

World Trade Organization Agreement Implementation Act (1994, c. 47)

Act current to January 25th, 2011

Attention: See coming into force provision and notes, where applicable.

World Trade Organization Agreement Implementation Act

1994, c. 47

[Assented to December 15th, 1994]

An Act to implement the Agreement Establishing the World Trade Organization

Preamble

WHEREAS the Government of Canada together with the other governments and the European Communities that participated in the Uruguay Round of Multilateral Trade Negotiations under the General Agreement on Tariffs and Trade (herein referred to as GATT) have entered into the Agreement Establishing the World Trade Organization;

WHEREAS free, fair and open trade is essential for the future of the Canadian economy and for securing the competitiveness and long-term sustainable development of Canada;

WHEREAS trade expansion contributes to job creation, achieves higher standards of living, offers greater choices for consumers and strengthens the Canadian economic union;

WHEREAS the multilateral trading system of mutually agreed upon market access conditions and non-discriminatory trade rules applicable to all, is the cornerstone of Canadian trade policy;

WHEREAS the trade agreements achieved under the Uruguay Round of Multilateral Trade Negotiations under the GATT will lead to a significantly more open and stable international trading environment for Canadian agriculture, resources, manufacturing, services, technology and investment;

WHEREAS the World Trade Organization will provide for integrated management of the new and strengthened multilateral trading system, particularly for the resolution of trade disputes;

WHEREAS the World Trade Organization, as successor to the GATT, will also provide the forum for future trade negotiations aimed at furthering trade liberalization world-wide and the development of new global trade rules;

AND WHEREAS it is necessary, in order to give effect to the Agreement, to make related or consequential amendments to certain Acts;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *World Trade Organization Agreement Implementation Act*.

INTERPRETATION

Definitions

2. (1) In this Act,

"Agreement"

« *Accord* »

"Agreement" means the Agreement Establishing the World Trade Organization, including

(a) the agreements set out in Annexes 1A, 1B, 1C, 2 and 3 to that Agreement, and
(b) the agreements set out in Annex 4 to that Agreement that have been accepted by Canada,

all forming an integral part of the Final Act Embodying The Results Of The Uruguay Round Of Multilateral Trade Negotiations, signed at Marrakesh on April 15, 1994;

"federal law"

« *texte législatif fédéral* »

"federal law" means the whole or any portion of any Act of Parliament or any regulation, order or other instrument issued, made or established in the exercise of a power conferred by or under an Act of Parliament;

"Minister"

« *ministre* »

"Minister", in respect of any provision of this Act, means the member of the Queen's Privy Council for Canada designated as the Minister for the purposes of that provision under section 9;

"World Trade Organization"

« *Organisation mondiale du commerce* »

"World Trade Organization" means the World Trade Organization established by Article I of the Agreement;

"WTO Member"

« *membre de l'OMC* »

"WTO Member" means a Member of the World Trade Organization.

Publication of Agreement

(2) The Agreement shall be published in the *Canada Treaty Series*.

PURPOSE

Purpose

3. The purpose of this Act is to implement the Agreement.

HER MAJESTY

Binding on Her Majesty

4. This Act is binding on Her Majesty in right of Canada.

GENERAL

Prohibition of private cause of action under Part I

5. No person has any cause of action and no proceedings of any kind shall be taken, without the consent of the Attorney General of Canada, to enforce or determine any right or obligation that is claimed or arises solely under or by virtue of Part I or any order made under Part I.

Prohibition of private cause of action under Agreement

6. No person has any cause of action and no proceedings of any kind shall be taken, without the consent of the Attorney General of Canada, to enforce or determine any right or obligation that is claimed or arises solely under or by virtue of the Agreement.

Non-application of Agreement to water

7. (1) For greater certainty, nothing in this Act or the Agreement, except the Canadian Schedule to the General Agreement on Tariffs and Trade 1994 set out in Annex 1A to the Agreement, applies to water.

Definition of "water"

(2) In this section, "water" means natural surface and ground water in liquid, gaseous or solid state, but does not include water packaged as a beverage or in tanks.

PART I

IMPLEMENTATION OF AGREEMENT GENERALLY

APPROVAL OF AGREEMENT

Agreement approved

8. The Agreement is hereby approved.

DESIGNATION OF MINISTER

Order designating Minister

9. The Governor in Council may, by order, designate any member of the Queen's Privy Council for Canada to be the Minister for the purposes of any provision of this Act.

WORLD TRADE ORGANIZATION

Ministerial Conference

10. The Governor in Council may appoint any member of the Queen's Privy Council for Canada to be the representative of Canada in respect of the Ministerial Conference established under Article IV of the Agreement.

Committees and bodies

11. The Minister may appoint any person to be the representative of Canada on any committee, council or body, other than the Ministerial Conference referred to in section 10, that is or may be established under the Agreement.

Payment of expenditures

12. The Government of Canada shall pay its appropriate share of the aggregate of any expenditures incurred by or on behalf of the World Trade Organization.

ORDERS

Orders re suspension of concessions

13. (1) The Governor in Council may, for the purpose of suspending in accordance with the Agreement the application to a WTO Member of concessions or obligations of equivalent effect pursuant to Article 22 of the Understanding on Rules and Procedures Governing the Settlement of Disputes set out in Annex 2 to the Agreement, by order, do any one or more of the following:

- (a) suspend rights or privileges granted by Canada to that Member or to goods, service providers, suppliers, investors or investments of that Member under the Agreement or any federal law;
- (b) modify or suspend the application of any federal law with respect to that Member or to goods, service providers, suppliers, investors or investments of that Member;
- (c) extend the application of any federal law to that Member or to goods, service providers, suppliers, investors or investments of that Member; and
- (d) take any other measure that the Governor in Council considers necessary.

Suspension of concessions to non-WTO Members

(2) The Governor in Council may, with respect to a country that is not a WTO Member, by order, do any one or more of the following:

- (a) suspend rights or privileges granted by Canada to that country or to goods, service providers, suppliers, investors or investments of that country under any federal law;

- (b) modify or suspend the application of any federal law with respect to that country or to goods, service providers, suppliers, investors or investments of that country;
- (c) extend the application of any federal law to that country or to goods, service providers, suppliers, investors or investments of that country; and
- (d) take any other measure that the Governor in Council considers necessary.

Period of order

(3) Unless repealed, an order made under subsection (1) or (2) shall have effect for such period as is specified in the order.

Definition of "country"

(4) In this section, "country" includes any state or separate customs territory that may, under the Agreement, become a WTO Member.

PART II

RELATED AND CONSEQUENTIAL AMENDMENTS

14. to 220. [Amendments and repeal]

PART III

COMING INTO FORCE

Coming into force

***221.** (1) This Act or any provision thereof, or any provision of any Act, including any portion of any schedule, as enacted by this Act, shall come into force on a day or days to be fixed by order of the Governor in Council.

Condition

(2) No order shall be made under subsection (1) unless the Governor in Council is satisfied that the Agreement is in force.

* [Note: Sections 1 to 47, 50 to 55, 70 to 91, 93 to 114, 119 to 128, 132 to 140, 144 to 189 and 202 to 211 and sections 1, 2 and 5 of Schedule IV in force January 1, 1995, see SI/95-5; Parts A, B and C of Schedule I in force January 1, 1995, see SI/95-6; certain provisions of Part D and Part E of Schedule I in force January 1, 1995, see SI/95-7; sections 48 and 49 in force August 1, 1995, see SI/95-83; certain provisions of Part D of Schedule I in force August 1, 1995, see SI/95-87 and SI/95-88; sections 56 to 69, 115, 117, 118, 129 to 131, 141 to 143 and 190 to 201 and sections 3 and 4 of Schedule IV in force January 1, 1996, see SI/96-1; section 116 in force January 1, 1996, see SI/96-3.]

SCHEDULES I TO III

[Amendments]

SCHEDULE IV

(Section 220)

1. to 5. [Amendments]

6. [Repealed, 1996, c. 10, s. 275]

Last updated: 2011-02-12