



## **Canadian Council of Professional Engineers**

**Brief to the  
Standing Committee on Citizenship  
and Immigration Regarding  
Bill C-11, *The Immigration  
and Refugee Protection Act***

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## Executive Summary

On behalf of its constituent members, the 12 provincial and territorial associations/ordre which regulate the engineering profession in Canada, and license Canada's 157,000 registered professional engineers, the Canadian Council of Professional Engineers (CCPE) recommends amending Bill C-11: The Immigration and Refugee Protection Act to ensure that it does not inadvertently create increased settlement problems for foreign nationals and public safety concerns for all Canadians.

### Guiding Principles

CCPE's position on Bill C-11 is founded upon these principles:

- CCPE is a federation of provincial and territorial regulators of engineers. As such, **CCPE speaks in the interest of public safety;**
- Canada has a long tradition of professional self-regulation. Within the engineering profession, the provincial and territorial associations/ordre have statutory obligations to protect the public by **ensuring that only fully qualified, competent individuals are licensed as professional engineers in Canada;** and
- the profession benefits from the experience and skills of qualified foreign-trained engineers. CCPE works actively to **reduce barriers to interprovincial and international mobility for qualified Canadian- and foreign-trained engineers.**

### The Current Situation

CCPE has a Memorandum of Understanding with Citizenship and Immigration Canada which calls for our assistance in evaluating the academic qualifications of graduates of foreign engineering education programs seeking to immigrate as engineers.

CCPE has extensive experience in evaluating foreign requests for engineering credential assessment. We critically evaluate over 23,000 applications each year from 140 countries, using a database of 3,000 educational institutions.

Engineering is an open profession which has transparent and objective qualifications for entry. Over 20,000 of Canada's professional engineers are foreign graduates.

When CCPE is put in contact with prospective economic class immigrants, we are able to fulfill an important counseling role which allows them to make

informed decisions on immigration. This helps manage the expectations of prospective immigrants wishing to practice engineering upon their arrival in Canada, and guides them to the appropriate regulatory body to apply for licensure.

We believe the legislation leaves too many critical and fundamental policy decisions to be determined by regulation. Many of CCPE's comments on Bill C-11 are based on our understanding of the provisions that will be dealt with under regulation.

### Effects of Bill C-11

We understand that the Bill will lead to the creation of a skilled worker selection model based upon applicants having transferable skills, rather than having a specific occupation. Removing occupation as a selection factor, without replacing it by another mechanism, will likely sever the link between the prospective immigrant and the engineering profession, possibly resulting in:

- **settlement problems** for immigrants who have been acknowledged by CIC to be highly skilled, but do not meet the profession's qualifications for engineering licensure and cannot practise as licensed engineers in Canada, contrary to their expectations;
- **pressure to license insufficiently qualified people**, which could lead to lower Canadian standards and thereby a decline in public safety; and
- out of immigrants' frustration or lack of knowledge, there may be a **possible increase in the illegal practice of engineering work** that only licensed professional engineers are legally entrusted within Canada.

Further, the new selection system appears to be predicated upon the involvement of a network of provincially mandated credential evaluation agencies, who are not able or legally entitled to assess qualifications for licensure, foreign engineering programs or the academic credentials of foreign-trained engineers. CCPE is concerned that:

- **breaking the direct link** that now exists between prospective economic class immigrants and the engineering profession may result in increased settlement problems due to the lack of information; and
- **foreign nationals will have inappropriate expectations for licensure** if there are conflicting decisions between the credentialler and the licensing body in the assessment of engineering equivalencies for foreign education.

Finally, CCPE questions the premise underlying the Human Capital Model for skilled worker selection that professionals from other countries will willingly accept employment in a related career. Obtained after years of study, examinations and experience, the P.Eng. license attests to an individual's qualifications, is a legal requirement to practise engineering.

### **Recommendations**

CCPE respectfully submits the following recommendations to the Committee:

1. **That Section 3 (3) (c) of Bill C-11 be amended as follows, to recognize the legislated role of regulatory agencies in the protection of public safety:**

**This Act is to be construed and applied in a manner that . . . (c) facilitates cooperation between the Government of Canada, provincial governments, provincial or territorial regulatory authorities, foreign states, international organizations, and non-governmental organizations...**

2. **That, to facilitate employability, the forthcoming regulations should require evidence that the applicant is eligible for admission to a licensed profession in Canada as a factor under the Adaptability section of the Skilled Worker Selection Model, if the individual's education or experience is in a profession that is regulated in Canada.**
3. **That the selection criteria for the immigration of skilled workers be linked to an assessment of the Canadian equivalency of the applicants' education; and that applicants whose education or experience is in a profession that is regulated in Canada should be required to seek an assessment from the appropriate Canadian regulatory body rather than from one of the network of provincial credentialling agencies. It is further recommended that all legislation and regulations include the regulatory agencies wherever the credentiallers are referenced.**

## Introduction

The Canadian Council of Professional Engineers (CCPE) is the national organization of the 12 associations/ordre that have been established through provincial and territorial acts to regulate the profession of engineering in Canada and license the country's 157,000 professional engineers. These acts establish a system of self-regulation for the engineering profession, and impose a statutory obligation on the associations/ordre to protect the public interest by ensuring that only fully qualified, competent individuals are licensed as professional engineers in Canada.

CCPE appreciates the opportunity to participate in the consultation process undertaken by the Standing Committee on Citizenship and Immigration as it examines Bill C-11. We are active participants in the immigration process, dealing with approximately 24,000 foreign nationals annually who request evaluations of their engineering qualifications for licensure in Canada through our Initial Assessment Program, and thousands more who seek information on the engineering profession in general.

## Overview of Bill C-11

Bill C-11 introduces a completely new Immigration and Refugee Protection Act to replace the current Immigration Act. Since it was passed in the late 1970s, the present Act has been amended over 30 times, leaving it complex and unwieldy. CCPE views the tabling of an entirely new Act as an important improvement to Canada's immigration policy and practice. As the national organization of what is now a highly international profession, we appreciate that the new Act will streamline many of Canada's immigration procedures and eliminate many of the deficiencies of the current legislation.

However, CCPE is concerned that in solving existing problems with Canada's selection system for granting visas to prospective immigrants, Bill C-11 will inadvertently create both serious settlement problems for foreign-trained professionals who immigrate to Canada, as well as, public safety problems for Canadians. We believe that Bill C-11 and its forthcoming regulations may impede the engineering profession's legal obligation to protect the public by evaluating the credentials of individuals seeking to be licensed as professional engineers in Canada and ensuring that only fully qualified,

licensed engineers practice engineering. It could also result in pressure to lower the standards for entry into the engineering profession in Canada, which could have negative public safety implications.

After careful review of Bill C-11 and the Minister's public statements on the new Act, CCPE has identified two specific areas where the legislation may unintentionally jeopardize the safety of Canadians and create settlement difficulties for new immigrants to Canada. Specifically, we are concerned by:

- the shift away from occupation-based selection criteria; and
- the use of the network of provincially mandated credentialing agencies.

While the new Act deals with the entire gamut of immigration issues, including immigration to Canada, refugee protection, enforcement, the Immigration and Refugee Board and many enabling provisions, our concerns relate only to the sections of the legislation pertaining to prospective immigrants in the economic category, and not to those in the family class or refugee categories. While we will therefore restrict our comments to these sections of the Act, the concept we will put forth holds true for engineers coming into Canada under family class and refugee provisions.

## Guiding Principles

### **CCPE speaks in the interest of public safety, not for individual engineers.**

CCPE wishes to state clearly that we represent the interests of regulators, not of individual engineers. CCPE is the national organization of the 12 associations/ordre established through provincial and territorial statutes to regulate the profession of engineering in Canada and license the country's 157,000 professional engineers.

As regulators, the provincial and territorial associations/ordre are under a statutory obligation to protect the public by ensuring that:

- only fully qualified candidates are licensed as professional engineers and practice engineering,

- minimum entry standards are met, and,
- anyone engaged in engineering work is licensed to do so.

The regulatory bodies also actively enforce the profession's ethical and practice standards.

**CCPE represents the provincial regulatory bodies on national and international issues.**

CCPE's "Letters Patent and By-Laws" give the Council the mandate to act on behalf of and to promote the views of its members concerning the engineering profession in matters that are national or international in scope. Established in 1936, CCPE has actively pursued this role on behalf of its constituent members, the 12 provincial/territorial engineering regulatory associations/ordre in Canada

**Canada has a long tradition of self-regulating professions.**

Contrary to the practice in most other countries, Canada enjoys a long tradition of self-regulated professions which flows from the Constitution Act 1867. Section 92(13) of the Act places professions within the jurisdiction of the provinces and territories, who in turn have delegated the legal authority to certain professions to regulate themselves in the interest of the public.

In Canada, there are over 40 regulated professions and occupations in the areas of medicine, nursing, dentistry, engineering, geoscience, architecture, chiropractic, technology, and veterinary medicine, among many others. Self regulation also confers the right to title. It is against the law for individuals to use the title professional engineer, or any variant of this title that could create the impression that they are licensed to practice engineering, unless they are registered members of one the 12 provincial/territorial regulatory engineering associations/ordre in Canada.

In the words of Chief Justice Beverley McLachlin et al., self-regulation "constitutes a tacit recognition by the legislature that the members of the profession are best qualified to determine the appropriate standard of professional competence and ethics required for the protection of the public."<sup>1</sup>

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<sup>1</sup> B. McLachlin, W. Wallace, A. Grant, *The Canadian Law of Architecture and Engineering*, Second Edition, Butterworths, Toronto, 1994, p.14.

Self-regulation includes the responsibility to set standards for admittance into the engineering profession that support public safety and to assess the qualifications of persons seeking licensure as professional engineers against those standards. The 12 associations/ordre have established educational standards, standards of technical competence, ethical and character requirements and admission procedures for this purpose. CCPE has published national guidelines to promote consistency in the licensing requirements and regulations of the associations/ordre across the country, and to promote both national and international mobility for qualified engineers. Self-regulation also requires the engineering profession to regulate the conduct of its members, and to take enforcement action against unlicensed individuals who practise engineering or misuse the professional engineer title, or any variant thereof that would create the impression they were licensed to practice engineering in Canada.

In the interests of public safety, it is critical that Bill C-11 does not inadvertently interfere with these provincially/territorially legislated responsibilities.

#### **CCPE works to reduce entry barriers to the profession.**

CCPE supports the national and international mobility of qualified engineers, within the context of the system that has been established by provincial and territorial statute to regulate the engineering profession in Canada. In the interests of public safety, we actively promote the establishment of rigorous international standards of practice and qualifications for the profession of engineering, and work to facilitate international mobility for Canadian engineers.

To this end, CCPE negotiates international mutual recognition agreements which make it easier for Canadian and foreign engineers to work and be licensed in each others' jurisdictions. To date, CCPE has signed four such agreements involving engineering associations in the United States, Mexico, France, the United Kingdom, South Africa, Hong Kong, Australia and others. Primarily, these agreements have been reached with engineering associations in countries where 1) the accreditation of engineering programs is a key foundation in the formation of an engineer; 2) comparable academic standards of engineering education exist and are required for registration; and 3) the engineering profession is recognized either through statute or convention. We are currently pursuing initiatives with Asia-Pacific countries through APEC forums as well as with several Central and South American countries.

## The Current Situation

### **CCPE has a Memorandum of Understanding with CIC.**

CIC's current selection system for immigrants in the skilled worker category was developed almost three decades ago. It is based upon an "occupational demand" micro-management model which attempts to use labour market demand as a key criteria to determine the eligibility of applicants seeking entry into Canada as landed immigrants. Occupations are valued according to their level of demand in Canada on a point system. A high number of points are awarded for occupations deemed to be in high demand in Canada, and zero points for over-subscribed occupations.

The current model created a need to know whether or not an applicant qualified for one of the occupations on the list of occupations in high demand, prior to completing the immigration process. In 1981, the Canada Employment and Immigration Commission (now CIC) sought CCPE's assistance in this regard. CCPE subsequently signed a Memorandum of Understanding (MOU) with the Commission, whereby CCPE agreed to assist the Commission in the evaluation of the academic qualifications of graduates of foreign engineering education programs seeking to immigrate into Canada as engineers. The MOU also stipulates that "CEIC agrees ... to rely on the advice of the CCPE in the evaluation of academic qualifications of the graduates of foreign universities." To this end, CCPE, in conjunction with CIC, developed its Initial Assessment Program to assess the engineering credentials of individuals seeking permanent resident status in Canada, based on the academic standards established by the profession for licensure as a professional engineer in Canada.

The assessment has never been a mandatory part of the immigration process. In practice, however, prospective immigrants seeking entry into Canada as engineers frequently request Initial Assessments. This occurs primarily because those who receive a positive assessment are usually granted a visa, as engineering is one of the higher "point value" occupations. The Initial Assessment Program also results in direct contact between prospective immigrants and the engineering profession, as well as an exchange of information that helps prospective immigrants to make knowledge-based decisions about immigration to Canada.

**CCPE evaluated 24,000 applications from foreign nationals last year.**

Since the Initial Assessment Program was initiated in 1981, CCPE has assessed the academic credentials of an estimated 120,000 foreign national applicants. In 2000 alone, CCPE conducted 24,122 initial assessments. The majority of applicants, almost 90%, received a positive result. For the 2,632 applicants who received a negative result, the main barriers to licensure were first, an applicant's insufficient academic program in relation to the engineering curriculum and, second, the institution's overall legitimacy. Many foreign nationals were not eligible for licensure because what is known as engineering in their home country is in reality another profession or trade in Canada. For example, agronomists, architects, and chemists are all commonly and legitimately referred to as engineers in some other countries.

Through this experience, CCPE has compiled a database containing over 3,000 foreign educational institutions that have been evaluated against Canadian standards. Approximately 1,700 of these institutions meet the profession's criteria.

Applications are received from as many as 140 countries, each with its own education and standards systems. The largest numbers of applicants come from China, Iran, Russia, India, Pakistan and Ukraine, none of which have systems of licensure or engineering education accreditation. In these countries, licensing of professionals is either non-existent or is carried out by the government.

A key component of CCPE's Initial Assessment Program involves providing prospective immigrants with counseling and information to help them understand the requirements for licensure as professional engineers in Canada, as well as our regulatory system for the profession of engineering. From our experience with immigrants arriving via the family class or as refugees, who have not participated in the Initial Assessment Program, we have observed that settlement problems are more likely to occur if our regulatory system and requirements for licensure are not understood prior to immigration. We believe it is in the best interest of CIC to ensure that as much counseling take place as possible prior to immigrants arriving in Canada. This can only happen if CCPE and other regulated professions and occupations continue to participate in the immigration selection process.

**CCPE fulfills an important counseling role formerly undertaken by government.**

The Initial Assessment Program provides prospective immigrants with much needed information and counseling on engineering in Canada. This function had previously been carried out by government representatives, but has been largely phased out over the past five years. CCPE welcomes the opportunity to counsel prospective immigrants and help them to make informed decisions on immigration. Given the statutory obligations of engineering's 12 regulatory bodies, it is appropriate that the counseling function be conducted by the profession itself.

The counseling helps to manage the expectations of prospective immigrants wishing to practice engineering upon their arrival in Canada, and guides them to the appropriate regulatory body to apply for licensure. By educating foreign nationals about the regulatory requirements to practice engineering in Canada, CCPE also reduces the potential for the public to be put at risk through prospective immigrants unknowingly using the title engineer or practicing engineering illegally.

**Engineering is an open profession with transparent and objective qualifications for entry.**

The engineering profession has expended considerable effort over the past 20 years to ensure that our admissions processes and standards are transparent, objective, fair and consistent across all Canadian jurisdictions. Consequently, over 20,000 of Canadian professional engineers are licensed through examinations, meaning they are foreign graduates. Through its Canadian Engineering Qualifications Board, CCPE has developed national guidelines on admittance to the profession of engineering in Canada, professional engineering qualifications, standards of practice, and ethical and professional conduct. The guidelines facilitate consistency in the licensing, registration and regulatory practices of the 12 provincial and territorial associations/ordre, for both Canadian- and foreign trained engineers.

The CCPE Examination Syllabus and the List of Foreign Engineering Educational Institutions and Professional Qualifications also ensure objectivity in the evaluation of foreign-trained engineers seeking entry into the engineering profession in Canada. The Syllabus describes an examination program to assess the academic qualifications of individuals who have not graduated from an engineering program that has been either accredited by the Canadian Engineering Accreditation Board of CCPE or

recognized as “substantially equivalent”. The examination program exists to allow those from foreign programs to be assessed objectively in Canada.

### **We partner with government to overcome barriers.**

CCPE and the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) have partnered with the Government of Canada, and the British Columbia Government on a pilot project to help foreign-trained engineers get the work experience they need to qualify for licensure by the APEGBC, the provincial regulatory body for engineers and to work as a professional engineer in BC. The BC government chose the engineering profession as its first professional partner for this pilot program because of the important role professional engineers play in the knowledge-based economy. The provincial Multicultural and Immigration Minister cited the APEGBC’s progressiveness and innovation in its recognition of foreign credentials as another key reason for the profession’s involvement. At the same time, the Minister notes that the pilot project does not lower Canadian standards in assessing foreign credentials or challenge provincial licensing bodies.

As part of the pilot project, APEGBC will provide advice to the provincial government, help identify suitable clients and employers and, in conjunction with CCPE, will look for ways to streamline existing provincial and national credential assessment processes for foreign applicants. The experience from the pilot program will be applied to other professions in BC and shared with other provinces in Canada. Appendix A contains the News Release and Backgrounder released by the Government of British Columbia to announce the program.

## **Effects of Bill C-11**

### **Too many details are left to regulation.**

As framework legislation, the stated intention of Bill C-11 is to establish core principles only. CCPE appreciates that Bill C-11 provides more detail than its predecessor, Bill C-31. And though we recognize the government’s need to be able to respond to unpredictable and unanticipated international events, we are concerned that the legislation leaves too many critical and fundamental policy decisions to be determined by regulation.

In fact, many of CCPE's comments on Bill C-11 are based on our understanding of the provisions that will be dealt with under regulation, which are not currently referenced in the legislation. Given the magnitude of the changes we understand will take place as a result of Bill C-11, we wish to apprise the Standing Committee on Citizenship and Immigration of our concerns, which stem from two initiatives referenced in the context of the new Act: namely, the shift away from an occupation-based selection model and the creation of a network of provincially mandated credentialing agencies.

**Eliminating occupation as a selection criteria will sever the link between prospective immigrants and the engineering profession.**

If no other measures are put in place, CCPE believes that removing occupation from the selection criteria will effectively sever the link between the prospective immigrant and the engineering profession. This will make it more difficult for prospective immigrants to make knowledge-based decisions on immigration and could ultimately result in settlement problems. With the number of steps required for immigration, we believe that if prior contact with the profession is not required, then it will not be undertaken by most foreign nationals. It is important to note that CCPE does not recommend the new Act keep the current occupation-based model. We emphasize, however, that care must be taken to ensure that solutions to one problem do not create problems in other areas. Specific recommendations are found at the end of this brief.

Given the differences in the definition of engineering and the regulation of the profession internationally, CCPE believes the lack of direct contact prior to immigration may lead to:

- settlement problems for immigrants who have been acknowledged by CIC to be highly skilled, but do not meet the profession's qualifications for engineering licensure and cannot practice as licensed engineers in Canada, contrary to their expectations;
- pressure to license unqualified people, which could lead to lower Canadian standards (and thereby a decline in public safety) as well as create the potential for expensive legal challenges; and
- out of immigrants' frustration or lack of knowledge, there may be a possible increase in the illegal practice of engineering work that only licensed professional engineers are legally entrusted within Canada and the illegal use of the title "engineer".

**Provincially mandated credential evaluation agencies may impede the profession's legislated authority to regulate itself.**

The creation of a network of provincially mandated credential evaluation agencies has the potential to be problematic for engineering and other regulated professions. While credentialing agencies are capable of providing general equivalencies for foreign education, they are not able or legally entitled to assess academic qualifications for licensure or certification. The credentialing agencies' approach is based upon a comparison of course hours, an approach which is appropriate in assessing the levels of education attained by non-professionals. The profession's approach uses an analysis of curriculum content of a degree earned abroad to determine the number of technical engineering examinations foreign-trained applicants must take prior to licensure. Because of the different basis for comparison, the credentialing agencies' determination of engineering equivalencies for foreign education often do not concur with the those of engineering's 12 provincial/territorial regulatory bodies. For example, CCPE's past experience with credentialing agencies has shown that some agencies' evaluations of foreign academic programs do not distinguish between degrees for chemists versus those for chemical engineers, a distinction which is critical for licensure in Canada.

Currently, the existing credentialing agencies' materials contain provisos noting their inadmissibility as a determinant of professional licensure. Despite the disclaimers contained in all credentialing agencies' equivalencies reports, applicants who are dissatisfied with the results received from CCPE and/or the provincial/territorial regulatory bodies have challenged the findings on the basis of a contrary assessment from a credentialing agency. Unfortunately, few realize that the two processes are intended for entirely different purposes and that, legally, the only assessment that has bearing on licensure is that of the profession.

**Directing immigrants toward credentialing agencies may create unrealistic expectations about their ability to practise in Canada.**

The routing of immigrants toward credentialing agencies, combined with the shift away from occupation-based selection criteria and the expected loss in pre-immigration contact between immigrants and the regulatory agencies through some form of Initial Assessment Program, could result in immigrants having unrealistic expectations of their ability to practise their profession in Canada. This stems in part from the credentialing agencies' inability to evaluate licensure outcome, which is the role of the regulatory bodies.

**We have difficulty accepting the premise that professionals from other countries will willingly accept an occupation in a related career.**

The Human Capital Model is based upon the concept that the transferability of skills is what is crucial to an immigrant's future economic and settlement success in Canada, and to Canada's ability to function productively in the global marketplace. While this is likely true for most occupations, CCPE has serious concerns that the premise will not hold true for engineers in particular and professionals in general.

Many immigrants who arrive in Canada hoping to secure work in their former profession are not satisfied accepting work in a different or related occupation. There have been frequent media stories on disillusioned professionals who cannot accept that they must complete additional study and examination for licensure in Canada. If working in a related field were actually perceived as an acceptable alternative, there would not be the types of pressure seen to date to open professions to unqualified individuals. Such organizations as the Coalition for Access to Professional Engineering exist because people are not content to work in a related occupation. From a public safety perspective, the most serious outcome is that immigrants – knowingly or unknowingly – may practise their profession illegally in Canada or offer services they are not licensed to perform.

In most countries, the status of working as a professional cannot be underestimated. People invest years in their education and work experience to become engineers; they are passionate about their work and their calling. But in Canada, only those licensed as engineers are allowed to practise as engineers and assume ultimate responsibility for engineering projects.

The implications for individual self-esteem and hence the successful settlement of immigrants into Canada are clear. For this reason, CCPE adopted the measures detailed earlier to make licensure requirements transparent, objective, consistent and, above all, achievable. However, with the loss of prior contact with foreign nationals before their decision to immigrate to Canada, CCPE believes there will be a tremendous influx of individuals who are unaware of Canada's system of self regulation and may consequently experience settlement difficulties.

## Recommendations

CCPE respectfully submits the following recommendations to the Standing Committee on Citizenship and Immigration as it studies Bill C-11, The Immigration and Refugee Protection Act:

### Recommendation #1

***That Section 3 (3) (c) of Bill C-11 be amended as follows, to recognize the legislated role of regulatory agencies in the protection of public safety: “This Act is to be construed and applied in a manner that . . .(c) facilitates cooperation between the Government of Canada, provincial governments, provincial or territorial regulatory authorities, foreign states, international organizations, and non-governmental organizations...”***

### Recommendation #2

***To facilitate employability, as part of the forthcoming regulations, the new skilled worker selection model should require evidence that the applicant is eligible for admission to a licensed profession or certified occupation in Canada as a factor under the Adaptability section, if the individual’s education or experience is in a profession that is regulated in Canada.***

### Recommendation #3

***That the selection criteria for the immigration of skilled workers be linked to an assessment of the Canadian equivalency of the applicants’ education; and that applicants whose education or experience is in a profession that is regulated in Canada should be required to seek an assessment from the appropriate Canadian regulatory body rather than from one of the network of provincial credentialling agencies. It is further recommended that all legislation and regulations include the regulatory agencies wherever the credentiallers are referenced.***

## **Conclusion**

CCPE wishes to thank the Standing Committee on Citizenship and Immigration for allowing us to share our views on this important new legislation, Bill C-11, The Immigration and Refugee Protection Act: On behalf of the regulators of Canada's 157,000 engineers, we would like to offer our continuing support and assistance to the Committee as it makes its recommendations to Parliament.