

Summary of AIT Disputes (52)

11/12-6 FIT In September 2011 Alberta requested consultations with Ontario alleging that its Feed-In Tariff Program ("FIT Program") under the authority of the *Electricity Act* is discriminatory to Alberta investors because it uses domestic content requirements to establish eligibility for the program.

10/11-7 ON CRN In November 2010, a private person requested Quebec to initiate on their behalf consultations with the province of Ontario regarding a crane operator's certification. In February 2011, a screener gave permission for the private person to commence proceedings against Ontario. In September of 2011 the private person made a request for a panel hearing under Article 1714(1). On January 9, 2012, a hearing was held.

10/11-7 PUB ACC In November 2010, Manitoba initiated proceedings against Ontario in relation to Ontario's notice of a measure to achieve a legitimate objective under Chapter Seven for the occupation of public accountant. Manitoba, supported by British Columbia, Alberta and Saskatchewan, engaged in consultations with Ontario under Chapter Seventeen. In July of 2011 Manitoba made a request for a panel hearing under Article 1703(1). On November 29, 2011, a hearing was held.

09/10-9 AB/ON EDI OIL Under a summary panel process to resolve outstanding government to government disputes, in March 2010 Alberta filed a complaint against Ontario measures which regulate imitation dairy products. In September, 2010, a Summary Panel found Ontario's measures to be inconsistent with the AIT and requested Ontario to bring itself into compliance by February 1, 2011. In December 2010, Ontario amended its measures so as to comply with the Panel's report.

09/10-7 AB/NB EDU REGS In September 2009, a private party requested Ontario to initiate on its behalf consultations with Alberta

and New Brunswick regarding provision of real estate continuing education. In October 2009, a screener denied the company permission to commence proceedings against Alberta and New Brunswick.

07/08-9 CA REGS In November 2007, a private party requested Saskatchewan to initiate on its behalf consultations with the federal government regarding proposed regulatory changes to standards affecting production of cheese products in Canada. In August 2008 a screener denied the company permission to commence proceedings against Canada.

06/07-7 LPN NB In October 2007 New Brunswick decided to withdraw a complaint against Ontario initiated in March 2007. New Brunswick had requested consultations with Ontario alleging that recent changes to registration requirements by the Ontario College of Nurses with respect to Licensed Practical Nurses had caused a barrier to a New Brunswick nurse who recently moved to Ontario.

06/07-9 CA REGS With respect to federal Ministerial Exemptions for bulk shipments of apples, consultations on implementation of changes to federal policy are ongoing. In July 2006 a complaint was filed by the Quebec Association of Apple Packers (QAAP) against the Government of Canada over the inability of a Quebec apple packer to import apples from Nova Scotia. A similar complaint by Nova Scotia, on behalf of the Nova Scotia Fruit Growers Association, was also filed. Following a screener report and request for panel review by the QAAP in July 2007, an interim resolution of the matter was reached resulting in changes to federal policy. The request for panel review was subsequently withdrawn by the QAAP in November 2007.

05/06-7 NL PAR In October 2005, Newfoundland and Labrador requested consultations with Alberta under Article 711 regarding the refusal by the Alberta College of Paramedics to grant an Alberta license to

practice to a licensed paramedic from Newfoundland and Labrador. Newfoundland and Labrador claims that the license denial is a violation of Article 707 and further claims that the College's refusal to assess Newfoundland and Labrador's Primary Care Paramedic Program of the Programs in Paramedicine is a violation of Article 708. Newfoundland and Labrador is awaiting confirmation from the Alberta College of Paramedics that they have addressed their concerns.

05/06-7 FED HIR In April 2005 Alberta and British Columbia requested consultations with Canada under Article 711 regarding geographic/residency requirements as a condition of eligibility to apply for certain positions in the federal public service. Alberta and British Columbia allege that these requirements are contrary to Article 706. This dispute is currently inactive.

04/05-7 MB HAI Manitoba carried forward a complaint on behalf of a hair stylist licensed in Manitoba and holding the Red Seal qualification for her occupation who was denied a license in Nova Scotia. In November 2004 Manitoba requested Chapter Seven consultations with Nova Scotia. In March 2007 Manitoba indicated officially that it considers the dispute resolved.

04/05-7 LPN NL In September 2004 Newfoundland requested consultations with Ontario under Article 711. Newfoundland alleges that the College of Nurses of Ontario has required a Licensed Practical Nurse from Newfoundland to write an examination as a condition of obtaining a license to work as a LPN in Ontario, in contravention of the AIT and the Mutual Recognition Agreement for LPNs negotiated pursuant to the AIT. The College of Nurses of Ontario amended its requirement for an examination and the dispute was resolved.

03/04-7 HUN NL New Brunswick carried forward a complaint on behalf of a resident who was unable to obtain licensure as a hunting guide in Newfoundland due to an existing policy restricting licensure on the basis of residency. New Brunswick requested

Chapter Seven consultations with Newfoundland. Newfoundland subsequently changed its licensing requirements so that as of July 2005 residents of all provinces and territories can apply for a Newfoundland license. In a January 2005 letter New Brunswick officially indicated that it considered the dispute resolved.

03/04-9 QC MAR Alberta alleged that the existing Quebec margarine colouring restriction contravened the General Rules and Chapter Nine of the AIT, preventing the manufacture and sale in Quebec of margarine coloured the same as butter. Consultations under Chapter Nine, failed to resolve the matter and in July 2004 Alberta requested a panel hearing under 1704. A panel held a public hearing in Montreal in May 2005. The Panel report was released publicly in August 2005. In July 2008 the Government of Quebec announced a new Regulation which repealed the previous Regulation containing requirements on the colouring of margarine which the panel report had declared as inconsistent with obligations under the AIT.

03/04-7 DEN ON Quebec carried forward a complaint on behalf of a dentist who was unable to obtain a licence in Ontario. In April 2003 Quebec requested consultations with Ontario. Ontario amended its regulations and the Quebec dentist was certified to practice in Ontario.

02/03-11 CRB NL Nova Scotia complained that by various means, such as direct legislation or regulation and other indirect barriers, Nova Scotia plants are prevented from accessing unprocessed snow crab landed in Newfoundland. Nova Scotia requested consultations with Newfoundland under Article 1103(1).

02/03-11 CRB NB Nova Scotia complained that Nova Scotia plants are prevented from accessing unprocessed snow crab landed in New Brunswick. Nova Scotia requested consultations with New Brunswick under Article 1103(1). In May 2003 Nova Scotia advised the Internal Trade Secretariat that it considered this dispute to be resolved. In December 2004 New Brunswick advised the

Secretariat that it also considers this dispute to be resolved.

02/03-11 CRB QC Nova Scotia complained that Nova Scotia plants are prevented from accessing unprocessed snow crab landed in Quebec. Nova Scotia requested consultations with Quebec under Article 1103(1).

02/03-11 CRB NS New Brunswick complained Nova Scotia was threatening the non re-issuing of licenses to buyers not offering their snow crab to Nova Scotia processors. New Brunswick requested consultations with Nova Scotia under Article 1103(1). In May 2003 Nova Scotia advised the Internal Trade Secretariat that it considered this dispute to be resolved. In December 2004 New Brunswick advised the Secretariat that it did not consider the dispute closed.

02/03-7 CGA NB As follow-up to the October 2005 panel decision on a dispute between Certified General Accountants of New Brunswick (CGA-NB) and Quebec, legislation to amend the Quebec Professional Code and the Chartered Accountants Act in respect of Public Accountancy, came into force in December 2008. The Bill allow members of the Ordre professionnel des comptables généraux licenciés du Québec (CGA) and of the Ordre professionnel des comptables en management accrédités du Québec (CMA) to practice public accountancy when they hold a public accountancy permit issued by their respective professional orders. The Regulation respecting CGAs was published in the Official Gazette of Québec in August 2008; the Regulation respecting CMAs was published in June 2009.

02/03-5 TEN PUB New Brunswick acting on behalf of a New Brunswick company complained that Alberta was not following the procedures of Article 506 respecting the impending award of a contract for the advertising and distribution of provincial procurement opportunities. Alberta responded that the contract was a transitional measure while it prepared a new tender, to be openly and competitively tendered, for a new electronic tendering system to replace the

services offered under the contract in question. Alberta's tender was published in December 2002 and consultations were concluded.

01/02-8 COC AB Alberta alleged that the federal Cost of Borrowing Disclosure (Bank) Regulation SOR/2001-101 is inconsistent with Canada's obligations under Chapter Eight. Alberta initiated consultations with Canada under Article 809P4 in March 2002. All subsequent steps in the Chapter Eight dispute resolution process were employed but the issue remained unresolved. In November 2003 Alberta requested the establishment of a panel under Article 1704. A panel held a public hearing in Ottawa in March 2004. The report was made public in August 2004. The CMC Cost of Credit Disclosure Working Group continues its efforts to reach a conclusion of the dispute. In March 2008, the federal Minister of Industry, with the concurrence of the Minister of Finance, proposed an approach to provincial consumer Ministers that would bring a conclusion to the dispute that arose in 2004 concerning the federal Cost of Borrowing (Banks) Regulations.

01/02-7 ADAT An association of construction workers and employers in the Ottawa/Gatineau area allege that two laws restrict the right of its members to work in the construction industry in Quebec and Ontario in contravention of Chapter Seven: *Loi sur les Relations de travail dans l'industrie de la construction au Québec*; and *Fairness is a Two-Way Street Act*. The association requested that Canada carry forward its complaint. Canada refused on the basis that it lacked jurisdiction under the AIT and advised the association that it must ask Quebec and/or Ontario to take forward its complaint against the other Party.

00/01-09 EDI OIL An Alberta distributor of imitation dairy products alleged that Ontario maintained measures that restrict the manufacture and sale of edible oil products or dairy analogues and blends, contravening the General Rules and Chapter Nine of the AIT. The dispute was not resolved through Chapter Nine consultations. A British Columbia

distributor of imitation dairy products alleged that Ontario's restrictions on certain imitation dairy products contravened the General Rules and Chapter Nine of the AIT. British Columbia had previously had engaged in consultations with Ontario and had informed the distributor that it would not pursue the matter further under Chapter Nine of the AIT, on the basis that a federal/provincial /territorial working group was addressing the issue. In April 2002, British Columbia reactivated consultations on the matter. The matter was not resolved at the Chapter Nine consultations stage. In May 2004 British Columbia and Alberta made a joint request for a panel hearing under 1704. A panel held a public hearing in Toronto in September 2004. The Panel report was made public in December 2004.

99/00-7 KEN NL Nova Scotia carried forward a complaint on behalf of a resident who was unable to obtain licensure as a hunting guide in Newfoundland due to a policy restricting licensure on the basis of residency. Nova Scotia requested Chapter Seven consultations with Newfoundland. Newfoundland subsequently changed its licensing requirements so that as of July 2005 residents of all provinces and territories can apply for a Newfoundland license. In January 2005, New Brunswick advised the ITS that it considered the dispute resolved.

99/00-7 KEN NB Nova Scotia carried forward a complaint on behalf of a resident who was unable to obtain licensure as a hunting guide in New Brunswick due to legislation restricting licensure on the basis of residency. Nova Scotia requested Chapter Seven consultations with New Brunswick. New Brunswick amended its legislation in June 2001 to remove the residency requirement. Nova Scotia has confirmed it considers its complaint to have been successfully resolved.

99/00-10 NSL COM Quebec alleged that the Nova Scotia Liquor Commission (NSLC) penalizes Quebec brewers by applying its policy of allowing self delivery by brewers to NSLC outlets only if the brewers' annual sales exceed one million cases to Quebec brewers but not to Nova Scotia and New Brunswick brewers. Self delivery allows brewers to

bypass NSLC service fees and other costs. A December 2006 agreement between Quebec and Nova Scotia resolved the dispute.

99/00-7 CGA MAN The Chartered Accountants Association of Manitoba alleged that the actions of a self-governing professional association operating under Ontario's Public Accountancy Act contravened Chapter Seven. Manitoba requested Chapter Seven consultations with Ontario. These consultations did not resolve the dispute. CGA Manitoba sought and received permission from the Manitoba screener to proceed under the person to government provisions of Chapter Seventeen. CGA Manitoba requested establishment of a panel. A panel hearing took place in August 2001. The Panel's report was released publicly in December 2001.

99/00-5 ONT CON Quebec alleged that the designation of Quebec under Ontario's *Fairness is a Two-Way Street Act (Construction Labour Mobility)*, 1999 had the effect of prohibiting Quebec construction firms from bidding on construction projects for the Ontario government and its organizations, and for Ontario parapublic organizations and that this action contravened Ontario's obligations under the AIT. A bilateral agreement which had been reached between the two disputants in late 1999 expired in late 2001. Quebec sought the assistance of Ministers in March 2002 but was unable to resolve the dispute. In May 2002 Quebec requested the establishment of a panel to hear the complaint and proceeded to nominate its panellist. Ontario declined to nominate a panellist, asserting that the AIT was not the proper forum for this dispute. Ontario and Quebec reached a mutually satisfactory agreement that resolved the dispute and Quebec formally withdrew its complaint in July 2006.

99/00-9 CAN SAL A British Columbia distributor of imitation dairy products alleged that Ontario's restrictions on certain imitation dairy products contravene the General Rules and Chapter Nine of the AIT. The company requested person-to-government dispute resolution procedures, but the B.C. screener denied the request to take the complaint forward.

98/99-7 COL OPT Alberta alleges that the College of Opticians of British Columbia has acted contrary to obligations contained in Chapter Seven by not treating two Alberta-qualified practitioners equitably and by maintaining registration criteria not based solely on competency. Alberta requested formal consultations with British Columbia. This file is currently inactive.

98/99-9 FCD PE A Nova Scotia dairy processing company alleged that Prince Edward Island's revocation of the company's license, its introduction of more restrictive fluid milk licensing regulations, and its refusal to permit certain products to be supplied from Nova Scotia breached Chapter Nine of the AIT. Nova Scotia requested a Chapter Seventeen panel. The panel report, upholding the complaint, was issued to the disputing Parties in January 2000. Prince Edward Island and Nova Scotia reached a mutually acceptable agreement in February 2001.

98/99-7 CGA SK A professional association alleged that the actions of a self-governing professional association operating under the laws of Ontario contravene Chapter Seven. In May 1998 the association requested that Saskatchewan carry the association's complaint forward. In April 2000, the association renewed its request to Saskatchewan. This file is currently inactive.

98/99-9 FCD NB A Nova Scotia dairy processing company alleges that New Brunswick's licensing measures for fluid milk distribution create obstacles to internal trade. Nova Scotia requested Chapter Nine consultations with New Brunswick. These consultations failed to resolve the dispute. In March 2002, the Nova Scotia Screener gave the dairy leave to proceed with a Person to Government dispute under the provisions of Chapter Seventeen. In March 2002 the dairy requested the Assistance of the Committee under Article 1715. The Committee met by conference call in April 2002 but was unable to resolve the dispute. In May 2002, the dairy requested establishment of a panel. A panel hearing took place in July 2002. The Panel's report was released in November 2002.

97/98-10 NBL BEE Quebec complained that certain New Brunswick Liquor Corporation policies respecting the marketing of beer from breweries outside of New Brunswick violated the AIT. Quebec has requested consultations under Chapter Ten. This file is currently inactive.

97/98-9 UNI LEV A company requested that Ontario carry forward a complaint that Quebec margarine colouring restrictions violate the AIT. Ontario and Quebec agreed to request a panel under Chapter Seventeen. Ontario appointed a panellist within the timelines prescribed by the AIT and Manitoba, Alberta and Saskatchewan declared intervenor status in the dispute. Ontario, filed its written submission and Manitoba, Alberta and Saskatchewan filed written counter-submissions, all within prescribed timelines. Quebec advised the Secretariat that it did not intend, at that time to nominate a panellist. The private company subsequently pursued its complaint via the courts.

97/98-15 MMT Alberta complained that the federal government's banning of interprovincial trade in certain manganese-based additives violated several articles in Chapters Four and Fifteen. Canada maintains the Act is consistent with the AIT. A Panel heard the dispute and found for Alberta. Canada has since removed the ban on these additives.

96/97-7 NL DEN Nova Scotia carried forward a complaint from a resident that, despite being licensed as a denturist in Nova Scotia, Newfoundland is requiring her to take additional exams. Nova Scotia alleges this violates Articles 707 and 708. The complaint was resolved by the two Parties, and a license has been issued to the complainant.

96/97-5 HEW RAN A company requested that British Columbia and Ontario initiate a formal complaint under the Agreement on Internal Trade, alleging that the pre-qualification classification used by some provinces and territories for computer procurements discriminated against Canadian suppliers. British Columbia and Ontario

advised the company that the complaint had no basis under the AIT, as there was no evidence of discrimination against a supplier based on the location of the supplier. The company wrote to Premiers requesting action on the issue, but Premiers did not discuss the letter. The company then filed a complaint against Saskatchewan under Article 1712.3, requesting dispute resolution proceedings on a private person to Party basis. The screener denied approval to proceed with the complaint.

96/97-7 BUL Alberta carried forward a complaint from a resident that, although registered as a dental assistant in Alberta, Manitoba Dental Association told her she graduated from an unaccredited school and would have to be retested in Manitoba, at a cost of \$3,000 and a significant delay in time. Alberta alleges that this violates Article 707. Manitoba responds that the period of time for seeking compliance, as specified in Article 703, has not elapsed, and that Article 707 has not been violated. This file is currently inactive.

96/97-10 SPA British Columbia raised concerns that Quebec plans to regulate the wholesale sales of wine and beer kits contained a local presence requirement, in violation of Article 604. Quebec clarified that a warehouse was not required. However, a minimal presence was required to enforce administrative and criminal judgements. The matter was dropped.

96/97-7 GIM Saskatchewan enacted a regulation that in effect forced Saskatchewan residents to utilize Saskatchewan physicians for cataract surgery. A Calgary eye clinic filed a complaint, alleging that Chapter Seven prohibited discrimination on the place of residence or location of business. The Alberta screener rejected the request on the grounds that Chapter Seven guarantees that the Alberta physician could work in Saskatchewan, rather than guarantee that Saskatchewan residents can travel to Alberta for services.

96/97-7 CRE Alberta carried forward a complaint from an Alberta resident that

Saskatchewan would not grant him an embalmer's license without a one-year internship, despite the fact he was trained in Saskatchewan, had worked in Alberta as an embalmer for 15 years, and lived and worked in the border city of Lloydminster. Alberta requested the internship be waived and the license be granted. The consultations were suspended at the request of the person.

95/96-7 ONT BIL Alberta carried forward a complaint from a professional association that Ontario restricted insured services payments to physicians trained within Ontario. The measure expired three weeks after Alberta made its formal complaint and the matter was dropped.

95/96-5 ONT CER Alberta carried forward a complaint of an Alberta company that Ontario's requirement that motor transport carriers transporting hazardous waste out of or through Ontario must have a Certificate of Approval was inconsistent with Chapter Fourteen. The company alleged it was not able to get a federal contract to transport hazardous waste to Alberta because of this requirement. Alberta, Ontario and Canada exchanged information, and determined the complaint had no basis because Certificates of Approval were available to Alberta companies. The complainant's inability to obtain a Certificate was the result of processing difficulties.

95/96-7 AB MUN British Columbia complained that the Alberta Municipal Act allowed municipalities to impose higher fees on persons who do not reside or maintain a place of business in the municipality. This resulted in British Columbia companies facing higher costs than Alberta companies in the same municipality. Alberta responded that the fees were classified as taxes under the Act, and were therefore excluded from the AIT. As well, Alberta cited various other exemptions or exclusions in the AIT which covered the fees. The complaint was dropped.

95/96-7 TAY A Saskatchewan resident complained that, although he held a Chartered Accountant designation in Ontario, Saskatchewan would not recognize him as a

CA because he had been educated in the United States. The individual requested that Ontario carry his complaint forward. Ontario refused because the complainant's designation was obtained under a loophole that has since been closed. The complainant requested Ontario initiate Chapter Seventeen proceedings. Ontario denied him standing on the basis he is not a resident of Ontario.

95/96-7 ONT EMC Alberta carried forward a complaint from an Alberta resident that Ontario's licensing process for Emergency Medical Technicians violated the AIT by failing to recognize the equivalency of Alberta training, and by establishing prohibitively expensive and lengthy qualifying procedures. The individual successfully completed the challenge process, and Ontario is designing a challenge process that meets AIT criteria.

95/96-5 NT TEN Alberta raised a concern that NT's method of advertising procurement opportunities in local newspapers was not consistent with the spirit of the letter of the

AIT. NT clarified its use of a fax tender system satisfying Alberta's concerns.

95/96-6 UPS British Columbia complained that New Brunswick used improper subsidies to entice a company to move jobs from B.C. to New Brunswick. New Brunswick responded that subsidies covered consolidations, which Ministers agreed were permissible, and occurred prior to stand-still coming into effect. New Brunswick refused to participate in proceedings after Assistance of Committee stage. British Columbia did not pursue complaint further.

95/96-7 VAN RES Alberta noted that the City of Vancouver was making British Columbia residency a requirement for eligibility for certain employment opportunities. Alberta requested information on what steps B.C. would be taking to seek the compliance of local governments with the AIT. An exchange of information between the Parties resolved the issue.