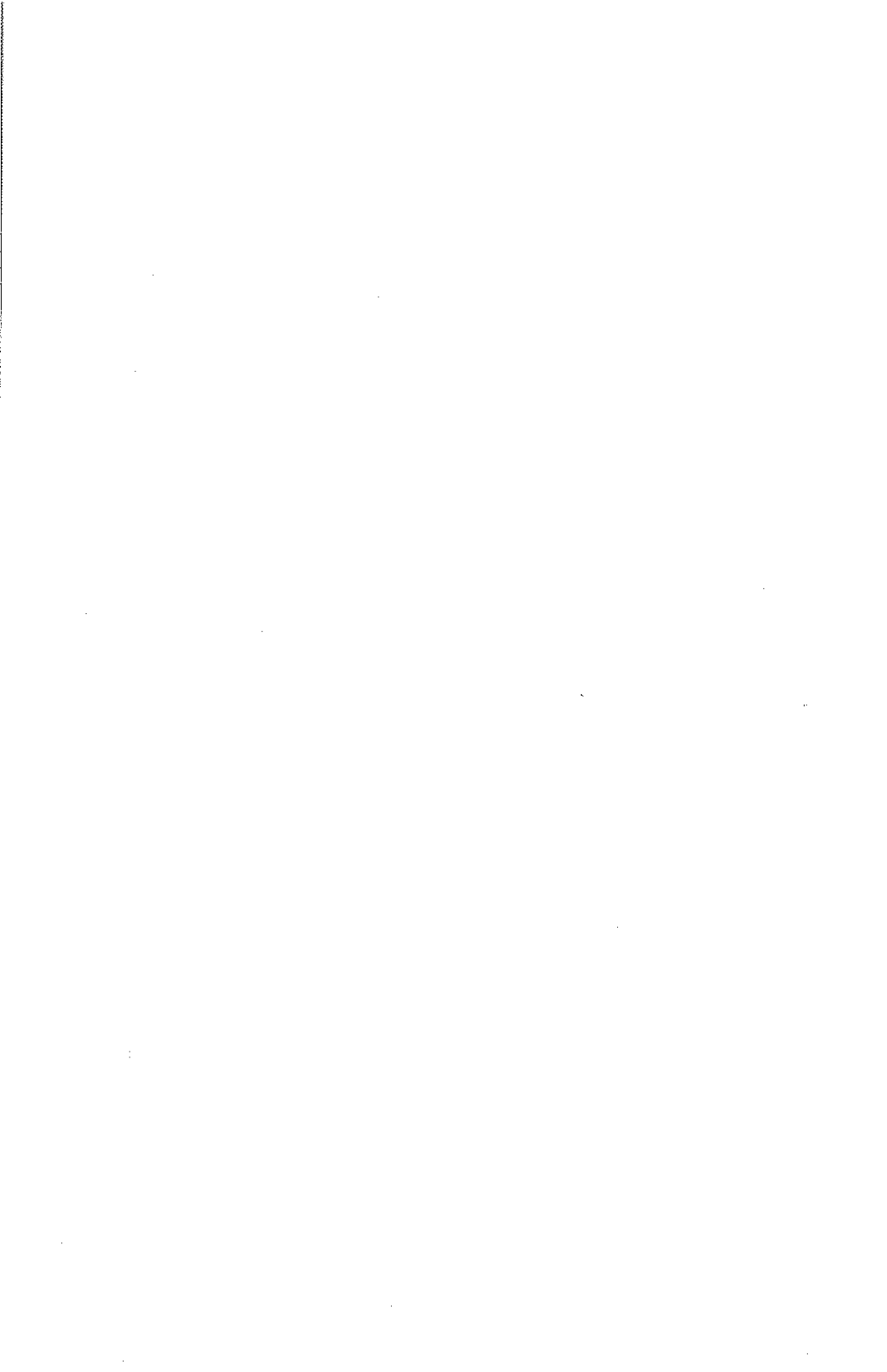


***Agreement on Internal Trade:  
Panel Decisions***





# INTERNAL TRADE SECRETARIAT

## News Release

### Release of Panel Report Regarding a Dispute between Alberta and Canada under the Agreement on Internal Trade

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**August 4, 2004** – The Panel report in the dispute initiated by the Government of Alberta with respect to the federal *Cost of Borrowing Disclosure (Bank) Regulation* SOR/2001-101 was released to the public today. Alberta alleged that the *Regulation* is inconsistent with Canada's obligations under Chapter Eight (Consumer-Related Standards and Measures) of the *Agreement on Internal Trade*.

The Panel issued its report to the disputing Parties on June 4, 2004. The full report can now be found on the *Agreement on Internal Trade* website: [www.intrasec.mb.ca](http://www.intrasec.mb.ca).

The Panel was comprised of: William Norrie of Winnipeg (Chair), Peter Meekison of Victoria and Chris Thomas, Q.C. of Vancouver. Under the terms of the *Agreement on Internal Trade*, the Panel was mandated to examine whether the matter at issue is inconsistent with the *Agreement*. The Panel held a public hearing on the dispute on March 15, 2004 in Ottawa.

The *Agreement on Internal Trade* provides mechanisms for the resolution of disputes related to the *Agreement*. Access to the dispute resolution mechanisms is open to governments, to individuals and to businesses. This was the fifth dispute Panel established under the dispute resolution provisions of the *Agreement on Internal Trade*. A total of 214 disputes have been formally filed to date under the *Agreement* of which only 20 remain unresolved.

The *Agreement on Internal Trade* came into effect July 1, 1995 in order to reduce and eliminate, to the extent possible, barriers to the free movement of persons, goods, services and investments within Canada and to establish an open, efficient and stable domestic market. Through the *Agreement*, governments are working to remove existing interprovincial trade barriers, prevent the establishment of new barriers and harmonize interprovincial standards.

The *Agreement on Internal Trade* focuses on a wide spectrum of sectors that affect trade, investment and mobility within Canada including: procurement; investment; labour mobility; consumer-related measures and standards; agricultural and food goods; alcoholic beverages; natural resources processing; communications; transportation; energy; and environmental protection.

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Background notes are attached.

# **BACKGROUND INFORMATION**

## **Biographical Notes - Panel Members**

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### **William (Bill) Norrie**

Mr. Norrie is Chancellor of the University of Manitoba and Conflict of Interest Commissioner for the Province of Manitoba. From 1979 to 1991 he served as Mayor of Winnipeg. Mr. Norrie is a former Chairman of the Board of Regents of the University of Winnipeg, the Manitoba School Division\Districts Boundaries Review Commission and the 1996 and 1999 United Way of Winnipeg Financial Campaigns. He is currently Chairman of the Forks-North Portage Partnership, the St. Boniface Hospital Research Foundation and the Friends of Elwood Cemetery Inc. Mr. Norrie also serves as a Director of the Winnipeg Foundation, of Acres Manitoba Ltd. and on a number of other boards and organizations. He practised law in Winnipeg for over 30 years.

### **J. Peter Meekison**

Mr. Meekison is Adjunct Professor in Political Science at the University of Victoria. For over 29 years he was a professor at the University of Alberta holding a number of positions including that of Belzberg Chair in Constitutional Studies. He also served for seven years as the Deputy Minister of Federal and Intergovernmental Affairs for the Province of Alberta. He has participated in a number of commissions and task forces including the Royal Commission on Aboriginal Peoples and the Alberta Government Task Force on Senate Reform. He was a participant at the 1987 Constitutional Conference on Aboriginal Rights and in the Meech Lake Accord negotiations. Mr. Meekison co-chaired an officials working group involved in 1992 Charlottetown Accord negotiations.

### **John Christopher (Chris) Thomas, Q.C.**

Mr. Thomas is Managing Partner in the firm of Thomas and Partners where he specializes in international trade and commercial law with an emphasis on international trade negotiations, trade regulation, investor-State arbitration, administrative law proceedings and dispute settlement. He has held the position of Assistant Professor at the Law Faculty of the University of Ottawa and Assistant Professor and subsequently Adjunct Professor at the Law Faculty of the University of British Columbia. He acted as a Senior Policy Advisor to the federal Department of International Trade during the Canada-U.S. free trade negotiations and

the Uruguay Round of Multilateral Trade Negotiations. He has published extensively on topics related to NAFTA, the GATT and international trade law.

### ***Panel Selection Process under the Agreement on Internal Trade***

The *Agreement on Internal Trade* encourages the resolution of disputes through consultations between the Parties and makes provision for progressive steps in the dispute avoidance and resolution process. The first step is the consultations process provided within each chapter of the *Agreement*.

This process must be exhausted before moving into the general dispute resolution procedures which provide for further consultations between the Parties, seeking the assistance of the committee of federal/provincial/territorial Ministers responsible for Internal Trade and, ultimately, the establishment of a dispute resolution panel.

A panel is composed of three members selected from a roster of panellists. Each Party to the *Agreement* can nominate up to five members to that roster. Each disputing party selects one panellist from the roster other than a panellist that it has nominated to the roster. The two panellists then select a chair from the balance of the roster.

Panel hearings are public. Documents submitted to the panel are public except when they are commercially sensitive or are otherwise protected by law. The panel must produce its report within 45 days of the last hearing day.