



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 51

(1996, chapter 6)

An Act respecting the implementation of international trade agreements

Introduced 19 December 1994
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Assented to 13 June 1996

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EXPLANATORY NOTE

This bill provides for the approval of certain international trade agreements. It also brings Québec internal law into harmony with international obligations to which Québec subscribes, and thus ensures the implementation of those agreements.

Bill 51

An Act respecting the implementation of international trade agreements

WHEREAS Québec subscribes to the principles and rules established by the North American Free Trade Agreement, the North American Agreement on Environmental Cooperation, the North American Agreement on Labor Cooperation and the Agreement Establishing the World Trade Organization; and

Whereas the aforesaid agreements contain certain provisions falling within the constitutional jurisdiction of Québec and whereas Québec alone is competent to implement those agreements in each field coming under its jurisdiction;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. In this Act,

“Agreement Establishing the World Trade Organization” means the Agreement Establishing the World Trade Organization, including the agreements set out in the annexes to that Agreement to which Canada is a party, all forming an integral part of the Final Act Embodying The Results Of The Uruguay Round Of Multilateral Trade Negotiations, signed at Marrakesh on 15 April 1994;

“Environmental Cooperation Agreement” means the North American Agreement on Environmental Cooperation entered into by the Government of Canada, the Government of the United States of America and the Government of the United Mexican States, and signed on 14 September 1993;

“Labor Cooperation Agreement” means the North American Agreement on Labor Cooperation entered into by the Government

of Canada, the Government of the United States of America and the Government of the United Mexican States, and signed on 14 September 1993;

“North American Free Trade Agreement” means the North American Free Trade Agreement entered into by the Government of Canada, the Government of the United States of America and the Government of the United Mexican States, and signed on 17 December 1992;

“Secretariat of Labor” means the Secretariat of the Commission for Labor Cooperation established under Article 8 of the Labor Cooperation Agreement;

“Secretariat of the Environment” means the Secretariat of the Commission for Environmental Cooperation established under Article 8 of the Environmental Cooperation Agreement.

2. The following agreements are hereby approved:

- the North American Free Trade Agreement;
- the Environmental Cooperation Agreement;
- the Labor Cooperation Agreement;
- the Agreement Establishing the World Trade Organization.

3. The commitments and reservations of Québec which are to appear in the Schedules of Canada annexed to the North American Free Trade Agreement shall be the commitments and reservations set out in the list established by the Gouvernement du Québec.

The list is transmitted to the authorities concerned by the Minister.

4. The commitments, reservations, measures and programs of Québec which are to appear in the Schedules of Canada annexed to the agreements forming part of the Agreement Establishing the World Trade Organization shall be the commitments, reservations, measures and programs set out in the list established by the Gouvernement du Québec.

The list is transmitted to the authorities concerned by the Minister.

5. The Minister may propose that the Government take any compensatory measure he considers necessary for the purpose of implementing the measures taken by Canada under the agreements listed in section 2.

6. Except for the dispute settlement mechanisms available to investors under Section B of Chapter Eleven of the North American Free Trade Agreement, no person has any cause of action based on the application of any of sections 2 to 5 of this Act or any order made thereunder.

7. Only the Minister or the Deputy Minister, jointly with the Minister or Deputy Minister of Industry, Trade, Science and Technology, may appoint a person to be the representative of the Gouvernement du Québec on the committees and working groups established under the North American Free Trade Agreement and the Agreement Establishing the World Trade Organization. The representative shall be appointed after consultation, where applicable, with the minister concerned.

In the case of the Environmental Cooperation Agreement and the Labor Cooperation Agreement, the Minister or Deputy Minister, jointly with the Minister or Deputy Minister of the Environment and Wildlife, or the Minister or Deputy Minister of Labor, as the case may be, may appoint a person to be the representative of the Gouvernement du Québec on the committees and working groups established under the said Agreements.

8. The Commission for Environmental Cooperation or the Commission for Labor Cooperation, as the case may be, may file at the office of the Superior Court a certified copy of any determination by an arbitral panel that is a panel determination described in Annex 36A of the Environmental Cooperation Agreement or in Annex 41A of the Labor Cooperation Agreement which imposes on Québec, upon failure by Québec to fully implement an action plan in such matters, full implementation of the action plan or a monetary enforcement assessment. The filing shall be made in the circumstances provided for in the aforesaid annexes.

When filed, a panel determination has all the effects of a final judgment of the Superior Court against the Gouvernement du Québec, and is not subject to appeal.

9. No civil, administrative or penal proceedings may be instituted against an employee or the Executive Director of the Secretariat of the Environment or the Secretariat of Labor by reason of any act performed in the exercise of his functions.

Such immunity cannot be waived except in the circumstances provided for in the rules of international law.

10. The Minister of International Relations is responsible for the administration of this Act.

11. The provisions of this Act will come into force on the date or dates to be fixed by the Government.