

Trade, Investment and Labour Mobility Agreement

SECOND PROTOCOL OF AMENDMENT

The Governments of British Columbia and Alberta, Parties to the Trade, Investment and Labour Mobility Agreement (the “**Agreement**”), hereby agree to make the following amendments to the Agreement:

1 PART II: A. Extent of Obligations

Article 1: Relationship to the Agreement on Internal Trade

In paragraph 2, replace the first “,” with “and” and remove “VI”.

2. PART II: B. General Rules

Article 9: Rules Relating to Transitional Measures

Replace Article 9 in its entirety, including its title, with the following:

“Article 9: Transitional Measures

1. Those measures listed in Appendix I are subject to the rules set out therein.”

3. PART II: C. Special Provisions

Article 13: Labour Mobility

- a. In paragraph 1, remove “s” from “paragraphs” and “and 5”.

- b. Delete paragraphs 4, 5 and 6 and replace with a new paragraph 4, as follows:

“A Party may adopt or maintain an occupation-related measure considered to be inconsistent with Part II where that measure relates to a difference between the Parties in the permitted scope of practice of an occupation.”

- c. Renumber:

- i. paragraph 7 as paragraph 5;
- ii. paragraph 8 as paragraph 6;
- iii. paragraph 9 as paragraph 7;
- iv. paragraph 10 as paragraph 8; and
- v. paragraph 11 as paragraph 9.

- d. In paragraph 6 remove “in Appendix II. This list shall also be”.

- e. In paragraph 7 replace “the list of occupations in Appendix II” with “the Labour Mobility Transparency List”.

- f. In paragraph 8(a), replace “9” with “7” and replace any reference in paragraph 8 to “in Appendix II” with “on the Labour Mobility Transparency List”.
- g. In paragraph 9 replace “in Appendix II” with “on the Labour Mobility Transparency List”.

4. PART III: Administrative Provisions

4.1 Article 17: Ministerial Committee

In paragraph 1(c), replace “to address the transitional measures listed in Part VI” with “relating to Appendix I”.

4.2 Article 23: Entry Into Force

Remove paragraph 2.

5. Part IV: Dispute Resolution Procedures

Article 24: Application

Replace paragraph 2 with the following:

“Further to Article 25(2), where a dispute falls within the jurisdiction of a regulatory body with an established dispute resolution process, that process shall first be used prior to utilizing the procedures set out in this Part. An illustrative list of regulatory bodies with such dispute resolution processes can be found at www.tilma.ca. This list shall be updated by either Party as circumstances require.”

6. PART V: Exceptions to the Agreement

Government Procurement

Add the following as paragraph 4:

“Articles 3, 4 and 14 do not apply to any procurement of treasury services.”

7. PART VI: Transitional Measures

Delete Part VI in its entirety.

8. PART VII: Definitions

8.1 In the title, replace “VII” with VI”.

8.2 Delete the definitions “financial service”, “financial institution” and “transitional period”.

8.3 Add the following between “standard” and “water”:

“treasury services” means services or financial products relating or ancillary to any of the following:

- a) borrowing, lending, investing, managing or holding money, securities or other property;
and
- b) without limiting the generality of paragraph (a),
 - i) managing debt, loan, asset or investment portfolios,
 - ii) entering into commodity or other derivative transactions, or
 - iii) acquiring, exchanging, disposing of or otherwise transacting in securities, foreign currencies or any property acquired as a result of borrowing, lending, managing or investing money or securities.”

9. Appendices

9.1 Replace Appendix I with Schedule A to this Protocol of Amendment.

9.2 Delete Appendix II in its entirety.

SCHEDULE A

APPENDIX I

TRANSITIONAL MEASURES

1. Measures listed in this Appendix are not subject to Parts II and IV, except as otherwise provided herein.
2. The Ministerial Committee shall oversee any consultations and negotiations relating to this Appendix and approve any amendments related thereto.
3. Parties shall:
 - a) ensure that no measure listed in this Appendix is amended or renewed in a manner that would decrease its consistency with this Agreement; and
 - b) seek to minimize any adverse effects on the other Party or its persons of measures listed in this Appendix.
4. A Party may, of its own accord, remove any of its measures listed in this Appendix.
5. Additional measures may be added to this Appendix only by mutual consent of the Parties.