, alors que les travaux se poursuivent sur le cuivre, le plomb et le nickel. Le gouvernement du Canada attend avec impatience la diffusion des rapports préliminaires et entend participer pleinement à toute consultation future. Le Canada appuie les évaluations fondées sur des données scientifiques des risques pour la santé et l'environnement. Cependant, il craint que l'emploi de méthodes d'évaluation des risques conçues pour les substances organiques n'occasionne des résultats défavorables pour les substances non organiques, telles que les minéraux et les métaux, ce qui donnerait lieu à des restrictions non nécessaires au commerce. La volonté d'atteindre des objectifs légitimes ne devrait pas entraîner l'imposition de nouvelles mesures qui limiteraient inutilement les échanges.

Produits forestiers

Le projet de loi sur « l'éco-étiquetage » déposé par la députée Marijke Vos du parti néerlandais « Green Left » s'est heurté à une forte résistance, entre autres de la part des protagonistes de l'industrie qui craignent que cette loi menace le libre-échange si elle est adoptée. Dans sa version préliminaire, le projet de loi proposait l'apposition d'étiquettes rouges ou vertes sur les produits : rouges si on ne peut démontrer que ces produits ont été obtenus par des « méthodes durables », et vertes si, aux yeux de l'auteure du projet de loi, on considère qu'on peut le démontrer (p. ex. s'il s'agit de produits certifiés par le Forest Stewardship Council). Dans sa version actuelle, le projet de loi propose seulement l'apposition d'étiquettes vertes sur une base volontaire. Récemment, des États membres de l'UE ont formulé des commentaires, et le Canada et la Malaisie ont fait de même dans le cadre de l'OMC, après que l'UE eut été notifiée de nouveau de la présentation de ce projet de loi par les Néerlandais. La Commission de l'UE a par la suite réagi en soulevant certaines inquiétudes, et nous attendons de voir comment la situation évoluera.

Parallèlement, les Pays-Bas ont adopté des lignes directrices nationales d'évaluation (connues sous le nom de « beoordelingsrichtlijn » ou « BRL » en néerlandais) qui fixent des critères pour l'évaluation du bois et des produits du bois certifiés importés avant leur distribution aux

Pays-Bas. Le Canada attend que les autorités néerlandaises publient une version préliminaire officielle de ces lignes directrices et demandent à leurs partenaires commerciaux de les commenter, tel que l'exigent leurs obligations commerciales internationales. Les protagonistes de l'industrie néerlandaise du bois d'œuvre considèrent que le système doit demeurer ouvert à l'évaluation de tous les certificats et qu'il ne doit pas créer de monopole pour un système en particulier, par exemple celui du Forest Stewardship Council. Le Canada fera la promotion de la reconnaissance et de l'équivalence de tous les mécanismes de certification pour les produits forestiers renouvelables (CSA, SFI et FSC).

Interdiction de la Belgique visant les produits du phoque

Le parlement belge envisage d'adopter une loi qui confirmerait un décret interdisant l'importation en Belgique de tous les produits du phoque. Le décret ministériel du 4 juin 2004 impose une prescription en matière de licence pour l'importation des produits du phoque jusqu'à ce qu'une loi en interdisant l'importation ne prenne effet. Le gouvernement belge a notifié à la CE la prescription qu'elle a adoptée en vertu du décret. Le projet de loi pourrait contrevenir aux directives de la CE, mais on attend des observations officielles de la CE à cet égard. Le Canada estime que l'interdiction de la Belgique constitue une mesure de restriction du commerce inutile et est intervenu officiellement auprès du Comité des obstacles techniques au commerce de l'OMC.

Le décret renferme plusieurs affirmations trompeuses sur les espèces de phoque qui sont chassées, les méthodes de chasse et la durabilité de la population de phoques au Canada. En effet, le décret ne tient pas compte des conclusions de la Commission royale sur les phoques et l'industrie de la chasse au phoque ni du rapport de l'Association canadienne des médecins vétérinaires (*Canadian Veterinary Journal*) selon lesquels les méthodes utilisées pour chasser le phoque sont comparables à celles qui servent à chasser d'autres animaux sauvages et sont considérées sans cruauté par les vétérinaires. En avril 2003, le Canada a modifié le *Règlement sur les mammifères marins* afin de mettre en place la pratique du test de réaction des paupières pour confirmer la mort de l'animal.

Le Canada maintient que la chasse aux phoques respecte de solides principes de conservation et qu'elle recourt à des méthodes dénuées de cruauté. Bien que la Belgique ne soit pas un des principaux marchés des exportations canadiennes de produits du phoque, le Canada craint que la loi belge ne crée un précédent qui incitera d'autres pays européens à prendre des mesures semblables ou qui encouragera la Commission européenne à revoir sa position. Par conséquent, cette loi pourrait avoir une incidence très néfaste sur l'industrie canadienne du phoque. Le Conseil canadien de la fourrure craint pour sa part qu'une interdiction visant les importations de fourrures de phoque ne conduise à l'adoption de mesures semblables à l'encontre d'autres types de fourrures et de produits de la fourrure.

Le Canada a présenté de nombreuses observations aux autorités belges les appelant à suspendre la mise en œuvre et l'étude du projet de loi. La chasse au phoque a une grande importance économique pour les collectivités côtières et les peuples autochtones de l'Est et du Nord du Canada, et elle s'inscrit dans leur mode de vie traditionnel.

Réglementation sanitaire et phytosanitaire applicable aux importations

Hormones bovines

Le Canada et les États-Unis se sont toujours opposés à l'interdiction imposée par l'Union européenne à l'encontre des importations de la viande de bœuf provenant de bovins traités avec des hormones de croissance depuis son entrée en vigueur, en 1989. Les deux pays allèguent que l'interdiction n'a aucun fondement scientifique et que, à ce titre, elle constitue un obstacle injustifié au commerce.

En 1996, le Canada et les États-Unis ont saisi des groupes spéciaux de l'OMC de la question. En 1997, les groupes spéciaux ont conclu que l'interdiction de l'Union européenne n'était pas fondée sur des motifs scientifiques et qu'elle contrevenait donc aux obligations contractées à l'OMC. Cette conclusion a été confirmée par l'organe d'appel de l'OMC en 1998. L'Union européenne ne s'est pas conformée aux décisions et, le 26 juillet 1999, le Canada et les États-Unis ont obtenu de l'Organe de règlement des différends de l'OMC l'autorisation de prendre des mesures de représailles contre l'Union européenne. Le 1er août 1999, le Canada a imposé une surtaxe de représailles de 100 % aux produits de l'Union européenne (bœuf, porc, concombres et cornichons) représentant 11,3 millions de dollars par année, et les États-Unis ont imposé aux produits de l'Union européenne une surtaxe de représailles totalisant 116,8 millions de dollars américains par année.

Au mois d'octobre 2003, l'Union européenne a déclaré que son interdiction était en accord avec les décisions de l'OMC à la lumière de 17 nouvelles études, lesquelles en appuyaient le maintien. En décembre 2003, l'Union européenne a demandé au Canada et aux États-Unis de mettre sur pied un groupe spécial de la mise en conformité en vertu de l'article 21.5 du Mémorandum d'accord sur le règlement des différends. Le Canada a répondu que, puisqu'elle était en contravention de la décision de l'OMC, c'était à l'Union européenne qu'il incombait d'étayer ses allégations de conformité.

Des experts canadiens ont amorcé des discussions à caractère technique avec des experts de l'Union européenne et ont examiné les résultats des 17 études sur lesquelles se fondent les allégations de conformité de l'Union européenne. Toutefois, leurs travaux n'ont pas mis à jour d'autres preuves de fond justifiant l'interdiction de l'Union européenne frappant les hormones.

À plusieurs reprises, aussi bien avant qu'après l'adoption des mesures de représailles de 1999, l'Union européenne a exploré avec les États-Unis (et dans une moindre mesure avec le Canada) la possibilité d'offrir une compensation comme solution de rechange aux représailles. À maintes occasions, le Canada s'est montré disposé à discuter d'un ensemble de mesures de compensation à titre provisoire, en attendant que l'Union européenne se conforme entièrement aux décisions de l'OMC. Toutefois, les discussions entre l'Union européenne et le Canada et les États-Unis n'ont jamais abouti à une entente.

Le 8 novembre 2004, l'Union européenne a invité le Canada et les États-Unis à prendre part à des consultations en vertu des dispositions du Mémorandum d'accord sur le règlement des différends de l'OMC, alléguant que nos mesures de représailles ne sont plus justifiées. Les consultations se sont tenues à Genève le 16 décembre. L'Union européenne a estimé que les consultations n'avaient pas permis de régler le différend et a réclamé l'établissement d'un groupe spécial chargé du règlement du différend. Le groupe spécial a été établi le 17 février 2005. Le Canada devrait s'engager dans ce processus de règlement des différends de l'OMC au début du printemps, et on attend le rapport du groupe spécial plus tard cette année. Le Canada soutient sa position dans cette affaire et est bien préparé à la défendre devant le groupe spécial de l'OMC qui sera chargé de régler ce différend.

Accord vétérinaire entre le Canada et la Communauté européenne

L'Accord vétérinaire entre le Canada et la Communauté européenne a été signé en décembre 1998. L'objectif principal de cet accord consiste à faciliter le commerce des animaux vivants et des produits d'origine animale (le poisson y compris) en établissant un mécanisme de reconnaissance mutuelle de l'équivalence des exigences du Canada et de la CE en matière d'inspection et d'agrément. Un comité directeur mixte, coprésidé par l'Agence canadienne d'inspection des aliments et la Direction générale de la santé et de la protection du consommateur (DG-SANCO) de la Commission européenne, supervise l'exécution de l'accord d'équivalence vétérinaire.

L'ACIA et la SANCO se sont entendues sur plusieurs modifications à apporter à l'accord, lesquelles témoignent par-dessus tout de la reconnaissance mutuelle de l'équivalence des mesures de santé publique canadiennes et européennes visant le porc frais et surgelé et des mesures de santé animale visant la semence bovine. Ces modifications auront pour effet de réduire le nombre de prescriptions dont font l'objet les exportations canadiennes de porc frais et surgelé et de semence bovine, ce qui facilitera l'accès au marché de l'Union européenne. Par ailleurs, les modifications réduiront également la nécessité d'effectuer des vérifications à la frontière des exportations de homards vivants en provenance du Canada. Il s'agit là des premières modifications qu'il a été proposé d'apporter à l'accord et elles représentent une importante percée.

L'accord d'équivalence sera particulièrement profitable aux exportateurs canadiens de porc. Par le passé, les prescriptions imposées par l'Union européennes à l'endroit des exportations de porc étaient considérées trop astreignantes par les producteurs canadiens, et ils ont effectivement été écartés de ces marchés. L'industrie canadienne du porc a fait savoir que l'équivalence des mesures relatives à la santé publique appliquées au porc frais permettrait maintenant à ses membres d'avoir accès à ce grand marché. L'accord visera aussi les dix nouveaux États membres qui se sont joints à l'Union européenne le 1er mai 2004, à savoir : Chypre, la République tchèque, l'Estonie, la Hongrie, la Lettonie, la Lituanie, Malte, la Pologne, la Slovénie et la République slovaque. Avant leur accession, ces pays étaient une importante destination des exportations canadiennes de porc, mais le Canada a perdu une large part du marché par suite de l'élargissement du champ d'application des exigences de l'Union européenne à ces pays. Les modifications proposées devraient rouvrir ces marchés aux exportations canadiennes.

Le Canada et l'Union européenne sont tous les deux déterminés à mettre ces modifications en œuvre aussitôt que possible. L'accord d'équivalence pour le porc devra être revu à la lumière des prescriptions d'hygiène de l'Union européenne, lesquelles entreront en vigueur le 1er janvier 2006, ainsi que des modifications au Règlement sur l'inspection des viandes du Canada.

Moratoire sur l'approbation des organismes génétiquement modifiés

Le 29 août 2003, à la demande du Canada, de l'Argentine et des États-Unis, l'organe de règlement des différends de l'Organisation mondiale du commerce a mis sur pied un groupe spécial chargé d'examiner les mesures de la Commission européenne concernant l'approbation et la commercialisation des organismes génétiquement modifiés.

Sept États membres s'opposent à la commercialisation des organismes génétiquement modifiés (OGM) dans l'Union européenne depuis 1998 et refusent de donner leur approbation. Il existe maintenant un moratoire de facto pour ces produits, dont pour quatre « événements » (génomes) de canola cultivés à des fins commerciales au Canada. Le processus d'approbation devait reprendre le 17 octobre 2002 avec la mise en œuvre de nouveaux règlements sur les OGM, mais cela ne s'est pas produit. Les représentants canadiens de haut niveau ont soumis un certain nombre d'observations au sujet du moratoire depuis 1998.

Dans une dernière tentative d'exhorter la CE à lever l'interdiction, le Canada a tenu des consultations officielles avec l'Union européenne sous les auspices de l'OMC le 25 juin 2003. Mécontent de l'issue des consultations et, appuyé par les États-Unis et l'Argentine, il a demandé l'établissement d'un groupe spécial pour régler le différend. La première réunion de fond s'est tenue du 2 au 4 juin 2004. Après cette réunion, le groupe spécial a décidé de consulter des experts sur certains aspects du différend. La deuxième réunion de fond a eu lieu en février 2005. Le rapport du groupe spécial est attendu au cours de l'été 2005 (probablement en juin).

Depuis le printemps 2004, la CE a présenté au Conseil de l'Europe des demandes d'approbation de deux variétés de maïs génétiquement modifié. Le Conseil n'a approuvé ni l'un ni l'autre des produits, mais a renvoyé les demandes à la Commission, qui les a accueillies dans le cadre de sa procédure administrative. Une demande relative à une autre variété de maïs et à une variété de canola seront également soumises au Conseil. Le Canada déplore toujours que, en dépit des résultats favorables des évaluations des risques fondées sur la science, les produits n'ont été approuvés qu'implicitement à la dernière étape d'une longue procédure. Par ailleurs, le 8 septembre 2004, la CE a ajouté 17 autres variétés de maïs issues d'un événement OGM au catalogue des variétés, autorisant ainsi leur culture à l'échelle de l'Union européenne.

Le Canada attache une grande importance à l'évaluation fondée sur les données scientifiques et au processus de l'approbation et continue à préconiser cette approche auprès des instances internationales. Le Canada estime que le moratoire représente un obstacle injustifié au commerce puisqu'il n'a pas de fondement scientifique. Même si le dossier a avancé quelque peu depuis le printemps 2004, nous ne croyons pas que deux approbations suffisent à elles seules à assurer un accès réel et régulier au marché. Le Canada espère plusieurs approbations, y compris la levée par les États membres des interdictions visant certains produits.

Étiquetage et traçabilité des organismes génétiquement modifiés

Le 18 avril 2004, de nouveaux règlements sur les denrées alimentaires et les aliments pour animaux génétiquement modifiées, et sur la traçabilité et l'étiquetage des OGM sont entrés en vigueur dans l'Union européenne. Les États membres et le Parlement européen avaient indiqué que l'adoption de règlements contraignants stricts permettrait de regagner la confiance des consommateurs européens et serait un préalable à la remise en route du processus d'approbation des OGM.

Le Canada est toujours préoccupé par les mesures prises par l'UE sur la traçabilité et l'étiquetage obligatoire des denrées alimentaires et des aliments pour animaux génétiquement modifiés. Notamment, le Canada s'inquiète de la question du seuil de présence accidentelle d'OGM dans les expéditions à destination de l'Union européenne, fixé à 0,9 % pour les OGM autorisés et à 0,5 % pour les OGM non autorisés qui ont reçu un avis scientifique favorable. Ces mesures pourraient avoir des conséquences sur les exportations canadiennes de denrées agricoles et de produits transformés à destination des pays de l'Union européenne, qui sont estimées à plus de 750 millions de dollars par année. Les difficultés techniques d'évaluation pour le seuil fixé à 0,9 %, particulièrement pour les envois en vrac, ou de détection de la présence d'ADN ou de protéines modifiés dans les produits qui ont subi de multiples transformations, comme l'huile et l'amidon, suscitent de graves préoccupations quant à l'efficacité de tels règlements et pourraient augmenter le risque de fraude et de fausse déclaration au sujet des produits. Par ailleurs, il n'existe pour l'heure aucune norme ni aucun protocole d'envergure internationale sur les méthodologies d'évaluation de la présence d'OGM. Le Canada a fait part de ses préoccupations au sujet de ces règlements à plusieurs occasions depuis que l'UE a publié ses premières propositions.

Le Canada demeure opposé aux règlements présentés par l'UE sur l'étiquetage et la traçabilité obligatoires, parce qu'il estime qu'ils sont conçus pour une méthode de production en particulier et qu'ils ne sont pas proportionnels aux risques.

Certification sans papier du bois d'œuvre soumis à un traitement thermique et séché au séchoir

En 2000–2001, le Canada a mis au point et a soumis à l'approbation de l'UE un programme innovateur de certification sans papier qui simplifierait les exigences administratives entourant l'exportation de bois d'œuvre soumis à un traitement thermique et séché au séchoir (estampillé KD-HT). Au cours de la visite effectuée en septembre 2002 par une équipe de l'UE, des progrès importants ont été réalisés dans le dossier de la certification KD-HT sans papier. Les discussions se sont poursuivies tout au long de l'année 2003. Au mois de novembre 2003, le comité phytosanitaire permanent de l'UE a approuvé à l'unanimité la proposition du Canada pour une certification sans papier du bois d'œuvre soumis à un traitement thermique et séché au séchoir avec une période d'essai de 17 mois qui a commencé le 1er février 2004. Les détails du programme font encore l'objet de discussions.

Pommes de terre de semence

Une dérogation aux exigences phytosanitaires de l'UE s'avère nécessaire pour que les pommes de terre de semence du Canada continuent d'avoir accès au marché de l'UE. Les parasites en cause sont la flétrissure bactérienne et le viroïde de la filosité des tubercules. Auparavant, une dérogation annuelle était accordée au Canada à condition qu'il procède à des essais rigoureux en laboratoire et qu'il certifie que toutes les exportations vers l'UE provenaient des zones non contaminées de l'Île-du-Prince-Édouard et du Nouveau-Brunswick. En septembre 1999, le Comité phytosanitaire permanent de l'UE a approuvé une dérogation de trois ans pour les pommes de terre de semence du Canada. Dans le passé, seuls le Portugal et l'Italie se sont prévalus de cette dérogation.

En décembre 2002, l'UE a approuvé une nouvelle dérogation de trois ans pour les pommes de terre de semence du Nouveau-Brunswick et de l'Île-du-Prince-Édouard. Le Canada manifeste un intérêt marqué pour cette question et a présenté à l'UE des informations qui justifient l'élargissement de la dérogation à l'ensemble des régions productrices de pommes de terre du Canada. Le Canada continuera de travailler avec l'UE afin d'atteindre cet objectif.

Exportations de céréales à destination de la Grèce

Le 25 août 2004, la Grèce a adopté la décision 552/2004 établissant de nouvelles procédures d'inspection et d'essai pour les céréales en provenance de pays non-membres de l'Union européenne, dont le Canada. Ces nouvelles procédures sont astreignantes, coûteuses et laborieuses et nuisent aux exportations canadiennes de blé vers la Grèce, principal produit canadien exporté vers ce pays.

Le Canada estime que cette décision pourrait bien être en contravention des obligations que la Grèce a contractées à l'OMC, et il l'a signalé aux représentants de haut niveau de la Grèce aussi bien que de la CE. Ces procédures sont également en contravention d'une entente conclue en décembre 2002 entre le Canada et la CE dans le cadre de laquelle ont été prévues les modalités d'inspection des expéditions de blé canadien.

Les représentants de la Grèce n'ont fourni aucune preuve étayant leur inquiétude à l'égard de la sécurité des céréales en provenance du Canada ni de tout autre pays tiers. De fait, les hauts fonctionnaires de la Grèce ont publiquement déclaré que ces mesures visaient expressément à entraver les importations de blé afin de protéger les producteurs nationaux.

L'Union européenne convient avec le Canada que ces mesures sont inacceptables et s'efforce actuellement d'examiner toutes les façons de remédier à cette situation. Comme les autorités grecques n'ont pas manifesté leur intention de supprimer ces mesures, le Canada continuera de défendre activement les intérêts de ses exportateurs et de faire pression pour que la Grèce respecte ses engagements internationaux.

AUTRES DOSSIERS

Marchés publics

Les fournisseurs canadiens ne bénéficient pas d'un accès total aux débouchés d'affaires que présentent les marchés publics de l'UE dans plusieurs secteurs, y compris les secteurs du matériel et des services de télécommunications, du matériel de transport et des services publics d'électricité. Au nombre des obstacles qui restreignent l'accès à ces marchés, citons ceux qui ont trait aux normes, à la certification, à la qualification professionnelle et aux exigences de « contenu national ». Le Canada discute de ces questions avec l'UE dans le cadre du Comité des marchés publics de l'OMC afin de réduire davantage, voire d'éliminer, les obstacles tarifaires et non tarifaires.

Télécommunications

Les entreprises canadiennes bénéficient de la libéralisation accrue des services et des marchés des télécommunications en UE. Toutefois, comme l'ont mentionné les versions antérieures du présent document, certains problèmes entravent la mise en œuvre efficace de certaines dispositions, particulièrement en Allemagne. Néanmoins, les organismes de réglementation nationaux (y compris en Allemagne) et la Commission européenne se penchent sur ces problèmes. De plus, le nouveau cadre réglementaire s'appliquant aux réseaux de télécommunications électroniques de l'Union européenne prévoit le recours préventif à la réglementation dans les cas marquants de position dominante sur les marchés. Le Canada va continuer d'observer si tous les États membres de l'UE vont transposer et appliquer efficacement ce nouveau cadre sur leur territoire respectif afin de chercher à résoudre tout problème susceptible de persister.

Association européenne de libre-échange

Les relations bilatérales entre le Canada et les pays de l'Association européenne de libre-échange (AELE) sont très étroites, et les liens commerciaux continuent à se renforcer. Le 9 octobre 1998, le Canada a engagé des négociations avec les États de l'AELE (Islande, Liechtenstein, Norvège et Suisse), en vue de conclure un accord de libre-échange. La dernière séance de négociations a eu lieu en mai 2000 à Genève, et les parties se sont entendues sur la plupart des questions. Le principal dossier encore à l'étude est le traitement qu'il convient d'accorder aux navires. De vastes consultations ont été organisées avec l'industrie pour mieux comprendre les intérêts en jeu et déterminer la portée d'un compromis visant à atténuer les éventuels effets d'un accord sur les activités de construction navale au Canada. À l'heure actuelle, aucune date n'a été fixée pour la reprise des négociations.

Fédération de Russie

Aperçu

La Russie a réalisé de solides performances macroéconomiques en 2004, avec une croissance économique réelle de 6,8 %, le cinquième excédent financier consécutif et un taux d'inflation s'établissant à environ 12 %. Alliée à la hausse des prix du pétrole, à la baisse de la dette publique et de la dette extérieure et à l'augmentation des réserves de devises, cette croissance a permis à la Russie d'accroître sa cote de solvabilité. À la fin de janvier 2005, Standard & Poor's était la dernière des grandes agences internationales d'évaluation du crédit à décerner une cote d'évaluation à long terme des investissements et de la dette en devises étrangères (après Moody's en 2003 et Fitch en 2004). L'augmentation des prix élevés du pétrole et du gaz naturel et la hausse de la production de pétrole sont les principaux moteurs de la croissance du pays. Ce secteur représente à lui seul 35 % des recettes publiques et plus de 55 % des exportations. La prédominance du secteur de l'énergie et la vulnérabilité de l'économie à une variation des prix du pétrole sont toutefois sources d'inquiétude.

L'investissement étranger direct (IED) réalisé sur le territoire de la Russie demeure inférieur à l'IED réalisé dans d'autres pays d'Europe de l'Est, mais il devrait atteindre, en 2004, un niveau record (11 milliards de dollars américains). Paradoxalement, l'exode des capitaux des investisseurs russes a repris de plus belle, principalement en raison de la peur d'un plus haut degré d'intervention de l'État dans l'économie, de l'affaiblissement perçu des droits de propriété et de l'instabilité du secteur bancaire. Les investissements provenant de l'hémisphère occidental sont alimentés en grande partie par une combinaison d'intérêts stratégiques, la hausse perçue de la stabilité politique, la taille du marché et les taux de croissance, le patrimoine naturel et le niveau de qualification élevé de la main-d'œuvre. C'est le secteur de l'énergie qui a reçu la part la plus considérable de l'IED réalisé sur le territoire de la Fédération de Russie; l'agroalimentaire, les services financiers, les transports et les télécommunications ont eux aussi reçu de l'IED.

La demande intérieure élevée et la hausse du rouble ont entraîné une augmentation de quelque 25 % des importations au cours de l'année 2004. Le principal partenaire commercial de la Russie est l'Union européenne, source et destination d'environ 55 % des importations et exportations russes. En 2004, le montant total des exportations de marchandises du Canada vers la Russie a atteint 412 millions de dollars, ce qui représenterait une hausse de 23 % par rapport à 2003. En 2002, dernière année pour laquelle on dispose de statistiques sur l'investissement, les exportations de services se sont chiffrées à 190 millions de dollars. Comme un volume important des exportations canadiennes à destination de la Russie transite par des pays tiers (en particulier par la Corée, les Etats-Unis, la Finlande, la Lettonie et la Pologne), ce chiffre est donc bien en dessous du volume réel de nos échanges commerciaux avec la Russie. Au nombre des principaux produits canadiens exportés vers la Russie en 2004, citons la machinerie et l'équipement destinés aux secteurs pétrolier, gazier, minier et agricole, la viande et le poisson, les véhicules spécialisés et les automobiles, les matériaux de construction et l'équipement de télécommunications. Un volume appréciable de services canadiens est aussi exporté en Russie, notamment dans les secteurs de l'ingénierie, de la construction et du domaine juridique.

La croissance rapide des exportations canadiennes assurées par Exportation et développement Canada (EDC) souligne l'importance grandissante de la Russie en tant que marché d'exportation. La valeur totale des exportations assurées par EDC destinées à la Russie a atteint en 2004 environ 135 millions de dollars, dépassant de beaucoup les résultats obtenus en 2002 (4 millions de dollars) et en 2003 (16 millions de dollars). En plus d'offrir des services d'assurance-crédit à l'exportation, EDC a offert, en 2004, du financement à long terme à des institutions russes (Gazprombank, ALROSA, SUAL, UralSIB Bank et RTK-Leasing) pour venir en aide aux exportateurs canadiens. En décembre 2004, EDC a conclu ses négociations avec Vneshtorgbank (VTB), plus importante banque russe de financement commercial, en vue de l'ouverture d'une ligne de crédit à usage général d'un montant de 50 millions de dollars américains qui servira à octroyer des prêts à des clients russes de la VTB afin de les aider à acheter des biens et des services canadiens. Cette ligne de crédit à usage général serait la toute première établie par EDC auprès d'une banque russe depuis la crise financière de 1998. En 2005, EDC fera la promotion de cette ligne de crédit. De plus, EDC négocie actuellement plusieurs nouvelles transactions dans les secteurs du pétrole et du gaz, des mines, de la métallurgie, des télécommunications, des transports et de l'agriculture. EDC a identifié la Russie comme marché émergent prioritaire pour 2005.

L'investissement direct étranger canadien en Russie en 2003 totalisait 221 millions de dollars, la plus grande partie de cette somme ayant été investi dans la mise en valeur des ressources naturelles, l'infrastructure, les services, le développement industriel, la haute technologie et l'agroalimentaire. Bien que des préoccupations subsistent relativement à la gouvernance des entreprises, au système judiciaire sous-développé, à la primauté du droit, à la bureaucratie et à l'inégalité de traitement des administrations régionales, de grandes entreprises canadiennes considèrent la Russie comme un marché d'investissement stratégique à long terme, particulièrement dans les domaines des ressources naturelles et des technologiques de l'information.

Au cours de l'année écoulée, le gouvernement russe a adopté de nouvelles lois dans les domaines de la fiscalité, des ressources du sous-sol et des procédures douanières, procédé à une réforme de son système judiciaire et amélioré la législation sur les faillites des entreprises et sur les sociétés par actions à responsabilité limitée. De plus, les procédures liées à la constitution d'entreprise, à l'obtention de permis et aux vérifications ont été simplifiées, et un nouveau code non contraignant de gouvernance des entreprises a été adopté en 2002.

En 2004, les importations canadiennes de marchandises en provenance de la Russie ont atteint 1,4 milliard de dollars, une hausse de 72 % ou 577 millions de dollars par rapport à la même période l'année précédente. Le pétrole brut domine les importations (884 millions de dollars en 2004 comparativement à 493 millions de dollars en 2003). Les autres importations importantes de la Russie sont la vodka, les engrais, le poisson, les métaux précieux, les produits du fer et de l'acier et le contreplaqué.

Accès aux marchés – résultats obtenus en 2004

- Au chapitre de l'encéphalopathie spongiforme bovine, la Russie a approuvé le certificat d'exportation d'embryons bovins préparé par le Canada.

Accès aux marchés – priorités du Canada pour 2005

- Faire progresser les négociations bilatérales avec la Russie sur l'accès aux marchés dans le cadre de l'accession de ce pays à l'OMC.
- Rétablir l'accès aux marchés du Canada pour les produits de viandes et rechercher des améliorations pour l'avenir.
- Le Canada cherchera à bénéficier du traitement de la nation la plus favorisée sur les produits aérospatiaux tel que le prévoit l'Accord de commerce de 1992 entre le Canada et la Russie.
- Le Canada poursuivra les interventions visant à faire lever les dernières mesures liées à l'encéphalopathie spongiforme bovine imposées par la Russie aux importations du Canada, en particulier les bovins vivants et le bœuf.
- Continuer à intervenir auprès des autorités russes afin qu'elles retirent leurs mesures contre la grippe aviaire.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

Négociations relatives à l'accession à l'Organisation mondiale du commerce

En 1993, la Fédération de Russie a postulé pour devenir membre de l'Accord général sur les tarifs douaniers et le commerce (GATT), devenu depuis l'Organisation mondiale du commerce (OMC). Elle a présenté aux membres de l'OMC son offre initiale concernant l'accès à ses marchés en 1998 (pour les produits) et en 1999 (pour les services). Depuis 2002, il y a eu un effort concerté des membres actuels de l'OMC afin d'augmenter le rythme des négociations d'accession. Plusieurs membres ont conclu leurs négociations bilatérales avec la Russie en 2004, y compris l'Union européenne et la Chine. Cependant la Russie doit encore signer des ententes avec le Canada et d'autres membres clés comme les l'Australie, les États-Unis et la Suisse. Le Canada appuie l'accession de la Russie à l'OMC et participe activement à ces négociations.

Les négociations bilatérales du Canada avec la Russie au sujet de l'accès aux marchés pour les produits agricoles progressaient bien jusqu'en 2003 alors que la Russie a fait subir un recul aux négociations en mettant en place un régime de contingents tarifaires plus restrictif pour les importations de porc, de volaille et de bœuf. Le Canada insiste sur le rétablissement de son accès aux marchés à ce qu'il était précédemment, et aussi sur l'amélioration de son accès comme conditions essentielles à la conclusion des négociations bilatérales. Dans les négociations pour l'accès aux marchés des services, les discussions sont axées sur les services financiers, les services liés à l'énergie et les services professionnels, bien que le Canada ait des intérêts dans certains autres domaines. Les négociations sur les tarifs douaniers à l'importation de la Russie sont axées sur des produits pour lesquels l'offre actuelle de la Russie se situe au-delà des normes internationales, pour des produits tels que les biens aérospatiaux, l'équipement minier et les matériaux de constructions(pour lesquels le Canada possède des technologies adaptées à la géographie, à la géologie et au climat de la Russie, semblables aux nôtres), de même que les machines, les équipements de transport, les produits pharmaceutiques, les poissons et la viandes (pour lesquels le Canada a une capacité d'exportation importante).

Les régimes économique et commercial de la Russie ainsi que ses politiques intérieures touchant le commerce sont discutées à l'OMC au sein d'un comité de travail dont font partie les pays membres intéressés, incluant le Canada. Le Canada recherche des améliorations dans le régime commercial de la Russie dans plusieurs domaines, notamment :

- la transparence et la prévisibilité des mesures sanitaires et phytosanitaires que la Russie applique aux importations de denrées alimentaires;
- le niveau de subventions à l'agriculture ayant des effets de distorsion sur le commerce que la Russie pourra appliquer dans l'avenir;
- les normes et la réglementation technique appliquées par la Russie aux importations;
- la protection des droits de propriété intellectuelle, en particulier l'application des lois et des règlements existants;
- les taxes et les tarifs douaniers discriminatoires appliqués aux importations;

- dans le secteur énergétique, les effets de distorsion sur le commerce des tarifs inférieurs au prix du marché, spécialement à l'avantage des fabricants d'engrais russes;
- la transparence et la prévisibilité de l'émission de permis pour les fournisseurs de services;
- la cohérence des procédures douanières russes avec les obligations de l'OMC.

Contingents tarifaires sur les produits de la viande

En avril 2003, le Canada s'est opposé à l'instauration de contingents tarifaires (CT) sur les produits de la viande, principalement sur le porc, le bœuf et la volaille puisque ces mesures ont réduit les exportations canadiennes de porc et de volaille de près de 40 % en 2003. En 2004, les exportations canadiennes de porc étaient d'environ 40 % moins élevées qu'en 2002, lorsque les CT n'étaient pas encore en place. Le régime de CT de la Russie (comprenant des exceptions pour l'Union européenne et les États-Unis) aurait eu des effets encore plus grands sur la part des exportations canadiennes n'eut été de l'interdiction d'importation que la Russie a imposé à un autre des pays fournisseurs principaux pour des raisons phytosanitaires. Par l'entremise de négociations bilatérales et multilatérales dans le cadre de l'accession de la Russie à l'OMC, le Canada continuera à chercher des dispositions et des modalités pour restaurer et améliorer l'accès aux marchés pour les produits de viande canadiens.

Application des dispositions de l'Accord de commerce entre le Canada et la Russie

En vertu de l'Accord de commerce entre le Canada et la Russie de 1992, le Canada a le droit de bénéficier du régime accordé à la nation la plus favorisée relativement au commerce de biens et de services. En vertu de quoi, le Canada cherche à obtenir une exemption des droits de douane et de la taxe sur la valeur ajoutée (TVA) comme celle dont bénéficie les produits de technologie spatiale en provenance du Canada. La Russie exempte de ces droits certains de ses partenaires commerciaux.

Encéphalopathie spongiforme bovine

À la suite de l'annonce de la découverte d'un cas d'encéphalopathie spongiforme bovine (ESB) au Canada le 20 mai 2003, la Russie a imposé des restrictions temporaires sur les importations en provenance du Canada de bovins vivants, d'embryons, de bœuf, de produits du bœuf dérivés de bovins, et d'alimentation animale et d'additifs pour l'alimentation animale contenant des protéines animales transformées. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris la Russie, des résultats de ses enquêtes et des mesures réglementaires qu'il a adoptées pour faire face à la situation. Il demande maintenant la reprise des échanges commerciaux en se fondant sur des faits scientifiques. En mai 2004, la Russie a annoncé la mise en œuvre d'une interdiction sur l'importation de bœuf et de bovins vivants en provenance de tout pays où un cas d'ESB a été enregistré. Le 4 juin 2004, la Russie a approuvé le certificat d'importation proposé par le Canada pour les embryons. Nous continuons à faire pression pour obtenir la reprise du commerce de bœuf et de bovins vivants. (Voir également la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 24 février 2004, la Russie a imposé des mesures contre l'importation de volaille en provenance de la Colombie-Britannique en raison de la grippe aviaire. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

AUTRES DOSSIERS

Prochaine séance de la Commission économique intergouvernementale Canada-Russie

La Commission économique intergouvernementale Canada–Russie (CEI) a été créée en 1994 aux termes de l'accord bilatéral de coopération économique Canada–Russie. La CEI constitue une tribune où les représentants des gouvernements des deux pays peuvent dialoguer en vue de favoriser et de renforcer les relations commerciales entre le Canada et la Russie. La réunion la plus récente de la CEI a eu lieu à Ottawa en 2001 et des discussions au sujet d'une prochaine rencontre en 2005 à Moscou sont en cours.

En décembre 2004, le Conseil commercial Canada–Russie (CCCR) à été créé par l'Association d'affaires Canada–Russie–Eurasie (AACRE) et l'Union des industriels et entrepreneurs de la Russie (UIER). Le nouveau CCCR sera administré exclusivement par des représentants du secteur privé et étudiera des questions d'ordre commercial en fonction des besoins des entreprises du Canada et de la Russie. Le CCCR entretiendra des rapports et interviendra auprès des deux gouvernements, et il jouera un rôle clé dans le processus de la CEI par la création de groupes de travail sectoriels.

Ukraine

Aperçu

L'an dernier, c'est l'économie ukrainienne qui a probablement enregistré la croissance la plus rapide dans le monde (12 %). Cette croissance était principalement attribuable à la hausse des salaires réels, des exportations et de l'investissement intérieur. En particulier, l'augmentation de la demande et des prix des produits de l'acier et des produits agricoles a fait monter en flèche les recettes d'exportation. L'Ukraine continue d'éprouver de la difficulté à attirer l'investissement étranger direct, mais l'investissement intérieur, sous la forme de projets de construction et d'achats de machines et de matériel, croît de façon marquée. L'Ukraine a également enregistré un excédent courant record à l'automne. L'effet de l'impressionnante croissance enregistrée par l'Ukraine en 2004 a toutefois été éclipsé par l'incertitude politique et économique découlant des élections présidentielles ayant eu lieu à l'automne, et on se demande combien de temps il faudra au pays pour retrouver le niveau d'activité économique qui existait avant les élections. Nous nous attendons à ce que le nouveau gouvernement introduise des réformes économiques étendues; cependant, sa capacité à le faire rapidement est questionnée.

La valeur des exportations canadiennes de marchandises à destination de l'Ukraine a baissé de 17 % en 2004 pour s'établir à 57 millions de dollars canadiens; en 2003, elle avait augmenté de 113 %. En tête des exportations canadiennes vers l'Ukraine figurent la machinerie agricole, les véhicules, les textiles et les produits pharmaceutiques. Des débouchés commerciaux considérables s'offrent toujours aux entreprises de biens et de services canadiennes dans les domaines de l'agriculture, du pétrole et du gaz naturel, de la construction et des technologies de l'information et des communications. Les Équipes sectorielles commerciales Canada pour les industries de services ont aussi identifié des intérêts pour la consultation en gestion, les services professionnels et les services environnementaux. On s'entend à ce que la grande communauté ukrainienne du Canada continue d'assurer le maintien d'un lien particulier avec ce pays.

En 2004, la valeur des importations canadiennes de marchandises en provenance de l'Ukraine a progressé de quelque 106 % pour s'établir à 160,9 millions de dollars. En tête des produits importés d'Ukraine figurent les produits de l'acier et du fer, et les produits pétroliers. Les importations de vêtement et de pièces de matériel ferroviaire.

Les investissements cumulatifs du Canada sont classés confidentiels par Statistique Canada. Le Canada a par ailleurs signé un accord sur la protection de l'investissement étranger avec l'Ukraine en 1994. Les problèmes en matière d'investissement, sous la forme d'inquiétudes des investisseurs canadiens en ce qui concerne la gouvernance des entreprises ukrainiennes, se sont multipliés à la veille des élections présidentielles de l'automne. La nouvelle administration s'est engagée à travailler à la résolution des différends en suspens et à améliorer le climat pour les investissements étrangers.

Le gouvernement du Canada s'emploie à accroître le commerce et l'investissement bilatéral à la faveur des négociations sur l'accession de l'Ukraine à l'OMC et des travaux de la Commission économique intergouvernementale Canada–Ukraine (CEICU). Établie en 1996, la CEICU a pour mandat de favoriser le réseautage interentreprises et de résoudre les irritants en matière de commerce et d'investissement des entreprises canadiennes et ukrainiennes. La dernière CEICU a eu lieu en octobre 2001, et on s'attend, avec le nouveau gouvernement en place, que la prochaine CEICU se tienne au cours de 2005.

Étant donné que l'économie ukrainienne s'est renforcée ces trois dernières années et que la transparence de son secteur financier s'est accrue, l'intérêt d'EDC pour le marché ukrainien augmente. EDC souhaite maintenant traiter avec le secteur privé ukrainien. Un nombre grandissant d'entreprises produisent des états financiers en conformité avec les normes comptables internationales, mais cette pratique n'est toujours pas monnaie courante. En attendant que la situation change, EDC travaillera principalement avec des banques ukrainiennes pour soutenir les transactions. EDC a réalisé un certain nombre de transactions auprès de la Banque d'État de l'Ukraine pour le financement des importations et des exportations et a proposé l'ouverture d'une ligne de crédit dans cette banque en 2005.

EDC s'intéresse principalement à l'industrie du matériel agricole, et est en voie d'élaborer un plan de développement commercial pour cette industrie afin de mieux satisfaire aux besoins des exportateurs canadiens. Parmi les autres industries prometteuses, mentionnons la transformation et le conditionnement des aliments, la métallurgie et, possiblement, la construction et les technologies de construction.

Accès aux marchés – résultats obtenus en 2004

- En novembre, l'Ukraine a approuvé les certificats d'exportation pour la viande de porc fraîche et les protéines animales séchées par atomisation et destinées à l'alimentation animale.

Accès aux marchés – priorités du Canada pour 2005

- Le Canada poursuivra ses interventions visant à faire lever les mesures liées à l'ESB encore appliquées aux importations en provenance du Canada.
- Le Canada continuera à demander à l'Ukraine de retirer ses restrictions liées à la grippe aviaire.
- À l'heure actuelle, l'Ukraine applique des droits de douane d'environ 90 % sur les légumineuses à grain, même si elle n'en produit pas. En vertu de l'accord bilatéral d'accès au marché signé par l'Ukraine en février 2002, ce droit de douane ne pourra pas dépasser 10 % lorsque le pays sera membre de l'OMC. Le Canada fera pression sur l'Ukraine pour qu'elle applique ce tarif douanier avant même son accession à l'OMC.

AMÉLIORER L'ACCÈS AUX MARCHÉ DES PRODUITS ET DES SERVICES

Encéphalopathie spongiforme bovine

En 2003, l'Ukraine a imposé une interdiction sur les importations en provenance du Canada de bovins vivants, de bœuf, de produits du bœuf, de lait, de produits laitiers, de cuir, de matières premières, d'embryons bovins et de sperme de bœuf. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris l'Ukraine, des résultats de ses enquêtes et des mesures réglementaires qu'il a adoptées pour faire face à la situation. Le Canada continue de faire des interventions pour la reprise des échanges commerciaux en se fondant sur des faits scientifiques. Les importations en provenance du Canada de bovins vivants, de bœuf et de produits du bœuf sont toujours interdites, mais l'Ukraine permet maintenant l'importation de lait, de produits laitiers, de cuir, de matières premières, d'embryons bovins et de sperme de bœuf. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 24 mars 2004, l'Ukraine a imposé des mesures contre l'importation de volaille en provenance de la Colombie-Britannique en raison de la grippe aviaire. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Accession à l'Organisation mondiale du commerce

L'Ukraine a présenté sa demande d'accession à l'Organisation mondiale du commerce (OMC) en 1993. Depuis, le Canada s'est employé à souligner la nécessité, pour l'Ukraine, de rendre l'accès à son marché — pour les exportations canadiennes de biens et de services — plus ouvert, plus sûr et non discriminatoire.

Le rythme des progrès accomplis vers l'accession de l'Ukraine à l'OMC s'est accéléré depuis deux ans. L'Ukraine continue de prendre d'importantes mesures pour préparer les lois et les règlements nécessaires pour rendre son régime commercial conforme aux obligations que le pays devra contracter à titre d'État membre de l'OMC. Il lui reste néanmoins du travail à faire dans plusieurs domaines, notamment en ce qui concerne ses engagements en matière de soutien à l'agriculture, les obstacles techniques au commerce, la réglementation sanitaire et phytosanitaire, les procédures douanières et la propriété intellectuelle. L'Ukraine doit également établir la réglementation et les pratiques administratives nécessaires à l'application de la législation intérieure requise.

Le 20 février 2002, le Canada et l'Ukraine ont signé un accord bilatéral sur l'accès aux marchés des produits et des services. L'Ukraine a mené à bien diverses négociations bilatérales avec plusieurs autres membres clés de l'OMC, dont l'Union européenne. Cependant, les négociations se poursuivent avec plusieurs pays, dont les États-Unis, la Chine et l'Australie. Afin d'honorer ses engagements sur l'accès aux marchés à l'égard du Canada et d'autres États membres de l'OMC, l'Ukraine doit réduire et simplifier ses droits et taxes à l'importation, adopter des procédures douanières moins contraignantes et réduire d'autres mesures non tarifaires. Le Canada continuera de surveiller de près les efforts de l'Ukraine pour libéraliser ces mesures dans le cadre de son accession à l'OMC.

Le Centre de droit et de politique commerciale (CDPC) de l'Université d'Ottawa et de l'Université Carleton continue à travailler de concert avec le ministère ukrainien de l'Économie afin de renforcer la capacité de l'Ukraine à participer de façon efficace au processus d'accession à l'OMC et de l'aider à remplir ses obligations dans le cadre de l'OMC.

Kazakhstan

Aperçu

Le Kazakhstan enregistre une forte croissance économique depuis 2000, grâce à son secteur de l'énergie en plein essor, à ses réformes économiques, aux bonnes récoltes et à l'investissement étranger. Le pétrole représente maintenant plus de la moitié de la production industrielle du pays. Les industries de la première transformation des métaux, de la production d'acier et de la construction contribuent elles aussi de façon non négligeable à l'économie. L'industrie agricole, principal employeur du pays, représente environ 7 % du produit intérieur brut (PIB), comparativement à 23 % en 1992.

En 2004, le PIB du Kazakhstan devrait croître de 9,3 % par rapport à 2003, année où il s'est chiffré à 40,98 milliards de dollars. Sa croissance est principalement alimentée par la hausse des prix du pétrole et des produits de base, mais aussi par l'augmentation de la consommation nationale. Le taux d'inflation moyen annuel pourrait atteindre 7,5 % en 2004, comparativement à 6,4 % en 2003, en partie en raison des entrées considérables de devises.

En 2004, la valeur des exportations canadiennes à destination du Kazakhstan a crû de 80 % pour s'établir à 74 millions de dollars canadiens. En tête des exportations vers le Kazakhstan figurent l'équipement agricole, les véhicules, les produits de fer et d'acier, le matériel médical, les meubles et le plastique. En 2004, les importations canadiennes en provenance du Kazakhstan se sont chiffrées à 48 millions de dollars, une hausse de 162 % par rapport à l'année précédente. Le fer, l'acier, les produits chimiques et les métaux terreux dominent les importations canadiennes en provenance du Kazakhstan.

Selon Exportation et développement Canada (EDC), les industries kazakhes de l'énergie et du matériel agricole offrent des débouchés très intéressants aux exportateurs canadiens. L'existence d'un système bancaire solide est au cœur de la stratégie d'EDC pour ce pays, EDC pouvant ainsi collaborer avec des banques kazakhes et d'autres intermédiaires financiers pour assumer les risques liés aux transactions avec des acheteurs kazakhs. EDC vient récemment d'assurer pour la première fois le financement direct de la vente de matériel agricole canadien avec la Kazkommertsbank et veut conclure des ententes comparables avec d'autres banques, par exemple la banque TuranAlem. Les fournisseurs de services canadiens ont identifié comme prioritaires pour le Kazakhstan les secteurs suivants : les services financiers, les services énergétiques, les services professionnels et les services de transports.

Le Canada et le Kazakhstan ont conclu un accord commercial en 1995, qui a été suivi d'un Plan d'action commun pour un meilleur partenariat économique bilatéral, signé à l'occasion de la visite du président Nazurbayev, en juin 2003. Les deux pays avaient signé une convention de double imposition en mars 1998.

La valeur cumulative des investissements canadiens réalisés au Kazakhstan est confidentielle selon Statistique Canada. Des possibilités d'investissement prometteuses s'offrent aux Canadiens dans certaines industries connexes à l'industrie pétrolière et gazière, par exemple dans l'immobilier industriel, la construction de pipelines, le matériel extracôtier et la formation. Le développement des dépôts caspiens extracôtiers et de pipelines devrait continuer d'entraîner la croissance économique pour les quinze années à venir.

Le secteur agricole a beaucoup souffert depuis 1991 en raison de facteurs internes et externes. Pour revitaliser l'industrie, le gouvernement a adopté une nouvelle stratégie qui fera appel au savoir-faire et à l'équipement étranger. Jusqu'à 80 % de la machinerie existante au Kazakhstan doit être remplacée, ce qui représente des débouchés d'une valeur d'environ 305 millions de dollars par année pour les cinq prochaines années. La construction et les mines sont d'autres industries qui offrent des débouchés intéressants aux entreprises canadiennes.

À l'aide de son Plan stratégique pour le développement industriel novateur de la République du Kazakhstan (2003–2015), le gouvernement souhaite diversifier l'économie du pays avant que sa production de pétrole ne plafonne. En janvier 2004, le Kazakhstan a abaissé la taxe sur la valeur ajoutée à taux fixe s'appliquant à tous les produits de 16 % à 15 %. L'impôt sur les bénéfices des sociétés est demeuré le même, ce qui reflète la stratégie du gouvernement de maximiser les recettes fiscales provenant des investisseurs étrangers, en particulier. Au cours de 2004, le gouvernement a mis en œuvre divers programmes dans le but de restructurer les entreprises nationales et d'ouvrir certains services à la concurrence, notamment le transport ferroviaire et les services de télécommunications. Les résultats de ces programmes ne sont pas encore clairement connus.

Accès aux marchés – priorités du Canada pour 2005

- Le Canada continuera d'utiliser les discussions bilatérales et multilatérales pour améliorer l'accès aux marchés kazakhes pour les biens et services canadiens.
- Le Canada continuera à demander aux autorités kazakhes le retrait des restrictions liées à la grippe aviaire.

Grippe aviaire

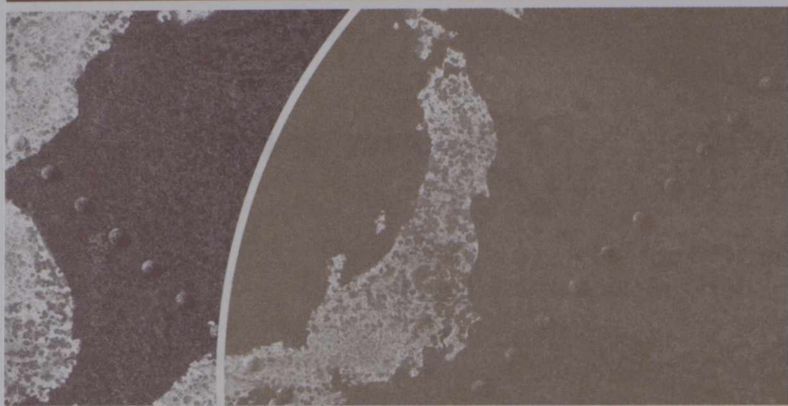
Le 2 mars 2004, le Kazakhstan a imposé des mesures contre l'importation de volaille en provenance du Canada en raison de la grippe aviaire. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

Négociations relatives à l'accession à l'Organisation mondiale du commerce

Le Groupe de travail de l'accession du Kazakhstan à l'OMC a été mis sur pied en février 1996. Parmi les sujets de discussion du groupe de travail, mentionnons : l'agriculture, le système douanier (et les ententes d'union douanière), la réglementation des prix, les permis d'importation, les subventions industrielles, les mesures sanitaires et phytosanitaires et les obstacles techniques au commerce, la transparence de l'appareil judiciaire, la réforme législative, les services et les aspects des droits de propriété intellectuelle qui touchent au commerce.

Le Canada est un participant actif dans les négociations d'accession à l'OMC du Kazakhstan. En octobre 1997, le Canada et le Kazakhstan ont entrepris des négociations bilatérales relativement à l'accès aux marchés. Dans le cadre de ces négociations, le Canada veut s'assurer que le Kazakhstan respectera pleinement ses obligations découlant de l'OMC. Le Canada veut aussi garantir aux produits et services canadiens un accès ouvert, sûr et prévisible au marché kazakh.



7 Ouverture sur l'Asie-Pacifique

Forum de coopération économique Asie-Pacifique

Aperçu

Depuis la création de l'organisation, en 1989, le programme de travail du Forum de coopération économique Asie-Pacifique (APEC) a évolué en fonction des changements qui ont marqué le commerce mondial. Les ministres et les dirigeants de l'APEC continueront de tenir des rencontres informelles dans le but de consolider le système de commerce multilatéral. Lors de la dernière réunion des dirigeants économiques de l'APEC à Santiago, au Chili, en novembre 2004, les dirigeants ont réitéré leur appui au Programme de Doha pour le développement de l'Organisation mondiale du commerce (OMC). Ils se sont réjouis de l'ensemble d'objectifs de juillet adopté par le Conseil général de l'OMC et ont promis l'apport de l'APEC dans les négociations sur la facilitation du commerce, apport fondé sur l'expertise de l'APEC dans le domaine. (À une rencontre précédente, les ministres de l'APEC avaient souscrit aux recommandations du Conseil consultatif des gens d'affaires de l'APEC concernant les négociations sur la facilitation du commerce à l'OMC, qui incluent une liste de domaines particuliers dans lesquels un accord de facilitation du commerce devrait inclure des engagements.) Les dirigeants ont également promis de doubler d'efforts sur le plan de l'assistance technique et des initiatives de renforcement des capacités nécessaires à la participation pleine et efficace de tous les membres de l'APEC à l'OMC. Ils ont reconnu que les arrangements commerciaux régionaux et les accords de libre-échange bilatéraux (ACR/ALE) pouvaient accélérer la libéralisation, mais ont souligné aussi en même temps que ces arrangements et ces accords devaient être d'une grande qualité. Ils ont convenu d'une série de pratiques exemplaires à l'APEC pour ce qui est des ACR/ALE et se sont engagés à accroître la transparence à l'égard de ces arrangements et de ces accords.

Depuis le Sommet de Shanghai en 2001, l'APEC s'est investie dans la lutte contre le terrorisme par la promotion d'échanges commerciaux sûrs, faisant ressortir les liens qui existent entre la sécurité et la prospérité. En 2004, les dirigeants ont pris des engagements à lutter contre le financement terroriste et le blanchiment d'argent, à élaborer des normes en matière de sécurité des navires et des ports et à prendre des initiatives en matière de mobilité des gens d'affaires, telles que les systèmes d'information préalable sur les voyageurs. Ils ont aussi convenu de lignes directrices sur le contrôle des missiles antiaériens portatifs, ils ont repéré les meilleurs pratiques à utiliser dans les systèmes de contrôle des exportations des armes de destruction massive et ont convenu de mettre en œuvre ou de conclure des protocoles additionnels avec l'Agence internationale de l'énergie atomique concernant le contrôle des matières nucléaires.

L'Accord de Shanghai, conclu en 2001, vise à relancer la question du commerce au sein de l'APEC et à fournir l'impulsion nécessaire à l'atteinte de l'objectif de l'APEC, à savoir parvenir à la libéralisation et à l'ouverture des échanges et des investissements dans la région, d'ici 2010 pour les économies développées et d'ici 2020 pour les économies en développement. Les membres de l'APEC ont poursuivi leurs efforts afin de mettre en œuvre le Plan d'action pour la facilitation du commerce de l'APEC, qui vise à diminuer de 5 %, d'ici 2006, les coûts liés aux transactions commerciales dans la région et qui comprend un ensemble de mesures concrètes que les membres peuvent prendre dans ce sens. Un examen de mi-parcours des progrès réalisés par l'APEC dans la mise en œuvre du Plan d'action a montré que les membres de l'APEC sont très avancés dans la mise en œuvre de toutes les mesures et de toutes les initiatives qu'ils se sont engagés à prendre. Les dirigeants et les ministres ont convenu d'un ensemble de recommandations qui ont été faites à partir de l'examen de mi-parcours et d'un « Dialogue élargi sur la facilitation du commerce » associé pour mieux surveiller les travaux visant à faciliter le commerce qui sont menés à l'APEC, pour coopérer de façon plus étroite avec la communauté des gens d'affaires à la détermination et à la mise en œuvre des mesures de facilitation du commerce et pour établir les travaux futurs à exécuter à l'APEC pour faire avancer les négociations dans le domaine de la facilitation du commerce à l'OMC.

Les dirigeants de l'APEC ont également convenu d'un plan d'action de lutte contre la corruption, qui prévoit la signature et la ratification de la Convention des Nations Unies contre la corruption, des mesures de transparence plus fermes, le refus d'accorder refuge aux personnes trouvées coupables de corruption, la lutte contre la corruption dans les secteurs public et privé et des mécanismes de coopération entre les membres de l'APEC. De plus, l'APEC a établi, en 2004, un mécanisme d'auto-évaluation qui permet de suivre les progrès réalisés par les membres dans la mise en œuvre des mesures de transparence et convenu d'un ensemble de normes de transparence pour les marchés publics, ce qui complète les neuf ensembles de normes précises prévus dans la Déclaration des dirigeants de l'APEC sur la transparence de 2002. Les normes de transparence à l'APEC visent entre autres à favoriser la transparence dans les lois, les procédures et les décisions administratives des membres de l'APEC. Les huit autres domaines dans lesquels des normes de transparence précises ont été établies sont les suivants : services, investissement, politique de la concurrence et déréglementation, propriété intellectuelle, procédures douanières, mobilité des gens d'affaires, accès et normes d'accès aux marchés.

Tout au long de l'année 2004, le Canada a pris part à diverses initiatives qui ont pour but de renforcer les capacités des économies en développement. En ce qui concerne les négociations commerciales, MAECI (AE) a organisé un atelier sur l'évaluation des incidences environnementales des négociations commerciales et un symposium APEC révolutionnaire sur les pratiques exemplaires dans le domaine du renforcement des capacités au regard de l'OMC, qui a attiré la participation de l'OMC, de la Conférence des Nations Unies sur le commerce et le développement (CNUCED), de la Banque mondiale, de banques de développement de la région et de l'Organisation de coopération et de développement économiques (OCDE), de même que de pays développés et en développement membres de l'APEC. À titre de coprésident du groupe de l'APEC sur le renforcement des capacités au regard de l'OMC, qui coordonne l'ensemble des travaux de l'APEC dans ce domaine, le Canada s'est employé à améliorer la focalisation et la pertinence des activités de renforcement des capacités liées au commerce menées à l'APEC. L'Agence canadienne de développement international (ACDI) poursuit la mise en œuvre de son Programme d'intégration économique de l'APEC. Ce programme de 9 millions de dollars vise à aider les pays de l'Asie du Sud-Est à renforcer leurs capacités au regard de l'OMC. Le Canada a aussi organisé des activités de renforcement des capacités dans un certain nombre d'autres domaines, notamment ceux des procédures douanières, des échanges sûrs et des instruments de financement internationaux.

Accès aux marchés – résultats obtenus en 2004

- À leur réunion de juin, les ministres du Commerce de l'APEC ont demandé l'ouverture des négociations à l'OMC sur la facilitation du commerce, ce qui a donné un nouvel élan à la discussion sur cette question et entraîné le lancement des négociations en question quelques semaines plus tard.
- Les ministres ont souscrit à l'ensemble d'objectifs de juillet adopté par le Conseil général de l'OMC et aux recommandations du Conseil consultatif des gens d'affaires de l'APEC concernant les négociations sur la facilitation du commerce à l'OMC.
- Les ministres ont convenu d'une liste de produits des TI qui doit être soumise à l'examen de l'OMC et faire l'objet d'une élimination éventuelle des droits de douane. (Les produits en question étaient les modems, les machines numériques multifonctions et les circuits intégrés multipuces.)
- Les ministres ont adopté le Guide des pratiques exemplaires à l'APEC concernant les arrangements commerciaux régionaux et les accords de libre-échange bilatéraux.
- Les ministres ont souscrit aux recommandations issues du Dialogue élargi à l'APEC sur la facilitation du commerce qui visent à mieux mettre en œuvre le Plan d'action de l'APEC sur la facilitation du commerce, à

accroître l'interaction avec les entreprises et à promouvoir les négociations sur la facilitation du commerce à l'OMC.

- Les dirigeants ont exprimé un fort soutien politique à la poursuite des efforts de libéralisation et en particulier aux négociations du cycle de Doha.
- Les dirigeants ont adopté un Plan d'action de lutte contre la corruption de l'APEC.
- Les dirigeants ont adopté un Ensemble de normes de transparence de l'APEC concernant les marchés publics.
- Les membres de l'APEC, dont le Canada, ont mis en œuvre un large éventail de projets de renforcement des capacités en matière de politique commerciale et de lutte contre le terrorisme.

Accès aux marchés – priorités du Canada pour 2005

La Corée, qui accueillera l'APEC en 2005, devrait mettre l'accent sur les travaux menés à l'APEC à l'appui du système commercial multilatéral, des arrangements commerciaux régionaux et des accords de libre-échange et de la sécurité. En 2005, les principaux objectifs du Canada seront l'appui à l'OMC, la mise en œuvre du Plan d'action pour la facilitation du commerce conformément à l'orientation donnée par l'Accord de Shanghai de 2001 et l'accroissement des débouchés pour les entreprises canadiennes dans la région. De plus, le Canada jouera un rôle important dans les initiatives de renforcement des capacités au regard de l'OMC menées par l'APEC, et dans les autres projets en ce sens qui devraient prendre forme l'an prochain. Le Canada continuera aussi de travailler au renforcement des capacités dans le domaine de la lutte contre le terrorisme.

Japon

Aperçu

Le Japon est la deuxième destination des exportations du Canada, avec 2,1 % du total de nos exportations de marchandises, et la cinquième source plus importante d'investissement étranger direct (IED) au Canada. De son côté, le Canada est l'un des principaux fournisseurs du Japon pour un certain nombre de produits clés, tels que le bois d'œuvre, les oléagineux, les pâtes et papiers, le charbon, le poisson et l'aluminium.

Même si les exportations axées sur les ressources demeurent à la base de notre relation commerciale, le Canada est en train de devenir, pour le Japon, une source de plus en plus importante de divers produits et services sophistiqués à valeur ajoutée axés sur la technologie. Les aéronefs, les technologies de l'information, les produits et services liés à l'environnement, les instruments optiques, les véhicules et les produits chimiques en provenance du Canada font l'objet d'une demande et d'un intérêt croissants au Japon.

Le stock d'IED japonais au Canada a augmenté d'environ 55 % au cours des dix dernières années. En 2003, avec un stock de 9,7 milliards de dollars, le Japon représentait environ 2,7 % de l'IED au Canada. Par conséquent, le Japon est le plus important investisseur de l'Asie/Océanie, comptant pour près de la moitié de l'IED de la région. L'investissement direct canadien au Japon a doublé au cours des 5 dernières années, le stock s'élevant actuellement à 9,1 milliards de dollars.

En 2004, le total des échanges de marchandises entre le Canada et le Japon s'est élevé à 22 milliards de dollars. Les exportations canadiennes vers le Japon connaissent une baisse régulière depuis le milieu des années 1990. Nos exportations vers le Japon ont augmenté légèrement pour s'établir à 8,5 milliards de dollars en 2004, comparativement à 8,1 milliards de dollars en 2003. Les importations du Japon ont chuté de 3 % en 2004 pour atteindre 13,4 milliards de dollars. En 2004, le Canada a exporté des services pour un montant de 1,9 milliard de dollars et en a importé pour 3,5 milliards de dollars. On constate au Japon une tendance à long terme pour une demande accrue à l'égard d'importations innovatrices et à prix compétitifs, ce qui représente d'importants débouchés d'affaires pour les exportateurs canadiens.

Afin de déterminer les débouchés découlant de la réforme de la réglementation et de la restructuration du marché japonais en évolution, Commerce international Canada a mené une analyse du profil des échanges dans les secteurs susceptibles d'offrir des débouchés. Les résultats de cette étude ont été communiqués aux entreprises canadiennes et japonaises et aux représentants intéressés du gouvernement japonais. L'analyse a fait ressortir de nouveaux débouchés dans les secteurs suivants : technologies de l'information et des communications, produits alimentaires à valeur ajoutée, équipement de transport, matériaux de construction et logements préfabriqués, instruments médicaux et produits pharmaceutiques, nouveaux produits énergétiques comme les piles à combustible, production d'électricité et services environnementaux.

En outre, de plus, Commerce international Canada et Industrie Canada ont commandé une étude sur les débouchés importants créés dans le secteur des services par les changements survenus dans l'économie japonaise. Selon cette étude produite par le Japan Market Resource Network en août 2002, les débouchés les plus intéressants pour les entreprises canadiennes se trouvent dans les services liés aux technologies de l'information (TI), à l'environnement, à la comptabilité, à l'architecture et aux soins de santé. L'étude a aussi permis de constater toutefois que les entreprises canadiennes qui désirent pénétrer le marché japonais devront franchir des obstacles importants comme l'opposition manifestée au Japon à l'endroit de la concurrence étrangère, la réglementation excessive et l'opposition à la déréglementation de certains secteurs. Ces constatations seront intégrées aux efforts du gouvernement du Canada dans les secteurs commerciaux dans lesquels nous sommes déjà établis, comme l'industrie automobile, l'aérospatiale, les produits de la forêt, les minéraux, l'agriculture, la pêche et les produits de consommation; de nouvelles initiatives viendront soutenir ces nouveaux secteurs prioritaires.

Pour encourager une diversification encore plus poussée des échanges commerciaux entre le Canada et le Japon, qui sont traditionnellement fondés sur les produits de base, le Canada ne ménage pas ses efforts pour mettre en valeur ses capacités dans les secteurs de la haute technologie et promouvoir la nouvelle image de marque du Canada, c'est-à-dire celle d'une société de technologie d'avant-garde. Ces efforts ont déjà commencé à porter fruit, ainsi qu'en témoigne la hausse des activités enregistrée dans les secteurs de haute technologie. Malgré le ralentissement mondial du secteur des technologies de l'information et des communications (TIC), les entreprises canadiennes continuent de profiter des débouchés offerts par l'énorme marché japonais des TIC, évalué à 490 milliards de dollars en 2001 par la firme Infocom Research Inc., ce qui représentait 13 % du marché mondial des TIC en 2001, avec un taux de croissance de 4,5 % cette année-là. Au cours des deux dernières années, de nombreuses entreprises canadiennes ont pénétré ce marché directement ou par l'intermédiaire de partenaires, d'agents et de distributeurs, et la part des produits fabriqués et des services à valeur ajoutée dans les exportations canadiennes à destination du Japon ne cesse d'augmenter.

Les efforts déployés par le Canada pour attirer l'IED japonais contribueront à renforcer la réputation de partenaire commercial de haut niveau dont bénéficie le Canada au Japon. Commerce international Canada collabore étroitement avec d'autres ministères fédéraux de même qu'avec des provinces et des municipalités afin de maintenir et d'attirer l'investissement japonais au Canada. Actuellement, plus de 550 entreprises japonaises ont des investissements au Canada, qui ont créé plus de 55 000 nouveaux emplois. Le secteur le plus influencé par l'investissement japonais est celui de l'automobile — Honda, Toyota et Suzuki y occupant une présence dominante avec 52 fabricants de pièces automobiles actifs au Canada.

La collaboration avec la Japan External Trade Organization (JETRO) (organisation japonaise de commerce extérieur) poursuit sa lancée fructueuse. À titre d'exemple, la JETRO a secondé les efforts du Canada en envoyant des missions de TI au Canada en 2000, en 2001 et en 2002, en plus d'apporter un soutien financier à l'organisation de certains événements organisés, notamment en fournissant des fonds pour l'interprétation et la traduction. Ses bureaux de Montréal, de Toronto et de Vancouver sont sources d'information sur le marché japonais et de conseils sur la manière d'y faire sa place pour les entreprises canadiennes de TI. La JETRO aide également les entreprises à trouver des partenaires et des distributeurs et invite les entreprises canadiennes à assister au forum annuel sur les technologies dans le monde des affaires qu'elle parraine. Cette foire a lieu au Japon et permet aux petites et moyennes entreprises ayant des technologies ou des produits innovateurs de se faire connaître des entreprises japonaises. Enfin, la JETRO et Industrie Canada ont signé un protocole d'entente en avril 2003 visant à intensifier le partage des données, la coopération technique et l'amélioration de la circulation par voie électronique de renseignements entre les entreprises japonaises et canadiennes sur leur marché respectif.

Gérer la relation commerciale

Le cadre de base des relations du Canada et du Japon en matière de commerce et d'investissement est le système multilatéral de l'Accord général sur les tarifs douaniers et le commerce (GATT) de l'OMC et un certain nombre d'autres ententes bilatérales, telles que l'Accord-cadre de coopération économique de 1976 et le Comité économique mixte (CEM). Le CEM se rencontre tous les 12 à 18 mois au niveau des sous-ministres et sert d'outil pour l'amélioration des échanges bilatéraux, y compris la résolution de problèmes particuliers, et pour encourager les occasions de coopération dans les forums multilatéraux.

La visite du premier ministre Martin, en janvier 2005, a permis d'inventorier nos relations économiques et d'approfondir notre coopération bilatérale existante. Le premier ministre Martin et le premier ministre Junichiro Koizumi ont reconnu que le partenariat Canada–Japon en est un de confiance et d'amitié bâti au fil des ans. Ce partenariat est solide mais peut encore être exploité. Afin de renforcer nos liens économiques, les premiers ministres ont confirmé leur désir de répondre aux priorités économiques stratégiques et aux débouchés émergents par l'entremise d'un cadre économique Canada–Japon. Ce cadre sera élaboré dans les six prochains mois.

Ce cadre sera un document détaillé rassemblant divers domaines de la coopération économique et commerciale Canada–Japon. Il comprendra en outre les paramètres d'une étude de 12 mois sur la promotion accrue de la relation économique bilatérale. De plus, en élargissant le mandat du CEM, le cadre permettra entre autres de considérer les questions soulevées par les secteurs privés questions canadiens et japonais de façon appropriée et efficace. Une partie du travail décrit ci-après découlera de ce cadre; vous trouverez plus d'information à cet égard à *www.international.gc.ca/tna-nac/can-jap-ecoframe-fr.asp*.

La collaboration en matière de réglementation entre le Canada et le Japon se poursuit à divers égards, tant multilatéralement que bilatéralement. Le Canada poursuivra ses efforts en vue d'étendre la collaboration à des domaines tels que la biotechnologie, les codes du bâtiment, la politique de la concurrence et l'administration douanière. Plus particulièrement, il continuera de participer aux discussions entre les autorités de la santé sur le respect des procédures relatives aux inspections et la possibilité de reconnaître mutuellement les bonnes pratiques de fabrication dans l'industrie pharmaceutique.

Dans le domaine de la politique de la concurrence, le Canada et le Japon ont mené des négociations en vue d'un accord sur la coopération en matière d'activités anticoncurrentielles d'intérêt mutuel. Cet accord devrait être conclu très bientôt.

Le Canada et le Japon ont aussi entamé des négociations en vue d'un Accord sur la sécurité sociale. La première ronde de négociations officielles en vue de la conclusion de cet accord de sécurité sociale a eu lieu entre les autorités canadiennes et japonaises en octobre 2004. Cet accord permettrait d'améliorer le climat des affaires et de l'investissement pour les entreprises de ces deux pays en activité dans l'autre, en favorisant la mobilité de la main-d'œuvre, et permettrait à leurs travailleurs de réaliser des économies de coûts appréciables.

La réforme de la réglementation fait partie des priorités du gouvernement japonais depuis plusieurs années. Le Canada présente chaque année des observations aux autorités japonaises chargées de la réforme — ainsi que l'Australie, les États-Unis, l'Union européenne et des organisations nationales comme le Keidanren. Le 19 mars 2003, un nouveau programme triennal pour la promotion de la réforme de la réglementation a été mis en place en remplacement de celui qui existait sous le Conseil de la réforme de la réglementation (CRR). Ce dernier a été rebaptisé Conseil pour la promotion de la réforme de la réglementation, et un nouveau volet, le Comité pour la réforme de la réglementation de niveau ministériel, a été ajouté. Sa tâche sera de voir à ce que les recommandations faites par le Conseil parviennent bien aux ministres du Cabinet compétents. Les observations du Canada présentées au Conseil pour la promotion de la réforme de la réglementation en 2004 ont accordé une attention particulière aux secteurs de première importance pour le Canada, tels que les services financiers, les télécommunications et les codes du bâtiment, mais aussi aux questions structurelles plus générales liées à l'ensemble du climat d'investissement au Japon.

Nombre de ces questions ont des conséquences importantes pour la relance de l'économie japonaise et la capacité du Japon d'attirer les investisseurs étrangers, dont le Canada. Nous avons ainsi pu constater les progrès réalisés au chapitre de la déréglementation, y compris dans certains secteurs soulignés dans les observations canadiennes, notamment les avocats étrangers, les procédures douanières, la politique de la concurrence, le contrôle du matériel médical et des produits pharmaceutiques, la réforme judiciaire et la gouvernance des entreprises. Le Canada continuera de promouvoir d'autres réformes, ainsi que l'application efficace et transparente des mesures déjà adoptées.

En 2003, le gouvernement japonais a commencé à mettre en œuvre un programme de promotion des zones spéciales en vue d'une réforme structurelle, des centaines de zones spéciales ayant déjà été approuvées. Ces « zones », qu'on retrouve surtout en région, sont une région, une ville ou un district qui demande qu'une modification soit apportée à des règles précises ou qui demande d'être exempté de l'application de règles précises dans le but de promouvoir la pensée novatrice. Nombre des modifications proposées ont été étendues à tout le pays. Il est à espérer que ces exemples d'initiatives de déréglementation couronnées de succès dans ces zones limitées auront un effet d'entraînement et favoriseront d'autres initiatives de réforme ascendantes. En effet, grâce à ces initiatives, il est plus facile pour les nouveaux exportateurs armés de concepts novateurs de percer le marché japonais.

Accès aux marchés – résultats obtenus en 2004

- Le Canada a travaillé avec le gouvernement japonais afin que les nouveaux règlements régissant la teneur en formaldéhyde des produits de construction aient le moins de répercussions possible sur les exportateurs canadiens. Ces règlements, adoptés en 2003, imposent des exigences strictes en matière de certification, et pourraient avoir pour effet de limiter l'accès aux marchés pour les exportateurs canadiens. Le Japon a accepté d'exempter le revêtement de sol en bois dur, un produit d'exportation de première importance au Japon. Il a consenti à accepter les données d'essai liées aux produits provenant de leur pays d'origine pour les besoins de la certification. Cependant, le Canada n'a pas encore réussi à faire accréditer un organisme d'évaluation canadien au Japon.
- En mai 2004, les autorités japonaises ont approuvé les constructions résistantes au feu fabriquées selon la méthode de construction avec du bois de charpente 2x4. Le Canada, en étroite collaboration avec l'Association japonaise des fabricants de bois de charpente 2x4, a entrepris des essais de résistance au feu supervisés, sous le régime de la Loi sur les normes du bâtiment révisée.
- Le Canada, conjointement avec des ambassades d'autres pays, a collaboré avec le ministère japonais de la Santé, du Travail et du Bien-être pour faciliter l'approbation de l'usage courant, à l'échelle internationale, des additifs alimentaires et contribuer à harmoniser la législation japonaise avec les pratiques internationales. Ce processus touche un grand nombre d'additifs alimentaires.
- Le Canada a déployé des efforts importants pour obtenir la coopération du Japon dans le domaine des organismes vivants modifiés. Bien que les discussions bilatérales n'aient pas débouché sur un protocole d'entente, les échanges ont tout de même permis aux deux pays de mieux comprendre les systèmes et les règlements de l'autre pays régissant la manipulation des produits agricoles issus de la biotechnologie.
- Le gouvernement du Japon a adopté une loi visant à faciliter la coopération et la collaboration entre les avocats japonais et les avocats étrangers qualifiés pour exercer le droit japonais. Ainsi, il sera plus facile pour les avocats canadiens de pratiquer le droit au Japon et d'offrir une aide juridique aux entreprises canadiennes et étrangères pour tout ce qui touche les transactions internationales.
- Le 17 septembre 2004, le Japon a levé toutes ses restrictions liées à la grippe aviaire sur les importations de volaille en provenance du Canada.

Accès aux marchés – priorités du Canada pour 2005

- Continuer d'intervenir auprès des autorités japonaises pour obtenir la levée des mesures liées à l'encéphalopathie spongiforme bovine (BSE) touchant les importations en provenance du Canada.
- Élaborer le cadre économique Canada–Japon et lancer l'étude conjointe sur les bénéfices et les coûts liés à un promotion accrue des échanges commerciaux et des investissements et sur d'autres questions de coopération entre les deux pays.
- Continuer de militer en vue d'une réduction des droits frappant les huiles végétales (notamment l'huile de canola), les aliments transformés, la viande rouge, le poisson, les produits forestiers (bois d'œuvre d'épinette-pin-sapin, contreplaqué en bois résineux, bois d'œuvre de placage lamellé, panneaux à copeaux orientés et poutrelles laminées), les métaux non ferreux et les chaussures en cuir.
- Continuer d'exercer des pressions pour que soient levés certains obstacles techniques et réglementaires du Japon, dont les normes et les règlements non conformes aux normes internationales (p. ex. les pratiques concernant l'utilisation des données cliniques étrangères dans l'approbation des produits pharmaceutiques et des instruments médicaux et l'approbation des niveaux de formaldéhyde acceptés dans les vêtements pour bébé).

- Négocier et conclure un accord sur la sécurité sociale et les totalisations en vertu duquel le calcul des avantages sociaux serait fondé sur la durée des cotisations dans chaque pays dans l'optique de réduire les coûts des cotisations au titre de la sécurité sociale et d'aider à protéger, dans les deux pays, les droits des salariés à recevoir une pension.
- Continuer d'exercer des pressions pour obtenir un accès accru aux créneaux horaires à l'aéroport de Narita et une amélioration des services aériens entre les deux pays.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Produits agroalimentaires, poissons et boissons

Le Japon est le premier importateur net au monde de produits agroalimentaires, de poissons et de boissons. En 2004, les exportations canadiennes de produits agroalimentaires et de poissons vers le Japon ont représenté 3,1 milliards de dollars. Le Canada cherche à pénétrer davantage cet important marché et se préoccupe de certaines mesures japonaises touchant les droits, les mesures de sauvegarde, l'étiquetage relatif aux organismes génétiquement modifiés (OGM) ainsi que les prescriptions touchant les normes pour les produits biologiques, l'assainissement des aliments et les prescriptions phytosanitaires en matière d'importation. La plupart des concessions touchant l'accès aux marchés et des réductions tarifaires seront envisagées dans le cadre des négociations actuelles de l'OMC, alors que d'autres questions seront abordées dans le cadre de discussions bilatérales.

Mesures de sauvegarde touchant le porc réfrigéré et surgelé

Le Canada demeure préoccupé par la mesure de retour aux droits antérieurs sur le porc qu'a prise le Japon. Cette mesure de sauvegarde engendre une augmentation du prix minimal à l'importation d'environ 25 %. Elle a été renouvelée le 1er août 2004 pour la quatrième année consécutive et sera en vigueur jusqu'à la fin de l'exercice actuel, soit jusqu'au 31 mars 2005. Depuis son adoption en 1995, cette mesure de sauvegarde a été un sujet de grande préoccupation pour les producteurs canadiens de porc. Telle qu'elle est administrée actuellement, cette mesure provoque des fluctuations du marché pour les fournisseurs canadiens et les importateurs japonais. Le Canada cherche une solution qui tiendra compte des préoccupations des Canadiens et des Japonais en éliminant les effets néfastes de cette mesure sur le marché. Cela fait partie des priorités du programme des prochaines négociations de l'OMC sur l'agriculture.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), le Japon a déclaré une interdiction temporaire sur les importations de tous les ruminants, toutes les viandes et tous les produits de la viande, y compris les embryons et les ovules bovins. L'interdiction a été levée en janvier 2004. Les saucisses de porc et de volaille confectionnées avec des boyaux de ruminants du Canada et les saucisses faites avec des boyaux de bœuf demeurent interdites. En juillet 2004, le Canada et le Japon créaient le Groupe de travail Canada-Japon sur l'ESB. Le groupe de travail s'est réuni trois fois pour discuter de questions techniques. Les discussions avec le Japon portant sur les conditions nécessaires à la reprise des échanges commerciaux se poursuivent. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Mesures de sauvegarde touchant le bœuf

Dans le cadre des négociations du Cycle d'Uruguay du GATT et de l'OMC, les partenaires commerciaux du Japon ont convenu d'un mécanisme de sauvegarde spécialement conçu pour le bœuf, qui protégerait les producteurs nationaux contre les augmentations subites des importations.

Les cas d'ESB déclarés au Japon en septembre 2001 ont entraîné une baisse exceptionnelle de la consommation de bœuf et des ventes de bœuf produit au Japon ou à l'étranger. Depuis, le marché s'est redressé, et la production nationale est maintenant supérieure aux niveaux qui prévalaient avant les cas d'ESB, sans compter que le prix des animaux vivants est supérieur à la tranche de prix recommandée par le gouvernement. En revanche, le volume et le prix des importations, bien qu'ils aient augmenté, demeurent en dessous des niveaux observés avant les cas d'ESB. Bien que la reprise des importations de bœuf en 2003 ne soit qu'un retour aux niveaux d'importation enregistrés avant les cas d'ESB, et non une augmentation subite des importations, cette reprise a néanmoins enclenché, le 1er août, l'entrée en vigueur de la mesure de sauvegarde sur le bœuf réfrigéré jusqu'au 31 mars 2004. Cette mesure entraîne une augmentation des prix pour les importateurs et un ralentissement de la reprise du marché japonais du bœuf, ce qui est désavantageux pour les producteurs et les consommateurs japonais.

L'ambassade du Canada a exprimé, de concert avec les ambassades d'autres pays exportateurs de bœuf, sa grande préoccupation au regard de la mise en œuvre de cette mesure de sauvegarde. Malgré cela, le système de sauvegarde touchant le bœuf a été maintenu pour l'exercice actuel se terminant le 31 mars 2005. En conséquence de l'interdiction frappant les importations en provenance des États-Unis, la mesure de sauvegarde n'a pas été déclenchée au cours de l'exercice actuel. L'importation de bœuf canadien est interdite depuis le 21 mai 2003.

L'interdiction frappant les importations de bœuf en provenance des États-Unis et du Canada a toutefois eu pour effet d'abaisser les importations japonaises de bœuf à un niveau très bas. Dès que l'interdiction sera levée, le volume des importations atteindra vraisemblablement le seuil auquel la mesure de sauvegarde est automatiquement déclenchée sous le régime de l'actuel système de sauvegarde japonais. Le Canada continuera donc de collaborer avec d'autres pays exportateurs importants afin de veiller à ce que les autorités japonaises n'appliquent pas automatiquement les mécanismes de sauvegarde. Il s'agit d'une autre priorité des négociations de l'OMC à venir en matière d'agriculture.

Droits de douane visant l'huile de canola

Le Japon impose aux huiles à friture importées des droits de douane particuliers, c'est-à-dire au kilogramme. Depuis la conclusion des négociations commerciales multilatérales du Cycle d'Uruguay, le Japon a diminué ses droits particuliers sur ces produits. Comme les équivalents *ad valorem* des droits particuliers sont inversement proportionnels aux prix d'importation (lorsque les prix d'importation chutent, les équivalents *ad valorem* augmentent, et vice versa), les droits particuliers protègent de manière progressive les producteurs nationaux contre la concurrence imposée par les importations à moindre prix. L'équivalent *ad valorem* des taux précis appliqués à l'huile de canola se situe aux environs de 20 %, voire davantage. Dans la course aux réserves limitées de graines oléagineuses, ces droits élevés représentent pour l'industrie japonaise de l'extraction de l'huile (et les producteurs de produits connexes comme la margarine) un avantage considérable sur l'industrie canadienne de l'extraction de l'huile. Le Canada veillera à négocier la réduction maximale de ces taux élevés au moment des négociations de l'OMC sur l'agriculture.

Système de certification biologique JAS

Le 1er octobre 2004, le Japon a cessé d'accepter les produits biologiques en provenance du Canada qui avaient été accrédités en vertu du National Organic Program (NOP) du département américain de l'Agriculture (aux termes de l'Accord États-Unis–Japon). À ce sujet, le Canada travaille à réviser ses propres normes en matière de produits biologiques avec pour objectif, entres autres, d'entamer des discussions avec le Japon sur la reconnaissance des produits biologiques canadiens. Cependant, le Japon envisage d'abolir les exigences d'équivalence pour les organisations de certifications étrangères reconnues afin de pouvoir certifier les produits biologiques canadiens comme étant conformes aux normes japonaises pour les produits biologiques. Cette mesure n'entrerait cependant pas en vigueur avant juin 2006.

Système de listes positives relatives aux niveaux maximum des résidus (NMR)

Le Japon mettra en œuvre un « système de listes positives » visant à interdire la distribution des aliments qui contiennent des produits agrochimiques en quantité qui dépasse un certain niveau, à moins que des niveaux maximum des résidus aient été établis pour les produits chimiques qui se trouvent sur ou dans les aliments. Les produits agrochimiques incluent les pesticides, les médicaments vétérinaires et les additifs alimentaires. Cette activité est fondée sur la Loi sur l'assainissement des aliments révisée qui a été promulguée en mai 2003 et qui doit entrer en vigueur en mai 2006. Depuis la publication de la première version préliminaire des niveaux maximum des résidus provisoires en octobre 2003, le Canada a fait part de sa position au ministère de la Santé, du Travail et du Bien-être du Japon et travaillé avec ce dernier.

Matériaux de construction et logement

Le secteur japonais des matériaux de construction est régi par de nombreuses lois et de nombreux règlements qui précisent les normes et les applications des produits que les exportateurs canadiens doivent respecter pour pouvoir exporter leurs produits. La Loi sur les normes du bâtiment est particulièrement importante. On reproche à la réglementation japonaise d'être difficile à comprendre, complexe et coûteuse en plus d'être élaborée sans la participation du public et d'être difficile à modifier. Le Japon est exhorté à réviser les dispositions de cette loi relatives aux méthodes et aux critères d'essai ainsi qu'aux restrictions connexes et à se conformer aux normes, aux pratiques et aux codes internationaux. Le Canada entretient des relations officielles et non officielles avec le gouvernement du Japon, sous la forme notamment de la collaboration entre les scientifiques canadiens et japonais (p. ex. l'Atelier Canada–Japon de recherche et développement) et les réunions bilatérales officielles tenues entre les deux pays (p. ex. les réunions du Comité du logement Canada–Japon) représentent d'autres occasions de changement. En 2004, le Canada a été l'hôte des pourparlers Canada–États-Unis–Japon sur les normes et les codes du bâtiment japonais engagés par le Comité d'experts de la construction et le Comité technique japonais sur les normes agricoles. Ces rencontres ont été l'occasion idéale pour le Canada de mettre en valeur son système de réglementation et son utilisation des produits et des matériaux de construction. Les mêmes comités se réuniront aux États-Unis en 2005.

Construction de structures en bois à trois et à quatre étages

La demande japonaise pour des immeubles à trois ou à quatre étages à usage mixte est considérable. Bien que la construction d'immeubles à appartements en bois à trois étages soit maintenant autorisée dans les quasi-zones sujettes à incendie, le gouvernement en limite la dimension à un maximum de 1 500 mètres carrés et exige des retraits peu rentables de limite de propriété et des calculs de distance limitative pour les ouvertures pratiquées dans les murs extérieurs. Ces restrictions limitent injustement et de façon importante le recours aux constructions en bois à trois étages. La grandeur des immeubles qui ne se trouvent pas dans les quasi-zones sujettes à incendie est également limitée à 3 000 mètres carrés, et les calculs établis pour les normes japonaises en matière de murs coupe-feu (qui pourraient autoriser la construction de structures plus grandes) ne sont pas fondés sur des critères scientifiques. Depuis qu'un système fondé sur le rendement, qui s'appliquera aux immeubles résistants au feu, a été mis sur pied sous le régime du code du bâtiment révisé japonais, le Canada, en étroite collaboration avec l'Association japonaise des fabricants de bois de charpente 2x4, a entrepris des essais supervisés, et l'approbation ministérielle a été obtenue en mai 2004 pour les constructions résistantes au feu fabriquées selon la méthode de construction avec du bois de charpente 2x4.

Matériaux de construction à valeur ajoutée

Dans le but d'aider les exportateurs canadiens à mieux comprendre le processus de certification des produits sous le régime de la Loi sur les normes du bâtiment révisée, le Canada a élaboré un document guide sur plusieurs matériaux de construction à valeur ajoutée. En 2003, le Japon a mis en œuvre des règlements concernant les émissions de composés organiques volatils (COV) issues des matériaux de construction. Malgré les obstacles auxquels les exportateurs étrangers se sont heurtés au début, les produits de plusieurs entreprises canadiennes ont réussi aux tests et obtenu les autorisations nécessaires. Actuellement, seul le formaldéhyde est assujetti à ces règlements, mais il se peut que d'autres COV soient réglementés plus tard. Le Canada surveillera la situation et fera rapport à l'industrie canadienne.

Révision des normes agricoles à l'égard des produits de construction

Conformément au système d'examen quinquennal des normes agricoles japonaises, le ministère de l'Agriculture, des Forêts et des Pêches du Japon (le MAFF) a entrepris l'examen des normes relatives au bois d'échantillon en 2003. Le Canada représente environ 95 % des importations japonaises de bois d'échantillon. Toutefois, des points demeurent en litige en ce qui concerne les autres normes, et le Canada veillera à s'assurer que les parties prenantes canadiennes aient accès au processus utilisé par le MAFF et soient bien représentées dans les comités d'examen.

Droits de douane appliqués au bois d'œuvre d'épinette-pin-sapin et aux panneaux dérivés du bois

Le système de classification douanière du Japon établit des distinctions entre les essences et les dimensions du bois d'œuvre et ce, quel que soit l'usage auquel il est destiné. Par conséquent, les importations canadiennes d'épinette-pin-sapin, lesquelles s'élèvent à plus de 400 millions de dollars par année, sont assujetties à des droits allant de 4,8 à 6 % tandis que d'autres essences importées pour les mêmes fins ne sont assujetties à aucun droit. Le droit de 6 % sur le contreplaqué en bois de résineux et sur les panneaux à copeaux orientés limite considérablement les exportations canadiennes et favorise injustement l'industrie japonaise. Les représentants de l'industrie estiment que le droit de 6 % sur le contreplaqué réduit les exportations canadiennes de 100 millions de dollars par année. La réduction des droits de douane sur le bois d'épinette-pin-sapin et le contreplaqué en bois de résineux est une priorité pour le Canada qui cherchera à approfondir cette question dans le cadre de négociations commerciales multilatérales de l'OMC.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES SERVICES

À mesure qu'augmente le nombre de firmes internationales faisant des affaires au Japon, l'attention se porte de plus en plus sur les barrières réglementaires et sur les autres obstacles non tarifaires qui risquent d'entraver l'expansion du commerce dans les secteurs sous-développés de l'économie japonaise, en particulier celui des services. Les affaires ont connu une expansion considérable dans les secteurs réformés, notamment les services financiers et les télécommunications. Le Canada continue d'attirer l'attention sur les secteurs qui pourraient aussi bénéficier d'une réforme de la réglementation. Il compte également continuer de se servir de l'étude réalisée en août 2002 par le Japan Market Resource Network, qui faisait ressortir les perspectives intéressantes que représente le secteur des services aux entreprises et des services professionnels, plus particulièrement dans les domaines de la comptabilité, des services juridiques, de l'éducation et de la formation. Ce marché revêt un intérêt particulier pour l'Association de l'industrie de la langue du Canada (AILIA) nouvellement fondée.

Services environnementaux

En plus des difficultés habituelles auxquelles sont confrontés les fournisseurs de services, les entreprises du secteur de l'environnement doivent surmonter des obstacles propres à leur secteur. Les différences dans les normes et les définitions qui se rapportent aux différents services offerts posent des difficultés particulières. De plus, les formalités administratives de qualification (processus de soumission) des projets gouvernementaux sont très différentes des formalités en vigueur au Canada et posent par conséquent des difficultés supplémentaires aux entreprises canadiennes. Il est également difficile pour les entreprises canadiennes d'avoir accès aux projets environnementaux financés par l'aide publique au développement à l'étranger. Le Canada continuera de surveiller cette situation.

Services de télécommunications

Le marché japonais des services de télécommunications s'est considérablement ouvert aux sociétés étrangères. Toutes les restrictions visant l'investissement étranger dans le secteur des télécommunications ont été supprimées, sauf en ce qui concerne la société Nippon Telegraph and Telephone. Le Canada approuve particulièrement la nouvelle loi commerciale dans le secteur des télécommunications, qui a été modifiée en 2003 et qui est entrée en vigueur au printemps 2004, surtout ses dispositions relatives au retrait de l'obligation de faire connaître les tarifs sur certains services. Cette loi est considérée comme une étape importante vers la compétitivité dans le secteur des télécommunications au Japon.

Transport aérien

Des représentants canadiens ont tenu des consultations avec leurs homologues japonais à Tokyo, en mai 2004, concernant notre longue et fructueuse relation bilatérale dans le domaine du transport aérien. La réunion a porté quelques fruits. Les transporteurs canadiens ont obtenu un accès accru au Japon et une capacité d'accès accrue aux créneaux horaires disponibles. Les droits de partage de codes ont aussi sensiblement été accrus. Des limitations de fréquence ont été supprimées et des droits pour des vols au-delà du Japon ont été obtenus, quoique ces gains soient limités dans les deux cas à la coopération avec les transporteurs japonais. Le Canada continuera de faire des pressions pour obtenir des droits de partage de codes avec les transporteurs de tiers pays.

La question en suspens des créneaux horaires additionnels à l'aéroport de Tokyo-Narita n'a pas été réglée, mais les autorités japonaises ont affirmé à la délégation canadienne que le Canada sera traité d'une manière juste et équitable quand elles seront en mesure d'attribuer les créneaux horaires futurs à Narita. Les nouvelles pistes et les créneaux horaires qui en résulteront à Narita risquent de ne pas être disponibles avant 2009. Cette situation limite la capacité du Canada d'accroître ses services aériens à Tokyo, limite les plans de voyage des Canadiens et empêche, des deux côtés, de profiter des avantages commerciaux additionnels qui pourraient découler de nouvelles pistes et de nouveaux créneaux horaires. Le

Canada continuera de faire valoir au Japon la nécessité d'accroître la capacité à Tokyo, d'autant plus qu'il est envisagé d'agrandir l'aéroport Haneda, ce qui pourrait libérer indirectement de l'espace à Narita avant l'échéance de 2009.

Services financiers

Des changements positifs se poursuivent dans le secteur financier, mais les risques subsistent.

Il est clair que les changements positifs que nous avons notés l'an passé se sont poursuivis, et le rythme du changement et de la revitalisation du secteur financier semble s'accélérer.

S'il reste encore des points qui empêchent Tokyo de réaliser son plein potentiel comme capitale financière mondiale, nous sommes encouragés par les faits nouveaux survenus récemment dans le secteur et dans les approches réglementaires. Nous reconnaissons aussi, en particulier avec la privatisation en cours de Postes Japon, que le programme mis de l'avant est ambitieux. Ce programme pourrait apporter des changements très positifs au secteur financier japonais et profiter directement aux épargnants, aux investisseurs et aux consommateurs de services financiers, de même qu'à l'économie en général en améliorant l'efficacité du système financier.

La concurrence se fait plus féroce sur le marché, les prêts-problèmes sont moins fréquents et sont en bonne voie d'atteindre l'objectif fixé par le gouvernement quant à la réduction de leur nombre, tandis que les pratiques en matière de crédit s'améliorent. La reconstruction financière s'est poursuivie, notamment grâce à l'élaboration d'objectifs clairs et à l'application claire des règlements — y compris des sanctions — par l'Agence des services financiers, ce qui a amélioré la souplesse du système financier. Nous nous félicitons des changements proposés au circuit de distribution, en particulier le relâchement des restrictions imposées aux succursales bancaires qui vendent des titres et des assurances, et encourageons le gouvernement dans les efforts qu'il fait pour élargir le choix offert aux consommateurs et favoriser ainsi une utilisation plus variée de l'épargne des ménages et inciter les investisseurs individuels à prendre plus de risques.

Toutefois, le système demeure vulnérable et le nombre de nouveaux prêts accordés demeure à la baisse. Pour pouvoir bénéficier d'un secteur financier dynamique, viable et efficace, le Japon devra assurer une supervision étroite et soutenue du secteur financier, augmenter la responsabilité des actionnaires et poursuivre son projet de revitalisation industrielle.

Le Canada demande de nouveau que l'Agence des services financiers (FSA) applique un régime plus souple qui tiendra compte de la nécessité pour les plus petites institutions de contenir les coûts. À long terme, l'Agence des services financiers devrait orienter la réglementation vers une approche plus macroéconomique, ce qui s'inscrirait dans ses efforts actuels visant à définir une « vision » à moyen terme pour le secteur financier.

Supervision et réglementation : nécessité d'une plus grande simplification et d'un régime plus favorable à l'innovation des produits

Avant de procéder à une véritable réforme transparente de la réglementation, il serait préférable de mettre en place un système de réglementation axé sur la supervision financière au niveau macroéconomique. La mise en œuvre d'une méthodologie de supervision *a posteriori*, qui favoriserait l'efficacité et la concurrence et qui remplacerait la méthodologie *a priori* de réglementation et de supervision utilisée actuellement, améliorerait l'efficacité du système financier japonais sans nuire à sa sécurité ni à sa solidité.

Par souci de transparence pour le consommateur, la FSA analyse des données à un micro-niveau aux fins d'homologation des produits et des tarifs. Cette forme de contrôle entrave la concurrence parce qu'elle prend du temps et qu'elle freine l'innovation. Nous reconnaissons les progrès réalisés depuis l'établissement de la FSA, mais demandons que des efforts supplémentaires soient déployés afin que le système d'homologation *a priori* des produits soit remplacé par un système de notification accompagné de normes de présentation claires. La supervision devrait mettre l'accent sur les ratios de solvabilité, la suffisance du capital et les pratiques de comptabilité modernes et efficaces.

Si l'indépendance de la Division de l'inspection est d'une importance capitale sous l'actuel régime de surveillance de la FSA, le Canada estime aussi qu'il faut une meilleure coordination et une meilleure communication entre la Division de l'inspection et la Division de la réglementation pour améliorer l'efficacité de l'administration réglementaire. Le Canada demande que les entreprises soient mieux mises au courant des résultats des discussions et des consultations tenues avec la Division de la supervision et que ces résultats soient aussi communiqués à la

Division de l'inspection. Cette rétroaction peut aider les entreprises à se conformer aux lois et aux règlements avant même les inspections.

Enfin, pour alléger le fardeau du respect des règlements, nous encourageons les organismes qui jouent un rôle dans la réglementation du secteur financier à harmoniser leurs besoins en information de manière à ce que les institutions financières n'aient qu'à fournir un seul ensemble type de renseignements, qui serait ensuite utilisé par tous les organes de réglementation.

Les institutions financières du secteur public introduisent toujours des distorsions dans le marché, mais des réformes, notamment la privatisation de Postes Japon, pourraient régler cette question à long terme.

De façon générale, on continue de s'inquiéter du fait que les institutions financières gouvernementales du Japon empiètent considérablement sur les services pouvant être offerts de façon efficace par des institutions du secteur privé. La participation des entreprises publiques dans le secteur financier et la part de marché très importante accaparée par certaines d'entre elles (p. ex le régime d'épargne postale ou « yucho » et le régime d'assurance-vie de la poste ou « kampo ») faussent considérablement la concurrence et contreviennent, selon certains, aux engagements pris par le Japon dans le cadre de l'Accord général sur le commerce des services (AGCS).

Les institutions publiques devraient concurrencer les sociétés privées sans toutefois placer celles-ci dans une situation désavantageuse. Le Canada appuie donc les efforts déployés par le gouvernement du premier ministre Junichiro Koizumi en vue de rationaliser et de privatiser les institutions financières gouvernementales. Dans la mesure du possible, le gouvernement japonais devrait faire appel aux institutions privées pour favoriser la réhabilitation des finances et la réhabilitation des entreprises, à moins qu'il ne soit montré clairement que le marché est inefficace. Les institutions et les sociétés financières étrangères peuvent grandement aider le gouvernement japonais à réussir ses réformes.

Les décisions de privatiser Postes Japon qui ont été prises récemment s'annoncent bien. Pour favoriser la concurrence sur le marché des services financiers et une répartition efficace de l'épargne des ménages, nous demandons instamment au gouvernement de donner suite à ses intentions i) de séparer l'entreprise en quatre entités distinctes, l'épargne et l'assurance étant gérées sur une base purement commerciale et ii) de soumettre le régime d'épargne et d'assurance de la poste aux mêmes règles et aux mêmes règlements que ses concurrents du secteur privé.

Le gouvernement doit aussi veiller à ce que les succursales de la future entreprise de services au comptoir qui demeurera sous le contrôle du gouvernement offrent une gamme de produits de divers fournisseurs de services financiers concurrents. Les succursales d'une Postes Japon privatisée peuvent être utilisées d'une manière tout aussi efficace comme points de distribution pour les assurances et les titres que les succursales bancaires. Dans l'intérêt des clients qui font confiance aux succursales actuelles, les produits offerts dans les succursales d'une Postes Japon privatisée devraient être choisis selon une procédure transparente et concurrentielle accessible à toutes les entreprises de services financiers.

Malgré les événements encourageants pour l'avenir, le régime d'assurance-vie de la poste, le *kampo*, représente toujours quelque 40 % de l'actif d'assurance-vie au Japon et ne fonctionne toujours pas sur le marché sur la même base que les entreprises privées. Le *kampo* n'est toujours pas soumis au même type de surveillance réglementaire ni aux mêmes coûts de fonctionnement que les assureurs-vie du secteur privé. Le *kampo* n'est pas assujetti à la Loi sur les compagnies d'assurance, ni à la Loi sur la vente de produits financiers, ni au Code commercial. De plus, il n'est pas supervisé par l'Agence des services financiers (FSA). Enfin, étant donné que ses produits sont entièrement garantis par le gouvernement, le *kampo* n'est pas tenu de cotiser à la Société de protection des détenteurs de police d'assurance (PPC). Tant que la privatisation n'aura pas corrigé cette situation, le *kampo* continuera d'introduire des distorsions dans le marché.

Aussi, afin de s'assurer que le *kampo*, dans sa forme actuelle, n'empiète pas davantage sur les activités du secteur privé, le gouvernement devrait lui interdire de créer de nouveaux produits que les assureurs du secteur privé seraient en mesure d'offrir. Si ce n'est pas le cas, le Canada demande de nouveau que toute proposition de nouveau service financier des institutions financières postales (*kampo* ou *yucho*) soit examinée par la FSA et fasse l'objet d'un avis public complet suivi de commentaires et que les autorités tiennent réellement compte des réponses avant de permettre de l'introduire. Le Canada demande aussi de nouveau que toute proposition de législation concernant les services financiers de Postes

Japon fasse l'objet d'un avis public complet, de commentaires et d'études avant que les législateurs prennent une décision finale.

Questions précises

En ce qui concerne les conglomérats financiers, la plupart des grands pays industrialisés ont opté pour un cadre réglementaire qui permet de plus grandes synergies entre leurs activités financières. Toutefois, le cloisonnement imposé au Japon entre les transactions bancaires et le commerce des valeurs mobilières préoccupe grandement les institutions financières canadiennes présentes dans ce pays. Cette exigence impose des frais additionnels considérables et ne favorise pas une efficacité optimale pour la clientèle. Un exemple est l'obligation d'obtenir le consentement par écrit préalable du client avant d'échanger l'information sur le client entre le service des transactions bancaires et le service des valeurs mobilières. Dans certains cas, le cloisonnement pourrait même représenter des risques accrus. Le Canada demande de nouveau que l'Agence des services financiers (FSA) applique un régime plus souple qui tiendra compte de la nécessité pour les plus petites institutions de contenir les coûts.

En ce qui concerne les nouvelles normes de fonds propres et les nouvelles réserves obligatoires proposées pour les rentes variables, le Canada craint qu'elles soient si onéreuses que les consommateurs devront payer beaucoup plus cher que nécessaire ou que les produits eux-mêmes ne puissent plus être offerts au consommateur. Ces produits jouent un rôle important en ce sens qu'ils permettent au public d'épargner d'une façon prudente pour leurs besoins à long terme, notamment pour leur retraite. Ces produits stimulent aussi de façon importante les marchés des capitaux en donnant au consommateur un moyen efficace au plan des coûts de participer à ces marchés à la place des comptes épargne assortis de bas taux d'intérêt.

En ce qui concerne le financement de la Société de protection des titulaires de police (PPC) évoquée ci-dessus, le régime actuel doit expirer au début de 2006. Le Canada a encouragé le gouvernement du Japon à consulter les entreprises d'assurance-vie japonaises et étrangères de façon étroite, transparente et ouverte au moment de l'élaboration et de la mise en œuvre de toute législation concernant la réforme de la PPC.

Enfin, en ce qui concerne la déréglementation de la distribution des produits d'assurance, on remarque des progrès notables : il s'agit là d'une évolution positive qu'il serait bon de poursuivre, en étendant la portée des réformes déjà en place aux nouvelles catégories de produits. De plus, nous soulignons en particulier la nécessité d'éliminer la règle dite *kosei-in*, qui limite les produits qu'une agence peut vendre à l'interne, et de permettre aux assureurs-vie de verser des commissions aux organismes qui vendent des polices d'assurance à l'agence elle-même (ou à ses filiales).

Services juridiques

Le Canada s'est réjoui de l'adoption d'une loi qui a pour effet d'éliminer les restrictions à la liberté d'association entre les avocats japonais et les avocats étrangers autorisés à pratiquer au Japon en vertu de la législation japonaise. Nous suivons de près l'élaboration des règles et des règlements associés à la mise en œuvre de cette loi. Le Canada continuera de promouvoir les réformes qui amélioreront la transparence et la prévisibilité du cadre juridique, ce qui favorisera les activités commerciales. Le Canada a demandé au Japon d'améliorer ses engagements en matière d'accès aux marchés pour les services juridiques dans le cadre de la phase sur l'accès aux marchés des négociations de l'AGCS actuellement en cours.

Politique de la concurrence

Le gouvernement japonais s'est efforcé de renforcer le régime de la politique de la concurrence, notamment en présentant un projet de modification de la Loi antitrust avant la session de la Diète d'octobre 2004, dans lequel se trouvent les amendements les plus radicaux depuis 1977, par exemple la majoration de l'amende de base qui passe de 6 % à 10 % pour les entreprises qui violent la Loi antitrust et l'habilitation de la Fair Trade Commission à faire des enquêtes sur les entreprises suspectes auxquelles il est obligatoire de répondre. Les amendes ainsi majorées dans le projet de loi demeurent toutefois à de bas niveaux selon les normes internationales et risquent donc ne pas être assez punitives pour empêcher vraiment les cartels et la collusion dans les soumissions. Par conséquent, le Canada continuera d'encourager le gouvernement japonais à intensifier ses efforts à cet égard, tout en améliorant l'application des lois.

Investissement

Dans son discours stratégique général à la Diète le 31 janvier 2003, le premier ministre Junichiro Koizumi se disait complètement en faveur de l'investissement étranger direct (IED), qu'il qualifiait de stimulant pour l'économie du pays et d'élément essentiel à une croissance durable. Pour reprendre ses propos « L'investissement étranger direct au Japon se traduira par de nouvelles technologies et de nouvelles pratiques de gestion novatrices et donnera lieu à des perspectives d'emploi plus vastes. C'est pourquoi nous prendrons des mesures pour présenter le Japon comme une destination attrayante auprès des entreprises étrangères, en espérant que nous atteindrons notre objectif, qui est de doubler le montant cumulatif des investissements d'ici cinq ans ». Pour aider à faciliter l'investissement, la Japan External Trade Relations Organization (JETRO – Organisation du commerce extérieur du Japon) a mis sur pied un guichet unique intitulé « Invest Japan » devant servir de source d'information et d'assistance aux investisseurs potentiels.

Le Japon a continué de promouvoir activement l'investissement étranger direct en organisant des séminaires sur l'investissement au Canada et partout dans le monde. Au Japon, le gouvernement du Canada a travaillé de concert avec la JETRO à aider à promouvoir l'investissement bilatéral et à promouvoir l'investissement étranger direct dans les secteurs prioritaires, qui sont notamment les secteurs de l'automobile, de la biotechnologie, de la nanotechnologie, de l'énergie et de l'agriculture. Le Canada est déterminé à attirer l'investissement dans les secteurs de croissance.

Le Japon a été le plus important bénéficiaire de l'investissement canadien direct dans la région de l'Asie/Océanie en 2003; les investissements canadiens ayant totalisé 9,12 milliards de dollars cette année-là. Au niveau des préfectures, on a constaté un désir accru d'attirer des capitaux étrangers, spécialement dans les secteurs de la haute technologie, quoique la croissance de l'investissement direct canadien ne se soit jusqu'ici manifestée que dans les grands centres urbains. Pour illustrer l'ampleur de l'investissement canadien au Japon, mentionnons que l'entreprise Manulife est le 16e plus important employeur étranger du pays.

Cela dit, des obstacles structuraux de longue date nuisent encore à l'investissement étranger direct au Japon. Au nombre de ces obstacles, citons une structure de coûts élevés dans l'ensemble, l'opacité de la bureaucratie, les réseaux d'acheteurs-fournisseurs exclusifs et la non-mobilité de la main-d'œuvre, les règlements en matière de faillite, les règlements concernant les fusions et les acquisitions par les entreprises étrangères et un manque de transparence financière, autant d'éléments qui bloquent l'établissement et l'acquisition d'entreprises. Il est donc extrêmement difficile pour les investisseurs étrangers de procéder à des transferts de propriété et à des transactions de fusion ou d'acquisition. Au nombre des secteurs qui bénéficieraient d'une ouverture à l'investissement figurent les soins médicaux, l'éducation, le commerce de détail, les services publics, l'agriculture, les services postaux et de distribution, ainsi que les services de consultation financière et de gestion de l'actif.

Le Japon est la cinquième source d'investissement étranger direct en importance au Canada (après les États-Unis et l'Union européenne, avec un total de 9,7 milliards de dollars en 2003. Bien que l'investissement japonais direct au Canada permette à l'industrie canadienne d'accroître considérablement sa capacité de faire face à la concurrence sur le marché mondial, le Canada n'attire qu'une portion relativement mineure de l'investissement japonais direct à l'étranger.

Le secteur automobile attire la plus grande partie de l'IED japonais, tendance qui s'est maintenue au cours des dernières années, ce qui témoigne de la bonne performance des automobiles japonaises sur le marché nord-américain. Les efforts du Canada visant à attirer l'investissement japonais au pays se sont concentrés dans six secteurs prioritaires en 2003, en l'occurrence l'agroalimentaire, l'industrie automobile, les produits chimiques, les technologies de l'information et des communications, les sciences de la vie ainsi que les métaux et les minéraux.

Même si les installations nouvelles attirent encore la majorité des investissements, les petits investissements, les partenariats stratégiques et les coentreprises sont de plus en plus courants. Ces décisions d'investissement émanent souvent des filiales japonaises établies en Amérique du Nord qui assument la responsabilité qui incombait auparavant à leur siège social du Japon. Des hauts fonctionnaires canadiens visitent fréquemment les bureaux des filiales nord-américaines des entreprises japonaises en plus de leur siège social au Japon afin de convaincre ces entreprises d'intensifier leurs investissements au Canada.

Chine

Aperçu

La République populaire de Chine (à l'exclusion de la Région administrative spéciale de Hong Kong) est le quatrième marché d'exportation en importance du Canada. En 2004, le total des exportations canadiennes de marchandises vers la Chine s'est élevé à 6,6 milliards de dollars, une augmentation de 39 % par rapport à 2003. Le total des importations de marchandises en provenance de la Chine a augmenté de 24,1 milliards de dollars en 2004, soit une hausse de 30 % par rapport à 2003.

La Chine a accéléré la cadence de sa libéralisation et réaffirmé son engagement de réaliser des réformes économiques et sociales. Elle est désormais l'un des chefs de file de l'économie mondiale et représente un marché de biens et de services de plus en plus important sur la scène mondiale. Seuls les États-Unis et l'Union européenne la surclassent au chapitre des importations. Fait notable, la Chine est le pays qui a attiré le plus d'investissement étranger direct en 2003.

Dans ses relations avec la Chine, le Canada a adopté une approche qui tient pleinement compte de l'importance croissante de ce pays sur la scène internationale. Un partenariat économique entre la Chine et le Canada est essentiel au maintien d'une relation à long terme et à l'intégration de la Chine à l'économie mondiale.

Bien que la Chine offre des débouchés très intéressants, il y existe un nombre appréciable de difficultés et d'usages qui empêchent le Canada d'avoir accès au marché chinois. De plus, la Chine a conservé certains éléments de l'ancienne économie planifiée.

Au cours de la visite officielle du premier ministre chinois Wen Jiabao au Canada en décembre 2003, un groupe de travail stratégique a été formé dans le but de discuter des questions stratégiques économiques et politiques à long terme sans avoir à se préoccuper des irritants actuels. Un plan d'action commun pour le groupe de travail a été lancé lors de la visite du premier ministre Martin en Chine en janvier 2005.

Le Canada et la Chine se consultent officiellement, de façon régulière, pour examiner les questions relatives au développement économique, au commerce et à l'investissement. Ces rencontres permettent au Canada d'exprimer ses préoccupations en matière d'accès aux marchés chinois et de faire valoir l'importance de la transparence dans une économie de marché fondée sur des règles.

La Chine a officiellement accédé à l'Organisation mondiale du commerce le 11 décembre 2001. Les engagements importants qu'a pris la Chine pour abaisser sensiblement les obstacles au commerce et à l'investissement et pour accroître la prévisibilité et la transparence de son régime commercial vont radicalement transformer l'économie du pays et sa gouvernance. Ces transformations créent par ailleurs de nombreux débouchés pour les exportateurs et les investisseurs canadiens dans des secteurs dans lesquels les entreprises canadiennes jouissent d'un avantage comparatif. La Chine devra continuer de surmonter des difficultés énormes pour assurer la mise en œuvre intégrale de l'Accord et pour poursuivre ses réformes économiques. À long terme cependant, la croissance économique et la prospérité du pays n'en seront que plus grandes.

À titre de membre de l'OMC qui détient une part considérable du marché mondial, la Chine joue un rôle important dans les négociations commerciales multilatérales du Cycle de Doha. Le Canada continuera de coopérer avec la Chine en vue d'une conclusion rapide de ces négociations.

Accès aux marchés – résultats obtenus en 2004

- Les organismes de réglementation chinois ont autorisé une gamme d'activités de la part des entreprises canadiennes dans le secteur financier :
  - une entreprise a obtenu le statut d'investisseur institutionnel qualifié;
  - deux banques ont obtenu l'autorisation d'établir un bureau de représentation à Shanghai;
  - une banque a obtenu un permis de vendre des produits dérivés en Chine;
  - une banque a obtenu l'autorisation de faire des placements minoritaires dans une banque commerciale chinoise;
  - deux compagnies d'assurance-vie ont obtenu l'autorisation d'établir une succursale à Beijing;
  - une compagnie d'assurance-vie a été autorisée à entamer des travaux préparatoires en vue d'ouvrir une succursale à Ningbo.
- À la suite des plaintes exprimées par le Canada et d'autres pays membres de l'OMC, les autorités chinoises ont réduit les exigences minimales en capital imposées pour l'expansion des compagnies d'assurance-vie. (Règlements sur l'administration des compagnies d'assurances, Règlements d'exécution de la réglementation relative à l'administration des compagnies d'assurance-investissement étrangères).

- À la suite des plaintes exprimées par le Canada et d'autres pays membres de l'OMC, les autorités chinoises ont éliminé la période d'attente d'un an et réduit les exigences minimales en capital concernant l'établissement de nouvelles succursales de banques étrangères (Règlements d'exécution de la réglementation des institutions financières étrangères).
- En coopérant avec les autorités locales à propos de la nouvelle réglementation régissant l'évaluation et l'importation des organismes génétiquement modifiés, le Canada a obtenu l'accès ininterrompu du canola sur le marché chinois.
- La Chine a donné suite à un objectif poursuivi depuis longtemps par le Canada en introduisant un nouveau code du bâtiment qui permet la construction de bâtiments à ossature en bois.
- La Chine a levé l'interdiction sur les importations de cosmétiques en provenance du Canada imposée après l'annonce de la détection d'un cas d'ESB en mai 2003.
- Le Canada a négocié la reprise des exportations de gélatine porcine vers la Chine.
- En janvier 2005, les échanges commerciaux de produits de volaille, de semence bovine, d'embryons bovins et de produit de sang de porc ont repris. L'inscription de centres de semence porcine a été renouvelée permettant ainsi les échanges commerciaux.

Accès aux marchés – priorités du Canada pour 2005

- Conclure un accord de promotion et de protection de l'investissement étranger.
- Veiller avec les entreprises canadiennes à ce que la Chine s'acquitte de ses engagements découlant de l'OMC, notamment dans les secteurs financier, agricole et agroalimentaire.
- Surveiller l'application des nouvelles lois, des nouveaux règlements et des nouvelles procédures douanières pour s'assurer que les exportateurs et les investisseurs canadiens sont traités de façon équitable.
- Continuer d'intervenir auprès du gouvernement chinois pour qu'il élimine complètement les restrictions liées à l'ESB qui subsistent en Chine sur les importations de bœuf, de produits du bœuf et de bovins vivants en provenance du Canada.
- Coopérer avec les autorités chinoises en ce qui concerne l'étiquetage intérieur fastidieux exigé sur les produits de viande emballés.
- Travailler avec la Chine à l'ajout au code du bâtiment de 2004 de nouvelles normes visant à favoriser la construction à structure mixte et à ossature en bois.
- Continuer d'insister auprès de la Chine pour qu'elle harmonise les droits de douane applicables au canola avec les droits de douane applicables au soja.
- Continuer d'insister auprès de la Chine pour qu'elle réduise la taxe sur la valeur ajoutée imposée aux aéronefs de petite et moyenne taille, comme les avions de transport régional à réaction, de manière à ce qu'elle soit équivalente à la taxe sur la valeur ajoutée imposée aux avions à grande capacité.
- Continuer d'intervenir auprès de la Chine pour qu'elle supprime les restrictions imposées à l'importation de produits du cerf et de l'élan.
- Continuer de travailler avec la Chine pour qu'elle élimine les obstacles qui restreignent la commercialisation des destinations et des services de voyage canadiens.
- Établir un accord de coopération technique et réglementaire avec la Chine sur les produits agricoles transgéniques.
- Travailler avec la Chine afin de retirer les exigences de traitements chimiques pour les graines de luzerne en provenance de la Saskatchewan.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Réalisation des engagements de la Chine à l'égard de l'OMC : faits saillants

Depuis son accession à l'Organisation mondiale du commerce (OMC), la Chine déploie des efforts considérables pour remplir ses engagements et effectue des progrès tangibles sur plusieurs plans. La Chine procède à la réforme de ses systèmes de gestion des activités économiques internationales pour les rendre conformes aux règles de l'OMC. À l'échelle nationale, la Chine jette des bases juridiques solides en vue de la réalisation de ses engagements envers l'OMC. La Chine réduit la gamme des produits contingentés et assujettis à d'autres restrictions concernant la délivrance de permis et réduit les tarifs douaniers dans plus de 5 000 lignes tarifaires, ce qui lui permettra d'atteindre un niveau tarifaire global de 12 % d'ici 2005, conformément à son engagement. Il est évident que les contrôles macroéconomiques et les ajustements par voie administrative cèdent la place aux indicateurs du marché et aux mécanismes de marché, ce qui accélérera l'établissement d'une économie de marché en Chine. La structure de l'économie chinoise, les relations entre le gouvernement et l'industrie ainsi que les structures, les formalités et les cadres juridique et réglementaire du gouvernement subissent également des changements en profondeur. Cependant, ces changements s'échelonneront sur une longue période.

Le Canada et d'autres parties continueront de voir à ce que la Chine respecte les règles de l'OMC en vertu desquelles elle doit observer les principes de transparence et consulter ses partenaires commerciaux avant de mettre en œuvre de nouvelles politiques et procédures.

Un mécanisme d'examen transitoire (MET) a été mis en place dans le cadre du processus d'accession de la Chine à l'OMC. Cet examen aura lieu chaque année pendant les huit premières années suivant l'accession de la Chine, puis à la dixième année. Cet examen permet aux membres de l'OMC de vérifier si la Chine réalise ses engagements conformément aux règles de l'OMC. Le Canada participe activement à ce processus.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, de la détection d'un cas d'ESB, la Chine a interdit l'importation en provenance du Canada de bovins vivants, de viande et de produits de la viande, de suif et d'aliments pour animaux confectionnés à partir de ruminants. Le Canada a tenu parfaitement au courant l'ensemble de ses partenaires commerciaux, y compris la Chine, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées pour faire face à la situation. Il demande maintenant la reprise des échanges commerciaux en se fondant sur des données scientifiques. En octobre 2004, la Chine et le Canada ont repris les échanges commerciaux de gélatine porcine et ont signé des protocoles sur les conditions nécessaires à la reprise des échanges de semence et d'embryons bovins. En janvier 2005, la Chine a approuvé les centres de collecte canadiens, permettant la reprise des échanges. Le Canada poursuivra les discussions avec la Chine pour la reprise des échanges commerciaux de bœuf, des produits du bœuf, des bovins vivants et du suif. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 18 janvier 2005, la Chine a levé toutes les restrictions liées à la grippe aviaire sur les importations de volaille et de produits de volaille en provenance du Canada. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Étiquetage de la viande

En août 2004, la Chine a avisé l'OMC qu'elle mettrait en œuvre le 1er novembre 2004 le Décret 49, la Réglementation de l'inspection et de la quarantaine des importations de viande et de ses produits. L'article VI (1) du règlement exige que l'emballage intérieur soit étiqueté avec le nom du produit et le numéro d'inscription de l'usine de fabrication.

À la suite de consultations avec les exportateurs, le Canada a fourni ses commentaires aux autorités chinoises sur les exigences d'étiquetage de l'emballage intérieur. Subséquemment aux interventions du Canada et d'autres pays exportateurs, les autorités chinoises ont décidé que les biens exportés en Chine à partir du 1er décembre 2004 devraient avoir le nom du produit imprimé en anglais et en chinois sur l'emballage intérieur.

Graines de luzerne

La Chine considère la Saskatchewan comme une région infectée par la flétrissure verticillienne et exige présentement que toutes les cargaisons de graines de luzerne en provenance de cette province soient traitées chimiquement contre ce pathogène. Cette exigence a eu une incidence négative sur les exportations de graines de luzerne de la Saskatchewan en direction de la Chine. L'Agence canadienne d'inspection des aliments et les autorités chinoises discutent présentement d'approches de validation des méthodes de test pour la flétrissure verticillienne. Ces discussions visent à trouver un protocole de test acceptable pour les deux parties permettant la reprise des échanges commerciaux pour ce produit de base.

Organismes génétiquement modifiés

Le règlement chinois sur la gestion de la biosécurité des organismes agricoles génétiquement modifiés (OGM) a été établi en 1993. En 2002, il était modifié afin d'inclure de nouvelles mesures sur l'évaluation de la sécurité des OGM, l'importation d'OGM et l'étiquetage des OGM. Les principaux éléments des mesures actuelles sont : l'ajout d'une période d'essai additionnel du produit avant l'autorisation de sa commercialisation, de nouvelles règles pour la transformation des produits d'OGM, l'étiquetage obligatoire pour usage national et international, de nouvelles règles pour l'importation et l'exportation d'OGM et des directives provinciales et locales de suivi des OGM.

Le bureau des OGM du ministère chinois de l'Agriculture a émis des certificats de sécurité pour sept productions canadiennes de canola transgénique. Ces certificats ont permis de continuer les exportations de canola canadien vers la Chine. Cependant, les certificats ne sont émis que pour une période de trois ans. Ainsi, le Canada aura à renouveler ces certificats d'ici avril 2007. Cette mesure vise à permettre l'évaluation et le suivi des OGM tout en minimisant les mises en circulation involontaires de canola transgénique dans l'environnement.

Le gouvernement du Canada a récemment entamé un dialogue avec l'ASQIQ (Administration pour la supervision de la qualité, l'inspection et la quarantaine), l'organisme gouvernemental chinois responsable des exigences en matière d'inspection, d'importation et d'exportation et de quarantaine, et avec le ministère chinois de l'Agriculture qui est responsable de la mise en œuvre des règlements de biosécurité pour les biotechnologiques agricoles. L'objectif de ce dialogue est d'initier de futurs échanges techniques et réglementaires et négocier les modalités de l'élaboration d'un accord de réglementation bilatéral.

Cerf, élan et produits qui en sont tirés

En août 2004, la Chine a suspendu la délivrance des permis d'importation du bois de velours canadien par crainte de l'encéphalopathie des cervidés chez le cerf et l'élan. Le Canada tente d'engager des discussions techniques avec les autorités chinoises dans l'optique de reprendre ce commerce.

RÈGLEMENTS TECHNIQUES ET NORMES

Depuis qu'elle a accédé à l'OMC, la Chine progresse dans la mise en œuvre de ses engagements à l'égard de l'OMC au chapitre des règlements techniques et des normes. En vertu de ces engagements, la Chine doit établir des points de renseignements sur les règlements, améliorer la transparence en avisant l'OMC des nouveaux règlements mis en place et veiller à ce que les normes, les règlements techniques et les procédures de vérification de la conformité soient les mêmes pour les produits importés et les produits chinois. Le Canada continuera de suivre de près l'application des normes et des règlements techniques pour veiller à ce qu'elle soit transparente et conforme aux engagements découlant de l'OMC.

Maisons à ossature en bois de type canadien

En janvier 2004, la Chine a adopté un code du bâtiment révisé qui permet la construction à ossature en bois. Le Code impose des restrictions sur la dimension des édifices et la distance qui doit exister entre ces types de structure à ossature en bois. En conséquence, seules les maisons unifamiliales sont visées par le code. Le Canada demande au ministère de la Construction et au ministère de la Sécurité publique de la Chine de réduire certaines des restrictions imposées par les codes et d'introduire les types de construction à structure mixte et à plus grande densité.

Les constructions à ossature en bois du Canada ont gagné du terrain sur le marché chinois des maisons individuelles haut de gamme. Le Canada s'emploie à trouver d'autres débouchés sur ce marché. Le niveau d'activité est demeuré modeste en 2004, avec environ 1 000 maisons à ossature en bois construites dans les grandes villes chinoises.

Taxe sur la valeur ajoutée appliquée aux aéronefs

Les aéronefs à forte capacité (plus de 25 tonnes) sont actuellement assujettis à une taxe sur la valeur ajoutée (TVA) de 4 %, un taux de beaucoup inférieur à la TVA de 17 % appliquée aux aéronefs de moindre capacité, comme les avions de transport régional à réaction produits au Canada. Le Canada estime que cette taxe différentielle nuit à la croissance de l'aviation régionale en Chine et limite également la capacité de tous les manufacturiers d'aéronefs de petite taille de vendre leurs produits en Chine.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES SERVICES

Services financiers

La Chine a mis en place des nouveaux règlements dans les domaines des services bancaires, des assurances et de la gestion de fonds. Ces règlements se sont traduits par une amélioration de la transparence et ont contribué à faciliter la concurrence et l'investissement étranger. Toutefois, ces règlements posent quelques difficultés que nous tentons de régler. Par exemple, la réglementation sur les services bancaires prévoit des normes de fonds propres minimums élevées et d'autres dispositions qui limitent la capacité des banques canadiennes d'élargir leurs réseaux de succursales et de financer des activités de prêt. La réglementation sur les assurances n'est toujours pas claire et exige un capital minimum et une réserve élevés. De plus, la délivrance de permis pour de nouvelles activités et de nouveaux produits dans tous les sous-secteurs des services financiers demeure assujettie à des procédures d'approbation complexes comptant souvent plusieurs étapes.

Investissement

En 2003, la Chine a été le plus deuxième plus important bénéficiaire de l'investissement étranger direct au monde. L'investissement direct canadien en Chine a affiché une croissance constante ces dernières années, passant d'un stock de 419 millions de dollars en 1997 à 543 millions de dollars en 2003 (alors qu'en 2003 le Canada a bénéficié de 422 millions de dollars d'investissement direct chinois). Le montant moyen des nouveaux investissements augmente continuellement, et le gros de ces investissements est destiné non plus à de petites entreprises familiales, mais aux activités sophistiquées de multinationales. La Chine est aussi une source d'IED de plus en plus importante, et le Canada intensifie ses efforts pour attirer cet investissement.

Accord de promotion et de protection de l'investissement étranger

Le Canada et la Chine sont actuellement en train de négocier un Accord de promotion et de protection de l'investissement étranger (APIE). Le Canada en a proposé un et en a expliqué la nature. Bien que le Canada et la Chine s'entendent sur les principes déterminants de la non-discrimination, de la protection des investisseurs et des procédures de règlement des différends, des divergences subsistent sur un certain nombre de points techniques, mais importants. Cet accord, qui devrait être conclu entre le milieu et la fin de 2005, devrait accroître la stabilité pour les investisseurs canadiens qui autrement doivent composer avec des conditions d'investissement complexes et désordonnées en Chine.

Commercialisation du tourisme

La Chine accorde le statut de destination approuvée (SDA) à certains pays pour faciliter le déplacement des ressortissants chinois à l'étranger. La Chine a accordé le SDA au Canada au début de 2005. Les modalités et l'échéancier de la mise en œuvre du SDA reste, pour le moment, à être définis.

Hong Kong

Aperçu

La Région administrative spéciale de Hong Kong jouit d'une autonomie considérable dans la gestion de ses affaires économiques, commerciales, culturelles et politiques, et elle conservera cette autonomie jusqu'en 2047. Hong Kong possède son propre système financier et ne verse ni recettes ni taxes au gouvernement central. Le dollar de Hong Kong, qui est arrimé au dollar américain, a toujours cours légal. Hong Kong demeure un port franc et un territoire douanier distinct. Cette économie distincte est membre de l'APEC et de l'OMC sous l'appellation « Hong Kong, République populaire de Chine ».

Hong Kong demeure une économie de marché résolument libre et ne dresse pratiquement aucun obstacle à l'accès à ses marchés ou à la conduite des affaires. À part les taxes d'accise sur les automobiles, le carburant, l'alcool et les cigarettes, aucun droit, taxe ou contingent n'est imposé sur les produits importés.

Le 1er janvier 2004, Hong Kong et la Chine continentale ont conclu un Accord de rapprochement économique qui correspond à un accord de libre-échange bilatéral entre les deux entités. L'accord facilite le commerce des produits et des services et l'investissement.

Les entreprises canadiennes continuent de jouir d'un excellent accès aux marchés hong-kongais, et aucune question bilatérale n'est en suspens relativement à l'accès au marché. Les exportations canadiennes vers Hong Kong ont totalisé 1,4 milliard de dollars en 2004, alors que les importations de marchandises en provenance de Hong Kong ont atteint 720 millions de dollars. Les échanges de services sont très importants. Le gouvernement de Hong Kong continue d'élaborer ses propres politiques économiques, financières et budgétaires en fonction de ses intérêts et de sa dépendance envers le commerce. La politique d'intervention minimale du gouvernement dans l'économie continue de s'appliquer aussi bien au commerce des produits et services qu'à l'investissement. En outre, en plus de constituer un marché intéressant en soi, Hong Kong est le plus grand port de la Chine et l'entrepôt de la plupart des importations et des exportations à valeur ajoutée de ce pays, particulièrement pour ce qui est des produits exportés par les petites et moyennes entreprises.

Accès aux marchés – résultats obtenus en 2004

- Levée partielle de l'interdiction d'importation touchant le bœuf et les produits du bœuf canadiens qui a fait suite à l'annonce faite par le Canada de la détection d'un cas d'ESB en mai 2003.
- Levée de l'interdiction d'importation touchant les produits avicoles en provenance de toutes les régions du Canada; le Canada est maintenant considéré exempt de la grippe aviaire hautement pathogène.

Accès aux marchés – priorités du Canada pour 2005

- Continuer d'intervenir auprès de Hong Kong pour qu'il suspende au complet ses mesures de restriction liées à l'ESB sur les importations en provenance du Canada.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), Hong Kong a interdit l'importation de bœuf et de produits du bœuf canadiens. Le 30 novembre 2004, à l'issue de discussions techniques poussées, Hong Kong a annoncé la reprise des échanges commerciaux de bœuf désossé tiré d'animaux de moins de 30 mois en provenance du Canada. Les discussions se poursuivent afin d'accroître la liste de produits admissibles et d'établissements approuvés pouvant exporter. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

En novembre 2004, Hong Kong a levé ses restrictions liées à la grippe aviaire pour les importations d'oiseaux vivants et de viande de volaille en provenance du Canada. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Investissement

En 2004, avec des investissements de l'ordre de 4,7 milliards de dollars (en stock), Hong Kong s'est classé le huitième investisseur au Canada en importance. Le Canada a investi 2,7 milliards de dollars à Hong Kong, investissements largement concentrés dans le secteur des services financiers. En général, les investisseurs canadiens font face à très peu d'obstacles sur le marché de Hong Kong, qui offre une excellente infrastructure, des taux d'imposition peu élevés et la gamme complète des services modernes aux entreprises.

République de Corée

Aperçu

La Corée est la troisième destination en importance des exportations canadiennes de marchandises en Asie-Pacifique (derrière le Japon et la Chine) et la huitième dans le monde. En 2004, les exportations canadiennes de marchandises vers la République de Corée ont totalisé 2,3 milliards de dollars, alors que les importations se sont chiffrées à 5,8 milliards de dollars. L'investissement direct coréen au Canada a totalisé 280 millions de dollars en 2003, comparativement à 609 millions de dollars pour l'investissement canadien en Corée. En 2002, nos exportations de services vers la Corée ont totalisé 653 millions de dollars et nos importations de services en provenance de la Corée, 218 millions de dollars.

Malgré la libéralisation considérable survenue après la crise financière coréenne de 1997, la politique économique de la République de Corée vise à protéger l'industrie nationale et à encourager les exportations, tout en décourageant les importations de certains produits à valeur ajoutée. De façon générale, les droits de douane, les licences d'importation, les formalités d'importation et les normes sociales favorisent l'importation de matières premières et d'équipement industriel plutôt que de produits finis. Bien que les formalités d'importation aient été libéralisées au cours des dernières années, d'importants obstacles et des règles intransigeantes subsistent dans certains secteurs.

Mis sur pied en avril 1994, le Groupe de travail pour un partenariat spécial Canada–Corée tente d'accroître la collaboration dans des domaines comme le commerce, l'investissement, la coopération industrielle et les transferts de technologie. Un sous-comité du Groupe de travail pour un partenariat spécial s'occupe précisément des questions relatives à l'accès aux marchés, alors qu'un autre a été créé dans le but d'accroître la collaboration entre le secteur privé des deux pays, en se concentrant dans un premier temps sur la technologie de fabrication, les nouveaux matériaux, la biotechnologie, l'environnement, l'énergie et les télécommunications.

En 2002, le Canada a entrepris des discussions approfondies et continues avec les autorités techniques afin de résoudre les questions sanitaires et phytosanitaires en suspens.

En 2004, la République de Corée a exprimé au Canada son vif intérêt pour l'établissement d'un Accord de libre échange (ALE) ambitieux. Le 19 novembre 2004, le premier ministre Martin et le président coréen Roh Moo-Hyun ont annoncé que les deux pays allaient étudier la faisabilité d'une négociation d'un ALE. Le premier ministre et le président ont fait cet annonce à Santiago, au Chili, à la suite d'une rencontre bilatérale tenue en marge de la rencontre des dirigeants du Forum de coopération économique Asie-Pacifique (APEC). Découlant de l'engagement du gouvernement du Canada de faire participer les Canadiens aux questions de commerce et d'investissement, un processus détaillé de consultation a été lancé auprès des provinces et des territoires, du public, des entreprises et des organisations non gouvernementales canadiens. Le résultat de ces consultations aidera à indiquer aux représentants canadiens les priorités, les objectifs et les préoccupations des Canadiens et aidera aussi à la définition de la teneur d'un éventuel ALE avec la Corée.

La Corée est un marché à la croissance forte et rapide. Elle est reconnue comme « porte d'entrée » pour l'Asie du Nord-Est, une région d'importance stratégique pour les chaînes de valeur mondiales. Avec une population estimée à 48 millions de personnes et un PIB de 849 milliards de dollar, la Corée est la plus grande des « Tigres asiatiques » (Hong Kong, Singapour et Taïwan). Un ALE avec la Corée, permettrait non seulement d'accroître notre importante relation économique bilatérale avec ce pays, mais aussi de renforcer notre présence dans la région en servant de pierre d'assise à de plus grands liens économiques avec la Chine et le Japon. Les intérêts canadiens en Corée sont concentrés dans trois domaines principaux : prendre pied dans les chaînes de valeur mondiales compétitives de production et de distribution des sociétés coréennes; vendre du matériel non transformé, des produits et des technologies clés; et se servir de la Corée comme base stratégique pour établir une présence d'exportation et de fabrication en Asie du Nord-Est.

Accès aux marchés – résultats obtenus en 2004

- Les contingents tarifaires applicables aux pois fourragers ont été revus à la hausse pour 2004 pour s'établir à 450 000 tonnes.
- L'interdiction d'importer du suif a été levée le en mars 2004 et le certificat d'importation, accepté le 10 mars 2004.
- Les interdictions d'importation touchant le sérum sanguin foetal et le plasma sanguin de porc ont été levées le 4 juin 2004 et des certificats modifiés, acceptés.
- La Corée a modifié le protocole phytosanitaire visant les produits de bois d'œuvre résineux pour y approuver les marquages.

Accès aux marchés – priorités du Canada pour 2005

- Suppression des mesures coréennes liées à l'ESB sur les importations en provenance du Canada.
- Essayer d'obtenir le retrait des restrictions coréennes liées à la grippe aviaire sur les importations de volaille et de produits de volaille en provenance du Canada.
- Continuer les discussions en vue d'un accord pour le protocole sur la fumigation des pois fourragers pour les années à venir.
- S'assurer du maintien des contingents tarifaires sur les pois fourragers.
- Continuer de faire pression sur la Corée pour qu'elle instaure la parité tarifaire entre les produits de canola et les produits de soja.
- Continuer d'exercer des pressions afin que la Corée modifie ses procédures de passation des marchés publics concernant le soja et le miel.
- Continuer de surveiller chaque année les droits effectivement appliqués, lesquels peuvent être ajustés, afin de s'assurer qu'il n'y a pas réduction de l'accès aux marchés pour les produits canadiens.
- Poursuivre la mise en œuvre des protocoles phytosanitaires concernant la certification du traitement à la chaleur du bois d'œuvre résineux.
- Conclure les discussions exploratoires avec la Corée et les consultations avec les Canadiens en préparation à la décision à savoir si nous devrions aller de l'avant dans les négociations officielles en vue d'un ALE bilatéral.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Encéphalopathie spongiforme bovine

À la suite de l'annonce par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), la Corée a interdit l'importation en provenance du Canada de ruminants, de viande et de produits de la viande, y compris le sperme, les embryons, les ovules, le suif, la gélatine et le collagène. Si l'accès a été obtenu pour certains produits, la Corée interdit toujours l'importation de viande et d'animaux vivants. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris la Corée, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées pour faire face à cette situation. Il demande maintenant la reprise des échanges commerciaux en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 20 février 2004, la Corée a suspendu les importations de volaille et de produits dérivés de volaille en provenance du Canada. L'Agence canadienne d'inspection des aliments demandera aux autorités coréennes de lever la suspension. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Huile de canola

Le Canada continue de viser la parité tarifaire entre l'huile de canola et les produits concurrents comme l'huile de soja, ainsi que l'élimination de la progressivité des droits de douane (de faibles droits aux matières premières et des droits plus élevés aux produits transformés). La Corée impose des droits de 10 % sur l'huile de canola brute et de 30 % sur l'huile transformée. L'huile de canola est la seule huile alimentaire importée assujettie à ce traitement. En effet, la Corée impose des tarifs de 5,75 % à l'huile de soja, qu'elle soit brute ou transformée.

Droits de douane sur les pois fourragers

En 2004, la Corée a appliqué un traitement douanier différentiel aux pois secs destinés à la consommation humaine et aux pois fourragers en mettant en place un contingent tarifaire (CT) sur les pois fourragers. Le volume et le taux du contingent tarifaire sont annoncés tous les ans. En 2004, le taux appliqué au contingent tarifaire modifié relatif aux pois fourragers (le contingent tarifaire a été modifié à 450 000 tonnes en 2004) a été de 2 %. Les importations de pois fourragers au-delà de ce contingent seront taxées au taux douanier appliqué aux pois secs destinés à la consommation humaine, c'est-à-dire 27 %. Les taux de droit appliqués à la plupart des produits fourragers concurrents sont les suivants : orge 20 % ou 30%; blé (destiné à la mouture ou aux aliments pour bétail) 1,8 %; et semences de lupin 0 %. Le CT permet l'importation de pois secs jusqu'à un certain volume à un taux réduit et représente une amélioration par rapport aux mesures précédemment en vigueur, mais n'assure pas une parité complète avec les autres types d'aliments pour animaux. Ultimement, on tâchera d'atteindre cette parité dans le cadre des négociations de l'OMC sur l'agriculture. Le maintien d'un CT est une solution temporaire en l'absence d'une parité tarifaire permanente, étant donné que le CT est renouvelé tous les ans et peut être annulé ou réduit unilatéralement par la Corée.

Protocole sur la fumigation des pois fourragers

La Corée entretient des préoccupations phytosanitaires au sujet de la mouche de Hesse et exige rigoureusement qu'il n'y ait pas de paille dans les livraisons de produits agricoles comme les livraisons de pois fourragers, étant donné que la paille peut servir d'hôte à la mouche de Hesse. Pour apaiser ces préoccupations, le Canada propose aux autorités coréennes de soumettre les livraisons à des fumigations qui tueraient la mouche de Hesse qui pourrait se trouver dans la paille. Les discussions avec les agents techniques coréens se poursuivent.

Appels d'offres pour le soja

Le régime coréen d'appels d'offres qu'administre la Société coréenne de commercialisation de l'agriculture et de la pêche interdit aux importateurs coréens d'avoir accès aux graines de soja alimentaire de première qualité et à prix élevé que produit le Canada. La Corée a fixé un contingent tarifaire pour les graines de soja destinées à la consommation humaine, pour lequel elle applique un processus d'appel d'offres international ouvert, essentiellement en fonction du prix. Il s'agit d'un système rigide, qui ne permet pas de relever le prix en fonction de la qualité, de soumissionner de petits marchés ou d'établir des contrats de longue durée. La Corée produit moins de 40 %

du soja qu'elle consomme et n'arrive pas actuellement à fournir aux transformateurs le produit de haute qualité dont ils ont besoin.

Encéphalopathie des cervidés : produits de l'élan et du cerf

Le 28 décembre 2000, la Corée a suspendu l'importation de cervidés vivants et de leurs produits (produits de l'élan et du cerf y compris velours de bois) provenant du Canada et des États-Unis en raison d'inquiétudes liées à l'encéphalopathie des cervidés. En 2004, le Canada a multiplié les représentations de haut niveau et entamé des discussions techniques avec les autorités coréennes qui visaient à reprendre le commerce.

Miel

Le contingent tarifaire actuel pour le miel est de 420 tonnes; le tarif sur les importations contingentées se situe à 20 %, alors que le tarif pour ce qui excède le contingent tarifaire est établi à 243 %. Dans le processus de soumission concurrentiel pour les droits d'importation, le prix du miel est devenu le facteur déterminant, et il est difficile pour les produits du miel de haute qualité et à prix plus élevé de soutenir la concurrence dans les limites du contingent tarifaire.

Bois d'œuvre résineux

À l'heure actuelle, la Corée exige que tout le bois d'œuvre résineux canadien qui lui est destiné soit séché au séchoir et subisse un traitement thermique afin que tous les phytoravageurs soient éliminés. À la suite de réunions entre l'Agence canadienne d'inspection des aliments et les autorités phytosanitaires coréennes, la Corée a ses règlements qui exigeaient des certificats phytosanitaires et se rendra au Canada pour examiner la possibilité d'utiliser des certificats émis par l'industrie attestant que les produits ont subi un traitement thermique.

Taïpei chinois (Taïwan)

Aperçu

En 2004, les exportations de marchandises canadiennes vers le Taïpei chinois ont atteint 1,2 milliard de dollars. Le Taïpei chinois s'est classé au sixième rang parmi les marchés d'exportations du Canada dans la région de l'Asie-Pacifique, représentant 4,7 % du total de nos exportations dans cette région. Les importations canadiennes de marchandises en provenance du Taïpei chinois se sont élevées à 3,9 milliards de dollars en 2004.

L'économie du Taïpei chinois demeure fortement tributaire du commerce. Le Taïpei chinois est un important exportateur de même qu'une importante source d'investissement dans la région, particulièrement en Chine et en Asie du Sud-Est. De plus, cette zone est un importateur de plus en plus important de cette région du monde. Ensemble, ces conditions incitent le Taïpei chinois à s'ouvrir aux échanges et à libéraliser son marché. Toutefois, des pressions politiques protectionnistes continuent de s'y exercer, notamment à l'égard de certains produits agricoles et agroalimentaires importés.

Le Taïpei chinois a officiellement accédé à l'OMC le 1er janvier 2002. Comme ce territoire est un important marché d'exportation pour les fournisseurs canadiens, son adhésion au système commercial international fondé sur des règles a constitué un progrès notable. Le Taïpei chinois a mis en place d'importantes réformes et mesures de libéralisation pour faire en sorte que son régime commercial et économique soit conforme au cadre de l'OMC. Une des conséquences les plus importantes de l'accession du Taïpei chinois à l'OMC est qu'en vertu du principe de non-discrimination entre les pays membres, les États-Unis perdront l'accès préférentiel au marché dont ils jouissaient pour un nombre élevé de produits.

Négociations relatives à l'accession à l'Organisation mondiale du commerce

Le Taïpei chinois a mis en œuvre plusieurs améliorations en matière d'accès aux marchés pour les produits et services qu'il a négociées avec le Canada et les autres membres de l'OMC. Parmi ces conditions figurent l'élimination des droits de douane dans certains secteurs en vertu du principe zéro pour zéro, et des réductions ou des harmonisations des droits de douane sur des produits qui intéressent le marché d'exportation canadien comme les produits chimiques, les produits pharmaceutiques, le papier et les instruments médicaux. Avant d'accéder à l'OMC, le Taïpei chinois avait déjà signé l'Accord sur les technologies de l'information dans le cadre duquel il consentait à abolir tous les droits de douane sur des produits précis de technologie de l'information. Les fournisseurs canadiens ont donc obtenu un accès plus large et plus sûr pour ces produits, comme pour d'autres produits industriels prioritaires, par exemple les contreplaqués et les produits de l'aérospatiale. L'accès des fournisseurs canadiens au marché de l'automobile demeure favorable, le Taïpei chinois ayant commencé à libéraliser son régime d'importation dans ce secteur.

Le Taïpei chinois a également amélioré l'accès à son marché pour un nombre important de produits agricoles, de produits agroalimentaires, de poissons et de produits de la mer, dont les produits de viande, les céréales et les oléagineux ainsi que les aliments transformés. Pour les fournisseurs d'huile de canola et les fournisseurs de bœuf, l'accession du Taïpei chinois à l'OMC signifie un accès plus ouvert et plus équitable au marché. Avant d'accéder à l'OMC, le Taïpei chinois avait commencé à abolir les interdictions à l'importation, sur les abats entre autres, et sur plusieurs espèces de poisson, dont le maquereau, les sardines et le hareng, et il a maintenant terminé ce travail.

Dans le secteur des services, le Taïpei chinois a pris des engagements qui représentent un grand intérêt pour le Canada, en particulier dans le secteur des services financiers, des services de télécommunications de base et avancés, et des services professionnels.

Le Taïpei chinois s'est engagé à adhérer à l'Accord de l'OMC sur les marchés publics et a accepté, dans certains secteurs d'activités présentant un grand intérêt pour le Canada, de faire certaines concessions en matière d'accès aux marchés. Bien que le processus d'adhésion officielle a été lent pour des raisons techniques, le Taïpei chinois a assuré la communauté internationale que ses procédures d'appel d'offres seront équitables et transparentes et respecteront en tout point l'Accord de l'OMC sur les marchés publics. Malgré cet engagement, le processus d'appel d'offres pour des projets publics continue de donner souvent l'avantage aux fournisseurs locaux.

Accès aux marchés – résultats obtenus en 2004

- Le Taïpei chinois a levé son interdiction liée à l'ESB qui frappait certains aliments pour animaux familiers. Les usines canadiennes d'aliments pour animaux familiers qui n'utilisent pas de matières premières provenant de ruminants nationaux peuvent maintenant demander aux autorités taïwanaises l'autorisation d'exporter vers Taïwan par l'entremise de l'ACIA.

Accès aux marchés – priorités du Canada pour 2005

- Continuer d'intervenir auprès du Taïpei chinois pour qu'il supprime les mesures liées à l'ESB encore en vigueur relativement aux importations de bœuf et de produits du bœuf en provenance du Canada.
- Continuer d'intervenir auprès du Taïpei chinois pour qu'il supprime les mesures liées à l'ESB appliquées à la viande de volaille et de porc et à la farine d'os issue de ces animaux, au sang de porc transformé et au suif exempt de protéines.
- Continuer d'intervenir auprès du Taïpei chinois pour qu'il supprime les mesures liées à la grippe aviaire appliquées aux produits avicoles en provenance de la Colombie-Britannique.
- Surveiller l'exécution par le Taïpei chinois de ses obligations dans le cadre de l'OMC, en ce qui concerne l'incidence de ces dernières sur l'accès à des segments de marché susceptibles d'intéresser les entreprises canadiennes.
- Soutenir la candidature du Taïpei chinois à l'Accord de l'OMC sur les marchés publics.
- Faire pression sur le Taïpei chinois pour qu'il mette en place la parité tarifaire entre les pois fourragers canadiens et le soja et le maïs.
- Encourager le Taïpei chinois à adopter une norme pour le vin de glace.
- Continuer d'encourager le Taïpei chinois à reconnaître l'équivalence des régimes canadien et américain de contrôle de la qualité en ce qui a trait aux instruments médicaux.
- Continuer de faire pression sur le Taïpei chinois pour qu'il prévienne à l'avance les autres pays de tout changement prévu à la réglementation qui risque de se répercuter sur les échanges de produits agricoles et de produits forestiers.
- Demander au Taïpei chinois de reconnaître le régime de réglementation des produits canadiens et de réduire la fréquence des visites d'inspection qui sont faites régulièrement au Canada par le Taïpei chinois aux frais de l'industrie — par exemple, les inspections des vergers de pommiers.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), le Taïpei chinois a imposé une interdiction temporaire d'importer de la viande et des produits de la viande en provenance du Canada, y compris les abats, les aliments pour animaux, le suif et les embryons. Le 27 août 2003, les autorités du Taïpei chinois ont levé l'interdiction qui frappait les importations d'embryons de bœuf, de mouton et de chèvre. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris le Taïpei chinois, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées pour faire face à cette situation. Il demande maintenant la reprise des échanges commerciaux en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Pois fourragers

Le Taïpei chinois applique le même taux tarifaire à l'importation des pois fourragers qu'à l'importation des pois destinés à la consommation humaine. Cette mesure occasionne un désavantage concurrentiel pour les pois fourragers canadiens par rapport au soja et au maïs utilisés pour les aliments pour animaux. Lors des négociations en vue de son accession à l'OMC, le Taïpei chinois a consenti à réduire graduellement son taux tarifaire sur les pois fourragers jusqu'à l'éliminer complètement d'ici 2007. Aucun taux tarifaire n'est appliqué au tourteau de soja et au tourteau de maïs à l'heure actuelle.

Vin de glace

L'Association des vignerons du Canada et ses établissements vinicoles membres se sont plaints de la présence de « faux vin de glace » sur le marché du Taïpei chinois, ce qui nuit à la performance du vin de glace canadien portant le sceau Vintners Quality Alliance (VQA) et à l'appréciation et à l'acceptation du produit par les consommateurs. En conséquence, le Canada aimerait que le Taïpei chinois suive son exemple de même que celui des États-Unis et des pays de l'Union européenne qui ont adopté des normes de qualité minimales pour le vin de glace.

Bois d'œuvre résineux

Le Taïpei chinois est un marché important pour le bois d'œuvre résineux, mais seulement pour les catégories inférieures servant à l'emballage. Bien que le marché soit ouvert à une utilisation accrue du bois dans la construction, les institutions financières et les sociétés d'assurance craignent que le code du bâtiment en bois de l'île ne soit pas assez prescriptif pour garantir une qualité adéquate, si bien que la croissance se fait attendre sur ce marché. En mai 2003, le Taïpei chinois a apporté des modifications à certaines dispositions de son code du bâtiment en bois, autorisant l'utilisation du bois d'œuvre résineux dans la construction à ossature en bois. L'industrie canadienne des produits du bois travaille avec le gouvernement du Taïpei chinois à la reconnaissance de l'équivalence des normes des deux pays régissant divers produits de bois de construction et à la prestation de formation technique à l'industrie locale.

Consultations sur la modification de la réglementation du secteur agricole

Le Canada a manifesté son inquiétude à la Commission du commerce extérieur et au Bureau de l'inspection phytosanitaire et zoosanitaire de la quarantaine du Taïpei chinois à l'égard du manque de consultations préalables sur les changements devant être apportés aux règlements sur l'importation de produits alimentaires. Par exemple, en 2003, le Taïpei chinois n'a pas avisé le Canada des modifications à ses critères de quarantaine pour l'importation de végétaux et de produits végétaux avant le jour même de la mise en œuvre de ces modifications, ne laissant du coup aucune possibilité pour le Canada de demander des éclaircissements avant que les mesures ne soient appliquées. À la fin de 2004, le Taïpei chinois a annoncé des exigences de certification relatives aux importations de bois d'œuvre non écorcé, ce qui a laissé peu de temps à l'industrie pour obtenir des éclaircissements et pour se conformer.

Australie

Aperçu

En 2004, le commerce bilatéral de marchandises entre le Canada et l'Australie totalisait 3,3 milliards de dollars, une hausse de 7,4 % par rapport à l'année précédente. Au cours de l'année, le Canada a exporté pour 1,6 milliard de dollars de marchandises vers l'Australie, alors que les importations en provenance de ce pays ont été évaluées à 1,8 milliard de dollars. Les principales exportations canadiennes vers l'Australie demeurent le porc, les aéronefs, le bois d'œuvre, les composants de télécommunications et la pâte à papier.

Le stock d'investissements directs canadiens en Australie ont atteint 7,78 milliards de dollars en 2003, ce qui représente une augmentation de 10 % par rapport à 2002 (7 milliards de dollars). Cette augmentation est principalement attribuable au grand nombre d'entreprises canadiennes qui ont acquis des intérêts dans l'industrie minière australienne. On estime actuellement que les entreprises canadiennes possèdent plus de 25 % des ressources aurifères de l'Australie.

Il y a des affinités naturelles entre le Canada et l'Australie, attribuables à la similarité des régimes juridiques et réglementaires des deux pays, à leurs structures fédérales comparables et à des rapports commerciaux qui remontent à plus de 100 ans. La plupart des échanges commerciaux entre les deux pays s'effectuent au taux de la nation la plus favorisée, bien qu'ils comprennent des quantités importantes de produits importés en franchise de droits.

Certains obstacles non tarifaires importants ont une incidence sur l'accès aux marchés. En outre, l'accès des produits et des services canadiens est restreint par les normes de produits, les pratiques relatives aux marchés publics (qui varient d'un secteur à l'autre et du Commonwealth aux États), ainsi que par la législation sur les sanctions commerciales (l'Australie est l'un des pays qui recourt le plus aux mesures antidumping et aux droits compensateurs).

L'Australie a pris des mesures énergiques en signant des accords commerciaux bilatéraux avec la Thaïlande, Singapour et, plus récemment, les États-Unis. L'incidence de ces ALE sur le commerce entre le Canada et l'Australie sera surveillée de près.

Accès aux marchés – priorités du Canada pour 2005

- Continuer d'intervenir auprès des autorités australiennes pour qu'elles accordent un meilleur accès au marché du porc canadien et favoriser la participation de l'industrie canadienne à l'enquête de la Productivity Commission (Commission sur la productivité) pour qu'on n'y recommande pas d'ajouter d'autres restrictions.
- Suivre de près l'enquête antidumping menée par le Service australien des douanes au sujet du polyéthylène linéaire à faible densité importé du Canada.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Porc – conditions d'importation

Pendant plusieurs années, l'Australie a maintenu certaines exigences dans le but d'empêcher l'importation de produits du porc non transformés, que ce soit en provenance du Canada ou d'ailleurs, en raison de présumées inquiétudes liées à la santé des animaux et au syndrome dysgénésique respiratoire porcin. L'Australie exigeait que le porc importé soit cuit dans le pays exportateur ou dans un établissement de transition en Australie. Ces mesures font augmenter le prix du porc canadien et empêchent les exportateurs canadiens d'avoir accès directement au marché de détail australien. Le Canada juge que ces restrictions sont excessives.

En mai 1998, les autorités australiennes ont procédé à une analyse générique des risques liés à l'importation de porc. Le Canada a participé à cette analyse dont les résultats ont été publiés en février 2004. Parmi les nouvelles conditions d'importation mises en œuvre en juillet 2004, mentionnons les permis d'importation quarantenaires exigés pour contrôler l'entrée du syndrome de dépérissement postsevrage multisystémique (SDPM) en Australie. Le Canada estime que les mesures liées au SDPM prises par l'Australie ne tiennent pas compte des dernières parutions scientifiques et intervient auprès des autorités australiennes appropriées à ce sujet.

Porc – enquête de la Productivity Commission

À la demande du gouvernement australien, la Productivity Commission (PC ou Commission sur la productivité) a instauré une enquête sur l'industrie australienne de la viande de porc le 31 août 2004. Le rapport préliminaire de la PC, publié le 15 décembre 2004, en venait à la conclusion que les difficultés économiques des producteurs australiens de viande de porc ne justifient pas des mesures additionnelles d'assistance de la part du gouvernement. L'industrie australienne se sert de cette enquête pour faire valoir que le gouvernement australien devrait imposer des mesures de sauvegarde contre les importations. L'industrie canadienne a soumis son point de vue à l'enquête d'octobre 2004. Le rapport d'enquête préliminaire comprenait une analyse de la structure et de la distribution régionale de l'industrie, ainsi que des principaux facteurs influençant sa profitabilité, la compétitivité internationale de l'industrie de même que les répercussions et l'efficacité des programmes gouvernementaux. Le gouvernement du Canada continue de suivre de près les progrès de l'enquête. Le rapport final est attendu en mars 2005.

Polyéthylène linéaire à faible densité – enquête antidumping

Le 9 novembre 2004, le Service australien des douanes a instauré une enquête en vue de l'imposition de droits antidumping à l'égard du polyéthylène linéaire à faible densité exporté du Canada vers l'Australie. Une décision affirmative préliminaire pouvant mener à des mesures antidumping provisoires est attendue en janvier 2005. Un rapport final et des recommandations au ministre doivent être présentés le 12 avril 2005. L'industrie canadienne concernée participe à l'enquête et le gouvernement canadien suivra le dossier de près.

Nouvelle-Zélande

Aperçu

En 2004, le Canada a exporté vers la Nouvelle-Zélande des marchandises d'une valeur de 457 millions de dollars et en a importé pour 538 millions de dollars en retour. En 2004, les principales exportations canadiennes vers la Nouvelle-Zélande étaient les véhicules, la machinery, les fertilisants, le bois, et la viande. Le Canada était le principal fournisseur étranger de la Nouvelle-Zélande pour ces produits. Au cours de la même période, les principales importations canadiennes en provenance de la Nouvelle-Zélande étaient la viande fraîche, réfrigérée et congelée de bœuf et d'agneau, les produits laitiers et la machinerie. Les investissements directs canadiens en Nouvelle-Zélande se sont chiffrés à 454 millions de dollars en 2003.

Accès aux marchés – priorités du Canada pour 2005

- Le Canada continuera d'exercer des pressions afin que le porc canadien profite d'un meilleur accès au marché.
- Le Canada interviendra également pour que la Nouvelle-Zélande lève son interdiction d'importer de la truite qu'elle vient de proroger jusqu'en novembre 2007.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Porc

Depuis le 1er septembre 2001, la Nouvelle-Zélande impose de nouvelles exigences ayant pour effet de suspendre l'importation de produits de porc non transformés en provenance du Canada et d'autres pays en raison d'inquiétudes présumées au sujet de la santé des animaux, notamment le syndrome dysgénésique respiratoire porcin. La mesure exige que le porc importé soit cuit dans le pays exportateur ou dans un établissement de transition en Nouvelle-Zélande. Ces mesures augmentent le coût du porc canadien et empêchent les exportateurs canadiens d'avoir un accès direct au marché de détail néo-zélandais. Le Canada juge que ces restrictions sont excessives. Les autorités canadiennes et néo-zélandaises en santé animale se consultent sur le sujet.

Truite

En décembre 1998, la Nouvelle-Zélande a décrété une interdiction « temporaire » concernant l'importation de truite qui, depuis lors, a été prolongée à cinq reprises. En octobre 2004, l'interdiction a été prolongée pour trois autres années (soit jusqu'en 2007). La Nouvelle-Zélande allègue que cette interdiction a pour but de compléter la mesure nationale interdisant la vente de truites, de s'assurer de son efficacité et pour des fins de conservation. Le Canada fait valoir pour sa part que la Nouvelle-Zélande n'a fourni aucune donnée scientifique justifiant une telle interdiction, que ce soit pour des fins de conservation ou pour toute autre raison, ce qui va à l'encontre des obligations de la Nouvelle-Zélande en matière de commerce international. Le Canada poursuit ses interventions bilatérales et multilatérales pour que la Nouvelle-Zélande lève cette interdiction, et les autorités néo-zélandaises on entrepris d'examiner des options moins restrictives au commerce pour atteindre leurs objectifs.

ASIE DU SUD-EST

L'Asie du Sud-Est continue de compter certaines des économies les plus dynamiques au monde. Il est aussi plus facile d'accéder aux marchés de cette région qu'à ceux de certains pays d'Asie-Pacifique. Ensemble, les pays de cette région constituent l'un des principaux partenaires commerciaux du Canada, se classant au quatrième rang après l'Amérique du Nord, l'Europe et l'Asie de l'Est. Le commerce bilatéral du Canada avec l'Asie du Sud-Est a totalisé environ 10,9 milliards de dollars en 2004. Cette région est également l'une des principales destinations de l'investissement canadien à l'étranger, avec environ 11 milliards de dollars d'investissement en 2003. La région comprend les membres des 10 pays de l'Association des nations de l'Asie du Sud-Est (ANASE) — qui inclut le Brunei, le Cambodge, l'Indonésie, le Laos, la Malaisie, le Myanmar, les Philippines, Singapour, la Thaïlande, le Vietnam — et le Timor-Oriental.

Les réformes structurelles et la libéralisation des échanges mises en vigueur dans la plupart des pays de l'Asie du Sud-Est ont permis d'améliorer les perspectives commerciales. Tous les États du sud-est asiatique, à l'exception du Laos, du Vietnam et du Timor-Oriental, sont membres de l'Organisation mondiale du commerce. Tout indique que le Vietnam aura achevé le processus d'accession à l'OMC à la fin de 2005. Ces efforts témoignent des progrès accomplis par ces pays pour ouvrir leurs marchés, renforcer leurs structures institutionnelles et se conformer aux normes internationales. Les pays de l'ANASE membres de l'OMC ont activement participé au Cycle de négociations de Doha et conviennent que le progrès durable va de pair avec les bénéfices retirés de l'accès aux marchés des produits agricoles et non agricoles et des règles qui régissent les pratiques de dumping, de subventions et de mesures compensatoires.

Il faut toutefois libéraliser davantage l'accès aux marchés des services. Sept des dix pays qui composent l'ANASE ont des priorités en matière d'accès aux marchés pour le Canada. Parmi ces sept pays, l'Indonésie, la Malaisie, les Philippines et la Thaïlande sont au nombre des 40 pays repérés par le Service des délégués commerciaux du Canada en tant que marchés cibles. Dans les récentes négociations multilatérales de l'AGCS à l'OMC, le Canada a demandé à l'Indonésie, à la Malaisie, aux Philippines et à la Thaïlande de libéraliser leurs marchés des services. Les intérê six ts du Canada dans cette demande de libéralisation diffèrent d'un pays à l'autre, mais se trouvent principalement dans les secteurs des services financiers, des services professionnels, du mouvement des personnes physiques, des services pétroliers et gaziers et des services miniers.

L'Asie du Sud-Est, à l'instar du Canada, a tout à gagner d'un accès amélioré aux marchés mondiaux des services et de la libéralisation commerciale accrue du commerce des produits. Les exigences aux termes de l'Accord de libre-échange de l'ANASE et des accords commerciaux bilatéraux ont également contribué à la déréglementation dans cette région. Tout indique que l'accès à ce marché continuera de s'ouvrir et de se libéraliser.

Indonésie

Aperçu

Forte d'une population d'environ 240 millions d'habitants, l'Indonésie offre un marché intérieur important et en pleine croissance, et peut compter sur une main-d'œuvre nombreuse. Ce ne sont pas là ses seuls atouts, comme en témoignent ses ressources naturelles abondantes et diversifiées, son infrastructure raisonnable des communications et d'autres secteurs et un emplacement stratégique situé dans l'axe de certaines grandes routes commerciales mondiales. Si l'Indonésie, particulièrement avec la nouvelle administration en place, n'abandonne pas l'idée de mettre en place un cadre stratégique solide et se montre résolue à procéder aux réformes qui s'imposent, elle se donnera les moyens nécessaires pour tirer parti de ses forces économiques fondamentales et restaurer ainsi la confiance des investisseurs.

En 2004, de l'économie de l'Indonésie a connu une croissance que l'on estime à 5,1 %, avec une consommation intérieure plus forte et des prix plus élevés pour les exportations de produits de base continuant de succéder à l'investissement en tant que principal moteur de la croissance économique du pays. L'inflation a été réduite de près de 60 % en 1998 pour s'établir à environ 6,4 % en 2004. Les réserves de change ont, quant à elles, augmentées, tandis que la devise indonésienne, le rupiah, a atteint son taux le plus élevé depuis trois ans. Mais chose plus importante encore pour les entreprises, le rupiah est demeuré relativement stable au cours de la dernière année, ce qui a facilité la planification à long terme. Le fardeau de la dette de l'Indonésie, qui a augmenté au point de dépasser le produit intérieur brut à la suite de l'effondrement des marchés financiers en 1997–1998, a depuis diminué et équivaut désormais aux deux tiers du PIB.

Sur les plans des politiques budgétaire et monétaire, l'Indonésie affiche de bons résultats qui ne sont pas passés inaperçus. Plusieurs agences internationales de cotation ont récemment relevé l'indice souverain de l'Indonésie à la suite de l'augmentation des réserves de change et de la diminution de la dette. À la fin de 2003, le gouvernement a mis fin à sa participation au programme d'aide financière du Fonds monétaire international (FMI) pour se lancer dans un programme de réforme économique. Ce programme a pour but de préserver la confiance des investisseurs dans l'économie en maintenant la stabilité macroéconomique (par des taux d'inflation bas et des réserves de change suffisamment élevées), en poursuivant la mise en œuvre de la réforme dans le secteur des transactions bancaires et en prenant des mesures pour augmenter les débouchés dans les secteurs de l'investissement, de l'exportation et de l'emploi. La Loi sur la faillite a été modifiée en septembre 2004 dans le but d'éliminer les échappatoires qui permettaient aux créanciers, même si la chose n'était pas prouvée, de mettre des entreprises solvables en faillite. Le nouveau gouvernement élu en octobre 2004 s'est engagé à accroître la sécurité, à lutter contre la corruption, à accroître la responsabilité financière et à favoriser la croissance économique.

L'Indonésie demeure l'un des plus grands marchés d'exportation de marchandises du Canada en Asie du Sud-Est, et s'est classée au second rang des destinations de l'investissement en Asie (après le Japon) en 2003. En 2004, les exportations canadiennes de marchandises vers l'Indonésie ont été évaluées à 672 millions de dollars, une hausse de 48 %. Les importations ont totalisé 930 millions de dollars.

L'investissement canadien est responsable de l'emploi de plus de 30 000 Indonésiens, et les investissements devraient atteindre 5,5 milliards de dollars en 2004. Les nouveaux investissements directs canadiens ont augmenté dans le secteur des ressources. L'apport de nouveaux investissements de petite et de moyenne taille, qui ont moins à craindre des incertitudes politiques, a persisté. Les nouveaux investissements réalisés auparavant dans le secteur de la fabrication de produits à l'intention du marché intérieur le sont maintenant dans la fabrication de produits pour les marchés d'exportation, en raison des coûts de production moins élevés.

Accès aux marchés – résultats obtenus en 2004

- Des modifications ont été apportées à la Loi sur l'exploitation forestière qui dans les faits ont restauré les droits de propriété de plusieurs compagnies minières canadiennes et permis à celles-ci de continuer d'exercer leurs activités minières (d'une manière respectueuse de l'environnement).
- Des modifications ont été apportées à la Loi indonésienne sur la faillite qui ont pour effet de protéger davantage les investisseurs canadiens contre les poursuites civiles fallacieuses.
- L'Indonésie a levé ses restrictions liées à la grippe aviaire contre les importations de volaille et de produits de volaille en provenance du Canada.

Accès aux marchés – priorités du Canada pour 2005

- Essayer d'obtenir la mise en place d'un processus d'appel d'offres plus transparent pour les marchés publics des produits et des services, particulièrement pour les marchés qui nécessitent un financement externe et pour lesquels des propositions financières devraient figurer dans le document de soumission.
- Continuer d'intervenir auprès du gouvernement indonésien pour qu'il lève les mesures liées à l'ESB sur les importations de bœuf en provenance du Canada.
- Continuer de préconiser des réductions des nombreux règlements qui entravent le développement d'un marché libre, notamment le relâchement de l'obligation de faire constituer en société le mandant et le mandataire, ce qui nuit à l'expansion des affaires.
- Coopérer avec l'organisme de réglementation des télécommunications indonésien à l'établissement de règlements non équivoques dans le secteur des télécommunications sans fil à service fixe, notamment pour ce qui touche les tarifs d'interconnexion, les licences d'utilisation du spectre et la voix sur IP. L'absence de réglementation ralentit la croissance de l'industrie, ce qui empêche les exportateurs canadiens de technologies de l'information et des communications d'avoir pleinement accès au marché.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

Encéphalopathie spongiforme bovine

À la suite de l'annonce par le Canada, le 20 mai 2003, de la détection d'un cas d'ESB, l'Indonésie a interdit l'importation de ruminants vivants, de viande et de produits de la viande en provenance du Canada, y compris les abats, les embryons et le sperme. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris l'Indonésie, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées pour faire face à la situation. Il demande maintenant la reprise des échanges en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

En avril 2004, l'Indonésie a interdit l'importation de volaille et de produits de volaille en provenance du Canada. En décembre 2004, l'Indonésie a levé cette interdiction. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Investissement

Les investisseurs canadiens qui souhaitent accéder au marché indonésien se heurtent toujours à de nombreux obstacles. Les investisseurs actuels et potentiels se disent préoccupés entre autres par l'incertitude sur le plan politique, le manque de clarté entourant le processus de décentralisation, la mise en œuvre inégale des réformes économiques, le manque de fiabilité de l'appareil judiciaire, les questions de sécurité et le traitement des investisseurs actuels. Sur le plan positif, le gouvernement indonésien travaille actuellement à réformer le système judiciaire et à simplifier les procédures laborieuses d'obtention des approbations de licences et de permis requis pour investir en Indonésie.

Si l'on considère que des entreprises canadiennes envisagent d'injecter des fonds dans le secteur national de la fabrication et des services, et dans le secteur de l'exploitation des ressources naturelles, on est en droit de conclure que l'investissement canadien continuera d'augmenter, pourvu toutefois que l'Indonésie renforce la stabilité et élimine les obstacles à la garantie des investissements.

Le gouvernement du Canada suit toujours les progrès dans ce domaine et continue d'intervenir pour le compte de certaines sociétés.

Malaisie

Aperçu

Même si la population de la Malaisie est relativement peu nombreuse, ce pays est le plus important partenaire commercial en matière de marchandises du Canada en Asie du Sud-Est. Les exportations canadiennes de marchandises vers ce pays se sont élevées à 444 millions de dollars en 2004, une baisse de 7,6 % par rapport à 2003. En 2004, les importations en provenance de la Malaisie ont été évaluées à 2,6 milliards de dollars. Le commerce des services est toutefois beaucoup plus équilibré. On s'attend à ce que les échanges continuent de croître en 2005, à mesure que se poursuivra la reprise de l'activité économique malaisienne. Les exportations canadiennes de pièces et d'équipement de technologies de l'information et des télécommunications en Malaisie ne cessent de croître. Les ventes de papier journal canadien en Malaisie ont chuté considérablement depuis avril 2003, alors que le pays a imposé des droits antidumping de 33,55 % sur le papier journal canadien ou exporté à partir du Canada.

La Malaisie est dotée d'une économie de marché relativement ouverte. Cette situation devrait se maintenir sous l'administration du nouveau premier ministre Abdullah Badawi. Exportation et développement Canada a déterminé cependant que la « politique » joue un rôle important dans l'économie. La transparence à l'égard du processus de décision pour les projets comportant la participation du gouvernement exige que les exportateurs canadiens nomment des représentants locaux solides. Le gouvernement de la Malaisie autorise une participation étrangère de 100 % aux investissements dans la plupart des secteurs. Toutefois, une exception importante est celle du secteur pétrolier et gazier, où les coentreprises avec Petronas sont la norme.

Accès aux marchés – résultats obtenus en 2004

- La campagne à grand déploiement menée par la Malaisie contre le piratage dans les secteurs du logiciel et du cinéma a atteint ses meilleurs résultats depuis son lancement avec la fermeture d'un certain nombre d'usines fabriquant des produits piratés.
- La Malaisie a levé ses restrictions liées à la grippe aviaire contre les importations de volaille et de produits de volaille en provenance du Canada.

Accès aux marchés – priorités du Canada pour 2005

- Continuer d'intervenir auprès des autorités malaisiennes pour qu'elles lèvent leurs mesures liées à l'ESB sur les importations en provenance du Canada.
- Observer l'ensemble des lois régissant les droits de propriété intellectuelle et leur mise en application.
- Poursuivre le processus de libéralisation des échanges de produits et de services dans le cadre de l'OMC, en particulier dans le secteur bancaire qui présente des débouchés intéressants pour les entreprises canadiennes. Aucun permis bancaire n'a été émis à une banque étrangère depuis plus de 20 ans, et les banques étrangères actuelles sont aux prises avec de nombreuses restrictions qui les empêchent d'étendre leur gamme de services bancaires de détail.
- Continuer de faire pression pour que se poursuive la réforme de la gouvernance des entreprises et du système judiciaire, dont l'absence constitue un obstacle non tarifaire au commerce et à l'investissement canadien.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, de la détection d'un cas d'ESB, la Malaisie a suspendu temporairement l'importation de bovins vivants, de viande et de produits de la viande en provenance du Canada, y compris les abats. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris la Malaisie, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées pour faire face à la situation. Il demande maintenant la reprise des échanges en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

La Malaisie a levé la suspension temporaire des importations de volaille et de produits avicoles le 29 octobre 2004. Toutefois, la suspension des importations de gibier à plumes demeure en vigueur et rien n'indique quand elle sera levée. Le Canada continuera d'exercer des pressions pour l'élimination de ces restrictions. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Services financiers

Le secteur malaisien des services financiers est assez bien développé et emploie des spécialistes compétents dans la plupart des domaines. Même si le système financier est jugé restrictif, des signes encourageants tendent à montrer que le gouvernement adopte peu à peu une politique plus libérale. Le Plan directeur pour le secteur financier adopté par le gouvernement de Malaisie vise avant tout à renforcer le secteur avant de l'ouvrir, à moyen terme, à la concurrence étrangère. Ce plan porte sur une période de 10 ans, jusqu'en 2010. Grâce au Plan directeur des marchés financiers publié par la Commission des valeurs mobilières (autorité malaisienne de réglementation et de développement du secteur des valeurs mobilières et des contrats à terme), le gouvernement dispose d'un cadre détaillé pour le développement des marchés financiers dans les dix années à venir.

Secteur bancaire

En matière de services bancaires commerciaux, 14 banques étrangères sont installées en Malaisie avec environ 140 succursales. Les 51 institutions bancaires nationales ont été regroupées en 10 groupes bancaires seulement, et il est fort probable que de nouvelles fusions aient lieu. Les 10 banques issues du regroupement sont : Maybank, Alliance Bank, Bumiputra-Commerce Bank, Affin Bank, Public Bank, Southern Bank, RHB-Utama Bank, EON Bank, Arab-Malaysian Bank et Hong Leong Bank. Les banques étrangères concentrent environ 25 % de l'actif bancaire total. Les banques d'investissement, qui œuvrent dans un segment dominé par les banques américaines, sont assujetties à des restrictions plus contraignantes que les banques commerciales. La Banque de Nouvelle-Écosse, seule banque canadienne représentée en Malaisie, a une succursale à Kuala Lumpur et propose une vaste gamme de produits bancaires.

Assurance

Le marché de l'assurance en Malaisie est toujours sévèrement réglementé. Toutefois, le plan directeur du secteur financier prévoit son ouverture à la concurrence étrangère, ce qui ne sera le cas que lorsque les acteurs nationaux de l'assurance se seront entièrement regroupés (de 64 à 15 assureurs nationaux d'ici 2010) et qu'ils seront prêts, selon des normes établies par le gouvernement, à se mesurer à la concurrence internationale. Les compagnies d'assurances étrangères, comme les compagnies nationales, bénéficient déjà de certaines mesures de libéralisation, notamment la levée des restrictions sur la sous-traitance et l'emploi d'expatriés, et d'une relation commerciale plus souple avec la Bank Negara, Banque centrale de Malaisie. Les 14 compagnies d'assurances étrangères déjà actives en Malaisie détiennent environ 40 % de la valeur nette et 50 % de l'actif du marché. Elles dominent le marché de l'assurance-vie, qui affiche une forte croissance. L'assureur canadien Manuvie sera représenté sur ce marché grâce à l'acquisition de l'actif mondial de John Hancock.

Services bancaires et financiers islamiques

La Malaisie se veut un centre de services bancaires et financiers islamiques. Elle dispose déjà d'un vaste système doté d'une Commission des services financiers islamiques qui établit des normes et harmonise les pratiques en vigueur, et d'un Conseil charia centralisé à la Bank Negara. Le secteur des services bancaires islamiques concentre un peu moins de 10 % de l'actif total du secteur bancaire, mais le gouvernement vise à augmenter ce chiffre à 20 % d'ici 2010.

Contrôles sélectifs des mouvements de capitaux

Les contrôles sélectifs des mouvements de capitaux mis en vigueur le 1er septembre 1998 ont depuis été modifiés à plusieurs occasions. Les seules mesures qui demeurent en vigueur depuis mai 2001 sont celles qui visent à empêcher le commerce international du ringgit, et en particulier les opérations en contrepartie. Parmi ces mesures figurent les restrictions régissant les emprunts en ringgit, les virements entre comptes en ringgit et comptes en devises étrangères, et les montants de devises étrangères que l'on peut introduire dans le pays. Malgré les pourparlers actuellement en cours sur les mérites de cette politique, le ringgit reste lié au dollar américain, dans un rapport de 3,8 pour 1.

Des initiatives visant à accroître la participation internationale dans le marché financier malaisien ont été dévoilées dans le budget de 2005. Cinq courtiers en valeurs mobilières étrangers et cinq gestionnaires de fonds mondiaux obtiendront de nouveaux permis qui leur permettront d'établir des installations leur appartenant à cent pour cent en Malaisie. Les cinq courtiers en valeurs mobilières étrangers pourront aussi faire l'acquisition de maisons de courtage agréées existantes dans certaines conditions. Les limitations sur la propriété étrangère des sociétés d'investissement en capital de risque et des entreprises de courtage à terme seront aussi levées complètement. L'emploi des travailleurs étrangers sera également libéralisé.

Philippines

Aperçu

Dans une décision, prise le 1er décembre 2004, qui fera jurisprudence et qui aura un profond retentissement, la Cour suprême des Philippines a déclaré que la Loi sur les mines de 1995 des Philippines respectait la constitution, ce qui annulait une décision contraire promulguée 11 mois plus tôt seulement. La décision fera jurisprudence parce que la Cour suprême a déclaré sans équivoque qu'elle tiendra compte du bien-être économique du pays quand elle devra statuer sur les questions d'importance nationale et de constitutionalité. La décision aura un profond retentissement parce que, même si elle n'est pas finale et n'est pas encore exécutoire, elle montre sans équivoque que les Philippines font de nouveau bon accueil à l'investissement étranger à long terme, et protégeront cet investissement, dans le secteur minier, mais aussi dans les autres principaux secteurs d'extraction, dont celui du pétrole et du gaz naturel.

La décision n'a pas épargné aux Philippines une révision à la baisse de la cote de crédit quelques jours plus tard seulement, ni la possibilité réelle d'une autre révision à la baisse subséquente. Toutefois, elle a ranimé l'optimisme dans une économie autrement déterminée par la consommation. L'économie philippine demeure alimentée par des envois de devises étrangères provenant de Philippins à l'étranger de l'ordre de 8 à 21 milliards de dollars par année selon les estimations et par une population croissante de 84 millions d'habitants. Les Philippines sont toujours en mesure de soutenir la concurrence sur le marché mondial des services, mais la consternation au sujet de l'état d'avancement de la réforme budgétaire, le manque d'infrastructure, les prix énergétiques élevés, la corruption persistante, les barrières institutionnelles, les taux d'épargne bas, l'incapacité des sources de financement locales à combler l'écart actuel entre l'épargne et l'investissement et l'indécision qui semble caractériser le gouvernement continuent de nuire à la compétitivité de leurs entreprises. L'improbabilité que les Philippines adoptent des mesures de réforme fiscale clés avant la fin de l'année, à l'exception peut-être d'une mesure diluée, ne fait qu'ajouter à la réalité que les Philippines demeurent de plus en plus exposées à perdre du terrain sur leurs voisins dans la région.

En raison de la décision du 1er décembre 2004 concernant la Loi sur les mines, les Philippines sont mieux placées pour se réorienter vers une croissance économique déterminée par l'investissement. Toutefois, le taux de croissance de son PIB a été de 6,1 % en 2004, et une cible de croissance a été fixée pour 2005 entre 5,3 % et 6,3 %.

Il est à noter qu'en 2004, les Philippines ont affiché leur premier excédent commercial depuis des années, les exportations philippines ayant augmenté de 9,3 % et les importations de 7,5 %. En fait, les Philippines continuent d'afficher des balances commerciales positives avec le Japon, les États-Unis et la Chine. Toutefois, leurs voisins de l'ANASE ont affiché en moyenne des augmentations des exportations de 18 % avec la reprise de la demande mondiale en 2004, tandis que les Philippines n'ont pas encore exploité leur plein potentiel. Comme la demande mondiale devrait ralentir en 2005, les Philippines auront encore du mal à atteindre le taux de croissance de 10 % fixé pour leurs exportations cette année.

Depuis son arrivée au pouvoir, la nouvelle administration a proposé une série de mesures de réforme dans les domaines du budget, de l'énergie et des banques. Parallèlement, les Philippines maintiennent leur approche minimaliste à l'égard des initiatives de libéralisation du commerce. Par exemple, comme le régime tarifaire harmonisé de l'ANASE presse de l'intérieur de la région les Philippines de libéraliser leur approche, les réflexes protectionnistes des Philippines vont sans doute faire que le gouvernement s'en tiendra à ses engagements minimums en matière de libéralisation du commerce multilatéral.

Même s'il demeure particulièrement sensible aux importations des produits agricoles, notamment de porc, de poulet et de légumes, le gouvernement demeure engagé à accorder un traitement spécial et différencié aux pays en développement.

En 2004, les exportations de marchandises du Canada vers les Philippines ont atteint 417 millions de dollars (ce qui représente une augmentation de 10 % par rapport à l'année précédente). Les principales exportations sont le blé, le minerai, les scories et les cendres, le bois, la machinerie, les engins mécaniques et les engrais. Les Philippines continuent d'avoir une balance commerciale positive avec le Canada; les importations canadiennes ont été évaluées à 955 millions de dollars en 2004. Comme les Philippines sont résolument engagées à avoir un secteur minier de classe mondiale, en commençant par les quelque 23 projets miniers sur des réserves prouvées qu'elles ont ouverts à la participation étrangère en régime de partenariat, le potentiel d'investissement imminent et la vente connexe de matériel et de services pourraient changer la relation commerciale en 2005.

L'investissement direct canadien cumulatif aux Philippines était évalué à environ 400 millions de dollars en 2003. Les investisseurs canadiens les plus importants aux Philippines demeurent la compagnie d'assurances Sun Life et la Financière Manuvie, qui arrivent respectivement au deuxième et au quatrième rang des compagnies d'assurances au pays. Les plus récents investisseurs sont Celestica, Nucomm International et Royal Ventures.

Accès aux marchés – résultats obtenus en 2004

- Les Philippines ont levé l'interdiction liée à la grippe aviaire qu'elles imposaient sur les importations de volaille en provenance de la Colombie-Britannique le 13 septembre 2004 par ordre de la Note de service n° 32 du Bureau de l'industrie des produits animaux.
- Les Philippines ont levé l'interdiction liée à l'ESB qu'elles imposaient sur les importations de langues et de tripes de bovins le 25 juin 2004 par ordre de la Note de service n° 19 du ministère de l'Agriculture, aux mêmes conditions que celles imposées à la viande de bœuf et de bison désossée du Canada. En janvier 2005, les Philippines ont réintroduit l'interdiction.
- Un protocole d'importation et un système de certification des exportations de produits laitiers destinés à l'alimentation des animaux de l'Agence canadienne d'inspection des aliments (ACIA) acceptable pour les

deux parties ont été négociés avec les autorités philippines, conformément à la lettre d'acceptation émise par le directeur du Bureau de l'industrie des produits animaux, M. Jose Molina, datée du 9 juin 2004.

- Le Canada a renégocié avec les Philippines le protocole d'importation sur la semence de sanglier canadien. L'acceptation par les Philippines du certificat d'exportation révisé émis par l'AGIA sur la semence de sanglier est contenue dans la note sur la certification issue du Bureau de l'industrie des produits animaux le 4 juin 2004.
- Les points qui demeuraient en suspens dans le protocole philippin d'importation des pommes de terre de semence canadiennes ont été réglés, conformément à une lettre du directeur du Bureau de l'industrie des produits animaux datée du 20 février 2004.

Accès aux marchés – priorités du Canada pour 2005

- Surveiller de près tout retour éventuel des exigences en matière d'inspection incluses dans la Note de service n° 7 ou l'adoption de règlements entièrement nouveaux comme ceux déposés dans l'Ordonnance administrative n° 39, assurant ainsi un accès continu au marché philippin pour la viande et les produits de viande certifiés par l'ACIA.
- Chercher à renouveler l'accès au marché pour le bœuf et autres abats de bœuf comestibles issus de bovins.
- Comme les Philippines ont l'intention de chercher à prolonger le traitement spécial qu'elles accordent au riz en vertu de l'annexe 5 de l'Accord de l'OMC sur l'agriculture, essayer d'accroître le plus possible l'accès au marché et d'obtenir des concessions spéciales, telles qu'une réduction des droits de douane applicables au porc.
- Veiller à ce que la mise en œuvre intégrale des règlements administratifs pris par le ministère de l'Agriculture en conformité avec le Protocole de Carthagène n'imposent pas de contraintes déraisonnables aux exportations canadiennes vers les Philippines de produits agroalimentaires canadiens issus de la biotechnologie moderne.
- Continuer de promouvoir les avantages d'une exploitation minière respectueuse de l'environnement et de ses responsabilités à l'égard de la société.
- Veiller à la transparence et à l'application régulière de la loi en ce qui concerne le climat d'investissement et continuer de faire des pressions pour assurer l'application régulière de la loi dans un certain nombre de projets d'investissement précis.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Encéphalopathie spongiforme bovine

En novembre 2003, les Philippines ont décidé de redonner accès au bœuf désossé, aux tripes et aux langues provenant de bovins canadien de moins de 30 mois. Cependant, en janvier 2005, les Philippines ont réintroduit des restrictions à la suite de nouveaux cas d'ESB déclarés au Canada. Le Canada continue de promouvoir la reprise du commerce en se fondant sur des données scientifiques pour tous les produits du bœuf, par exemple le bœuf avec os et autres abats issus de bovins de plus ou de moins de 30 mois. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

En septembre 2004, les Philippines ont levé les restrictions liées à la grippe aviaire sur les importations de produits de volaille en provenance du Canada. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Négociations sur le prolongement du traitement spécial accordé au riz par les Philippines en vertu de l'annexe 5 de l'Accord de l'OMC sur l'agriculture

Le Canada continue de chercher en priorité à conclure un accord avec les Philippines concernant les droits de douane qu'elles imposent sur le contingent de riz quand le traitement spécial qu'elles accordent au riz prendra fin en 2004. Si aucun accord sur cette question ne peut être conclu, le Canada pourrait chercher à obtenir des concessions « additionnelles et acceptables » en échange. Une suggestion serait de demander une réduction du taux intra-contingent des droits de douane applicables au porc, qui passerait de 30 % à 10 %.

AUTRES DOSSIERS

Investissement

Le processus décisionnel gouvernemental peut être complexe et lent. Même si la décision récente de la Cour suprême laisse entendre que le cadre juridique des Philippines pourrait devenir relativement plus prévisible, le climat d'investissement demeure incertain, notamment dans certains secteurs bien précis. L'éventuel investissement canadien dans les infrastructures est ralenti par le processus décisionnel gouvernemental loin d'être prévisible sur les projets de participation de construction-exploitation-transfert et du secteur privé. En particulier, les lois et les règlements sur les construction-exploitation-transfert spontanés sont sujets à des interprétations divergentes. Les investisseurs étrangers sont en plus découragés par la limite de 40 % imposée dans certains cas à la participation étrangère, notamment dans le domaine des services d'utilité publique, des médias de masse et des services d'éducation. Il y a aussi des restrictions sur la propriété étrangère des terres. Aux prises avec certains des taux d'électricité les plus élevés, le gouvernement philippin doit essayer d'éviter d'envoyer d'autres signaux négatifs aux investisseurs étrangers en mettant en doute le caractère sacré des contrats des investisseurs étrangers et déterminer en même temps quelle est la meilleure façon de composer avec les contrats qui pourraient aller à l'encontre de l'intérêt national. La réaction initiale des investisseurs étrangers a été d'applaudir la décision récente de la Cour suprême qui déclare conformes à la constitution toutes les dispositions de la Loi sur les mines de 1995 qui permettent la participation directe des sociétés étrangères dans l'exploration, la mise en valeur et l'utilisation des ressources minérales du pays. Néanmoins, le souvenir de l'annulation antérieure par la Cour suprême du contrat de construction d'un nouveau terminal de classe mondiale à l'Aéroport international de Manille, qui demeure construit mais fermé, reste bien vivant, entre autres choses. L'investissement étranger dans certains secteurs, comme les centres d'appels, la fabrication et les services financiers, s'est révélé moins problématique.

Secteur minier

De l'avis de plusieurs, les Philippines possèdent certains des plus gros gisements minéraux du monde. Les géologues estiment que les minéraux (dont l'or, le cuivre et la chromite) totalisent une superficie terrestre d'environ 9 millions d'hectares. En 2003 seulement, l'industrie a enregistré des recettes d'exportation de l'ordre de 519 millions de dollars américains, issues de permis miniers qui ne couvrent que 1 % de la superficie du pays.

Le Plan d'action du gouvernement dans le domaine des minéraux (le MAP) vise à revitaliser l'industrie en encourageant l'extraction minière responsable fondée sur les principes du développement durable. Le gouvernement philippin prévoit que les investissements miniers pourraient atteindre 4,36 milliards de dollars américains et rapporter 2,23 milliards de dollars américains par année au cours des 10 années à venir quand toutes les réformes proposées dans le cadre du MAP auront été mises en œuvre.

La décision majoritaire prise par la Cour suprême le 1er décembre 2004 statue que les règles et les règlements d'exécution de la Loi sur les mines de 1995 élaborés par le ministère de l'Environnement et des Ressources naturelles (le DENR) et que l'Accord d'assistance technique et financière conclu en 1995 entre le gouvernement philippin et la Western Mining Corporation Philippines (WMCP) n'enfreignent pas la constitution. Depuis cette décision, l'industrie nationale, par l'entremise de la Chambre des mines des Phillipines, a entrepris une série d'initiatives ciblées visant à rappeler aux investisseurs étrangers la richesse des ressources dont est doté le pays. Un autre signe de la promotion vigoureuse de l'investissement minier fondée sur des engagements précis en matière d'environnement et de responsabilité sociale pris par le Président a été la nomination avant cette décision d'un secrétaire du DENR plus favorable au secteur minier et du premier sous-secrétaire des Mines de l'histoire du pays. Le secrétaire du DENR est en train d'évaluer en ce moment quels moyens il pourrait prendre pour accroître la capacité administrative de son ministère dans les régions et de s'employer avec d'autres collègues au gouvernement à clarifier les questions ayant une importance pour le Conseil national des peuples indigènes, notamment les revendications territoriales ancestrales. Une autre question en suspens est le rôle des administrations municipales, notamment leur capacité d'adopter des lois qui font obstacle aux activités minières légitimes. En même temps, l'opposition de la société civile et de certains groupes religieux au développement minier demeure vive. Les investisseurs canadiens ont commencé à surveiller les nouvelles politiques et les nouvelles initiatives du gouvernement philippin visant à dynamiser l'industrie minière philippine.

Singapour

Aperçu

Avec un des régimes de commerce et d'investissement les plus ouverts et les plus transparents au monde, Singapour présente peu d'obstacles pour les exportateurs canadiens de biens et de services. Seulement six lignes de produits sont assujetties à des droits de douane (le stout, le porter, la bière, l'ale et deux produits samsu). Singapour est un fervent défenseur du système commercial multilatéral, mais a également conclu plusieurs ALE (au niveau tant régional que bilatéral) et cherche activement à en conclure de nombreux autres pour libéraliser et faciliter encore plus le commerce et l'investissement avec ses principaux partenaires commerciaux.

Constituant déjà le premier centre des transports et des services financiers de la région, Singapour continue de promouvoir le développement des principales industries du savoir, dont la biotechnologie et les sciences de la vie, les technologies de l'information et des communications, les médias, le génie électronique et la mécanique de précision, les services professionnels et les services d'éducation. Ces secteurs offrent des possibilités de commerce et d'investissement croissante aux entreprises canadiennes.

En 2004, les exportations canadiennes de marchandises vers Singapour ont été évaluées à 614 millions de dollars, une augmentation de 38 % par rapport à 2003. Les marchandises importées de Singapour ont atteint une valeur de 977 millions de dollars en 2004, ce qui représente une baisse de 6 % par rapport à l'année précédente. Le commerce bilatéral des services entre les deux pays a également continué de croître pour s'établir à 1,12 milliard de dollars en 2004.

En octobre 2001, le Canada et Singapour ont entrepris des négociations en vue de l'adoption d'un accord bilatéral de libre-échange. Depuis, les deux pays ont tenu six rondes intensives de négociations portant sur un vaste éventail de sujets, allant du commerce des produits aux télécommunications, en passant par les procédures douanières, la facilitation du commerce, les services financiers, l'investissement, les marchés publics et la concurrence. Le Canada tente également de mettre en place des mécanismes parallèles de coopération dans les secteurs de l'emploi et de l'environnement avec Singapour. Des progrès importants ont été réalisés jusqu'ici. Toutefois, on en est rendu à d'importants points délicats dans les négociations, et il faut maintenant les régler. Une fois conclu, l'accord commercial devrait faciliter les activités d'exportation et d'investissement des sociétés canadiennes à Singapour.

Accès aux marchés – résultats obtenus en 2004

- Les autorités demeurent engagées officiellement à conclure un accord de libre-échange qui aplanirait les divergences qui subsistent.

Accès aux marchés – priorités du Canada pour 2005

- Continuer d'intervenir auprès du gouvernement de Singapour pour qu'il supprime les mesures liées à l'ESB et à la grippe aviaire imposées sur les importations en provenance du Canada.
- Mettre tout en œuvre pour résoudre les questions en suspens dans le cadre des négociations de l'Accord de libre-échange bilatéral Canada–Singapour et obtenir un niveau approprié d'accès aux marchés et de protection pour les services et l'investissement canadiens à Singapour.
- Continuer d'encourager les discussions au sujet des questions non réglées, dans le but de conclure un accord sur le transport aérien, après consultation entre les compagnies aériennes des deux pays ou la conclusion du processus de révision de la politique canadienne en matière de transport aérien.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, de la détection d'un cas d'encéphalopathie spongiforme bovine (ESB), Singapour a suspendu l'importation de bœuf canadien. Singapour considère les États-Unis et le Canada comme un seul marché intégré et, par conséquent, tant que des mesures n'auront pas été prises pour reprendre les exportations de bœuf en provenance des États-Unis, le Canada ne devrait pas faire de progrès en ce qui concerne l'interdiction actuelle. Le Canada a tenu parfaitement au courant l'ensemble de ses partenaires commerciaux, y compris Singapour, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées pour faire face à la situation. Il demande maintenant la reprise des échanges commerciaux en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Les restrictions sur les exportations de produits avicoles canadiens vivants et crus vers Singapour demeurent en vigueur depuis l'éclosion de la grippe aviaire en Colombie-Britannique. Le Canada a tenu parfaitement au courant l'ensemble de ses partenaires commerciaux, y compris Singapour, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées pour faire face à la situation. Il demande maintenant la reprise des échanges commerciaux en se fondant sur des données scientifiques. Les autorités singapouriennes examinent en ce moment la demande de lever cette interdiction. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Investissement

Le gouvernement de Singapour ne ménage pas ses efforts pour attirer l'investissement étranger et offre diverses incitations (surtout des exemptions fiscales) pour attirer l'investissement étranger, notamment dans ses principaux secteurs cibles (voir ci-dessus). Il n'y a pas de restrictions sur l'investissement étranger dans le secteur manufacturier; toutefois, il existe des limitations sur la propriété étrangère dans le secteur de la radiodiffusion et des journaux et dans certaines entreprises liées au gouvernement de Singapour.

L'investissement direct canadien à Singapour est considérable (il était évalué à 3,7 milliards de dollars en 2003), ce qui fait de Singapour la troisième destination en importance des investissements canadiens en Asie. Ces investissements servent en majeure partie à mettre sur pied des bureaux régionaux dans les secteurs des transactions bancaires et des assurances, des technologies de l'information et des communications, de l'aérospatiale, du tourisme et de la vente au détail. L'investissement direct de Singapour au Canada a diminué légèrement pour s'établir à 75 millions de dollars en 2003.

Thaïlande

Aperçu

La performance économique de la Thaïlande demeure impressionnante, avec un taux de croissance du PIB de 6,1 % en 2004. Bien que la Thaïlande soit toujours aux prises avec certains problèmes liés en bonne partie à la précarité de son secteur financier, les perspectives demeurent favorables, particulièrement si de nouvelles réformes sont introduites. Le gouvernement a annoncé des grands projets d'infrastructure qui contribueront à la croissance économique, mais aussi à la croissance des importations au cours des six prochaines années s'ils sont mis en œuvre comme prévu.

La Thaïlande est l'un des plus importants marchés d'exportation du Canada en Asie du Sud-Est. Entre 1999 et 2004, les exportations canadiennes de marchandises vers la Thaïlande ont augmenté de 61 % pour atteindre 514 millions de dollars. Pour cette même période, les importations canadiennes en provenance de ce pays ont augmenté 34 %, pour atteindre un record 2 milliards de dollars. Le stock d'investissement canadien en Thaïlande était évalué à plus de 923 millions de dollars en 2003. La croissance soutenue en Thaïlande, surtout dans le secteur de la consommation, peut présenter des possibilités pour les entreprises canadiennes qui investissent dans le pays ou qui y exportent, même si l'environnement commercial demeure assez difficile. La moins grande vulnérabilité de la Thaïlande aux chocs financiers signifie que les investisseurs risquent moins d'être pris dans une dévaluation comme celle qui a eu lieu en 1997. En fait, l'appréciation du baht a amélioré la confiance.

La Thaïlande continue de mettre tout en œuvre pour conclure des accords de libre-échange régionaux et bilatéraux avec un certain nombre de pays. Elle a déjà convenu de certains points dans des accords commerciaux, quoique parfois d'une portée limitée, avec l'Australie, le Bahreïn, la Chine, l'Inde et le Pérou. Elle a entamé des négociations en vue d'un ALE avec les États-Unis, le Japon et la Nouvelle-Zélande.

Accès aux marchés – résultats obtenus en 2004

- En août 2004, la Commission nationale des télécommunications a été établie dans le cadre de l'engagement de lever les obstacles au commerce dans le secteurs des télécommunications avant 2006 pris par la Thaïlande dans le cadre de l'OMC. La Commission nationale des télécommunications est un organisme d'État de réglementation indépendant, dont les fonctions et les responsabilités incluent les éléments suivants : définir la politique et établir le Plan directeur sur les services de télécommunications, prescrire les caractéristiques et les catégories des services de télécommunications, émettre les permis d'utilisation du spectre de fréquences dans les services de télécommunications et réglementer cette utilisation, et réglementer les activités des entreprises de télécommunications et émettre les permis d'exploitation pour ces activités.

Accès aux marchés – priorités du Canada pour 2005

- Continuer d'intervenir auprès des autorités thaïlandaises pour qu'elles suppriment les mesures liées à l'ESB sur les importations en provenance du Canada.
- Continuer de faire pression pour obtenir une réduction plus importante des droits de douane visant les pois secs afin qu'ils se situent à 5 %, un taux comparable à ceux imposés aux autres produits fourragers.
- Suivre de près les lois sur la propriété intellectuelle de même que leur application.
- Se tenir au fait de l'élaboration de la législation sur les délits informatiques, la protection des renseignements personnels, l'infrastructure nationale d'information et les transferts électroniques de fonds, en attente d'approbation.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, de la détection d'un cas d'ESB, la Thaïlande a interdit l'importation de bovins vivants, de viande et de produits de la viande en provenance du Canada, y compris les embryons, le suif et les abats. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris la Thaïlande, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées pour faire face à la situation. Il demande maintenant la reprise des échanges en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 9 février 2005, la Thaïlande a levé l'interdiction des importations de volaille et de produits avicoles en provenance du Canada. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

AMÉLIORER L'ACCÈS AUX MARCHÉS DES SERVICES

Il faut toutefois que l'accès aux marchés pour les services soit libéralisé davantage en Thaïlande. Dans les récentes négociations multilatérales de l'AGCS à l'OMC, le Canada a demandé à la Thaïlande de s'engager à libéraliser son marché des services. Les intérêts du Canada dans cette demande de libéralisation se trouvent principalement dans les secteurs des services financiers, des services professionnels et du mouvement des personnes physiques.

Vietnam

Aperçu

Les exportations canadiennes de marchandises vers le Vietnam ont totalisé 110 millions de dollars en 2004, ce qui représente une augmentation annuelle de 28 %, tandis que les importations de produits vietnamiens au Canada ont totalisé 450 millions de dollars. L'endettement du Vietnam connaît également un accroissement lié au développement des infrastructures. Le Fonds monétaire international est cependant d'avis que les indicateurs économiques de base sont satisfaisants. Par ailleurs, le Vietnam dépend d'une aide extérieure importante.

La réforme économique constitue toujours la principale priorité du Vietnam. À cette fin, le Vietnam s'efforce de jouer un rôle accru dans le système commercial international. Il tente activement d'accéder à l'OMC, ce qui pourrait arriver dès 2005. Le pays a déposé en 2004 ses offres révisées concernant l'accès aux marchés des biens et des services, et les négociations en vue de l'accession du Vietnam à l'OMC devraient s'accélérer en 2005. Le Vietnam a récemment fait d'autres progrès dans les négociations concernant son accession, qui incluent notamment la conclusion d'un accord bilatéral avec l'Union européenne. L'accession du Vietnam à l'OMC devrait donner plus de poids aux réformes économiques entreprises dans ce pays et procurer un cadre plus ouvert, plus stable et plus prévisible pour les commerçants et les investisseurs canadiens. Le Canada appuie la démarche du Vietnam pour accéder à l'OMC, notamment en lui offrant une aide technique. Le Canada finance également le Programme d'intégration économique de l'APEC, qui a pour objet d'aider six pays en développement de l'Asie du Sud-Est (y compris le Vietnam) à renforcer leurs capacités en matière de facilitation du commerce et de négociation.

Le Vietnam reconnaît qu'il est essentiel d'attirer l'investissement étranger afin de stimuler les possibilités économiques. Pour ce faire, le Vietnam tente d'entreprendre une réforme de ses systèmes économique, juridique et judiciaire afin d'être encore plus intéressant comme destination des investissements. Les pays donateurs, dont le Canada, ont pressé le Vietnam d'accélérer l'actionnarisation des sociétés d'État (achat d'actions par les employés) et de faire disparaître les obstacles à la concurrence contre le secteur privé (en favorisant notamment l'accès aux secteurs financier et foncier), mais, comme on peut le comprendre, le gouvernement vietnamien progresse lentement dans ce dossier.

Accès aux marchés – résultats obtenus en 2004

- Le gouvernement vietnamien a continué de montrer des signes de son engagement à l'égard de l'accession accélérée de son pays à l'OMC. Le Canada et le Vietnam ont eu entre eux des négociations bilatérales fructueuses qui ont aidé les deux parties à mieux comprendre la position de l'autre. Toutefois, les négociations doivent se poursuivre.
- Le Canada s'est aussi efforcé d'aider le Vietnam dans le processus d'accession en lui offrant une assistance technique liée au commerce et en l'aidant à renforcer ses capacités à cet égard. En outre, le Canada finance le Programme d'intégration économique de l'APEC, qui a pour objet d'aider six pays en développement de l'Asie du Sud-Est (y compris le Vietnam) à renforcer leurs capacités en matière de facilitation du commerce et de négociation.
- Le Canada a aussi inclus un représentant du ministère des Finances du Vietnam dans un Atelier de l'APEC sur le renforcement des capacités à l'égard de l'OMC qu'il a organisé et qui a eu lieu à Santiago, au Chili.
- Le gouvernement vietnamien continue d'entreprendre des réformes clés, y compris dans le secteur financier et sur le plan du développement du secteur privé. Les entreprises canadiennes profiteront de l'amélioration des conditions commerciales, mais le niveau de développement du Vietnam demeure largement inférieur à la moyenne régionale.
- Le Vietnam a levé ses restrictions liées à la grippe aviaire contre les importations de volaille et de produits de volaille en provenance du Canada.

Accès aux marchés – priorités du Canada pour 2005

- Faire pression afin d'obtenir pour les produits et services canadiens un traitement amélioré dans le cadre des négociations bilatérales avec le Vietnam.
- Soutenir les efforts multilatéraux déployés au sein de l'OMC pour aider le Vietnam à élaborer une politique commerciale uniforme, transparente et ouverte.
- Continuer de jouer un rôle actif, par l'intermédiaire de forums et de programmes bilatéraux comme l'APEC (dont la rencontre annuelle aura lieu au Vietnam en 2006), dans la mise en place d'un programme de renforcement des capacités visant à l'aider à élaborer et à mettre en œuvre une politique commerciale et économique.
- Continuer d'intervenir auprès des autorités vietnamiennes pour qu'elles suppriment les mesures liées à l'ESB encore en vigueur sur les importations en provenance du Canada.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, de la détection d'un cas d'ESB, le Vietnam a imposé une interdiction temporaire d'importer des ruminants vivants, de la viande et des produits de la viande en provenance du Canada, y compris le sperme et les embryons. En septembre de la même année, l'Agence canadienne d'inspection des aliments et les autorités vietnamiennes se sont entendues sur des certificats de santé concernant le sperme et les embryons bovins, et les échanges ont pu reprendre. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris le Vietnam, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées pour faire face à la situation. Il demande maintenant la reprise des échanges d'animaux vivants et de produits du bœuf en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

En décembre 2004, le Vietnam a accepté de reprendre les échanges commerciaux de volaille et de produits avicoles en provenance du Canada. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Brunei Darussalam

Aperçu

Le Brunei est un pays stable sur le plan politique et riche sur le plan économique. Son économie est dominée par l'industrie pétrolière et gazière, qui représente 50 % du PIB et entre 75 % et 90 % des recettes gouvernementales.

Le gouvernement est conscient qu'il dépend trop des réserves pétrolières limitées. Depuis 2000, il a pris diverses mesures pour renforcer et diversifier l'économie, qui ont consisté entre autres à promouvoir les petites et moyennes entreprises nationales, à encourager une plus grande participation nationale et étrangère à l'économie, à développer des industries en aval, à encourager le développement d'industries des services, comme l'écotourisme et les services financiers, et à revoir les politiques de l'éducation.

Le gouvernement a très souvent souligné le rôle de moteur de croissance de l'économie que le secteur privé doit jouer, mais la culture entrepreneuriale fait toujours défaut chez les Brunéiens, dont 75 % sont employés par le gouvernement.

Il existe quelques obstacles au commerce, comme la lenteur du processus décisionnel au sein des hauts fonctionnaires, la nécessité de faire appel à des partenaires locaux pour soumissionner pour les marchés publics et les coûts de main-d'œuvre élevés qui nuisent à la compétitivité. Ces dernières années, le gouvernement a aussi introduit des règlements halal stricts (les lois islamiques exigent que l'abattage des animaux se fasse d'une façon prescrite) sans compter la prohibition de l'alcool. Toutes ces mesures ont limité les importations alimentaires et accru les coûts.

Accès aux marchés – résultats obtenus en 2004

- Le Canada a fait des percées très intéressantes dans le secteur de l'éducation. Des universités canadiennes ont gagné du terrain dans ce secteur en dispensant une formation à des étudiants et à des responsables civils brunéiens de nombreux domaines. Toutefois, les Brunéiens se tournent encore vers le Royaume-Uni pour l'éducation et la formation.

Accès aux marchés – priorités du Canada pour 2005

- Continuer d'appuyer les initiatives de renforcement des capacités au sens large et, en particulier, dans les domaines suivants : saine gouvernance, éducation, cybergouvernement, défense et environnement.

Cambodge

Aperçu

L'économie du Cambodge est plutôt ouverte et axée sur le marché. Des réformes gouvernementales sont en cours, et les exportateurs canadiens ne se heurtent pas à des obstacles importants pour accéder au marché de ce pays. Le produit intérieur brut (PIB) a diminué régulièrement pour s'établir à 5,3 % en 2003, et on s'attend à ce que le PIB réel diminue encore en 2005 du fait que les projections pour le Cambodge sont fondées sur l'expiration du système américain de contingentement dans le domaine des vêtements — qui a été le moteur de la croissance du pays ces dernières années.

Pour réussir au Cambodge, il est essentiel d'avoir l'appui de partenaires sur place, étant donné qu'il existe des obstacles informels au commerce. En 2004, les exportations canadiennes de marchandises vers le Cambodge ont totalisé 1,6 million de dollars, alors que les importations de marchandises en provenance de ce pays ont atteint 140 millions de dollars grâce au protocole d'entente sur l'accès au marché signé en janvier 2004.

Les États membres de l'OMC ont approuvé l'accession du Cambodge en septembre 2003, ce qui en fait l'un des deux premiers pays les moins avancés (avec le Népal) à y accéder depuis sa création en 1995. Le Canada a appuyé la démarche du Cambodge pour accéder à l'OMC, en lui offrant une aide technique. Le Canada contribue également au Programme d'intégration économique de l'APEC, qui a pour objet d'aider six pays en développement de l'Asie du Sud-Est (y compris le Cambodge) à renforcer leurs capacités en matière de facilitation du commerce et de négociation.

De plus, le gouvernement du Cambodge a mis en place sa stratégie en matière de politiques commerciales favorables aux pauvres. Il est en effet l'un des trois pays qui participent à un projet-pilote qui s'inscrit dans un cadre intégré et qui est appuyé par six grandes organisations internationales : le Fonds monétaire international, la Commission du commerce international des États-Unis, la Conférence des Nations Unies sur le commerce et le développement, le Programme des Nations Unies pour le développement, la Banque mondiale et l'OMC.

Accès aux marchés – résultats obtenus en 2004

- Accession du Cambodge à l'OMC et ratification de la loi.

Accès aux marchés – priorités du Canada pour 2005

- Défendre les intérêts des entreprises canadiennes dans les projets financés par des institutions financières internationales et dans les secteurs présentant de l'intérêt, comme ceux des technologies de l'information et des communications, des produits agroalimentaires et de l'énergie.
- Continuer de faire pression pour que progresse la réforme de la gouvernance des entreprises et du système judiciaire, lesquels constituent des obstacles non tarifaires au commerce et à l'investissement canadien.

Inde

Aperçu

L'économie indienne a connu de profondes transformations depuis 1991, année qui marque la mise en œuvre dans ce pays d'un programme de réformes économiques et de libéralisation des échanges et de l'investissement. Le processus de réforme économique se poursuit. Les dernières restrictions quantitatives ont été abolies en avril 2001, et le secteur des assurances a été ouvert à l'investissement privé et étranger. Aussi, de nouveaux secteurs tels que le vêtement, le cuir, le jouet et la chaussure ont été autorisés à produire à grande échelle. La poursuite de la libéralisation du compte de capital, de l'investissement étranger direct et des règles concernant l'investissement institutionnel étranger va bon train. De plus, des projets de loi ayant pour but de réformer notamment la réglementation de la faillite, de la concurrence, de la retraite et du travail sont actuellement envisagés.

Le commerce bilatéral de marchandises entre Canada et l'Inde pour 2004 a atteint près de 2,5 milliards de dollars, avec une balance commerciale positive de 701 millions de dollars en faveur de l'Inde. Parmi les principales exportations du Canada vers ce pays, notons : les produits de papier, les légumes, les engrais, les équipements électrique et la pâte à papier.

Le stock d'investissement direct canadien en Inde est relativement modeste, mais a augmenté pour passer de 183 millions de dollars en 2002 à 184 millions de dollars en 2003.

L'investissement direct indien au Canada a atteint 62 millions de dollars en 2003. L'ouverture de plusieurs centres de conception de logiciels au Canada par d'importantes entreprises de technologie de l'information indiennes et les investissements réalisés par des grandes banques indiennes présentent le Canada comme une destination de choix pour les investisseurs étrangers. Les liens bilatéraux grandissants entre l'Inde et le Canada en ce qui concerne les échanges et l'investissement ont été facilités par un certain nombre d'associations de gens d'affaires, notamment par la Confédération des industries indiennes, la Fédération indienne des chambres de commerce et d'industrie, le Conseil de commerce Canada–Inde et la Chambre de commerce Canada–Inde.

L'Inde constitue un important marché potentiel pour presque tous les types de biens, de services et de technologies. La classe moyenne indienne est en expansion et compte déjà environ 300 millions de personnes intéressées à acquérir des nouveaux produits provenant de partout dans le monde, ce qui représente de nombreux débouchés commerciaux et possibilités d'investissement, particulièrement dans les domaines où le Canada est traditionnellement fort, comme les télécommunications, le transport, l'agriculture et l'agroalimentaire, le génie et le matériel électrique, le développement d'infrastructures, le pétrole et le gaz, l'exploitation minière, les technologies de l'environnement, les services bancaires, les assurances et l'éducation.

Accès aux marchés – résultats obtenus en 2004

- Le Canada a réussi à conclure un accord provisoire avec le gouvernement indien qui a permis aux exportations canadiennes de légumineuses de continuer sans qu'elles soient fumigées au bromure de méthyle en attendant la négociation d'une solution plus permanente. En vertu de l'Ordonnance de mise en quarantaine des plants végétaux prise en 2003, l'Inde exige que les légumineuses soient fumigées au bromure de méthyle, une exigence qui a eu un effet très perturbateur sur le commerce des légumineuses.
- Le Canada a conclu un accord avec le gouvernement indien sur un nouveau certificat sanitaire pour le sperme de bovin qui permettra la reprise des exportations canadiennes vers l'Inde. En 1997, l'Inde avait interdit l'importation de sperme de bovin en provenance du Canada.

Accès aux marchés – priorités du Canada pour 2005

- Continuer de tenter de faire approuver le certificat d'exportation canadien pour le porc.
- Chercher à obtenir une réduction des tarifs imposés aux spiritueux.
- Essayer d'obtenir la suppression permanente de l'obligation de pratiquer une fumigation au bromure de méthyle sur les légumineuses exportées en Inde.
- Continuer d'encourager l'Inde à élever le plafond restreignant l'investissement étranger dans les secteurs des assurances.
- Tâcher de faire modifier l'Ordonnance de mise en quarantaine des plants végétaux prise par l'Inde en 2003 afin de réduire au minimum toute éventuelle incidence négative sur les exportations canadiennes de produits agricoles.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Produits agricoles et produits manufacturés

En 2004, les exportations canadiennes de produits agricoles vers l'Inde ont atteint 111 millions de dollars, constituées surtout de légumineuses (pois, pois chiches et lentilles). Les exportateurs canadiens tentent d'obtenir un meilleur accès au marché indien pour certains autres produits agricoles, mais s'inquiètent des exigences à l'importation et des niveaux tarifaires imposés par l'Inde. L'Ordonnance de mise en quarantaine des plants végétaux prise en 2003 a imposé des exigences supplémentaires en matière d'importation qui ont restreint davantage les exportations canadiennes.

L'Inde a une liste négative d'importations qui comprend des articles interdits, réglementés ou soumis à un monopole. Les articles interdits comprennent les animaux et les oiseaux sauvages, le suif ainsi que le gras et l'huile d'origine animale, l'ivoire, le bœuf et les produits du bœuf et la présure. Les articles réglementés comprennent les armes à feu, certains médicaments et les graines de pavot. Il est nécessaire de posséder un permis pour importer certains produits agricoles comme les graines de semence et les produits de l'élevage. Les biens soumis à un monopole sont acheminés à une société commerciale d'État spécialisée dans un produit. Par exemple, la Food Corporation of India est l'organisme responsable de l'importation de la plupart des céréales. Le Canada continuera d'encourager le gouvernement indien à rendre son régime d'importation pleinement conforme aux disciplines de l'OMC.

Semence bovine

En 1997, l'Inde a cessé les importations de semence bovine en provenance du Canada apparemment en raison d'inquiétudes liées au statut du Canada par rapport à l'encéphalopathie spongiforme bovine (ESB). En avril 2000, l'Inde a formellement avisé l'OMC de ses conditions d'importation. À la suite de plusieurs interventions techniques et politiques à ce sujet, l'Agence canadienne d'inspection des aliments (ACIA) a reçu pour considération, en juin 2004, un protocole d'importation préliminaire sur la semence bovine. L'ACIA a fournit une réponse officielle et des commentaires aux autorités indiennes sur la certification proposée le 20 octobre 2004. L'ACIA attends une réponse des autorités indiennes.

Porc

L'Inde ne reconnaît pas le certificat d'exportation du Canada pour le porc parce que la certification ne couvre pas certaines maladies dont le gouvernement exige la déclaration. Le Canada considère que les exigences de l'Inde sont exagérées et continuera de réclamer des changements afin de pouvoir entamer des échanges commerciaux avec l'Inde.

Huile de canola

Le Canada demande un meilleur accès au marché pour l'huile de canola afin de rendre ce produit plus concurrentiel par rapport aux autres huiles alimentaires. Les taux des droits de douane appliqués par l'Inde aux huiles alimentaires varient beaucoup actuellement. Par exemple, les importations d'huile d'olive sont assujetties à un taux de 45 %, tandis que les importations d'huile de canola sont frappées d'un taux de 85 %. Le Canada continuera d'intervenir auprès des autorités indiennes pour qu'elles veillent à ce que les importations d'huile de canola ne soient pas traitées de façon moins favorable que les importations des autres huiles alimentaires.

Spiritueux

L'Inde consomme près de 75 millions de caisses de spiritueux, mais seulement 1 % de cette quantité est importé. En effet, les producteurs nationaux sont puissants et ont réussi à exercer des pressions sur le gouvernement afin qu'il restreigne les importations au minimum. On s'attend à ce que le taux de douane de base de l'Inde chute de 210 % à 150 % d'ici cinq ans, conformément aux obligations de l'Inde envers l'OMC. Ce taux restera de beaucoup supérieur à celui d'autres pays en développement comme la Chine. Après l'élimination des limites quantitatives, le gouvernement indien a imposé un « droit de douane spécial additionnel » aux importations de spiritueux qui varie de 20 % à 150 %, selon le prix au débarquement. Comme les États indiens imposent également leurs propres droits, le taux réel de droits sur les importations de spiritueux se situe entre 400 % et 700 %. Le Canada tente de faire diminuer ces tarifs.

Légumineuses

En vertu de l'Ordonnance de mise en quarantaine des plants végétaux de 2003, la fumigation des légumineuses au bromure de méthyle à 28 degrés Celsius est obligatoire avant d'autoriser leur entrée sur le sol indien. Le bromure de méthyle est une substance qui appauvrit la couche d'ozone et dont l'utilisation doit progressivement et prochainement être supprimée. Par ailleurs, les conditions climatiques au Canada ne permettent pas d'exercer une fumigation à une telle température durant l'hiver. Le Canada continuera d'intervenir auprès des autorités pour qu'elles suppriment cette condition ou la remplacent par des mesures moins perturbatrices. Les importations continuent en vertu d'un accord intérimaire qui restera valide jusqu'au 30 juin 2005. Le Canada continuera d'exercer des pressions sur les autorités indiennes pour résoudre cette question afin de permettre l'importation sans entrave de légumineuses.

AUTRES DOSSIERS

Investissement

L'investissement étranger direct (IED) est maintenant autorisé dans tous les secteurs, à l'exception des secteurs suivants : armes et munitions, énergie atomique, chemins de fer, charbon et lignite, extraction de minerai, de magnésium, de chrome, de soufre, de gypse, d'or, de diamant, de cuivre et de zinc. Les règles relatives aux plafonds et aux processus d'approbation de l'IED ont progressivement été assouplies. Ainsi, dans la grande majorité des secteurs, la participation étrangère jusqu'à concurrence de 100 % du capital est maintenant approuvée automatiquement. Toutefois, un nombre décroissant de secteurs comme les assurances (26 %), la défense (26 %), les services bancaires (74 %) et les télécommunications (49 %) ont conservé des plafonds en ce qui a trait à l'IED et, dans certains cas, il est nécessaire d'obtenir l'approbation du Conseil de la promotion de l'investissement étranger, qui relève du ministère des Finances. Élu en mai 2004, le gouvernement actuel a indiqué qu'il augmenterait les plafonds en ce qui a trait à l'IED dans le secteur des assurances (49 %), de l'aviation civile (49 %) et des télécommunications (74 %). Le Canada continuera d'encourager le gouvernement indien à mettre en œuvre ces propositions et à élever encore plus ces plafonds.

Pakistan

Aperçu

Le Pakistan continue d'afficher une bonne performance économique. En 2004, le PIB devrait croître de 6,4 %, ce qui dépasse le taux de 5,3 % qui était visé et le taux de croissance de 5,1 % atteint en 2003. Le gouvernement du président Pervez Moucharraf a lancé un vaste programme de stabilisation macroéconomique, en plus de procéder à des réformes dans les secteurs de l'économie et de la gouvernance. Les effets positifs de ces initiatives se font déjà sentir, comme en témoignent la réduction de la dette intérieure et extérieure, la diminution du déficit financier, l'augmentation de l'excédent courant et les réserves de devises étrangères. Les agences internationales d'évaluation de la solvabilité ont également pris note de cette situation et haussé la cote de crédit du pays pour une deuxième année de suite. En 2004, le Pakistan est revenu avec succès sur le marché financier international avec une émission euro-obligataire bien accueillie de 500 millions de dollars américains. De plus, les réformes économiques réalisées au Pakistan ont permis au gouvernement pakistanais de mettre fin au programme de prêts qu'il avait avec le Fonds monétaire international.

La stabilité en Asie du Sud a été encouragée en 2004 par l'amorce d'un dialogue sérieux entre l'Inde et le Pakistan. La signature de l'Accord de libre-échange sud-asiatique en janvier 2004 est aussi un signe bien accueilli d'un accroissement des échanges dans la région.

Des pressions inflationnistes ont commencé à apparaître en 2004. La Banque mondiale prévoit un taux d'inflation de 8 % en 2004 comparativement à 3,1 % en 2003. Ces pressions traduisent des hausses des prix des aliments et la transmission dans une certaine mesure de l'escalade marquée des prix mondiaux du pétrole. Parmi les autres facteurs qui menacent le maintien des progrès économiques au Pakistan, mentionnons la médiocrité des indicateurs de développement humain et la nécessité d'améliorer la sécurité et la primauté du droit.

Le commerce des marchandises entre le Canada et le Pakistan s'est élevé à 594 millions de dollars en 2004, soit 349 millions de dollars d'exportations canadiennes et 245 millions de dollars d'importations. Le montant des exportations canadiennes est probablement beaucoup plus élevé lorsqu'on tient compte des transbordements effectués aux États-Unis et dans des ports régionaux, comme Dubaï et Singapour. De plus, les services sont exclus de ces chiffres, et la présence du Canada dans le secteur pakistanais des services est importante.

La composition de nos exportations a beaucoup changé en 2004. Le canola a été notre principale exportation vers le Pakistan en 2003 mais, en raison des conditions météorologiques au Canada, le même niveau n'a pas été atteint en 2004. Les produits aérospatiaux ont été notre principale exportation cette année, suivent, entre autres, les légumineuses, le charbon, les pâtes et papiers et le matériel de fabrication industrielle. Les textiles et les vêtements représentent les principaux produits que nous importons du Pakistan.

Conscients des avantages de l'Accord de libre-échange nord-américain, les entrepreneurs pakistanais commencent à s'intéresser au Canada, à la fois comme une destination d'affaires et une destination d'investissement. Parmi les initiatives envisagées, mentionnons des propositions d'investissement concernant des usines de textiles, de produits pharmaceutiques et de pièces automobiles et des établissements de services financiers.

Accès aux marchés – résultats obtenus en 2004

- Le gouvernement pakistanais a ratifié la Convention de Cape Town. Cet accord établit un cadre juridique international pour la mise au point de principes modernes de financement reposant sur l'actif et le crédit bail, dans le but de protéger l'équipement de grande valeur, comme les aéronefs et les moteurs d'aéronef. La ratification de cet accord devrait aider à ouvrir davantage les portes du marché pakistanais de l'aérospatiale à l'industrie canadienne.
- Le secteur des télécommunications du Pakistan a été le principal bénéficiaire de l'investissement étranger direct au pays en 2004. Les investisseurs nationaux et étrangers ont cherché activement à profiter des occasions d'affaires qui se sont présentées dans ce secteur en plein essor depuis que le Pakistan a mis en œuvre une politique de déréglementation dans ce secteur en juillet 2003.
- Dans son budget 2004–2005, le gouvernement pakistanais a introduit un taux de la taxe de vente unique et abandonné les taux de la taxe de vente multiples qu'il percevait sur différents produits importés, autant de mesures qui visent à promouvoir l'investissement national et international.

Accès aux marchés – priorités du Canada pour 2005

- Informer régulièrement le ministère de l'Alimentation, de l'Agriculture et du Bétail au sujet de l'initiative prise par le gouvernement du Canada à l'égard de l'ESB.
- Continuer de faire pression sur le gouvernement du Pakistan pour qu'il lève l'interdiction sur les importations de bétail en provenance du Canada.
- Promouvoir l'acceptation des caractéristiques du blé canadien comme étant propres à répondre aux besoins du Pakistan.
- Suivre de près le programme du gouvernement du Pakistan en matière de développement de l'infrastructure.
- Suivre de près le processus d'élaboration des lignes directrices sur la biosécurité pour les OGM, lancé par le gouvernement du Pakistan.

Programme du secteur pétrolier et gazier

Ce projet est financé par l'Agence canadienne de développement international. Il a pour but de renforcer la capacité du ministère du Pétrole et des Ressources naturelles à élaborer, à gérer et à mettre en œuvre des politiques pour le secteur pétrolier et gazier pakistanais. Ce projet, qui en est à sa troisième phase, contribue à la privatisation du secteur pétrolier et gazier pakistanais en créant un environnement favorable à l'investissement étranger dans de nouvelles entreprises aussi bien que dans les entités qui existent déjà.

Investissement

Le Parlement pakistanais a promulgué une disposition qui permet aux contribuables non-résidents d'obtenir des décisions anticipées sur l'interprétation des lois fiscales. En vertu de ce règlement, les autorités fiscales auront obligation de fournir une réponse contraignante à toute demande de non-résidents au sujet du traitement d'activités ou de transactions envisagées au Pakistan et des conséquences de celles-ci. Le Canada suit de près l'application de cette disposition.

Pour aider les banques et les institutions financières de développement qui envisagent de financer des projets d'infrastructure, la Banque d'État du Pakistan a élaboré un Guide sur le financement des projets d'infrastructure. Les lignes directrices contenues dans ce guide favoriseront la participation du secteur privé et le financement de projets d'infrastructure.

8 *Ouverture sur d'autres marchés importants*

MOYEN-ORIENT

Israël

Aperçu

Israël est un pays moderne, dynamique, démocratique et hautement technologique qui compte plus de 6,7 millions d'habitants et dont l'économie demeure robuste malgré les problèmes qui perdurent dans la région. Les indicateurs économiques sont favorables à Israël pour 2004, et c'est essentiellement grâce à la reprise du secteur de la technologie d'avant-garde à l'échelle mondiale. Le gouvernement de l'État d'Israël s'est engagé à contenir la croissance du secteur public, à raviver son programme de privatisation et à fixer des objectifs budgétaires réalistes. Il met en œuvre un nombre croissant de grands projets d'infrastructure, auxquels peuvent soumissionner les entreprises étrangères. Israël se tourne de plus en plus vers l'Europe et les marchés émergents tels que la Chine et l'Inde.

Le climat des affaires et les débouchés commerciaux en Israël se comparent à ceux des pays membres de l'Organisation de coopération et de développement économiques (OCDE). Le PIB par habitant étant équivalent en Israël à celui des autres membres de l'OCDE, la revue *The Economist* a projeté pour 2004 une croissance qui met ce pays au quatrième rang (derrière Singapour, Taïwan et Hong Kong) de 29 marchés émergents.

La main-d'œuvre israélienne est multilingue et très instruite, et près de 20 % de la population active détient un diplôme universitaire. Israël compte plus de médecins, de scientifiques et d'ingénieurs par habitant que tout autre pays. Ces trente dernières années, Israël a transformé ses assises et ses activités économiques pour mieux tirer parti de son capital intellectuel et a ainsi délaissé les secteurs traditionnels au profit des services et de la production de produits de valeur supérieure pour son secteur de la technologie de pointe, qui est l'un des plus concurrentiels au monde. Ce secteur contribue pour plus de 17 % des exportations israéliennes.

Israël est également bien coté par les organisations non gouvernementales (ONG) dont l'indice de liberté économique de 2004 classe Israël comme une économie « essentiellement ouverte » aux forces du marché. Israël s'est le plus démarqué sur les plans de ses politiques monétaire et commerciale, et de ses politiques en matière d'investissement étranger, de droits de propriété et de prix et salaires. Il a obtenu une cote moyenne sur les plans de l'intervention gouvernementale, de la réglementation, des affaires bancaires et des finances, tandis que l'aspect du fardeau fiscal a été considéré comme celui qui nécessitait le plus d'améliorations.

Les principes économiques préconisés par le gouvernement sont axés sur le marché et l'ouverture à l'économie mondiale. Cette orientation est évidente dans les réformes économiques profondes, les mesures visant à attirer l'investissement étranger et la négociation d'accords de libre-échange avec de nombreux pays, dont le Canada (Accord de libre-échange entre le Canada et Israël – ALECI, 1997). Les investisseurs étrangers voient d'un bon œil qu'Israël ait conclu des conventions de double imposition avec le Canada, les États-Unis, la plupart des pays d'Europe de l'Ouest et le Japon, pour ne nommer que ceux-là.

En raison de la conjoncture économique mondiale et des problèmes que pose la sécurité dans la région, l'économie israélienne n'a crû que de 1 % en 2003. La détérioration de la situation sur le plan de la sécurité a surtout eu une incidence négative sur les secteurs traditionnels, comme le tourisme, la construction et l'agriculture. Or, même dans ces conditions très difficiles, la nouvelle économie israélienne a tenu bon.

Le regain de la confiance des milieux d'affaires et des consommateurs ainsi que la demande accrue à l'égard des exportations israéliennes ont permis à Israël de réaliser une importante volte-face en 2004. Malgré des signes d'affaiblissement au dernier trimestre, la croissance économique israélienne devrait s'établir à 4,2 % pour 2004. Compte tenu du ralentissement de la croissance économique mondiale, la revue *The Economist* projette une croissance de 3,6 % pour Israël en 2005 (ces prévisions sont supérieures à celles de la Banque d'Israël, laquelle prévoit une croissance de 3,2 %, mais inférieures à celles du ministère des Finances, qui l'établit à 3,8 %).

Commerce bilatéral entre le Canada et Israël et questions économiques

Le Canada et Israël entretiennent des rapports commerciaux solides et leurs échanges de marchandises se sont chiffrés à 1,1 milliard de dollars en 2004 (381 millions de dollars en exportations canadiennes et 697 millions en importations). Le commerce avec Israël a presque doublé depuis l'entrée en vigueur de l'Accord de libre-échange entre le Canada et Israël en 1997, lequel a aboli à peu près tous les droits de douane sur les produits industriels des deux pays. Les machines, l'équipement électrique, les pièces d'aéronef, le bois, le papier et l'équipement de télécommunications représentent la majorité de nos exportations vers Israël.

Depuis l'élargissement de la liste de produits couverts par l'ALECI en 2003, Israël accorde maintenant une franchise de douane aux exportations canadiennes de blé, de bleuets surgelés, de flocons de pomme de terre, de farine et de maïs ainsi que de certains légumes surgelés et divers pois et haricots secs. D'autres produits agroalimentaires canadiens bénéficient aussi d'un meilleur accès, notamment les pois chiches, les graines de l'alpiste des Canaries, le bœuf, les aliments pour animaux domestiques et les pommes de terre frites. Ces mesures permettront à plusieurs produits d'exportation canadiens de reconquérir des parts de marché perdues au profit des États-Unis et de l'Union européenne.

Israël est également une importante destination des exportations canadiennes de services, estimées à 196 millions de dollars en 2002. Les entreprises canadiennes ont en outre réussi à former des partenariats dans les secteurs des technologies de l'information, de la biotechnologie et de la construction.

Accès au marché – Résultats obtenus en 2004

- Le 1er septembre 2004, Israël a levé toutes les restrictions liées à la grippe aviaire visant les produits de volaille canadiens.
- En octobre 2004, l'Accord relatif au transport aérien a élargi les droits d'accès et d'escale durant la saison hivernale aux transporteurs Air Canada et El Al Airlines.

Accès aux marchés – Priorités du Canada pour 2005

- Veiller à ce que l'ALECI, élargi en 2003 pour comprendre une gamme plus vaste de produits agricoles, offre aux exportations canadiennes les meilleures conditions possibles d'accès au marché israélien.
- Conformément à l'ALECI, le Canada et Israël poursuivront leurs pourparlers en vue de libéraliser davantage le commerce bilatéral des produits agricoles et agroalimentaires.
- Négocier une modification de l'ALECI qui permettrait d'harmoniser l'accord à la classification internationale du Système harmonisé.
- L'Agence spatiale canadienne a entrepris de négocier avec l'Agence spatiale israélienne un protocole d'entente qui profitera aux deux pays et qui permettra à une mission de l'industrie spatiale canadienne de se rendre en Israël au cours de l'année.
- Continuer d'intervenir auprès du gouvernement d'Israël pour qu'il supprime les mesures liées à l'encéphalopathie spongiforme bovine (ESB) imposées sur les importations en provenance du Canada.

Encéphalopathie spongiforme bovine

Israël a interdit l'importation de bovins, de viande, de produits de viande, d'aliments pour animaux, de farines et d'autres produits issus de bovins qui proviennent de pays où ont été diagnostiqués des cas d'encéphalopathie spongiforme bovine (ESB), dont le Canada. Le Canada a tenu parfaitement au courant l'ensemble de ses partenaires commerciaux, y compris Israël, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées pour faire face à la situation. Il demande la reprise des échanges en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 16 mars 2004, Israël a imposé des mesures liées à la grippe aviaire sur les importations de volaille en provenance du Canada. Le 1[er] septembre 2004, Israël a retiré ses restrictions à l'encontre de la volaille en provenance du Canada. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Cisjordanie et bande de Gaza

Le Canada s'est engagé à promouvoir ses relations commerciales et d'investissement avec les Palestiniens. L'Accord-cadre canado-palestinien de coopération économique et commerciale, signé en 1999, jette les bases d'une relation commerciale fondée sur le libre-échange. En plus d'abolir les droits de douane, l'Accord-cadre vise à améliorer l'accès aux marchés et à assouplir les formalités douanières, tout en soutenant les industries émergentes de ce marché. L'accord ne prévoit aucune disposition relative aux services. La législation palestinienne stipule qu'un agent ou un représentant commercial doit servir d'intermédiaire à qui veut vendre sur ce marché. L'état d'avancement du processus de paix au Moyen-Orient peut influer sur le mouvement des produits en provenance et à destination de la Cisjordanie et de Gaza. Depuis le début de la dernière intifada, en 2000, l'activité économique a ralenti considérablement. Toutefois, la demande de produits et de services est refoulée en Cisjordanie et à Gaza. Si la situation s'améliore à la suite des élections de janvier 2005 et de la relance du processus de paix au Moyen-Orient, les entreprises canadiennes qui souhaitent pénétrer ou revenir dans ce marché pourront profiter d'occasions intéressantes.

Égypte

Aperçu

L'un des plus grands et des plus influents pays du monde arabe, l'Égypte jouit d'une situation géostratégique unique et joue un rôle clé dans la région. Elle représente un marché de 72 millions d'habitants et constitue une plaque tournante pour les pays du Moyen-Orient et de l'Afrique par l'intermédiaire du Marché commun de l'Afrique australe et orientale (COMESA). Il existe d'excellentes occasions de coopération entre le Canada et l'Égypte sur un large éventail de produits et de services dans des secteurs tels que l'agriculture, la sylviculture, l'éducation, l'environnement, la santé, les technologies de pointe, les télécommunications, le pétrole et le gaz, les transports et les infrastructures.

Le nouveau premier ministre et le nouveau conseil des ministres de l'Égypte ont entrepris d'instaurer des réformes économiques qui devraient donner à l'économie l'élan dont elle a tant besoin. La nouvelle équipe ministérielle responsable des affaires économiques a annoncé en septembre 2004 la mise en œuvre de plusieurs grandes réformes économiques qui s'attaqueront à des problèmes qui préoccupent le pays depuis longtemps : réforme des régimes bancaire et financier, réduction radicale de droits de douane et restructuration du régime douanier, et rétablissement du programme de privatisation depuis longtemps mis de côté.

La nouvelle loi unifiée sur les banques (Unified Banking Law) de juin 2003, qui définit les moyens de revitaliser le secteur, semble sur le point d'entrer en vigueur. Aux termes de cette loi, les banques devront maintenant respecter de nouvelles exigences minimales de capitalisation établies à 500 millions de livres égyptiennes (80 millions de dollars), ce qui écartera de nombreuses petites institutions. Le gouvernement entend fusionner six des petites banques à des banques d'État plus grandes, et ensuite restructurer en profondeur leurs opérations. Des capitaux seront injectés aux banques en fonction du rendement. La réforme du régime douanier aura pour effet d'éliminer certaines des dépenses et difficultés liées à l'importation et à l'exportation, et des mesures concrètes ont déjà été prises en ce sens, soit la réduction radicale des redevances et droits de douane. Le taux de droit moyen est passé de 14,6 % à 9 %, et le nombre d'échelons tarifaires est passé de 27 à 6. Les produits assujettis à des droits de douane sont passés de 13 000 à 6 000. Le programme de privatisation sera ravivé et aucun produit ou secteur ne sera plus considéré comme « stratégique » et devant rester sous le contrôle du gouvernement.

L'Égypte est le 45e marché d'exportation de marchandises du Canada dans le monde et le 5e au Moyen-Orient; selon Agriculture et Agroalimentaire Canada, elle fait partie des cinq premiers marchés émergents à l'échelle mondiale. Elle est aussi le 54e fournisseur d'importation du Canada en importance. De 2001 à 2003, des facteurs externes (attentats du 11 septembre, guerre en Iraq et tensions permanentes dans la région du Moyen-Orient) et la stagnation de l'économie ont nui à nos échanges bilatéraux. Quoi qu'il en soit, en 2003, les exportations canadiennes de marchandise destinées à l'Égypte se sont élevées à 232 millions de dollars. En 2004, elles ont atteint 200 millions de dollars, une baisse de 13 % par rapport à 2002 en dépit d'une grave dévaluation de la livre égyptienne (42 %).

Les principales exportations canadiennes à destination de l'Égypte sont le papier, les aéronefs, le charbon, la machinerie, la pâte de bois, les produits laitiers, les produits pharmaceutiques, les minerais, les matières plastiques, les légumes et les grains et céréales. Ces trois dernières années ont été très favorables aux ventes canadiennes de blé, de lentilles et d'aéronefs, à l'investissement dans le secteur des hydrocarbures et aux nombreux projets réalisés dans le secteur de l'éducation (niveaux primaire et secondaire, instituts techniques, protocole d'entente signé en octobre 2003 en vue de la création d'une université canadienne). Les produits qui ont le plus contribué à la croissance des exportations en 2003 sont les céréales (surtout le blé), les produits de papier et certains combustibles fossiles (charbon).

Les importations canadiennes de marchandises en provenance de l'Égypte se sont chiffrées à 116,8 millions de dollars en 2003, soit plus du double du résultat obtenu en 2002, et elles ont atteint 199,4 millions de dollars en 2004. Les produits qui ont le plus contribué à cette croissance en 2004 sont les produits du fer, les produits de carbone et les produits du pétrole. Le Canada importe d'Égypte des produits du fer, des produits de carbone, des huiles minérales, des engrais et des vêtements. L'investissement canadien en Égypte, qui se concentre surtout dans le secteur des hydrocarbures, est évalué à quelque 37 millions de dollars.

Accès aux marchés – Résultats obtenus en 2004

- L'Égypte a autorisé l'importation de canola.
- L'Égypte a autorisé deux entreprises canadiennes à mener des activités d'exploration gazière et pétrolière dans le sud du pays; elles étaient les premières entreprises étrangères à recevoir cette autorisation, ouvrant de ce fait le marché à de petites et moyennes entreprises pétrolières canadiennes.
- Le Canada a organisé le Salon Educ-Canada afin de promouvoir les programmes d'enseignement canadiens au Moyen-Orient et en Afrique du Nord et le savoir-faire du Canada dans le domaine, en créant une image de marque (EDUC-CANADA).
- Le conseil des ministres égyptien a donné son approbation finale au projet de création de la nouvelle université canadienne Al-Ahram qui ouvrira ses portes en septembre 2005.
- L'Institut de technologie du Nord de l'Alberta (NAIT) a obtenu des autorités locales l'autorisation d'acquérir le statut légal requis pour agir à titre d'institut de formation en pipeline.
- SCHL International a obtenu un contrat de la Taamir Mortgage Company (première société de crédit hypothécaire) pour dresser son plan d'affaires. L'expérience que la SCHL a acquise aussi bien au Canada qu'à l'étranger est très précieuse pour l'Égypte qui poursuit la mise en œuvre de sa nouvelle loi sur les hypothèques et met au point son régime de financement à l'habitation. Ce contrat

devrait être le premier d'une série d'ententes visant à aider les organes de réglementation et les établissements de crédit hypothécaire de l'Égypte.

Accès aux marchés – Priorités du Canada pour 2005

- Obtenir l'accès au marché d'exportation du bœuf halal.
- Expédier l'huile de canola en Égypte en vrac.
- Améliorer les ventes de blé.
- Raviver les exportations de bois vers l'Égypte.
- Profiter de l'essor actuel du secteur des hydrocarbures pour promouvoir la collaboration bilatérale au sein de l'industrie pétrochimique.
- Promouvoir les capacités du secteur canadien des technologies de l'information et des communications et encourager les entreprises canadiennes à tirer parti de l'ambitieux projet national égyptien, qui vise aussi les services postaux, pour acquérir une part du marché.
- Suivre de près plusieurs projets en vue de créer une deuxième École internationale du Canada en Égypte qui offrira le programme d'études de la Colombie-Britannique.
- Promouvoir les capacités canadiennes et le renforcement des capacités dans le secteur du droit des hypothèques.
- Obtenir du ministère égyptien de l'Éducation supérieure un permis d'exploitation d'une école technique canadienne (Collège universitaire de Cap-Breton).
- Obtenir un permis pour exploiter l'université canadienne Al-Ahram, fruit de la concertation des efforts du *Al-Ahram Establishment* (le quotidien arabe à plus fort tirage du Moyen-Orient) et de l'Association des universités et collèges du Canada (AUCC). L'approbation du conseil des ministres a déjà été obtenue, mais le décret présidentiel se fait attendre.
- Le Canada continue ses interventions afin de lever les mesures égyptiennes liées à l'ESB sur les importations en provenance du Canada.

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, de la détection d'un cas d'ESB, l'Égypte a interdit l'importation de bovins vivants et de produits du bœuf en provenance du Canada. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris l'Égypte, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées pour faire face à la situation. Il demande maintenant la reprise des échanges en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

AMÉLIORER L'ACCÈS AUX MARCHÉS DES SERVICES

Le Canada est l'un des principaux défenseurs de la politique de libéralisation de l'Égypte. Il a encouragé les investissements étrangers directs en Égypte, contribué au renforcement des capacités en transférant des technologies de transition, du savoir-faire et de la formation, et a encouragé l'Égypte à adopter des politiques plus transparentes. Ces mesures assureront l'essor constant du secteur privé égyptien et de l'économie globale. Elles encourageront l'Égypte à redoubler d'efforts pour bâtir une économie diversifiée, ouverte aux échanges internationaux et aux investissements étrangers.

République arabe syrienne

Aperçu

De nombreux changements et événements majeurs ont marqué l'économie syrienne en 2004. La population a maintenu un rythme de croissance dynamique de 2,4 % à 2,8 % et comprendra bientôt 18 millions d'habitants. Toutefois, cette population jeune et toujours plus grande est aux prises avec un problème de chômage. En effet, quelque 250 000 jeunes s'ajoutent à la population active chaque année, mais l'économie n'a pu créer que 130 000 nouveaux emplois tout au plus.

L'économie syrienne s'est légèrement remise de la stagnation du PIB, qui a crû de 2,3 % en 2004, comparativement à 0,6 % l'année précédente. La stagnation de 2003 est essentiellement attribuable à la diminution des échanges avec l'Iraq qu'ont occasionnée l'invasion américaine de ce pays et l'agitation incessante que connaît la région. Tout indique que le PIB ne s'élèvera pas beaucoup plus qu'en 2004 au cours des prochaines années.

Depuis mai 2004, le pays a été frappé par des sanctions commerciales prises par les États-Unis en application de leur loi sur la responsabilité de la Syrie et sur la restitution de la souveraineté du Liban (*Syria Accountability and Lebanon Sovereignty Restoration Act – SALSA*). Ces sanctions ont occasionné le ralentissement de certains secteurs syriens tels que l'équipement de traitement du pétrole et du gaz qui s'approvisionnait jusque-là presque exclusivement auprès des fabricants américains.

Malgré le fléchissement continu de la production, le pétrole a continué de dominer l'économie, en partie en raison de la hausse des cours du pétrole durant la seconde moitié de l'année, qui a contribué à stimuler les recettes gouvernementales et le solde courant.

Le gouvernement a continué — quoique timidement — à mettre en œuvre d'autres réformes politiques et économiques destinées à réduire le contrôle de l'État sur l'économie et à encourager l'investissement privé et étranger. Ces efforts commencent à porter fruit dans certains secteurs. Par exemple, en 2001, le gouvernement a modifié sa législation sur les banques pour autoriser la participation d'intérêts étrangers dans la création de banques privées. En 2004, quatre banques (trois libanaises et une jordanienne) ont été créées en partenariat avec des investisseurs syriens. Ces banques sont également autorisées à rapatrier des réserves en devises étrangères. Ces premières démarches sont positives, mais la Syrie a encore beaucoup à faire avant de prétendre que son système bancaire est entièrement intégré au système financier international. De plus, les consommateurs ne disposent de pratiquement aucune facilité d'épargne et de crédit et les nouvelles entreprises commerciales ne peuvent pas compter sur le financement bancaire.

Le pays a signé un accord d'association avec l'Union européenne qui devrait lui permettre d'accéder à une éventuelle zone de libre-échange euro-méditerranéenne; toutefois, la date de la mise en œuvre intégrale dépendra de la progression des réformes du gouvernement. En adoptant cette loi décisive, l'union européenne a dégagé d'autres fonds de développement qui seront injectés à des grands projets d'amélioration de l'infrastructure.

Depuis qu'elle est partie à l'Accord de libre-échange de la Ligue arabe, la Syrie a abaissé les droits tarifaires qu'elle imposait à ses partenaires commerciaux arabes et compte les éliminer complètement d'ici 2006.

La Syrie a déposé sa demande d'adhésion à l'OMC en 2004 et se prépare maintenant à ce que de nombreux observateurs prévoient comme un long processus.

Plus récemment, le gouvernement a commencé l'année en adoptant la première modification majeure depuis 1973 à la Loi sur le commerce et les contrats (*Trade and Contract Law 195*). Pour les entreprises étrangères, cette loi a ceci d'important qu'elle fixe le cautionnement à 5 % de la valeur du marché et la garantie de bonne exécution à 10 % du marché. De nouvelles dispositions précisent clairement que les cautionnements doivent être libérés immédiatement dans le cas du rejet ou du retrait d'une soumission et que le cautionnement doit être converti en garantie de bonne exécution aussitôt que la soumission est retenue.

Les principales exportations de la Syrie en 2003 (dernière année pour laquelle des statistiques complètes sont disponibles) ont totalisé quelque 5,1 milliards de dollars américains et elles étaient constituées de pétrole brut, de produits pétroliers, de fruits et légumes, de fibre de coton, de vêtements, de viande et d'animaux vivants ainsi que de blé. Les cinq premières destinations étaient l'Allemagne, l'Italie, les Émirats arabes unis, le Liban et la Turquie. Les importations en 2003 se sont élevées à 4,8 milliards de dollars américains et étaient constituées de machines et de matériel de transport, de matériel d'énergie électrique, d'aliments et de bétail, de métaux et de produits métalliques, de produits chimiques, de matières plastiques, de fil et de papier. Les cinq premiers pays fournisseurs étaient l'Allemagne, l'Italie, la Chine, la France et la Turquie.

Les exportations canadiennes de marchandise à destination de la Syrie en 2004 se sont élevées à plus de 41 millions de dollars canadiens, plaçant la Syrie au 82e rang des destinations des exportations canadiennes de marchandise à l'échelle mondiale et au 14e rang des destinations dans la région. Depuis 2000, nos exportations vers la Syrie ont plus que triplé. Il faut signaler que ces chiffres ne reflètent que les exportations de marchandises et ne tiennent pas compte des résultats au chapitre des services techniques, des transferts de technologies, de l'investissement dans l'exploration pétrolière et gazière ni des accords de partage de la production, qui représentent globalement des sommes considérables.

En 2004, les importations canadiennes en provenance de la Syrie se sont élevées à plus de 24 millions de dollars canadiens, faisant de la Syrie la 97e source en importance des importations canadiennes de marchandises dans le monde et la 10e dans la région. Les importations en provenance de la Syrie ont enregistré des fluctuations extrêmes, variant entre des creux de 2,4 millions de dollars canadiens en 1999 à des crêtes de 96,9 millions en 2003.

Accès aux marchés – Résultats obtenus en 2004

- Le ministère syrien de l'Agriculture a accepté de modérer ses restrictions à l'importation de pommes de terre de semence; cela a donné lieu à la commande d'une étude de faisabilité à la société Canadian Agro Sustainability Partnership (CASP) et a accru les possibilités à long terme de création de coentreprises dans le domaine.
- Pénétration accrue du marché des pâtes et papiers dont l'adjudication de plusieurs contrats d'importance majeure à des fabricants canadiens de papier.
- Libéralisation des règles régissant l'entrée des entreprises étrangères sur le marché et rationalisation des formalités relatives à la délivrance de permis d'exploration et d'exploitation pétrolières et gazières. En conséquence de ces changements, plusieurs entreprises canadiennes ont pu obtenir de nouveaux droits d'exploration et conclure des accords de partage de la production et des contrats de restauration des champs pétrolifères.
- Pénétration accrue du marché dans le secteur des biens industriels par des entreprises canadiennes, notamment la vente à des entreprises syriennes d'une usine complète de bardage d'aluminium, pour un montant de 12 millions de dollars canadiens.

Accès aux marchés – Priorités du Canada pour 2005

- Continuer de rassembler et de fournir des renseignements commerciaux sur les secteurs où la concurrence a été considérablement réduite ou éliminée par suite du retrait des entreprises américaines et poursuivre la campagne d'information des représentants de l'industrie syrienne sur la possibilité de se procurer des produits canadiens de substitution de qualité.
- Collaborer avec les entreprises canadiennes pour mieux comprendre les restrictions américaines relatives au contenu qui pourraient être visées par les sanctions américaines.
- Collaborer avec les entreprises canadiennes qui se trouvent dans des situations de force majeure sur le marché syrien en raison des sanctions américaines.
- Continuer de rassembler des renseignements commerciaux sur l'avancement des réformes du secteur bancaire ainsi que sur les nouveaux débouchés qui en découlent pour les services de consultation, les fournisseurs de logiciels, les fournisseurs d'équipements et les services financiers.
- Continuer de recueillir des renseignements commerciaux sur les projets faisant l'objet d'appels d'offres dans le secteur agricole et mettre les établissements canadiens en contact avec leurs équivalents syriens afin de favoriser l'application et le transfert des technologies et des normes canadiennes au secteur agricole syrien (machines agricoles et technologie de transformation des aliments en particulier). Il convient de noter que la plupart des produits alimentaires et aliments en conserve sont actuellement visés par des restrictions et des interdictions.
- Continuer de soutenir les intérêts des consortiums canadiens dans le processus d'adjudication de contrats de plusieurs projets d'infrastructures énergétiques planifiés et à évaluer les occasions d'affaires futures.
- Continuer d'aider les entreprises canadiennes à profiter des occasions d'affaires et de projets dans le secteur des technologies de l'information et des communications (TIC).

- Continuer de rassembler des renseignements commerciaux sur les besoins de formation technique dans un certain nombre de secteurs, dont celui des hydrocarbures.
- Continuer les interventions auprès des autorités syriennes afin d'obtenir le retrait des mesures liées à l'ESB sur les importations en provenance du Canada.
- Le Canada va continuer d'intervenir auprès de la Syrie afin qu'elle retire ses restrictions liées à la grippe aviaire contre le Canada.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, de la détection d'un cas d'ESB, la Syrie a interdit l'importation de bovins vivants et de produits du bœuf en provenance du Canada. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris la Syrie, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées pour faire face à la situation. Il demande maintenant la reprise des échanges en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 23 février 2004, la Syrie a imposé des mesures liées à la grippe aviaire sur les importations de volaille en provenance du Canada. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

AUTRES DOSSIERS

Accès au marché iraquien

La Syrie a toujours entretenu des rapports commerciaux étroits avec l'Iraq, en particulier les provinces du Nord. Ces liens commerciaux ainsi que la présence en Syrie de quelque 250 000 réfugiés iraquiens pourraient être favorables à l'établissement d'excellents contacts et de partenariats permettant d'exploiter les futures occasions d'affaires en Iraq. Bien que la situation qui prévaut en Iraq sur le plan de la sécurité et que les relations politiques entre la Syrie et les États-Unis empêchent les Canadiens de prendre part à des projets de reconstruction avec d'éventuels partenaires syriens, les occasions de conclure des contrats avec des entreprises privées croîtront dès que l'Iraq aura retrouvé sa stabilité et élu son propre gouvernement. Les ports du Liban et de la Syrie offrent les points d'accès les plus directs au nord de l'Iraq. Une liaison ferroviaire relie la Syrie et l'Iraq et les pipelines qui ont été fermés depuis l'invasion américaine seront certainement rouverts dans l'avenir, ce qui créera d'autres occasions d'affaires intéressantes. Ces derniers mois, les gouvernements de l'Iraq et de la Syrie ont conclu un certain nombre de marchés, en vue de la fourniture d'électricité et de produits alimentaires notamment.

Jordanie

Aperçu

L'économie de la Jordanie demeure vulnérable aux bouleversements externes sur lesquels le gouvernement n'a aucune prise et elle est fortement tributaire de l'aide internationale. Vers la fin de 2002, la Jordanie a conclu avec le FMI un accord économique et financier pour la période 2002–2004 qui met l'accent sur la poursuite des réformes budgétaire, monétaire et structurelle. Les réformes prescrites par le FMI ciblent l'augmentation de la taxe sur les ventes, l'instauration de procédures efficaces de recouvrement de l'impôt sur le revenu, l'abaissement des droits de douane et la privatisation rapide des institutions publiques. Ces questions sont particulièrement délicates pour le citoyen jordanien et, du fait même, pour le gouvernement jordanien. En dépit des gains financiers qu'ont occasionnés ces programmes et politiques, la principale difficulté est de déterminer l'incidence qu'ils ont eue sur le niveau de vie jordanien et sur les deux grands fléaux que sont la pauvreté et le chômage.

En 2000, la Jordanie a accédé à l'Organisation mondiale du commerce (OMC) après avoir modifié sa législation et adopté plusieurs lois pour ouvrir son économie; elle a aussi ratifié un accord d'association avec l'Union européenne En outre, un accord de libre-échange entre la Jordanie et les États-Unis est entré en vigueur en 2002. La Jordanie adhérera également à l'Accord de libre-échange de la Ligue arabe (AFTA), qui vise à supprimer les obstacles au commerce et à l'investissement entre les pays arabes. Enfin, la Jordanie a signé des accords commerciaux bilatéraux avec plusieurs pays arabes, notamment l'Algérie, l'Arabie Saoudite, le Bahreïn, Djibouti, l'Égypte, les Émirats arabes unis, l'Iraq, le Koweït, le Liban, la Libye, le Maroc, Oman, le Qatar, le Soudan, la Syrie, la Tunisie, et le Yémen ainsi qu'avec l'Autorité nationale palestinienne.

Les exportations de la Jordanie ont crû de 11,3 % pour s'établir à 4,0 milliards de dollars canadiens en 2003 pendant que ses importations progressaient de 12,8 % pour atteindre 7,4 milliards de dollars la même année; le pays a ainsi enregistré un déficit commercial de 3,4 milliards de dollars. L'essentiel des exportations jordaniennes (produits chimiques, nourriture et animaux vivants et biens manufacturés) est destiné à d'autres pays arabes (928 millions de dollars en 2003), suivis des États-Unis (857 millions de dollars) et de l'Inde (258 millions de dollars).

Les principaux postes d'importation de la Jordanie à l'échelle mondiale sont la machinerie (1,7 milliard de dollars), les biens manufacturés (1,5 milliard de dollars), les produits alimentaires, les combustibles minéraux et les lubrifiants (1,2 milliard de dollars), la nourriture et les animaux vivants (1,15 milliard de dollars), et les produits chimiques (815 millions de dollars). Les importations proviennent des pays arabes (2,1 milliards de dollars en 2003), suivie de l'Union européenne (1,9 milliard de dollars), de la Chine (590 millions de dollars), des États-Unis (505 millions de dollars) et du Japon (259 millions de dollars).

La valeur des exportations canadiennes de marchandises destinées à la Jordanie s'est élevée à 41,6 millions de dollars en 2004, tandis que les importations en provenance de la Jordanie totalisaient 6,7 millions de dollars. Les principales exportations étaient les produits de papier, la machinerie, le bois, les véhicules et la machinerie électrique. Les principales importations étaient les vêtements, les véhicules, les légumes, les produits de beauté, les légumes préparés, les fruits et les noix.

Bien que le revenu disponible du consommateur jordanien ne cesse d'augmenter, le marché reste très sensible aux prix, ce qui rend les produits canadiens peu compétitifs par rapport à des fournisseurs à meilleur marché. Les autres obstacles sont, entre autres, la taille réduite du marché, sa distance du Canada – qui entraîne des coûts de déplacement et de transport élevés par rapport à la valeur des marchandises vendues –, la concurrence acharnée de sources d'approvisionnement traditionnelles comme l'Europe, les États-Unis, les pays arabes et le Japon, et le manque de connaissances des exportateurs canadiens des coutumes et pratiques d'affaires au Moyen-Orient.

Les relations commerciales bilatérales qu'entretiennent le Canada et la Jordanie ont abouti à une convention de double imposition qui stimulera et facilitera les investissements canadiens en Jordanie.

Accès aux marchés – Résultats obtenus en 2004

- Augmentation des ventes de produits alimentaires canadiens à l'Office de secours et de travaux des Nations Unies (UNRWA) pour les réfugiés de Palestine dans le Proche-Orient.
- Pénétration accrue du marché pour les produits de papier canadiens.
- Pénétration accrue du marché pour les institutions d'éducation canadiennes.
- Signature d'un accord entre la Royal Scientific Society (RSS) de la Jordanie et le Centre de recherches pour le développement international (CRDI) du Canada visant l'adoption et la mise en œuvre de politiques et de technologies de gestion intégrée des eaux usées à l'intention des collectivités isolées de la Jordanie.

Accès aux marchés – Priorités du Canada pour 2005

- Continuer d'appuyer la croissance des exportations de produits alimentaires transformés, de produits laitiers et de confiseries.
- Fournir des renseignements commerciaux aux fournisseurs d'équipement et de produits de santé vétérinaire afin qu'ils puissent tirer parti d'intéressants débouchés et former des alliances stratégiques visant l'amélioration de l'élevage et la transformation des produits d'élevage, surtout dans le sous-secteur de la volaille.

- Fournir des renseignements commerciaux sur les occasions d'affaires dans la vente de matériel de transport et de machines, la vente ou la location d'aéronefs de passagers, et l'équipement et les services se rapportant aux liaisons ferroviaires.
- Fournir des renseignements commerciaux et un soutien aux entreprises canadiennes sur les occasions d'affaires dans le secteur de l'eau, en particulier sur les contrats anticipés liés à la construction d'un aqueduc amenant de l'eau de la mer Rouge à la mer Morte et de sa canalisation, incluant d'intéressantes possibilités de contrats de construction-possession-exploitation (BOO) et de construction-exploitation-transfert (BOT) des structures requises pour les centrales hydroélectriques et les stations de dessalement.
- Encourager les entreprises canadiennes à assister au Salon GITEX, à Dubaï, le salon de l'informatique, des réseaux et des télécommunications le plus important de la région.
- Suivre les faits nouveaux et les occasions d'affaires qui découleront du programme de privatisation du gouvernement, en particulier dans les secteurs de la production et de la distribution de l'électricité, de l'extraction de phosphates (Jordan Phosphate Mines Company), des télécommunications (Jordan Telecommunications Company), du transport aérien (appareils non essentiels de la Royal Jordanian Airlines), et des services postaux (Jordan Post Company).
- Le Canada continuera d'intervenir auprès de la Jordanie afin qu'elle retire ses restrictions liées à la grippe aviaire contre le Canada.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, de la détection d'un cas d'ESB, la Jordanie a interdit l'importation de bovins vivants et de produits du bœuf en provenance du Canada. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris la Jordanie, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées pour faire face à la situation. Il demande maintenant la reprise des échanges en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 26 février 2004, la Syrie a imposé des mesures liées à la grippe aviaire sur les importations de volaille en provenance du Canada. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

AUTRES DOSSIERS

Accès aux marchés iraquiens

La Jordanie est un important point de transit du commerce avec l'Iraq, et principalement le port d'Aqaba. Des relations commerciales de longue date ainsi que la présence d'une grande population de réfugiés iraquiens dans le pays pourraient être favorables à l'établissement d'excellents contacts et de partenariats permettant d'exploiter les futures occasions d'affaires en Iraq. Comme la sécurité en Iraq continue de se détériorer, de plus en plus d'entreprises iraquiennes s'établissent en Jordanie. La plupart des ONG, les programmes d'aide étrangère, les organismes des Nations unies, l'armée américaine ainsi que des entreprises privées iraquiennes composées d'intérêts étrangers ont établi leurs bureaux à Amman, qui est ainsi devenue un lieu de prédilection pour toute entreprise désireuse de récupérer quelques-uns des milliards de dollars promis au titre de l'aide internationale et de la reconstruction de l'Iraq ainsi que pour toute entreprise cherchant à prendre de l'expansion à long terme. Bon nombre des appels d'offres du secteur privé iraquien se font en monnaie jordanienne, et les contrats stipulent que la législation et les tribunaux jordaniens seront invoqués en cas de différend.

Iraq

En adoptant la résolution 1483 le 22 mai 2003, le Conseil de sécurité des Nations unies a levé la plupart des sanctions contre l'Iraq, à l'exception de l'embargo sur les armes. Bien que les sanctions de l'ONU ne soient plus en vigueur, le Canada exige des exportateurs qu'ils obtiennent un permis d'exportation pour la vente de tout produit figurant dans la Liste des marchandises d'exportation contrôlée. Ces exportations font l'objet de contrôles rigoureux en fonction de leur destination finale. Les sociétés qui souhaitent exporter de tels biens doivent communiquer avec la Direction des contrôles à l'exportation de Commerce international Canada. Pour plus d'information, composez le (613) 996-2387.

Les échanges entre le Canada et l'Iraq ont atteint un sommet à un peu plus de 400 millions de dollars en 1989 avant la guerre du Golfe et à une époque où l'Iraq était l'un des principaux marchés d'exportation du Canada au Moyen-Orient. Bien que l'Iraq possède tout le potentiel nécessaire pour redevenir un marché intéressant pour les entreprises canadiennes, des problèmes considérables restent encore à surmonter à moyen et à long termes. Une fois que la situation sera stabilisée au chapitre de la sécurité et que les problèmes de gestion interne seront réglés, les entreprises canadiennes devraient pouvoir participer pleinement et sans entraves à la relance économique à long terme de l'Iraq. Pour l'instant, le meilleur moyen de pénétrer le marché iraquien consiste, pour les entreprises canadiennes, à passer des contrats pour réaliser des projets financés par les États-Unis et des organisations multinationales comme la Banque mondiale et le Programme de développement des Nations Unies et à établir des contacts dans d'autres pays de la région tels que la Turquie, la Jordanie, la Syrie, le Koweït et le Liban.

Une nouvelle politique d'investissement étranger direct a été annoncée pour l'Iraq en septembre 2003 en vertu de laquelle les entreprises pourront appartenir en totalité à des intérêts étrangers dans tous les secteurs, à l'exception des ressources naturelles. Cette politique contient très peu de restrictions à part cette dernière sur les ressources naturelles. Les bénéfices, les dividendes, les redevances et les intérêts pourront être rapatriés en totalité. Il est impossible d'acheter des biens-fonds en Iraq, mais il est en revanche possible de les louer pour une période pouvant aller jusqu'à 40 ans. Les secteurs dont l'infrastructure nécessitera les plus importants investissements en 2005 seront vraisemblablement l'énergie électrique, la production, le raffinage et la distribution de pétrole, et l'épuration de l'eau. Le marché des industries des agrégats de ciment et autres matériaux de construction devrait également être florissant. Le changement vers une économie davantage axée sur le marché ainsi que l'établissement d'une nouvelle devise, d'un système juridique transparent et d'un climat d'affaires favorable ouvriront les portes de ce marché aux exportateurs canadiens.

Pour le moment, le gouvernement du Canada conseille aux citoyens canadiens de ne pas se rendre en Iraq en raison des problèmes sur le plan de la sécurité.

Iran

Aperçu

Le climat économique et commercial en Iran a été marqué en 2004 par le changement et l'incertitude. Le parlement réformiste sortant avait proposé des changements profonds ainsi que des modifications à la législation et à la réglementation de l'investissement, manifestant ainsi une volonté d'ouvrir les marchés de l'Iran, de privatiser l'économie généralement contrôlée par l'État et de faciliter l'investissement étranger. L'élection d'un parlement conservateur a cependant compromis ces changements positifs. Pour le moment, le débat idéologique sur l'économie se poursuit, d'où la difficulté de prévoir pour quelle orientation optera le gouvernement.

Quant au volume des échanges entre l'Iran et le Canada, les exportations canadiennes à destination de l'Iran ont totalisé plus de 187 millions de dollars en 2004, faisant de l'Iran la 7^{e} destination en importance des exportations canadiennes au Moyen-Orient et en Afrique du Nord et la 46^{e} dans le monde. Toutefois, les exportations canadiennes à destination de l'Iran ont diminué de quelque 29,3 % depuis 1998. Les importations canadiennes de marchandises en provenance de l'Iran se sont chiffrées à un peu plus de 77 millions de dollars en 2004, plaçant l'Iran au 8^{e} huitième rang des fournisseurs du Canada dans la région et au 77^{e} à l'échelle mondiale. Ce qui représente une hausse de quelque 22 % par rapport à l'année précédente. Dans l'ensemble, depuis 1998, les importations canadiennes en provenance de l'Iran ont chuté de 49,7 %.

Depuis quelques années, l'Iran se classe parmi les plus grands importateurs de blé au monde, sa consommation annuelle atteignant entre 11 et 12 millions de tonnes. Certaines années, notamment durant les trois années de sécheresse de 1998 à 2001, l'Iran a importé jusqu'à 5 ou 6 millions de tonnes de blé. Au cours de cette période, l'Iran était le principal acheteur de blé canadien, avec des importations records de 3,5 millions de tonnes pour la seule campagne agricole de 1999–2000. Cette situation a toutefois changé du tout au tout en 2002, l'Iran ayant produit une quantité de blé jamais atteinte de près de 10 millions de tonnes, une hausse de 80 %, à laquelle est venue s'ajouter en 2003 une augmentation additionnelle de 10 % à 15 %. Cette situation, combinée à une sécheresse de trois ans dans les Prairies canadiennes, s'est traduite par un effondrement des exportations de blé canadien vers l'Iran, qui n'ont totalisé que 140 000 tonnes en 2002 ainsi qu'en 2003. En 2004, la production interne de blé a atteint un nouveau sommet de 13 millions de tonnes, suffisante pour subvenir aux besoins du pays. Cependant, en raison de la mauvaise qualité du blé iranien (très faible valeur protéinique), le gouvernement iranien pourrait devoir importer chaque année et pendant quelques années jusqu'à 1 million de tonnes de blé pour qu'il soit mélangé.

Accès aux marchés – Résultats obtenus en 2004

- Exportation et développement Canada et les représentants de la Banque centrale d'Iran et de cinq banques d'État iraniennes ont ratifié une lettre d'intention en vue de l'établissement d'une marge de crédit de 300 millions de dollars américains. Lorsqu'il sera au point, ce mécanisme de financement permettra aux banques iraniennes de financer à moyen terme les projets d'entreprises iraniennes associées à des entreprises canadiennes avec la garantie du gouvernement iranien, ce qui accroîtra considérablement les possibilités d'affaires des exportateurs canadiens en Iran.
- Le taux des droits perçus par l'Iran sur l'huile de canola brute et les graines de canola a été réduit encore pour passer de 5 % à 4% et est maintenant paritaire aux taux applicables à des huiles importées populaires comme l'huile de soja et l'huile de tournesol.
- En 2004, conformément à sa politique de privatisation, le gouvernement iranien a attribué une deuxième licence d'exploitation du système mondial de téléphonie mobile (Global System for Mobile communications – GSM) au secteur privé iranien.
- Le taux des droits à l'importation des automobiles perçus par l'Iran est passé de 170 % à 130 % en 2004 et devrait être réduit encore pour se situer aux environs de 60 % au cours des cinq prochaines années.
- Un taux fixe d'imposition des sociétés de 25 % a été instauré par le ministre iranien des Finances, ce qui constitue une diminution sensible du taux précédent qui s'élevait à plus de 60 %.
- L'entrée en vigueur d'un visa de 72 heures, délivré aux aéroports et à d'autres points d'entrée en Iran, a facilité l'entrée de gens d'affaires canadiens dans le pays et atténué du coup les obstacles effectifs que créait jusque-là le délai de livraison de plusieurs semaines.

Accès aux marchés – Priorités du Canada pour 2005

- Terminer la révision du protocole sur les mesures sanitaires et phytosanitaires (SPS) actuellement en vigueur entre le Canada et l'Iran et qui assujettit l'importation du bétail à certaines conditions. Cette étape devrait considérablement accroître les possibilités d'exporter des bovins vivants canadiens vers l'Iran.
- Conclure un protocole général entre le ministère iranien de la Santé et l'Agence canadienne d'inspection des aliments qui porterait sur tous les produits alimentaires canadiens ainsi que sur leur fabrication et qui expédiera considérablement les procédures logistiques visant les exportations de produits alimentaires canadiens transformés destinées à l'Iran.
- Poursuivre les discussions en vue de la conclusion d'un accord bilatéral de double imposition entre le Canada et l'Iran afin de rassurer davantage les entreprises canadiennes que le marché iranien intéresse.
- Le Canada continue d'intervenir auprès des autorités iraniennes afin d'obtenir le retrait des mesures restantes liées à l'ESB sur les importations en provenance du Canada.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS

Bétail et encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, de la détection d'un cas d'ESB, l'Iran a interdit l'importation de bovins vivants et de produits du bœuf en provenance du Canada. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris l'Iran, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées pour faire face à la situation. Il demande maintenant la reprise des échanges en se fondant sur des données scientifiques. Le 29 juillet 2004, l'Iran a confirmé que le bœuf en provenance du Canada devait être désossé, être issu de bovins de moins de 24 mois et suivre les exigences halal. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Bien que le ministère iranien de l'Agriculture ait approuvé en principe l'importation de bovins vivants en Iran, levant ainsi une interdiction qui datait de 12 ans, l'Organisation vétérinaire iranienne n'a signé de protocole avec aucun grand exportateur de bovins vivants comme le Canada et l'Australie.

Aliments transformés

Certains produits alimentaires transformés sont toujours assujettis à des droits de douane élevés, mais des réductions progressives seront appliquées en Iran au cours de la période de dix ans entre 2004 et 2014. Le Canada continuera d'axer ses efforts sur la réduction de ces droits. Les exportateurs canadiens devraient prendre note de ce qui suit :

- les exportateurs doivent avoir un représentant local ou un distributeur en Iran;
- en raison des formalités de dédouanement, il arrive souvent que les cargaisons soient retenues au point d'entrée car les analyses d'échantillons prélevés par les laboratoires de contrôle des aliments et médicaments peuvent prendre jusqu'à trois semaines. Pour surmonter cet obstacle, un représentant ou un distributeur local peut payer le déplacement de deux inspecteurs-hygiénistes pour qu'ils visitent l'usine de fabrication du produit alimentaire transformé dans le pays d'origine et délivrent un permis permanent d'importation de ce produit.

Technologies de l'information et des communications (TIC)

Jusqu'à récemment, Iran Telecom détenait le monopole des services de télécommunications en Iran. Les télécommunications étaient l'un des secteurs les moins développés de l'économie iranienne jusqu'à la fin des années 1980, mais la forte demande à l'égard de technologies modernes a provoqué des changements structurels rapides au cours de la décennie suivante. Les entreprises étrangères ont ainsi pu tirer parti de débouchés aussi bien dans le domaine des technologies conventionnelles que dans celui des technologies nouvelles, et l'essor que l'industrie a connu ces dix dernières années a été sans précédent. Par conséquent, le marché iranien des communications n'est pas seulement le plus grand et le plus important du Moyen-Orient, mais il est aussi un tremplin vers d'autres marchés de la région.

La très jeune population de l'Iran est la raison de la croissance rapide des services Internet, de la forte demande de téléphones cellulaires, de téléavertisseurs, de services de télécommunications, de logiciels et de matériels. En 2004, le gouvernement iranien a annoncé l'adoption de nouveaux règlements sur les dépenses en TIC en vertu desquels tous les ministères sont tenus d'affecter 2 % de leur budget total aux produits et aux services liés à la technologie de l'information. En 2004, l'Iran a affecté 1,1 milliard de dollars américains à l'amélioration de sa connectivité et de son infrastructure Internet et, dans le cadre de son quatrième plan quinquennal de développement, il a affecté un budget de 5 milliards de dollars américains à l'essor de ce secteur florissant.

Aujourd'hui, les TIC sont considérées comme l'un des secteurs affichant la croissance la plus rapide et l'un des plus prometteurs de l'économie iranienne. La demande dont font l'objet les technologies de l'information et les produits et services liés aux télécommunications sur ce marché est de loin supérieure à l'offre, et le gouvernement iranien est obligé de s'approvisionner auprès des entreprises étrangères. Le troisième plan quinquennal de développement (2000–2005) avait favorisé la privatisation du ministère des TIC. Le plus gros contrat de télécommunications mobiles de l'Iran — qui implique le plus grand déploiement de toute l'histoire du GSM — a été accordé en février 2004 lorsque le gouvernement a délivré un permis d'exploitation du système GSM (deuxième licence d'exploitation) à l'entreprise privée Irancell, formée d'un consortium dirigé par Turkcell de Turquie. L'objectif est d'attribuer quelque 15 millions de numéros de téléphone cellulaire au cours des quatre prochaines années, ce qui devrait représenter des recettes de 25 milliards de dollars pour la prochaine décennie. Appuyés par TeliaSonera et Ericsson, ses principaux partenaires, et le groupe turc Cukurova, le consortium a fait un dépôt en espèces de 300 millions de dollars et un investissement de 1,5 milliard de dollars en vue de mettre en service 2,8 millions de lignes téléphoniques cellulaires en 2004–2005. Toutefois, la nouvelle loi qui vise le projet d'Irancell laisse planer l'incertitude sur le sort de ce projet stratégique de développement économique.

Automobiles

En 2004, ainsi que l'a ratifié le parlement iranien, toutes les entités physiques et morales ainsi que les entreprises étrangères ont été autorisées à importer de nouveaux véhicules et leurs pièces de rechange. Le gouvernement envisage aussi la possibilité d'autoriser les importations de véhicules usagés. L'Iran a ramené ses droits à l'importation des automobiles de 170 % à 130 % en 2004 et devrait les abaisser encore aux environs de 60 % au cours des cinq prochaines années. De plus, conformément à la législation budgétaire iranienne (mars 2003–2004), les constructeurs nationaux d'automobiles sont maintenant tenus de produire des véhicules dotés de systèmes de carburation mixte (essence et gaz naturel) dans une proportion qui corresponde à la capacité totale des stations de gaz afin de réduire la pollution atmosphérique (surtout à Téhéran) et de limiter aussi les importations d'essence, qui représentent des subventions gouvernementales de milliards de dollars. À cette fin, d'ici la fin de l'année iranienne en cours (20 mars 2005), 100 000 véhicules devront être alimentés au gaz et 280 stations d'avitaillement en gaz naturel comprimé seront construites dans 15 villes, ce qui devrait ouvrir d'intéressants débouchés aux entreprises canadiennes du secteur de l'automobile.

Pétrole et gaz

La constitution iranienne interdit la possession légale de champs d'hydrocarbures à toute entreprise étrangère. Par contre, l'établissement de contrats d'achat en retour (CAR) est permis. L'investissement pour un CAR provient de l'entrepreneur. En retour, il reçoit une rémunération sous la forme d'une allocation d'une part de la production. Contrairement aux ententes passées, les derniers CAR comprennent des dispositions punitives en cas de faible rendement, mais il n'existe aucune contrepartie positive si la production du champ devait être supérieure aux prévisions. De plus, la loi sur le pétrole garde toutes les activités de ce secteur sous le contrôle gouvernemental. Même si un plan de restructuration récent a entraîné la privatisation de quelques organismes, les sociétés principales demeurent sous le contrôle de l'État. Finalement, le règlement exigeant que 51% des ressources soient attribuées pour une utilisation iranienne est parfois impossible à appliquer dans ce secteur puisque la compagnie étrangère est souvent la seule à pouvoir fournir le savoir-faire et les technologies nécessaires. Cette contrainte a entraîné dans plusieurs cas des délais, des recours à des méthodes peu éthiques ou le mauvais usage du pouvoir d'achat des partenaires locaux.

Mines

En vertu de la loi iranienne sur les mines, adoptée en 1998, rien ne restreint en principe l'exploration et l'exploitation de minéraux en Iran et tous les genres d'entités — physiques, morales, iraniennes et étrangères — peuvent se livrer à ces activités si elles possèdent les permis et les décrets requis. Il s'agit là d'une amélioration notable par rapport à la loi antérieure qui excluait les entreprises appartenant à des intérêts étrangers. Toutefois, comme l'exploitation des « grandes mines » (une expression ambiguë) n'est toujours autorisée qu'au cas par cas et sous réserve de l'approbation du conseil des ministres, l'entrée sur le marché pose un obstacle effectif aux entreprises étrangères.

Produits pharmaceutiques

En juillet 2004, le Département des aliments et drogues du ministère iranien de la Santé a annoncé que toutes les sociétés pharmaceutiques internationales désireuses de pénétrer sur le marché iranien devaient désigner un représentant exclusif en Iran. Sont visées les sociétés pharmaceutiques qui exportent déjà leurs produits vers l'Iran par l'intermédiaire de l'Institut Pasteur de l'Iran ou la société du Croissant-Rouge de l'Iran. De plus, le Ministère a fait savoir que les organismes chargés des achats gouvernementaux ne pourront sous peu s'approvisionner en produits pharmaceutiques qu'auprès de sociétés dotées d'un représentant sur le territoire iranien.

Électricité et énergie

En 2004, le gouvernement iranien a réduit les amendes imposées aux financiers prenant part à des ententes de construction-exploitation-transfert (BOT) (visés par la Loi sur la promotion et la protection des investissements étrangers) afin de stimuler la contribution du secteur privé à l'industrie iranienne de l'électricité et d'atténuer le plus possible le risque pour l'investissement étranger. Les fonctionnaires responsables du secteur de l'électricité ont également annoncé que, avec la mise en œuvre du programme de privatisation projeté, de 20 % à 40 % des entreprises qui étaient affiliées au ministère de l'Énergie seraient progressivement cédées au secteur privé.

AMÉLIORER L'ACCÈS AUX MARCHÉ DES SERVICES

Les activités commerciales en Iran sont entravées par la continuelle réticence que manifeste le gouvernement à autoriser l'entrée de gros capitaux étrangers dans le pays. La Loi sur la promotion et la protection des investissements étrangers a eu pour effet d'améliorer le climat de l'investissement étranger, mais l'investissement demeure plafonné en général et, dans la plupart des cas, les entreprises doivent toujours appartenir à des intérêts iraniens. L'investissement du secteur privé demeure assujetti à une bureaucratie excessive, mais le gouvernement promet toujours de redoubler d'efforts pour remédier à ce problème.

Éducation

Il est généralement impossible pour les universités étrangères d'offrir leurs services en Iran en dehors des zones franches, sauf si elles offrent leurs cours ou programmes en collaboration avec une institution locale et dans le cadre d'une institution locale. Cela étant dit, cette année, une université étrangère s'est vue accorder le privilège de s'établir en Iran en dehors des zones franches. De telles permissions spéciales risquent d'être accordées en plus grand nombre à l'avenir, mais la procédure n'est ni claire ni transparente et il semble qu'elle ne soit pas appelée à le devenir dans un proche avenir.

En 2002, le Canada a admis plus d'étudiants venus d'Iran (500) que de tout autre pays de la région et la majorité d'entre eux étaient inscrits à des programmes universitaires. Les universités canadiennes n'ont pas de difficulté à recruter leurs étudiants étant donné le grand nombre de candidats. En 2003, on comptait environ 350 000 places disponibles (46 % dans les établissements publics et 54 % dans les établissements privés) et 3 millions de candidats. En 2002, on comptait environ 1,5 million d'étudiants inscrits dans des établissements postsecondaires (46 % dans le secteur public, 54 % dans le secteur privé). Le grand nombre d'étudiants qui fréquentent les établissements privés témoigne de la volonté des étudiants qui n'ont pu se faire admettre à l'université de perfectionner leurs connaissances. Au lieu de l'université, ils s'inscrivent à une myriade de programmes offerts dans la région par les établissements étrangers et nationaux.

AUTRES DOSSIERS

Droits de propriété intellectuelle

En novembre 2003, l'Iran a signé l'Arrangement de Madrid concernant l'enregistrement international des marques (1891) et le Protocole relatif à cet Arrangement (1989), et s'est ainsi officiellement joint au système de Madrid concernant l'enregistrement international des marques, mieux connu sous le nom de Système de Madrid, auquel sont parties plus de 70 pays (industrialisés et en développement) et auquel beaucoup d'autres envisagent d'accéder. Si l'Iran se joint à l'Organisation mondiale du commerce (OMC) comme il a dit y aspirer, l'importance des questions de propriété intellectuelle en sera grandement accrue pour tous les fabricants, importateurs et exportateurs, tant en Iran qu'ailleurs, et en particulier en ce qui a trait à la reconnaissance et à la protection des brevets et marques de commerce étrangers dans le pays.

Expatriés

Les étrangers peuvent se faire embaucher en Iran s'ils ont obtenu un permis, lequel ne leur est accordé que si aucun Iranien n'est en mesure de remplir un emploi semblable et que l'étranger possède le savoir-faire requis. Le permis est valable pour un an et renouvelable à la fin de la période. Toutefois, un droit de 30 % est prélevé sur le salaire mensuel et sur les avantages de l'employé expatrié (comme déterminé par le ministère des Finances). En outre, le ministère du Travail peut prélever 3 % du salaire de base au titre de la prime de sécurité sociale auprès des entreprises privées embauchant des étrangers. En conséquence, les restrictions susmentionnées exercent un fort effet de dissuasion sur les entreprises étrangères songeant à envoyer certains de leurs employés qualifiés en Iran.

PÉNINSULE ARABIQUE

Six des sept pays du Golfe (Arabie saoudite, Bahreïn, Émirats arabes unis, Koweït, Oman et Qatar) sont membres du Conseil de coopération du Golfe (CCG), dont le mandat est de consolider les relations et de favoriser l'intégration économique entre ces pays. Le CCG a mis en place une union douanière au début de 2003 et établi un régime douanier harmonisé de 5 %. Le CCG a récemment approuvé l'établissement d'un centre d'information douanière à Riyad, en Arabie saoudite, chargé de faire la liaison entre les agences douanières de tous les États du CCG. Il envisage également de former une union monétaire d'ici 2010. En décembre 2003, le CCG a adopté une loi unifiée pour la prévention du dumping qui devait obligatoirement entrer en vigueur au début de 2004. Il a ratifié la charte fondatrice de l'Organisme de métrologie, situé à Riyad, dans l'optique d'uniformiser les normes et les mesures à l'échelle du groupe, et d'assurer la sécurité et la qualité des produits qui entrent sur les marchés du CCG.

Le CCG a confirmé son engagement à signer des accords de libre-échange avec d'autres blocs économiques. Les discussions en ce sens vont bon train avec l'Union européenne, les États-Unis et l'Australie. Dans le cas de l'Union européenne, les discussions ont très bien avancé. Les exportations de marchandises canadiennes vers cette région ont augmenté en 2004 pour totaliser 1,3 milliard de dollars, comparativement à 997 millions de dollars en 2003.

Arabie saoudite

L'Arabie saoudite est le premier marché d'exportation de marchandises du Canada dans la région du Moyen-Orient et de l'Afrique du Nord, les échanges bilatéraux ayant totalisé 1,8 milliard de dollars en 2004. L'Arabie saoudite a dernièrement réitéré son désir d'accéder à l'Organisation mondiale du commerce (OMC) en 2005. Dans ce contexte, le Canada et l'Arabie saoudite ont mis au point leur entente bilatérale d'accès aux marchés. Outre des améliorations à l'égard de l'accès aux marchés, le Canada essaiera d'obtenir, dans le cadre des négociations du groupe de travail, que l'Arabie saoudite mette en œuvre la totalité de ses obligations dès son accession à l'OMC.

Accès aux marchés – Résultats obtenus en 2004

- En juillet 2004, le Canada a réussi à obtenir de l'Arabie saoudite qu'elle lève l'interdiction qui frappait les importations de semence bovine et pourra donc recommencer à exporter ce produit vers le Royaume.
- Le 9 janvier 2005, l'Arabie saoudite a retiré ses restrictions liées à la grippe aviaire sur les importations en provenance du Canada.

Accès aux marchés – Priorités du Canada pour 2005

- Continuer d'intervenir auprès du gouvernement d'Arabie saoudite afin qu'il supprime les mesures liées à l'ESB en vigueur sur les importations en provenance du Canada, en particulier pour les bovins vivants et les embryons de bovin.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada le 20 mai 2003 de la détection d'un cas d'encéphalopathie spongiforme bovine (ESB), l'Arabie saoudite n'a pas annoncé immédiatement de restrictions à l'égard des importations de bétail, de bœuf ou de produits du bœuf en provenance du Canada. Même si de nombreux marchés ont immédiatement interdit le bœuf canadien, le Canada a réussi à maintenir son volume considérable d'exportations de viande de bœuf (veau) en Arabie saoudite. Les représentants du Canada continuent de chercher à obtenir de leurs homologues saoudiens qu'ils suppriment les dernières restrictions visant l'importation d'autres produits canadiens (tels que les animaux vivants). Le Canada a tenu parfaitement au courant l'ensemble de ses partenaires commerciaux, y compris l'Arabie saoudite, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées afin de faire face à la situation. Il demande la reprise des échanges en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 13 mars 2004, l'Arabie saoudite a imposé des mesures liées à la grippe aviaire sur les importations de produits de volaille en provenance du Canada. Le 9 janvier 2005, l'Arabie saoudite a retiré ses mesures liées à la grippe aviaire contre le Canada. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Émirats arabes unis

Les Émirats arabes unis (EAU) constituent un acteur important en tant que grand centre régional de distribution et de destination de l'investissement, principalement en matière de diversification économique, de développement des ports et des activités de fabrication, et d'installations touristiques haut de gamme. L'un des atouts clés de la prospérité des EAU est la mise en place de zones franches qui permettent de profiter en abondance d'énergie, de terres et de main-d'œuvre à faible coût, de programmes d'incitation financière gouvernementaux et de concessions spéciales sur les règlements de propriété étrangère. Au sein de l'émirat de Dubaï à la croissance rapide, cette transformation comprend maintenant des investissements significatifs et des intérêts étrangers dans les installations de l'économie du savoir dans les domaines suivants : les technologies de l'information, l'éducation, la santé, les médias et les finances. Le Canada et les EAU entretiennent d'excellentes relations, particulièrement dans les domaines de la santé, de l'éducation et des services. Les exportations canadiennes de marchandises à destination des EAU ont représenté 416 millions de dollars en 2004, soit 21 % de plus qu'en 2003. En 2002, les EAU ont signé avec le Canada une convention de double imposition, laquelle a été officiellement ratifiée et mise en vigueur le 25 mai 2004.

Accès aux marchés – Résultats obtenus en 2004

- Le 23 février 2004, cédant aux interventions du Canada, les EAU ont pris un décret pour permettre l'importation de semence, d'embryons et de peaux de bovins. Le 23 mai 2004, le ministère de l'Agriculture et des Pêches des EAU a approuvé le régime normalisé de certification visant les embryons et la semence bovine.
- Le 30 août 2004, les EAU ont retiré leurs mesures liées à la grippe aviaire sur les importations en provenance de la Colombie-Britannique.

Accès aux marchés – Priorités du Canada pour 2005

- Le Canada continuera d'intervenir auprès des EAU afin qu'ils lèvent les restrictions liées à l'ESB imposées sur les importations canadiennes de bœuf et de veau et qu'elles approuvent le certificat pour les embryons.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), les Émirats arabes unis ont imposé des restrictions sur les importations de bovins vivants et de produits du bœuf canadiens, y compris le veau, la semence bovine, les embryons et les peaux de bovins. Le 23 février 2004, les EAU ont promulgué un décret permettant l'importation de la semence bovine, des embryons et des peaux de bovins. Le 3 mai 2004, le Ministère de l'agriculture et des pêches des EAU a accepté le certificat pour la semence bovine. Nous attendons encore l'approbation du certificat pour les embryons. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris les Émirats arabes unis, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées. Il demande la reprise des échanges en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 15 mars 2004, les EAU ont imposé des mesures liées à la grippe aviaire sur les importations de volaille en provenance de la Colombie-Britannique. Le 30 août, les EAU ont retiré ces mesures liées à la grippe aviaire. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Koweït

Le Koweït relève lentement les défis que représentent la diversification et la libéralisation économiques. Il doit presque la moitié de son PIB et 90 % de ses recettes d'exportation au pétrole. Son programme de privatisation s'est essentiellement limité à autoriser les entreprises privées à se livrer à des activités qui étaient auparavant exclusivement réservées au gouvernement pour éviter à son secteur public de se dessaisir de ses actifs. L'accès aux marchés pose rarement un grand problème au Koweït étant donné que les droits de douane perçus sur la grande majorité des articles vont de 0 % à 5 %. Seuls 58 articles bénéficient d'une protection tarifaire. Le Canada et le Koweït ont signé en 2002 une convention de double imposition qui est entrée en vigueur le 26 août 2003 et a pris effet le 1er janvier 2004.

Accès aux marchés – Résultats obtenus en 2004

- Le 29 décembre 2004, le Koweït a retiré ses mesures liées à la grippe aviaire sur les importations de volaille en provenance du Canada.

Encéphalopathie spongiforme bovine

Le Koweït a imposé une interdiction temporaire à l'importation de ruminants en provenance du Canada, et ce pour une période indéterminée. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris le Koweït, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées. Il demande la reprise des échanges en se fondant sur des données scientifiques. Le Canada a recommencé à intervenir auprès des autorités koweïtiennes en ce sens et leur a proposé un certificat visant les exportations de bovins vivants du Canada. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 21 mars 2004, le Koweït a imposé des mesures liées à la grippe aviaire sur les importations de volaille en provenance du Canada. Le 28 décembre 2004, le Koweït a retiré ces mesures liées à la grippe aviaire. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Oman

Le Canada et Oman ont négocié en 2003 une convention de double imposition, et les deux parties l'ont ratifiée le 30 juin 2004.

Accès aux marchés – Résultats obtenus en 2004

- En août 2004, les représentants canadiens et omanais ont convenu d'un certificat zoosanitaire révisé qui prévoit le maintien des exportations de lait et de produits laitiers du Canada à destination d'Oman.

MAGHREB

La région du Maghreb représente un bon marché pour les fournisseurs canadiens de produits et de services. Les exportations de marchandises, de produits agricoles pour la plupart, ayant représenté 649 millions de dollars en 2003 et 583 millionsen 2004. Les exportations de services sont très importantes se chiffrant à plus de 354 millions de dollars en 2002. Cela est en partie attribuable à la capacité qu'a le Canada de fournir une technologie nord-américaine en langue française, quoique la Libye, où l'anglais est la principale langue étrangère, représente également un important marché de services. La région dans son ensemble a fait des progrès notables sur le plan de la libéralisation de ses échanges commerciaux et s'est beaucoup ouverte à l'investissement étranger ces dernières années. L'Algérie, le Maroc et la Tunisie ont tous signé des accords d'association avec l'Union européenne. Le Maroc a signé un accord de libre-échange avec les États-Unis. Le Maroc et la Tunisie sont membres de l'OMC.

La détection d'un cas d'ESB au Canada en 2003 a été néfaste pour certaines exportations canadiennes de produits agricoles; Agriculture et Agroalimentaire Canada ainsi que l'Agence canadienne d'inspection des aliments ont entretenu des rapports étroits à cet égard avec les autorités vétérinaires de la région en 2004.

Algérie

Aperçu

L'Algérie a entrepris une vaste campagne de privatisation et de modernisation ainsi que des réformes réglementaires qui ont permis d'ouvrir divers secteurs aux investisseurs étrangers, entre autres les mines et les télécommunications. L'Algérie a conclu une convention de double imposition avec le Canada et un accord d'association avec l'Union européenne.

L'Algérie s'est portée candidate à l'entrée à l'OMC, et les négociations sur son accession se sont poursuivies en 2004. Les priorités du Canada en matière d'accès aux marchés pour l'année à venir comprendront entre autres un soutien à la demande d'accession de l'Algérie à l'OMC.

L'Algérie est le principal marché du Canada en Afrique et figure régulièrement parmi les principaux marchés de la région Moyen-Orient–Afrique du Nord (MENA). Les exportations canadiennes de marchandises se sont élevées à 349 millions de dollars en 2003 et à 285 millions de dollars en 2004.

Les règlements algériens interdisent l'importation des semences et de plantes génétiquement modifiées (OGM). L'Assemblée populaire nationale (APN) a adopté une loi relative aux semences et aux plantes transgéniques le 4 janvier 2005.

Accès aux marchés – Résultats obtenus en 2004

- En 2004, Exportation et développement Canada a autorisé un nouveau crédit d'une valeur de 600 millions de dollars pour l'Algérie.
- Le différend avec les autorités algériennes concernant la semence bovine a été réglé en 2004, ce qui a permis de rouvrir effectivement le marché aux exportateurs canadiens.

Accès aux marchés – Priorités du Canada pour 2005

- Le Canada poursuit ses interventions afin de rétablir les modalités d'exportation de bovins vivants vers l'Algérie.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), l'Algérie a demandé la renégociation du certificat pour les bovins vivants. Le Canada a tenu parfaitement au courant l'ensemble de ses partenaires commerciaux, y compris l'Algérie, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées afin de faire face à la situation. Il demande la reprise des échanges en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Libye

La Libye a déposé sa demande d'accession à l'OMC en décembre 2001, mais le dossier est resté inactif jusqu'en 2004, c'est-à-dire jusqu'à ce que la Libye résolve un certain nombre de différends internationaux mettant en cause des attentats terroristes perpétrés dans les années 1980. Le Conseil général de l'OMC a accepté en juillet 2004 de former le groupe de travail pour l'accession de la Libye. Le groupe de travail se réunira lorsque son président aura été nommé et que la Libye aura rempli l'obligation de soumettre un mémoire sur son régime de commerce international. Le Canada n'a pas conclu d'accord de la nation la plus favorisée avec la Libye, mais nombre de produits manufacturés entrent en Libye en franchise de douane ou à des taux de droits réduits parce qu'ils sont destinés à l'industrie pétrolière.

Depuis son établissement en 2002, l'ambassade du Canada en Libye a déjà réussi à accroître considérablement l'accès au marché libyen pour les entreprises canadiennes. Les exportations canadiennes de marchandises destinées à la Libye ont crû de 131 % entre 2001 et 2002, de 41 % en 2003 et de 51 % en 2004 pour représenter 101 millions de dollars. La Libye est également un important marché pour les services techniques, lesquels ne sont toutefois pas pris en compte dans nos données commerciales.

Les sanctions commerciales imposées par les Nations Unies, suspendues en 1999, ont finalement été levées en 2003 à la suite d'une entente en vertu de laquelle la Libye a consenti à verser une indemnisation pour l'attentat à la bombe contre un avion au-dessus de Lockerbie en 1988. Le Canada avait pour sa part déjà levé les sanctions en 1999 lorsque la Libye avait accepté de livrer deux suspects dans cet attentat afin qu'ils subissent leur procès. En décembre 2003, la Libye a renoncé à ses armes de destruction massive à la suite de discussions secrètes engagées avec les États-Unis et la Grande-Bretagne. À la suite de ces discussions, les États-Unis ont progressivement levé la plupart des restrictions qu'ils avaient imposées au commerce avec la Libye, ce qui a profité aux entreprises canadiennes dont les gammes de produits comprennent des marchandises manufacturées aux États-Unis.

Dans le cadre de la réforme qu'a engagée le premier ministre libyen Shukri Ghanem, la Libye a assoupli ses procédures relatives aux licences d'importation en 2004. Bon nombre des produits agricoles qu'importait auparavant la société d'État chargée de l'approvisionnement national (National Supply Corporation – NASCO) sont maintenant importés des sociétés du secteur privé nouvellement crées. À long terme, cette mesure de libéralisation devrait stimuler la croissance du marché.

Maroc

Aperçu

Le Maroc est membre de l'OMC depuis janvier 1995. L'économie marocaine traverse une période de transition causée par la mise en œuvre d'importantes réformes économiques encouragées par le Fonds monétaire international. Ces réformes (p. ex. la libéralisation de certains secteurs de services comme les services bancaires, la privatisation de sociétés d'État, l'abolition des règlements limitant les avoirs étrangers, l'assouplissement des règlements en matière de change et la promotion des partenariats) devraient moderniser l'économie et favoriser l'accès aux marchés. Le Maroc a conclu un accord d'association avec l'Union européenne. En 2004, il a signé un accord de libre-échange avec les États-Unis.

Accès aux marchés – Priorités du Canada pour 2005

- Continuer d'intervenir auprès du gouvernement marocain pour qu'il supprime les mesures liées à l'encéphalopathie spongiforme bovine (ESB), en particulier celles qui touchent les bovins vivants.
- Négocier des certificat de santé pour l'exportation vers le Maroc d'œufs d'incubation de dinde et de poussins d'un jour.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, d'un cas d'ESB, le Maroc n'a pas annoncé de mesures précises à l'encontre des produits canadiens. Cependant, un décret général y est en vigueur et interdit l'importation d'animaux vivants, de viande, etc. en provenance de pays qui ont déjà déclaré un cas d'ESB, et le Canada en fait partie. Le Canada continue d'intervenir auprès des autorités marocaines afin de négocier un certificat pour l'exportation de bovins vivants. Le Canada a tenu parfaitement au courant l'ensemble de ses partenaires commerciaux, y compris le Maroc, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées afin de faire face à la situation. Il demande la reprise des échanges en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Tunisie

Aperçu

La Tunisie a accédé à l'OMC en 1995 et poursuit la mise en œuvre de mesures concrètes afin de libéraliser ses échanges commerciaux. Elle a déjà engagé un grand nombre de réformes structurelles et réglementaires destinées à promouvoir l'investissement étranger, dont la création de zones de libre-échange et la modernisation de ses infrastructures.

Les exportations canadiennes de marchandises en Tunisie ont plus que doublé en 2002 pour atteindre 138 millions de dollars, avant de reculer en 2003 à 89 millions de dollars; cette baisse est essentiellement attribuable au fait que de bonnes récoltes ont occasionné une diminution de la demande de produits agricoles importés. En 2004, les exportations canadiennes ont totalisé 32 millions de dollars.

Accès aux marchés – Résultats obtenus en 2004

- En octobre 2004, l'Agence canadienne d'inspection des aliments a accueilli une délégation technique du service vétérinaire tunisien qui a visité des laboratoires, des abattoirs et des fermes d'élevage pour se renseigner sur les mesures que prend le Canada à l'égard de l'ESB.

Accès aux marchés – Priorités du Canada pour 2005

- Participer aux travaux d'une commission bilatérale Canada-Tunisie qui se réunira à Tunis pour promouvoir la coopération économique et l'accès aux marchés.
- Mettre en œuvre un programme de coopération technique et organiser un échange de délégations avec l'École nationale de médecine vétérinaire de la Tunisie.
- Continuer les interventions visant le retrait des mesures tunisiennes liées à l'ESB, en particulier celles à l'encontre des bovins vivants.

Grippe aviaire

Le 22 avril 2004, la Tunisie a amendé ses mesures liées à la grippe aviaire appliquées sur les importations en provenance de la Colombie-Britannique. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

AFRIQUE SUBSAHARIENNE

Afrique du Sud

Aperçu

L'Afrique du Sud est le plus important partenaire commercial du Canada en Afrique subsaharienne. La relation commerciale entre les deux pays est imposante et variée. Le Canada y exporte des produits divers qui vont des machines pour l'exploitation minière à l'équipement de communication.

L'Afrique du Sud continue de suivre un régime de libéralisme commercial. Elle participe activement aux activités d'organismes multilatéraux comme le Groupe de Cairns, lequel vise à libéraliser davantage le commerce des produits agricoles. Depuis 1994, la concurrence exercée par d'autres acteurs internationaux a eu pour effet d'accroître la compétitivité des entreprises sud-africaines. Après s'être engagée dans un processus de privatisation et de déréglementation, l'Afrique du Sud encourage maintenant l'investissement étranger puisqu'elle y voit un moyen d'accélérer le développement et d'améliorer le marché de l'emploi. Afin d'encourager l'intégration économique des groupes sociaux qui ont toujours été défavorisés, le gouvernement sud-africain a adopté des lois qui encouragent la démarginalisation économique, dans le secteur privé autant que dans le secteur public.

Accès aux marchés – Résultats obtenus en 2004

- Le 21 janvier 2005, l'Afrique du Sud a accepté le certificat vétérinaire visant les expéditions de poulets en provenance du Canada.
- Des négociations en vue d'un accord bilatéral sur le transport aérien ont été engagées en Afrique du Sud en avril 2004. Elles n'ont toutefois pas abouti à un accord. Les compagnies aériennes continuent de tenir des discussions dans l'optique de cerner les débouchés commerciaux et de réclamer une reprise des négociations entre gouvernements visant l'obtention de droits de trafic. Les négociateurs gouvernementaux chargés du transport aérien continuent de se consulter sur les changements à apporter à leurs politiques respectives.
- L'interdiction visant les produits du bœuf demeure, sauf en ce qui concerne les produits que l'Afrique du Sud a autorisés en particulier : lait et produits laitiers, semence et embryons, suif exempt de protéines, cuirs et peaux, et gélatine et collagène préparées à partir des cuirs et des peaux du Canada.

Accès aux marchés – Priorités du Canada pour 2005

- Continuer de surveiller la mise en vigueur de la législation dans le secteur de l'exploitation minière afin de veiller aux intérêts des entreprises minières canadiennes ayant investi en Afrique du Sud.
- Continuer d'évaluer la compétitivité du Canada à la suite des accords de libre-échange que l'Afrique du Sud a négociés (avec l'Union européenne, la Communauté de développement de l'Afrique australe) ou qu'elle entend négocier (États-Unis, AELE, Mercosur, Chine et Inde).
- Surveiller les lois et les politiques de l'Afrique du Sud dans des secteurs comme les ressources naturelles et l'émancipation économique des Sud-Africains depuis toujours défavorisés, afin de veiller aux intérêts des investisseurs canadiens.
- Continuer de consulter les compagnies aériennes pour déterminer si des discussions commerciales pourraient aboutir à la négociation d'un accord sur le transport aérien.
- Reprendre les discussions avec l'Afrique du Sud dans l'optique d'actualiser, de mettre au point et de ratifier l'Accord de promotion et de protection de l'investissement étranger de 1995 entre le Canada et l'Afrique du Sud (qui a été signé mais pas encore ratifié).
- Continuer les interventions afin de lever les mesures sud africaines liées à l'ESB.

AMÉLIORER L'ACCÈS AUX MARCHÉS DES PRODUITS ET DES SERVICES

Encéphalopathie spongiforme bovine

À la suite de l'annonce faite par le Canada, le 20 mai 2003, d'un cas d'encéphalopathie spongiforme bovine (ESB), l'Afrique du Sud a imposé des restrictions sur les importations de bovins vivants et de produits du bœuf canadiens. Le Canada a tenu parfaitement au courant tous ses partenaires commerciaux, y compris l'Afrique du Sud, des résultats des enquêtes qu'il a menées et des mesures réglementaires qu'il a adoptées. Il demande la reprise des échanges en se fondant sur des données scientifiques. (Pour plus de détails, voir la section consacrée à l'ESB au chapitre 2.)

Grippe aviaire

Le 11 mars 2004, l'Afrique du Sud a imposé des mesures liées à la grippe aviaire sur les importations de volaille en provenance du Canada. Le 21 janvier 2005, l'Afrique du Sud a accepté le certificat proposé pour les produits de volaille en provenance du Canada. (Pour plus de détails, voir la section consacrée à la grippe aviaire au chapitre 2.)

Négociations de l'accord bilatéral sur le transport aérien

Le gouvernement du Canada continue de consulter les compagnies aériennes au sujet des discussions commerciales et d'entretenir le dialogue avec le gouvernement sud-africain relativement à sa politique en matière de transport aérien afin de déterminer si la conjoncture est maintenant plus propice à la négociation d'un accord sur le transport aérien. La conclusion d'un accord aurait pour effet d'améliorer l'accès aux marchés pour les compagnies aériennes canadiennes désignées et profiterait aussi aux entreprises canadiennes en facilitant leurs déplacements entre le Canada et l'Afrique du Sud.

AUTRES DOSSIERS

Investissements : Projet de loi sur les redevances minières

En 2003, les entreprises canadiennes ont manifesté leur inquiétude au sujet du projet de loi sur les redevances minières et pétrolières (Mineral and Petroleum Royalty Bill) de l'Afrique du Sud, en particulier en ce qui a trait à la manière dont les redevances seraient évaluées, à savoir :

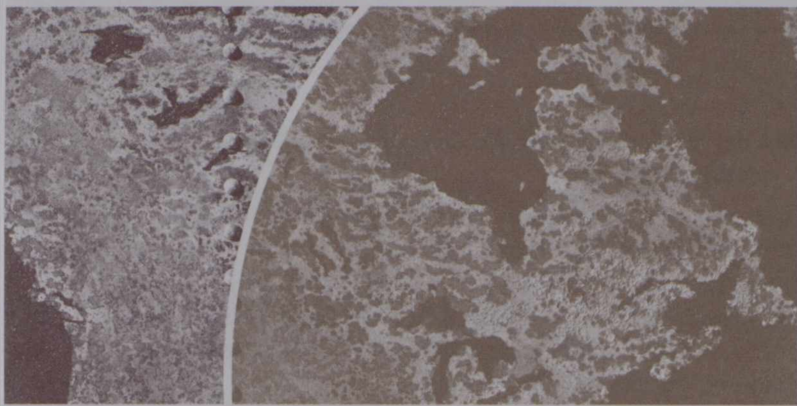
- sur le revenu brut et non sur les profits, ce qui va à l'encontre du modèle prévalant au Canada;
- à des taux différents selon le minerai;
- à des taux relativement élevés susceptibles de hausses éventuelles.

Tous ces aspects ont soulevé de fortes protestations de la part des entreprises minières canadiennes et internationales et de l'industrie minière sud-africaine en général. Une version révisée du projet de loi doit être présentée par le ministère du Trésor en 2005 et entrer en vigueur au début de 2009.

Afrique orientale, occidentale et australe (à l'exception de l'Afrique du Sud)

Les exportations canadiennes à destination du reste de l'Afrique subsaharienne sont principalement le blé, la machinerie et l'équipement de télécommunications. L'investissement se concentre surtout dans l'extraction des ressources naturelles. Les entreprises canadiennes sont les principaux investisseurs dans le secteur minier sur tout le continent.

L'examen des exportations vers cette région en provenance de l'Union européenne et des États-Unis indique que les fournisseurs canadiens n'obtiennent pas la part du marché africain à laquelle ils pourraient s'attendre. En 2005, l'une des priorités consistera à trouver de nouveaux débouchés d'exportation vers l'Afrique et à déterminer pourquoi les marchés africains semblent difficilement accessibles aux exportateurs canadiens. Le gouvernement du Canada poursuivra aussi ses efforts auprès des gouvernements africains pour qu'ils instaurent un climat transparent et favorable aux affaires, afin de faciliter les transactions commerciales et de donner aux pays d'Afrique une image de destination attrayante pour les exportations et les investissements, de concert avec le Nouveau Partenariat pour le développement de l'Afrique (NEPAD). Les initiatives d'intégration régionale comme la mise en œuvre d'un système de droit commercial uniforme dans la majorité des pays de l'Afrique occidentale ou l'élargissement de l'union douanière en Afrique australe s'inscrivent dans le cadre des efforts importants qui sont déployés pour arriver à une cohérence législative et à une réduction de l'incertitude du marché.



9 Glossaire

ACCESSION : Processus par lequel un pays devient partie contractante à un accord multilatéral. Les négociations avec les parties contractantes de l'OMC, par exemple, déterminent les engagements que doit prendre un pays non-membre en matière de concessions (libéralisation du commerce) ou autres obligations particulières avant d'avoir droit à tous les avantages qu'apporte l'accession à l'OMC. (*Accession*)

ACCORD SUR LES TECHNOLOGIES DE L'INFORMATION (ATI) : Cet accord, conclu sous l'égide de l'OMC et auquel adhèrent plus de 50 pays membres, prévoit l'élimination des droits de douane applicables aux produits de technologies de l'information et des télécommunications. (*ITA: Information Technology Agreement*)

ACCORD ZÉRO-ZÉRO : Désigne un accord sur l'accès au marché où tous les pays participants éliminent les mêmes barrières sur les mêmes produits. Il fait habituellement référence à une élimination de tarif, mais peut également porter sur l'élimination de barrières non tarifaires. (*Zero-for-Zero*)

AELE : Association européenne de libre-échange. À sa fondation en mai 1960, lors de la Conférence de Stockholm, elle comptait sept membres. Sa composition a changé en raison de l'adhésion de nouveaux membres et de l'adhésion de certains pays à l'Union européenne. Elle est actuellement composée de quatre membres : Islande, Liechtenstein, Norvège et Suisse. (*EFTA: European Free Trade Association*)

AGCS : Accord général sur le commerce des services. Première série de règles et de disciplines jamais négociées pour le commerce international de services, convenues multilatéralement et ayant force exécutoire. (*GATS: General Agreement on Trade in Services*)

ALE : Accord de libre-échange. Désigne souvent l'Accord de libre-échange entre le Canada et les États-Unis qui est entré en vigueur le 1er janvier 1989. (*FTA: Free Trade Agreement*)

ALECC : Accord de libre-échange Canada-Chili, entré en vigueur le 5 juillet 1997. (*CCFTA: Canada–Chile Free Trade Agreement*)

ALECI : Accord de libre-échange Canada-Israël, entré en vigueur le 1er janvier 1997. (*CIFTA: Canada–Israel Free Trade Agreement*)

ALENA : Accord de libre-échange nord-américain, comprenant le Canada, les États-Unis et le Mexique, entré en vigueur en janvier 1994. (*NAFTA: North American Free Trade Agreement*)

ANTIDUMPING : Droits supplémentaires imposés par un pays importateur lorsque des importations facturées à un prix inférieur au prix « normalement » en vigueur sur le marché national de l'exportateur ou à un prix moindre que leur plein prix sont considérées causer un préjudice important à l'industrie nationale du pays importateur. (*Anti-Dumping*)

APEC : Coopération économique Asie-Pacifique. Mécanisme composé de 21 membres du Pacifique qui désirent accroître la coopération économique dans cette région. Sont membres de l'APEC : Australie, Brunéi Darussalam, Canada, Chili, Chine, République de Corée, États-Unis, Hong Kong (Chine), Indonésie, Japon, Malaisie, Mexique, Nouvelle-Zélande, Papouasie-Nouvelle-Guinée, Pérou, Philippines, Russie, Singapour, Taïpei chinois, Thaïlande et Vietnam. (*APEC: Asia–Pacific Economic Cooperation*)

BARRIÈRES NON TARIFAIRES (MESURES) : Mesures ou politiques gouvernementales autres que les droits de douane qui limitent ou faussent le commerce international. On peut citer comme exemples les contingents d'importation et les pratiques discriminatoires dans l'attribution des marchés publics. Ces interventions sont devenues des obstacles au commerce relativement plus fréquents au fur et à mesure que les droits de douane ont été réduits depuis la Seconde Guerre mondiale. (*Non-Tariff Barriers – Measures*)

CA4 (GROUPE DES QUATRE DE L'AMÉRIQUE CENTRALE) : Le Salvador, le Guatemala, le Honduras et le Nicaragua mènent actuellement des négociations avec le Canada en vue d'un accord de libre-échange. (*CA4 – Central America Four*)

CADRE INTÉGRÉ : Plan dirigé par l'OMC et cinq organismes multilatéraux qui a pour but de fournir aux pays les moins développés une assistance technique dans le domaine du commerce et des activités liées au commerce, y compris sur le plan du renforcement des capacités des personnes et des institutions. (*Integrated Framework*)

CONSOLIDATION : Engagement d'un pays à maintenir un niveau de tarif donné ou une restriction juridique (p. ex. en le protégeant de toute augmentation ou de toute modification). (*Binding*)

CONTINGENT : Limite explicite sur les quantités matérielles de produits déterminés qui peuvent être importées ou exportées pendant une période précise, habituellement mesurée d'après le volume, mais quelquefois selon la valeur. Le contingent peut être appliqué sur une base « sélective », avec des limites variables établies selon le pays d'origine, ou sur une base globale qui ne précise que la limite totale et a ainsi tendance à avantager les fournisseurs les plus efficaces. (*Quota*)

CONTINGENT TARIFAIRE : Droit de douane à deux volets. Les importations jusqu'au niveau du contingent sont admises à un tarif de douane inférieur; les importations qui dépassent ce niveau sont admises à un tarif supérieur. (*Tariff Rate Quota*)

CYCLE D'URUGUAY : Négociations commerciales multilatérales entamées dans le cadre du GATT à Punta del Este, en Uruguay, en septembre 1986, et conclues à Genève, en décembre 1993; les ententes ont été signées par les ministres à Marrakech, au Maroc, en avril 1994. (*Uruguay Round*)

DROITS COMPENSATEURS : Droits supplémentaires imposés par le pays importateur pour compenser les subventions gouvernementales en vigueur dans le pays exportateur, quand les importations subventionnées causent un préjudice important à l'industrie nationale du pays importateur. (*Countervailing Duties*)

ÉVALUATION CUMULATIVE CROISÉE : Pratique où un matériel provenant d'un pays pour lequel chaque membres d'un accord de libre échange (ALE) a un ALE, est compté dans la production des biens provenant de n'importe lesquels de ces pays sous chacun des ALE, à la condition que chacun des pays participant à cet échange accorde le même traitement en retour. (*Cross-cumulation*)

ÉVALUATION EN DOUANE : Évaluation par les fonctionnaires des douanes de la valeur des marchandises importées afin de fixer le montant des droits exigibles dans le pays importateur. En vertu du Code d'évaluation en douane du GATT, les pays signataires doivent déterminer la valeur douanière des produits importés principalement d'après leur « valeur transactionnelle », c'est-à-dire le prix qui a été ou qui sera payé pour ceux-ci. (*Customs Valuation*)

GATT : Accord général sur les tarifs douaniers et le commerce. De 1947 à 1995, cette institution multilatérale a supervisé le système commercial mondial ainsi que l'accord international régissant le commerce des biens (GATT de 1947). En tant qu'organisation, elle a été remplacée par l'OMC en janvier 1995. Le GATT de 1994 (l'accord) a été modifié, et ses articles ont été incorporés aux nouveaux accords de l'OMC, qui continuent de régir le commerce des marchandises. (*GATT: General Agreement on Tariffs and Trade*)

GROUPE DE CAIRNS : Coalition de 17 pays exportateurs de produits agricoles (Afrique du Sud, Argentine, Australie, Bolivie, Brésil, Canada, Chili, Colombie, Costa Rica, Guatemala, Indonésie, Malaisie, Nouvelle-Zélande, Paraguay, Philippines, Thaïlande et Uruguay) qui élabore des propositions dans le contexte des négociations commerciales multilatérales. (*Cairns Group*)

INVESTISSEMENT ÉTRANGER DIRECT (IED) : Capitaux engagés dans une entreprise étrangère. L'investisseur peut prendre le contrôle partiel ou total de l'entreprise. Un investisseur qui acquiert 10 % ou plus des actions d'une entreprise étrangère effectue un investissement direct. (*Foreign Direct Investment*)

LIBÉRALISATION : Réductions unilatérales, bilatérales ou multilatérales des droits de douane et autres mesures qui limitent le commerce international. (*Liberalization*)

OCDE : Organisation de coopération et de développement économiques. Organisation composée de pays industrialisés dont le siège est à Paris et qui est chargée d'étudier une gamme étendue de questions ayant trait à l'économie, au commerce, aux sciences et à l'éducation, ainsi que de collaborer dans ces domaines. (*OECD: Organization for Economic Co-operation and Development*)

OMC : Organisation mondiale du commerce. Établie le 1er janvier 1995 pour remplacer le Secrétariat de l'Accord général sur les tarifs douaniers et le commerce, elle est la pierre angulaire du système commercial international. (*WTO: World Trade Organization*)

ORGANE D'APPEL DE L'OMC : Organe indépendant composé de sept membres qui, à la demande d'une ou de plusieurs parties à un différend, examine les conclusions des rapports des groupes spéciaux. (*WTO Appellate Body*)

PIB : Produit intérieur brut. Valeur totale des produits et des services produits par un pays. (*GDP: Gross Domestic Product*)

PLAN D'ACTION COMMUN CANADA–UE : Signé le 17 décembre 1996, le Plan d'action est conçu pour resserrer les liens entre le Canada et l'UE et se compose de quatre volets : relations économiques et commerciales, politique étrangère et questions de sécurité, questions transnationales et établissement de liens. (*Canada–EU Action Plan*)

PLAN D'ACTION POUR LA FRONTIÈRE INTELLIGENTE : Plan d'action en trente points signé par le Canada et les États-Unis le 12 décembre 2001. Il prévoit une collaboration permanente visant à déceler et à atténuer les risques pour la sécurité tout en accélérant la circulation des personnes et des biens autorisés de part et d'autre de la frontière. Depuis sa signature, sa portée a été élargie et inclut deux autres thèmes de collaboration : la biosécurité et les sciences et technologies. (*Smart Border Action Plan*)

PROGRAMME DE DOHA POUR LE DÉVELOPPEMENT : Nouveau cycle de négociations commerciales de l'Organisation mondiale du commerce, lancé lors de la rencontre ministérielle qui a eu lieu à Doha, au Qatar, en novembre 2001. (*Doha Development Round*)

PROPRIÉTÉ INTELLECTUELLE : Expression collective utilisée pour désigner de nouvelles idées, des inventions, des conceptions, des écrits, des films, etc.; la propriété intellectuelle est protégée entre autres par les droits d'auteur, les brevets et les marques de commerce. (*Intellectual Property*)

RÈGLEMENT DES DIFFÉRENDS : Dispositions institutionnelles d'un accord commercial qui permettent de régler les divergences de vue entre les parties. (*Dispute Settlement*)

RÈGLES D'ORIGINE : Lois, règlements et procédures administratives qui déterminent le pays d'origine d'un produit. Les règles d'origine peuvent être conçues pour déterminer l'admissibilité d'un bien à un marché préférentiel en vertu d'un accord de libre-échange (ALE) ou pour indiquer le pays d'origine du bien pour diverses raisons. Une décision fondée sur l'origine prise par une autorité douanière peut déterminer si une expédition est soumise à un contingent, bénéficie d'une préférence tarifaire ou est touchée par un droit antidumping. Ces règles peuvent varier d'un pays à l'autre et ne sont pas toutes établies dans le même but. (*Rules of Origin*)

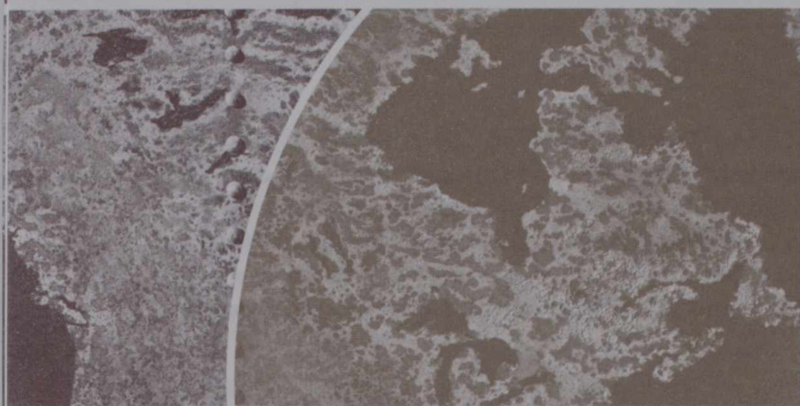
SUBVENTION : Avantage économique accordé par un gouvernement aux producteurs, souvent pour renforcer leur compétitivité. La subvention peut être directe (subvention en argent) ou indirecte (p. ex. crédits à l'exportation à faible taux d'intérêt garantis par un organisme gouvernemental). (*Subsidy*)

TARIF APPLIQUÉ : Taux de douane effectivement imposé à la frontière. (*Applied Tariffs*)

TARIF DOUANIER : Taxe imposée sur des biens importés. Il peut s'agir d'une taxe ad valorem (pourcentage de la valeur) ou d'un calcul selon un mode particulier (p. ex. 5 $ par tranche de 100 kg). Les tarifs douaniers donnent l'avantage du prix aux biens similaires produits localement et constituent des recettes pour les gouvernements. (*Tariff*)

TRANSPARENCE : Accessibilité et clarté des lois et des règlements. (*Transparency*)

ZLEA : Zone de libre-échange des Amériques. Proposition d'accord entre 34 pays démocratiques de l'hémisphère occidental. Le processus de création de la zone de libre-échange des Amériques a été conçu à Miami en 1994, et les négociations ont été lancées à Santiago, au Chili, en 1998. (*FTAA: Free Trade Area of the Americas*)



10 Liste des sigles et des acronymes

ACDI	Agence canadienne de développement international
ACIA	Agence canadienne d'inspection des aliments
ADPIC	Aspects des droits de propriété intellectuelle liés au commerce
AEC	Affaires étrangères Canada
AELE	Association européenne de libre-échange
AGCS	Accord général sur le commerce des services
ALE	Accord de libre-échange
ALECC	Accord de libre-échange Canada–Chili
ALECI	Accord de libre-échange Canada–Israël
ALENA	Accord de libre-échange nord-américain
AMP	Accord de l'OMC sur les marchés publics
ANASE	Assocation des nations de l'Asie du Sud-Est
APEC	Coopération économique Asie-Pacifique
APIE	Accord sur la protection (et la promotion) des investissements étrangers
AQSIQ	Administration d'État pour la supervision de la qualité et l'inspection de la quarantaine
ARM	Accord de reconnaissance mutuelle
CA4	Groupe des quatre de l'Amérique centrale : Salvador, Guatemala, Honduras et Nicaragua
CARICOM	Communauté des Caraïbes
CCC	China Compulsory Certification (système chinois de certification obligatoire des produits)
CCCA	Comité consultatif canado-américain sur l'agriculture
CEI	Commission économique intergouvernementale
CFE	Comisión Federal de Electricidad (société publique mexicaine d'électricité)
COV	Composés organiques volatils (COV)
CT	Contingent tarifaire
CTA	Contingent tarifaire autonome
ECCI	Entente de coopération en matière de commerce et d'investissement
EDC	Exportation et développement Canada
ESB	Encéphalopathie spongiforme bovine
EXPRES	Programme d'expéditions rapides et sécuritaires
FDA	(U.S.) Food and Drug Administration
FHWA	(U.S.) Federal Highway Administration
FMI	Fonds monétaire international
G8	Groupe des sept pays les plus industrialisés plus la Fédération de Russie
GATT	Accord général sur les tarifs douaniers et le commerce
GCSCE	Groupe de consultations sectorielles sur le commerce extérieur
GM	génétiquement modifié

GTPS Groupe de travail pour un partenariat spécial Canada–Corée

IDCE Investissement direct canadien à l'étranger

IED Investissement étranger direct

ISO Organisation internationale de normalisation

ITC Commission du commerce internationale des Etats-Unis

JETRO Organisation japonaise de commerce extérieur

MAECI (AE) Ministère des Affaires étrangères et du Commerce international (Affaires étrangères)

MAECI (CI) Ministère des Affaires étrangères et du Commerce international (Commerce international)

Mercosur Marché commun du Cône Sud (Argentine, Brésil, Paraguay et Uruguay)

MMPA Loi sur la protection des mammifères marins (États-Unis)

NEEF Nouveaux exportateurs aux États frontaliers

NTT Nippon Telegraph and Telephone

OCDE Organisation de coopération et de développement économiques

OGM Organisme génétiquement modifié

OIE Organisation mondiale de la santé animale (anciennement connue sous le nom Office international des épizooties)

OIT Organisation internationale du travail

OMC Organisation mondiale du commerce

OTC Obstacle technique au commerce

PE Protocole d'entente

PEMEX Petróleos Mexicanos (société publique de pétrole du Mexique)

PIB Produit intérieur brut

PMA Pays les moins avancés

PME Petites et moyennes entreprises

SPS Sanitaire et phytosanitaire

STAR Initiative sur le commerce sécuritaire dans la région de l'APEC

TEA-21 (É.-U.) Loi sur l'équité dans les transports pour le XXI^{e} siècle

TI Technologie de l'information

TIC Technologies de l'information et des communications

UE Union européenne

ZLEA Zone de libre-échange des Amériques

NOTES